



1 of these practitioners could lose access to the health care services of  
2 their choice.

3 (4) North Carolina residents make a conscious choice in seeking  
4 complementary and alternative health care services for their health  
5 care. Their concern is to have continued and improved access to these  
6 services and the availability of practitioners of homeopathy,  
7 naturopathy, herbalism, and many other alternative healing modalities.

8 (5) Therefore, by establishing this Act, the General Assembly intends to  
9 remove the restriction on and facilitate access of North Carolina  
10 residents to complementary and alternative health care practitioners  
11 who are providing health care services not currently covered by  
12 existing medical licensing laws as these complementary and  
13 alternative health care services do not pose an undue risk to the health  
14 of North Carolina residents and restricting access to these services due  
15 to technical violations of the existing medical licensing laws is not  
16 warranted.

17 **"§ 90E-3. Definitions.**

18 The following definitions shall apply in this Chapter:

19 (1) Complementary or alternative health care service. – Health care  
20 services that include, but are not limited to: acupressure;  
21 aromatherapy; ayurveda; biofield therapy; cranial sacral therapy;  
22 culturally-based traditional healing practices; dance, music, and art  
23 therapy; energetic modalities; folk practices; practices utilizing food  
24 and dietary supplements; individual biological therapies, such as bee  
25 pollen, nutrients, and the physical forces of heat, cold, water, touch,  
26 and light; herbology or herbalism; homeopathy; therapeutic touch or  
27 bodywork; mind-body therapeutic practices; Native American  
28 medicine; naturopathy; polarity therapy; reiki; traditional Tibetan  
29 practices; and Qigong.

30 (2) Complementary and alternative health care services provided by  
31 unlicensed practitioners. – The broad domain of health care and  
32 healing therapies and methods that are not prohibited by G.S. 90E-4  
33 and are provided by a person who is not licensed, certified, or  
34 registered as a health care practitioner in this State.

35 **"§ 90E-4. Prohibited acts.**

36 A person who provides complementary and alternative health care services in  
37 accordance with this Chapter, but does not hold a license, permit, certification, or  
38 registration under Article 1 of Chapter 90 of the General Statutes, shall not be in  
39 violation of G.S. 90-18(c) for unlicensed practice or any other allied health occupation  
40 law for unlicensed practice unless the person engages in any of the following:

41 (1) Performs surgery or any other procedure that harmfully punctures the  
42 skin of a person except finger pricking for screening purposes.

43 (2) Prescribes or administers X-ray radiation to any person.

- 1           (3)   Prescribes or administers a legend drug, a legend device, or controlled  
2           substance to any person.
- 3           (4)   Performs a chiropractic adjustment of an articulation of the spine.
- 4           (5)   Performs massage therapy, except for a practice already exempt from  
5           massage therapy violations.
- 6           (6)   Provides to a person a diagnosis or treatment of a health condition and  
7           as a result of these services willfully causes that person recognizable  
8           and imminent risk of significant physical or mental harm.
- 9           (7)   Holds himself or herself out, states, indicates, advertises, or implies to  
10          any person that the person is a physician, surgeon, or medical doctor or  
11          that he or she is licensed, certified, or registered by this State to  
12          practice a health care profession.

13   **"§ 90E-5. Disclosure.**

14          (a)   Any person providing health care services under the provisions of this  
15          Chapter who is advertising or charging a fee for those services shall, before providing  
16          the services, disclose to the client in a plainly worded written statement all of the  
17          following information:

- 18               (1)   The practitioner's name, business address, and telephone number.
- 19               (2)   That he or she is not a physician, surgeon, medical doctor, or other  
20               licensed health care professional and that he or she is not licensed,  
21               certified, or registered by the State of North Carolina.
- 22               (3)   The nature of the health care services to be provided.
- 23               (4)   The degrees, training, experience, credentials, or other qualifications  
24               of the practitioner regarding the health care services being provided.

25          (b)   Before a practitioner provides health care services to a client for the first time,  
26          the practitioner shall obtain a written acknowledgment from the client stating that the  
27          client has been provided with the information described in subsection (a) of this section.  
28          The practitioner shall provide the client with a copy of this written acknowledgment and  
29          the person providing the services shall maintain a copy of the acknowledgement for a  
30          period of two years. If the disclosure information changes, the practitioner has a duty to  
31          repeat the initial requirements of this section if a client obtains services after the change.

32   **"§ 90E-6. Exemptions.**

33          (a)   This Chapter does not affect the scope of practice or prevent any activities of  
34          a licensed physician or surgeon or any other licensed health care professional.

35          (b)   This Chapter does not apply to, control, or prevent any health care practice  
36          from being practiced if it is already exempt from professional practice acts or State law.

37          (c)   This Chapter does not apply to, control, or prevent a person from providing  
38          health care services, if the individual is already exempt from professional practice acts  
39          under that State law.

40   **"§ 90E-7. Remedies.**

41          Nothing in this Chapter shall limit the right of any person to seek relief for  
42          negligence or any other civil remedy against a person providing services under the  
43          provisions of this Chapter."

44               **SECTION 2.** This act becomes effective June 1, 2005.