

**HOUSE BILL NO. 1472**

Introduced by

Representatives Ertelt, Schauer, Toman

Senators Kannianen, Marcellais

1 A BILL for an Act to create and enact chapter 43-65 of the North Dakota Century Code, relating  
2 to consumer access to complementary and alternative health care.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** Chapter 43-65 of the North Dakota Century Code is created and enacted as  
5 follows:

6 **43-65-01. Provision of complementary and alternative care.**

7 Notwithstanding any other provision of law, an individual who provides complementary or  
8 alternative care in accordance with this chapter, but who is not licensed, certified, or registered  
9 by this state as a health care professional or practitioner, is not in violation of a law for  
10 unlicensed practice or provision of services unless the individual engages in any prohibited acts  
11 under section 43-65-02 or fails to fulfill the duties set forth in section 43-65-03.

12 **43-65-02. Prohibited acts.**

13 An individual who is not licensed, certified, or registered by this state as a health care  
14 professional or practitioner, may not:

- 15 1. Conduct surgery, set fractures, or perform any other procedure on any individual which  
16 punctures or harmfully invades the skin. This does not include the piercing of the  
17 noncartilaginous perimeter or lobe of the ear.
- 18 2. Prescribe or administer x-ray radiation.
- 19 3. Prescribe or administer drugs, devices, or controlled substances for which a  
20 prescription by a licensed health care provider is required.
- 21 4. Provide a medical disease diagnosis.
- 22 5. Recommend to a client that the client discontinue current medical treatment that is  
23 prescribed by a licensed health care professional.
- 24 6. Perform a chiropractic adjustment of the articulations of joints or the spine.

1       7. Hold out, state, indicate, or advertise, to any person that the individual is a health care  
2           professional or practitioner licensed, certified, or registered, by this state unless the  
3           individual holds such credential.

4       **43-65-03. Disclosure.**

5       1. An individual providing complementary or alternative care who is not licensed,  
6           certified, or registered by this state as a health care professional or practitioner and  
7           who charges a fee for care provided, before providing such care, shall disclose to the  
8           client in a written statement:

9           a. The practitioner's name, business address, and telephone number.

10          b. The fact that the practitioner is not licensed, certified, or registered, as a health  
11           care professional or practitioner by this state.

12          c. The nature of the complementary or alternative care to be provided.

13          d. The practitioner's degrees, training, experience, credentials, or other  
14           qualifications, if any, regarding the complementary or alternative care being  
15           provided.

16       2. A copy of the written statement must be posted in a prominent location in the office or  
17           service location of the practitioner providing the care. Reasonable accommodation  
18           must be made for a client who cannot read or who has a communication impairment.

19       3. Before a practitioner provides complementary or alternative care to a client for the first  
20           time, the practitioner shall obtain a written acknowledgment from the client stating the  
21           client has been provided with the information required in the written statement. The  
22           client must be provided with a copy of this written acknowledgment and the  
23           practitioner shall maintain the acknowledgment for two years from the time of care  
24           provided by the practitioner. If the disclosure information has changed, the practitioner  
25           must repeat the preceding disclosure requirements when an existing client receives  
26           care after the change.

27       **43-65-04. Scope - Remedies - Exemptions.**

28       1. This chapter does not apply to, control, or prevent a health care professional or  
29           practitioner licensed, certified, or registered by this state, from practicing according to  
30           a professional practice act or under other state law.

- 1        2. This chapter does not apply to, control, or prevent any acts or persons that would
- 2            otherwise already be exempt from professional practice acts.
- 3        3. If a practitioner is noncompliant with this chapter solely based on disclosure violations,
- 4            a notice in writing must be sent before proceeding legally and if the practitioner is
- 5            unresponsive, utilization of a mediative approach to gain compliance must be used.
- 6        4. State criminal and civil law not relating to the provision of health care continues to
- 7            apply to unlicensed providers of complementary and alternative care.
- 8        5. This section does not limit the right of a person to seek relief for negligent or willful
- 9            harm, or to seek any other civil remedy against an unlicensed provider of
- 10          complementary and alternative care.