



House of Representatives

General Assembly

File No. 495

February Session, 2014

Substitute House Bill No. 5327

House of Representatives, April 10, 2014

The Committee on Public Health reported through REP. JOHNSON of the 49th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE PROVISION OF SERVICES BY CLASSICAL HOMEOPATHS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) For purposes of this
2 section:

3 (1) "Homeopathy" means advice and services: (A) Based on a system
4 that involves administration of minute doses of substances that in
5 massive amounts produce symptoms in healthy persons similar to
6 those of the disease; and (B) that are not prohibited under subsection
7 (b) of this section;

8 (2) "Classical homeopath" means a person who provides
9 homeopathy and is certified by the Council for Homeopathic
10 Certification; and

11 (3) "Client" means the recipient or potential recipient of homeopathy
12 from a classical homeopath.

13 (b) (1) A classical homeopath who is not otherwise licensed or
14 certified by the Department of Public Health to provide health care
15 services may provide homeopathy, provided a classical homeopath
16 shall not: (A) Conduct surgery or any other procedure that punctures
17 the skin or harmfully invades the body; (B) administer or order the
18 taking of x-rays; (C) set a fracture; (D) prescribe or administer a legend
19 drug, as defined in section 20-571 of the general statutes, or a
20 controlled substance; (E) recommend the discontinuance of a legend
21 drug or controlled substance that is prescribed by an appropriately
22 licensed health care provider; or (F) hold out, state, indicate, advertise
23 or imply to another person that he or she is a physician.

24 (2) A person who is licensed or certified by the department to
25 provide health care services may provide homeopathy outside the
26 scope of practice for which such person is licensed or certified,
27 provided such person is certified by the Council for Homeopathic
28 Certification.

29 (c) A classical homeopath who provides homeopathy in accordance
30 with this section shall, prior to providing such services: (1) Provide
31 written notification, using plain language, to each client or potential
32 client, that includes (A) a statement that the classical homeopath is not
33 a licensed physician, if applicable, (B) a statement that the services to
34 be provided are not regulated by the state, if applicable, (C) a
35 description of the nature of the services to be provided, (D) an
36 explanation of the theory upon which the services to be provided are
37 based, and (E) a description of the classical homeopath's education,
38 training, experience and other qualifications relating to the services to
39 be provided; and (2) obtain a written acknowledgment signed by the
40 client stating that such recipient has received the information
41 described in subdivision (1) of this subsection. The classical
42 homeopath shall, prior to providing services, provide each client with
43 a copy of the signed, written acknowledgment described in
44 subdivision (2) of this subsection. The classical homeopath shall retain
45 such acknowledgment for a period of not less than three years from
46 the date on which the acknowledgment was signed.

47 (d) Any person who is not licensed pursuant to title 19a or 20 of the
48 general statutes to provide health care services and who advertises
49 homeopathy shall disclose in such advertisement that he or she is not a
50 health care provider licensed by the state.

51 Sec. 2. Subsection (b) of section 20-9 of the 2014 supplement to the
52 general statutes, as amended by section 138 of public act 13-234, is
53 repealed and the following is substituted in lieu thereof (*Effective*
54 *October 1, 2014*):

55 (b) The provisions of this chapter shall not apply to:

56 (1) Dentists while practicing dentistry only;

57 (2) Any person in the employ of the United States government while
58 acting in the scope of his employment;

59 (3) Any person who furnishes medical or surgical assistance in cases
60 of sudden emergency;

61 (4) Any person residing out of this state who is employed to come
62 into this state to render temporary assistance to or consult with any
63 physician or surgeon who has been licensed in conformity with the
64 provisions of this chapter;

65 (5) Any physician or surgeon residing out of this state who holds a
66 current license in good standing in another state and who is employed
67 to come into this state to treat, operate or prescribe for any injury,
68 deformity, ailment or disease from which the person who employed
69 such physician, or the person on behalf of whom such physician is
70 employed, is suffering at the time when such nonresident physician or
71 surgeon is so employed, provided such physician or surgeon may
72 practice in this state without a Connecticut license for a period not to
73 exceed thirty consecutive days;

74 (6) Any person rendering service as (A) an advanced practice
75 registered nurse if such service is rendered in collaboration with a
76 licensed physician, or (B) an advanced practice registered nurse

77 maintaining classification from the American Association of Nurse
78 Anesthetists if such service is under the direction of a licensed
79 physician;

80 (7) Any nurse-midwife practicing nurse-midwifery in accordance
81 with the provisions of chapter 377;

82 (8) Any podiatrist licensed in accordance with the provisions of
83 chapter 375;

84 (9) Any Christian Science practitioner who does not use or prescribe
85 in his practice any drugs, poisons, medicines, chemicals, nostrums or
86 surgery;

87 (10) Any person licensed to practice any of the healing arts named
88 in section 20-1, who does not use or prescribe in his practice any drugs,
89 medicines, poisons, chemicals, nostrums or surgery;

90 (11) Any graduate of any school or institution giving instruction in
91 the healing arts who has been issued a permit in accordance with
92 subsection (a) of section 20-11a and who is serving as an intern,
93 resident or medical officer candidate in a hospital;

94 (12) Any student participating in a clinical clerkship program who
95 has the qualifications specified in subsection (b) of section 20-11a;

96 (13) Any person, otherwise qualified to practice medicine in this
97 state except that he is a graduate of a medical school located outside of
98 the United States or the Dominion of Canada which school is
99 recognized by the American Medical Association or the World Health
100 Organization, to whom the Connecticut Medical Examining Board,
101 subject to such regulations as the Commissioner of Public Health, with
102 advice and assistance from the board, prescribes, has issued a permit
103 to serve as an intern or resident in a hospital in this state for the
104 purpose of extending his education;

105 (14) Any person rendering service as a physician assistant licensed
106 pursuant to section 20-12b, a registered nurse, a licensed practical

107 nurse or a paramedic, as defined in subdivision (15) of section 19a-175,
108 acting within the scope of regulations adopted pursuant to section 19a-
109 179, if such service is rendered under the supervision, control and
110 responsibility of a licensed physician;

111 (15) Any student enrolled in an accredited physician assistant
112 program or paramedic program approved in accordance with
113 regulations adopted pursuant to section 19a-179, who is performing
114 such work as is incidental to his course of study;

115 (16) Any person who, on June 1, 1993, has worked continuously in
116 this state since 1979 performing diagnostic radiology services and who,
117 as of October 31, 1997, continued to render such services under the
118 supervision, control and responsibility of a licensed physician solely
119 within the setting where such person was employed on June 1, 1993;

120 (17) Any person practicing athletic training, as defined in section 20-
121 65f;

122 (18) When deemed by the Connecticut Medical Examining Board to
123 be in the public's interest, based on such considerations as academic
124 attainments, specialty board certification and years of experience, to a
125 foreign physician or surgeon whose professional activities shall be
126 confined within the confines of a recognized medical school;

127 (19) Any technician engaging in tattooing in accordance with the
128 provisions of section 20-266o or 20-266p and any regulations adopted
129 thereunder;

130 (20) Any person practicing perfusion, as defined in section 20-162aa;
131 [or]

132 (21) Any foreign physician or surgeon (A) participating in
133 supervised clinical training under the direct supervision and control of
134 a physician or surgeon licensed in accordance with the provisions of
135 this chapter, and (B) whose professional activities are confined to a
136 licensed hospital that has a residency program accredited by the
137 Accreditation Council for Graduate Medical Education or that is a

138 primary affiliated teaching hospital of a medical school accredited by
 139 the Liaison Committee on Medical Education. Such hospital shall
 140 verify that the foreign physician or surgeon holds a current valid
 141 license in another country; [.] or

142 (22) Any person who is a classical homeopath providing
 143 homeopathy in accordance with section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	New section
Sec. 2	October 1, 2014	20-9(b)

Statement of Legislative Commissioners:

In sections 1(c)(A) and (B), the phrase "if applicable," was inserted at the end of the phrase, for clarity.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

There is no fiscal impact to the Department of Public Health from allowing certain individuals to provide homeopathy. These individuals are not licensed or certified by the agency.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5327

AN ACT CONCERNING THE PROVISION OF SERVICES BY CLASSICAL HOMEOPATHS.

SUMMARY:

This bill allows people certified by the Council for Homeopathic Certification to provide homeopathy, subject to certain conditions and restrictions. It defines these people as “classical homeopaths.”

The bill requires classical homeopaths to make certain written disclosures to clients, including information about their qualifications and the services being provided. It specifies various prohibited activities for classical homeopaths not credentialed by the Department of Public Health (DPH) to provide health care services.

Among other things, it also specifies that homeopathy provided by classical homeopaths in accordance with the bill is not considered the practice of medicine.

Existing law, unchanged by the bill, provides for the licensure of homeopathic physicians (physicians with additional medical training in homeopathy) (see BACKGROUND).

EFFECTIVE DATE: October 1, 2014

HOMEOPATHY BY CLASSICAL HOMEOPATHS

The bill allows classical homeopaths to provide homeopathy. It defines “homeopathy” for this purpose as advice and services based on a system of administering minute doses of substances that in massive amounts produce symptoms in healthy people similar to those of the disease.

Under the bill, if a classical homeopath is not licensed or certified by

DPH to provide health care services, he or she must not:

1. conduct surgery or other procedures that puncture the skin or harmfully invade the body;
2. administer or order x-rays;
3. set fractures;
4. prescribe or administer legend drugs or controlled substances;
5. recommend that a client discontinue taking such a drug or substance prescribed by a licensed provider; or
6. hold out, state, indicate, advertise, or imply that he or she is a physician.

By law, someone who performs health care services for which he or she lacks the appropriate credential or legal authorization is subject to criminal penalties.

Scope of Practice for Licensed Providers

Under the bill, if a classical homeopath is licensed or certified by DPH to provide health care services, he or she may provide homeopathy outside his or her scope of practice.

Client Disclosure and Advertising

The bill requires a classical homeopath, prior to providing homeopathy, to give the client a written notification, in plain language, that includes:

1. a statement that he or she is not a licensed physician, if applicable;
2. a statement that the services to be provided are not regulated by the state, if applicable;
3. a description of the services;

4. an explanation of the theory upon which the services are based; and
5. a description of his or her education, training, experience, and other qualifications relating to the services.

Before providing services, classical homeopaths must also (1) obtain a signed, written acknowledgment from the client stating that he or she received the information described above and (2) provide the client with a copy of it. The homeopath must keep the acknowledgment for at least three years.

The bill requires anyone who advertises homeopathy, and who is not licensed under Connecticut law to provide health care services, to disclose in the advertisement that he or she is not a health care provider licensed by the state.

BACKGROUND

Homeopathic Physicians

Connecticut defines a “homeopathic physician” as a physician who prescribes the single remedy in the minimum dose in potentized form, selected from the law of similars. To be eligible for a Connecticut homeopathic physician license, an applicant must be a state-licensed physician and must have completed at least 120 hours of post-graduate medical training in homeopathy (CGS § 20-12n).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 25 Nay 0 (03/25/2014)