

Frequently Asked Practitioner Questions about SB577

1. Why was SB-577 an important bill to pass?

Here are some of the most important reasons:

Freedom to Practice: Prior to the implementation of SB577 on January 1, 2003, virtually anyone practicing any kind of unlicensed healing art in California was in technical violation of the Medical Practice Act and could be prosecuted for "practicing medicine without a license." Now, practitioners willing to comply with the requirements of SB-577 can offer their services freely within California without fear of being charged with a felony crime.

- a) Freedom of Access: With the illegal onus removed from unlicensed practitioners, we expect more services to be more widely practiced and advertised, which will increase the health care options for consumers.
- b) Mainstreaming I: Legitimizing alternative and complementary health care practices means that they will be able to more freely contribute to the current dialogue that is taking place in the government, academia, and the health care industry.
- c) Mainstreaming II: Unlicensed practices are now more likely to develop professional associations and training programs that result in a high quality of service.
- d) Mainstreaming III: As practices become more visible and more professional, there is greater likelihood that money will become available to research and further validate the efficacy of particular approaches.
- e) Mainstreaming IV: Licensed professionals are more likely to become aware of, communicate with, and refer to unlicensed health care professionals in compliance with SB-577.

2. Which practices does this new legislation actually apply to?

This legislation applies to anyone who is not otherwise licensed as a health care provider under California law and "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..." [California's Business and Professions Code Section 2052].

This could apply to practitioners of: acupressure; aroma therapy; ayurveda; cranial sacral therapy; culturally traditional healing practices; detoxification practices and therapies; energetic healing; polarity therapy; folk practices; healing touch; herbology or herbalism; homeopathy; iridology; body work and massage therapy; meditation; mind-body healing practices; naturopathy; yoga teachers; and unlicensed traditional Oriental practices, such as Qi Gong energy healing.

Any of these practitioners, who comply with the requirements in SB-577, will be protected from prosecution from the medical board for practicing medicine without a license.

3. What are the requirements for compliance under SB-577?

There are two categories of compliance: things you must do (such as disclose your training and qualifications to your clients in a written form) and things you must not do (such as represent yourself as a doctor or engage in potentially dangerous practices that doctors are allowed to do). You should read the bill carefully for the complete requirements.

In addition, we have provided a 7-page analysis of the bill, which you can download. Finally, you can also download a sample Disclosure Form that you can modify for your practice. Since this is a new law, we also encourage you to seek counsel from your own private attorney as to how best to comply with SB-577.

4. Who is not protected by SB-577?

If you choose not to comply with the provisions of SB-577, you could be prosecuted for practicing medicine without a license. In addition, whether you comply or not, practitioners making fraudulent claims for their services can still be prosecuted under consumer protection laws. You also need to know that a recent change in California law makes conviction for practicing medicine without a license a felony offence.

5. What happens if I don't comply with the law?

Nothing, if the law doesn't apply to your practice. For example, if you are doing relaxation massage in a spa setting, refer to yourself as a massage practitioner instead of a massage therapist, make no representation to clients/patients in your advertising that you intend to address or remediate any physical or mental problem, then you can probably legitimately claim that you are providing a personal care service, rather than a health care service.

However, if the law does apply to your practice, a couple of things could happen if you choose not to comply with the law.

- a) Nothing may happen if the California Medical Board (CMB) is not aware of your practice. Even if you are visible, the CMB may choose to ignore you because either they think you pose a low risk to the health and welfare of the citizens of California or because they don't have the resources to find and prosecute you.
- b) Since you will not be protected by SB-577, there is also the possibility that you will be prosecuted for practicing medicine without a license. If you are found guilty you could be prevented from practicing your healing art, fined, or even jailed.
- c) You can be subject to a variety of civil claims by private parties for conducting a business in violation of the law.

For most complementary and alternative health care providers, the compliance requirements are not onerous and may add a level of credibility and professionalism to your practice. Thus, we urge you to check out our downloadable sample disclosure form in our Compliance Package and incorporate a version of it into your practice.