



Massage Today

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California Massage Bill Moves Through Senate

By Editorial Staff

A bill originally introduced by state Senator John Burton on February 22, 2001 and endorsed by the California Health Freedom Coalition has been passed by the California Senate and is moving through the state Assembly.

The bill, SB 577, amends current state legislation that classifies the administration of many alternative health care services (including massage) as a technical violation of the California Medical Practice Act. Specifically, the act states that:

"Any person who practices or attempts to practice, or who advertises or holds himself or herself out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided in this chapter, or without being authorized to perform such act pursuant to a certificate obtained in accordance with some other provision of law, is guilty of a misdemeanor."

SB 577 proposes an addition to the existing Business and Professions Code:

Section 2053.5 Notwithstanding any other provision of law, a person who discloses to a client that he or she is not a licensed physician shall not be in violation of Section 2051, 2052, or 2053 unless that person does any of the following:

(a) Conducts surgery or any other procedure on another person that punctures the skin or harmfully invades the body.

- (b) Administers or prescribes x-ray radiation to another person.
- (c) Prescribes or administers legend drugs or controlled substances to another person.
- (d) Recommends the discontinuance of legend drugs or controlled substances prescribed by an appropriately licensed practitioner.
- (e) Willfully diagnoses and treats a physical or mental condition of any person under circumstances or conditions that cause or create great bodily harm, serious physical or mental illness, or death.
- (f) Holds out, states, indicates, advertises, or implies to a client or prospective client that he or she is a physician, a surgeon, or a physician and surgeon.

Supporters of SB 577 say the bill will allow the thousands of massage therapists, naturopaths, homeopaths, herbalists and other unlicensed alternative health practitioners in the state to provide their healing services without the threat of punitive legal action. Opponents claim that bill will enable unqualified or otherwise suspect individuals to operate under the guise of legitimate health care.

Although this bill will alleviate concerns for non-physician practitioners, it appears to ignore such issues as entry-level and continued competency of unlicensed practitioners, and scope of practice. It also leaves the public with criminal courts as the only solution to physical, mental or ethical harm and/or professional misconduct. More to come in a future issue of *Massage Today*.



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