

As Introduced

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Representative Yuko

**Cosponsors: Representatives Slesnick, Wachtmann, Hagan, Letson,
Goodwin, Adams, J., Ujvagi**

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A B I L L

To amend section 4759.02 and to enact sections 1
4783.01 to 4783.05 of the Revised Code regarding 2
the provision of complementary or alternative 3
health services. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4759.02 be amended and sections 5
4783.01, 4783.02, 4783.03, 4783.04, and 4783.05 of the Revised 6
Code be enacted to read as follows: 7

Sec. 4759.02. (A) Except as otherwise provided in this 8
section or in section 4759.10 of the Revised Code, no person shall 9
practice, offer to practice, or hold ~~himself~~ the person's self 10
forth to practice dietetics unless ~~he~~ the person has been licensed 11
under section 4759.06 of the Revised Code. 12

(B) Except for a licensed dietitian holding an inactive 13
license who does not practice or offer to practice dietetics, or a 14
person licensed under section 4759.06 of the Revised Code, or as 15
otherwise provided in this section or in section 4759.10 of the 16
Revised Code: 17

~~(1) No, no~~ person shall use the title "dietitian"; ~~and~~ 18

~~(2) No person except for a person licensed under Chapters 19
4701. to 4755. of the Revised Code, when acting within the scope 20
of their practice, shall use any other title, designation, words, 21
letters, abbreviation, or insignia or combination of any title, 22
designation, words, letters, abbreviation, or insignia tending to 23
indicate that the person is practicing dietetics." 24~~

(C) Notwithstanding division (B) of this section, a person 25
who is a dietitian registered by the commission on dietetic 26
registration and who does not violate division (A) of this section 27
may use the designation "registered dietitian" and the 28
abbreviation "R.D." 29

(D) Division (A) of this section does not apply to: 30

(1) A student enrolled in an academic program that is in 31
compliance with division (A)(5) of section 4759.06 of the Revised 32
Code who is engaging in the practice of dietetics under the 33
supervision of a dietitian licensed under section 4759.06 of the 34
Revised Code or a dietitian registered by the commission on 35
dietetic registration, as part of the academic program; 36

(2) A person participating in the pre-professional experience 37
required by division (A)(6) of section 4759.06 of the Revised 38
Code; 39

(3) A person holding a limited permit under division (F) of 40
section 4759.06 of the Revised Code. 41

(E) Divisions (A) and (B) of this section do not apply to a 42
person who performs no more than fifteen days of dietetic practice 43
in the state and who meets at least one of the following 44
requirements: 45

(1) The Ohio board of dietetics determines that ~~he~~ the person 46
is licensed in another state with licensure requirements 47
equivalent to or more stringent than those set forth in this 48
chapter; 49

(2) ~~He~~ The person is a dietitian registered by the commission 50
on dietetic registration and resides in another state that either 51
has no dietitian licensure requirements or has licensure 52
requirements less stringent than those set forth in this chapter. 53

Sec. 4783.01. As used in this chapter: 54

(A) "Bodywork" means any of the following: 55

(1) The practice of manually massaging only the hands, feet, 56
or ears; 57

(2) Reflexology; 58

(3) Cranial sacral therapy; 59

(4) Ortho-bionomy; 60

(5) The use of touch, words, or directed movement to deepen 61
awareness of existing patterns of body movement, or to suggest new 62
possibilities of movement, including the Feldenkrais method of 63
somatic education, the Rolf institute's Rolf movement integration, 64
and the Trager approach; 65

(6) The use of touch to affect the body's energy systems, 66
acupoints, or qi meridians, including Asian bodywork therapy, 67
acupressure, jin shin do, reiki, qigong, shiatsu, touch for 68
health, and tui na. 69

(B) "Complementary or alternative health care practitioner" 70
means an individual who provides complementary or alternative 71
health care services to a client and who either is not a licensed 72
health care professional or, if an individual is a licensed health 73
care professional, the individual is not holding the individual's 74
self out as a licensed health care professional when providing 75
services. 76

(C) "Complementary or alternative health care services" means 77
the broad domain of health care and healing practices that may or 78

<u>may not be provided in addition to or in place of prevailing or</u>	79
<u>conventional treatment options, as long as those health care and</u>	80
<u>healing practices do not include any of the activities prohibited</u>	81
<u>under section 4783.02 of the Revised Code. "Complementary or</u>	82
<u>alternative health care services" includes, but is not limited to,</u>	83
<u>all of the following:</u>	84
<u>(1) Anthroposophy;</u>	85
<u>(2) Aromatherapy;</u>	86
<u>(3) Ayurveda;</u>	87
<u>(4) Culturally traditional healing practices and healing</u>	88
<u>traditions, including such practices and traditions that employ</u>	89
<u>the use of plant medicines and foods, prayer, ceremony, or song;</u>	90
<u>(5) Detoxification practices and therapies;</u>	91
<u>(6) Energetic healing;</u>	92
<u>(7) Folk practices;</u>	93
<u>(8) Gerson therapy;</u>	94
<u>(9) Colostrum therapy;</u>	95
<u>(10) Healing practices utilizing food, dietary supplements,</u>	96
<u>nutrients, and the physical forces of heat, cold, water, touch,</u>	97
<u>and light;</u>	98
<u>(11) Healing touch;</u>	99
<u>(12) Herbology or herbalism;</u>	100
<u>(13) Homeopathy;</u>	101
<u>(14) Meditation;</u>	102
<u>(15) Mind-body healing practices;</u>	103
<u>(16) Naturopathy;</u>	104
<u>(17) Iridology;</u>	105

<u>(18) Noninvasive instrumentalities;</u>	106
<u>(19) Polarity, polarity therapy, or polarity bodywork therapy;</u>	107 108
<u>(20) Holistic kinesiology and other muscle testing techniques;</u>	109 110
<u>(21) Bodywork.</u>	111
<u>(D) "Dangerous drug," "drug," and "licensed health professional authorized to prescribe drugs" have the same meanings as in section 4729.01 of the Revised Code.</u>	112 113 114
<u>(E) "Licensed health care professional" means an individual who holds a current, valid license or certificate issued under Chapter 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4734., 4755., 4759., 4762., or 4779. of the Revised Code.</u>	115 116 117 118
<u>(F) "Executive agency" means a board, commission, agency, department, or similar entity that is part of the executive branch of state government.</u>	119 120 121
<u>Sec. 4783.02. No complementary or alternative health care practitioner shall do any of the following:</u>	122 123
<u>(A) Perform surgery or any other procedure that punctures the skin;</u>	124 125
<u>(B) Perform any adjustment of the articulation of the joints or spine of any individual;</u>	126 127
<u>(C) Use or recommend any procedure involving ionizing radiation as defined in section 4773.01 of the Revised Code;</u>	128 129
<u>(D) Provide a medical diagnosis of a disease;</u>	130
<u>(E) Provide diagnosis or treatment of a physical or mental health condition of an individual if the diagnosis or treatment poses to that individual a recognizable and imminent risk of significant and discernible direct physical or mental harm;</u>	131 132 133 134

(F) Counsel any individual to disregard the instruction or 135
counsel of a licensed health care professional; 136

(G) Counsel any individual to discontinue use of any 137
dangerous drug, drug, or therapeutic device prescribed to the 138
individual by a licensed health professional authorized to 139
prescribe drugs; 140

(H) Administer or prescribe any dangerous drug; 141

(I) Hold out, state, indicate, advertise, or otherwise imply 142
to any person that the practitioner is licensed by this state to 143
practice as a licensed health care professional unless the 144
practitioner is licensed; 145

(J) Perform or provide enteral or parenteral nutrition; 146

(K) Promise a cure; 147

(L) Set a fracture of a bone; 148

(M) Perform bodywork or similar complementary or alternative 149
health care services in a manner that would constitute the 150
practice of massage therapy as regulated by the state medical 151
board under section 4731.15 of the Revised Code; 152

(N) Provide or perform an abortion; 153

(O) Insert intrauterine devices; 154

(P) Provide complementary or alternative health care services 155
to a person who is less than eighteen years of age without the 156
consent of the person's parent or legal guardian, except when the 157
person who is less than eighteen years of age is emancipated. 158

Sec. 4783.03. A complementary or alternative health care 159
practitioner shall do all of the following: 160

(A) Prior to providing complementary or alternative health 161
care services to an individual for the first time, provide a 162
plainly worded, written document to the recipient of the services 163

that discloses all of the following information: 164

(1) The nature of services to be provided; 165

(2) The degrees, training, experience, credentials, or other 166
qualifications held by the practitioner with regard to the 167
services to be provided; 168

(3) If the practitioner is not a licensed health care 169
professional, the following statement, printed clearly in not less 170
than eleven-point font, that reads verbatim: 171

"I AM NOT LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY THE 172
STATE OF OHIO TO PRACTICE A HEALTH CARE PROFESSION. I AM NOT A 173
MEDICAL DOCTOR, PHYSICIAN, OR ANY OTHER HEALTH CARE PROFESSIONAL 174
LICENSED BY THE STATE. THE STATE HAS NOT ADOPTED ANY EDUCATIONAL 175
OR TRAINING REQUIREMENTS FOR UNLICENSED COMPLEMENTARY OR 176
ALTERNATIVE HEALTH CARE PRACTITIONERS." 177

(4) If the practitioner also is a licensed health care 178
professional, the following statement, printed clearly in not less 179
than eleven-point font, that reads: 180

"I HOLD THE FOLLOWING LICENSES AND CERTIFICATIONS ISSUED BY 181
THE STATE OF OHIO: (list of licenses and certificates). HOWEVER, I 182
AM PROVIDING MY SERVICES TO YOU AS A COMPLEMENTARY OR ALTERNATIVE 183
HEALTH CARE PRACTITIONER AND I AM NOT PROVIDING SERVICES AS A 184
LICENSED HEALTH CARE PROFESSIONAL. THE STATE HAS NOT ADOPTED ANY 185
EDUCATION OR TRAINING REQUIREMENTS FOR UNLICENSED COMPLEMENTARY OR 186
ALTERNATIVE HEALTH CARE PRACTITIONERS." 187

(5) A statement that describes the following: 188

(a) Any agreement or other arrangement between the 189
practitioner and another complementary or alternative health care 190
practitioner or between the practitioner and a licensed health 191
care professional whereby that practitioner derives a financial or 192
other benefit; 193

(b) The nature of any benefit resulting from an agreement or arrangement described in division (A)(5)(a) of this section. 194
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(B) Obtain from the recipient of the services a written acknowledgment that the recipient has been provided a document disclosing all the information required to be disclosed pursuant to division (A) of this section; 196
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(C) Provide the recipient of the services with a copy of the acknowledgment described in division (B) of this section; 200
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(D) Maintain the acknowledgment described in division (B) of this section from every recipient of the practitioner's services for at least two years after the date that a recipient receives services from the practitioner for the final time. 202
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Sec. 4783.04. (A) Notwithstanding any provision of the Revised Code to the contrary, including, but not limited to, any provision of Chapter 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4734., 4755., 4759., 4762., or 4779. of the Revised Code, a complementary or alternative health care practitioner is not considered to have violated a provision of this chapter or Chapter 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4734., 4755., 4759., 4762., or 4779. of the Revised Code unless the practitioner commits an act described in section 4783.02 of the Revised Code or fails to comply with section 4783.03 of the Revised Code. 206
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(B) An executive agency that receives a complaint against a practitioner shall do both of the following: 216
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(1) If it determines that the subject matter of the complaint falls under the jurisdiction of another executive agency, refer the complaint to the appropriate executive agency. 218
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(2) If it determines that the subject matter of the complaint falls under its jurisdiction, conduct a preliminary investigation of the complaint to determine whether the practitioner who is the 221
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subject of the complaint violated section 4783.02 or failed to 224
comply with section 4783.03 of the Revised Code. 225

(C) If the preliminary investigation conducted pursuant to 226
division (B) of this section does not reveal that a violation or 227
failure to comply occurred, the executive agency shall not pursue 228
the matter further. 229

(D) If the preliminary investigation conducted pursuant to 230
division (B) of this section regarding an alleged failure of a 231
practitioner to comply with section 4783.03 of the Revised Code 232
reveals that the practitioner has failed to comply with that 233
section, the executive agency shall notify the practitioner of its 234
finding and request that the practitioner comply with the 235
requirements specified in that section. 236

(E) If the preliminary investigation conducted pursuant to 237
division (B) of this section regarding an alleged violation of 238
section 4783.02 of the Revised Code by a practitioner reveals that 239
the practitioner has engaged in an activity specified in that 240
section, or if a practitioner fails to comply with a request made 241
under division (D) of this section, the executive agency shall 242
address the matter in the same manner it addresses a matter 243
involving an individual who engages in an activity for which the 244
individual must have a license or certificate, including referring 245
the matter to the appropriate prosecutorial authority. 246

Sec. 4783.05. Nothing in this chapter modifies or changes the 247
scope of practice of any licensee or certificate holder under 248
Chapter 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4734., 249
4755., 4759., 4762., or 4779. of the Revised Code, nor does it 250
alter in any way the provisions of those chapters that prohibit 251
fraud and the exploitation of patients and that require licensees 252
and certificate holders to practice within their respective 253
standards of care. 254

This chapter does not apply to a person who is exempt from 255
the requirement to obtain a license or certificate pursuant to 256
Chapter 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4734., 257
4755., 4759., 4762., or 4779. of the Revised Code and by that 258
exemption is permitted to engage in the activities in which the 259
person wishes to engage. 260

This chapter does not apply to an individual authorized to 261
practice medicine and surgery or osteopathic medicine and surgery 262
under Chapter 4731. of the Revised Code who is engaging in 263
activities specified in section 4731.227 of the Revised Code in 264
accordance with that section. 265

This chapter does not apply to the delivery of babies or 266
post-delivery repairs. 267

Section 2. That existing section 4759.02 of the Revised Code 268
is hereby repealed. 269