

094433686

**HOUSE BILL NO. 1744**

Offered January 14, 2009

Prefiled January 7, 2009

A *BILL to amend the Code of Virginia by adding in Title 54.1 a chapter numbered 24.2, consisting of sections numbered 54.1-2415, 54.1-2416, and 54.1-2417, relating to natural health care providers.*

---

 Patron—Pogge
 

---

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 54.1 a chapter numbered 24.2, consisting of sections numbered 54.1-2415 through 54.1-2417, as follows:**

**CHAPTER 24.2.****NATURAL HEALTH CARE PROVIDERS.****§ 54.1-2415. Practice of natural health care.**

Notwithstanding any provision of law to the contrary, any person who provides health care services, therapies, and methods by assessing, evaluating, advising, educating, counseling, informing, or rendering care to consumers regarding the use of natural foods, dietary supplements, homeopathic remedies and products, and healing and natural therapies for the prevention, remedy, or treatment of various health or physical conditions, who is not licensed, registered, certified, or permitted by one of the health regulatory boards under the Department of Health Professions, and who advertises or charges a fee for such services, shall not be in violation of the provisions of this title if he:

1. Provides health care services and therapies in accordance with this chapter, and does not (i) perform surgery or any other procedure that harmfully punctures the skin, including invasive diagnostic procedures such as vaginal and rectal examinations; (ii) set fractures; (iii) prescribe or administer X-ray radiation; (iv) prescribe or administer a prescription drug or device, or any controlled substance; (v) perform a chiropractic adjustment of an articulation of the spine; (vi) diagnose and treat a mental and or physical condition of a person and as a direct result of such services willfully cause that person imminent and discernable risk of significant physical or mental injury; (vii) provide a dental diagnosis or application of a dental treatment to the teeth and gums of a client; or (viii) state, advertise, or otherwise hold himself out to be licensed, registered, certified, or permitted to practice a health care profession.

2. Provides clients, parents, and legal guardians of minors a description of and information about the services and therapies to be delivered and executes a consent-to-treat form with the client, parent, or legal guardian.

3. Posts on the interior of his facility a prominent disclosure stating "The provider does not have a license, certificate, registration, or permit issued by the Board of Medicine or any other health regulatory board within the Department of Health Professions." Such disclosure shall also indicate the practitioner's name, business address, telephone number, academic degrees, training, experience, and other credentials and qualifications, if any.

4. Renders such care in the absence of willful misconduct.

5. Prior to rendering such services to any customer for the first time, furnishes a copy of the disclosure statement in writing to the consumer and obtains a signed written acknowledgement from the consumer that he has received a copy of such statement. If the provider has been convicted or adjudicated not guilty of a criminal offense against a minor, of sexual exploitation, or of a sexually violent crime against any person, or is under indictment for any such crimes, the provider must add such information to the disclosure given to the customer.

6. Maintains a copy of the consumer's signed written acknowledgment required by this section in his files for not less than three years.

**§ 54.1-2416. Use of titles.**

Notwithstanding any provision to the contrary, an individual who provides health care services and healing therapies pursuant to this chapter may refer to himself using a title or qualification conferred by virtue of degrees, training, experience, credentials, or other qualifications legally attained by such individual. The provisions of this chapter shall not be construed to modify current laws providing for the exclusive use of health care professional titles.

**§ 54.1-2417. Limitations.**

The provisions of this chapter shall not be construed as prohibiting or limiting any person from advertising, marketing, selling, or distributing natural foods, dietary supplements, homeopathic remedies

INTRODUCED

HB1744

59 *and products, and healing and natural therapies for the prevention, remedy, or treatment of various*  
60 *health or physical conditions. However, such practitioners shall be subject to existing federal and state*  
61 *laws and regulations governing the sale, manufacture, or distribution of any food, food product, drug,*  
62 *or device.*

63 *This chapter shall not apply to health care professionals licensed, registered, certified, or permitted*  
64 *under a state occupational board or agency.*

65 *This chapter shall not apply to, control, or prevent any health care practice from being practiced if*  
66 *it is already exempt from professional regulation, nor does this act apply to, control, or prevent a*  
67 *person from providing health care services who is already exempt from professional regulation under*  
68 *state law.*