

# SENATE BILL REPORT

## SB 5938

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As of February 16, 2001

**Title:** An act relating to use of integrative, complementary, and alternative medicine.

**Brief Description:** Providing guidelines for use of integrative, complementary, and alternative medicine.

**Sponsors:** Senators Roach and Kohl-Welles.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/20/01.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Joan K. Mell (786-7447)

**Background:** Medical physicians are licensed in this state by the Department of Health. A Medical Quality Assurance Commission regulates the practice in conformance with the Uniform Disciplinary Act. The commission is comprised of 13 individuals licensed to practice medicine in the state, two licensed physicians' assistants, and four members of the public.

The practice of medicine is defined in statute broadly to include diagnosing, curing, advising or prescribing for any human disease or condition; administering or prescribing drugs to be used by another; or severing or penetrating the tissues of human beings. It excludes the practice of chiropractic.

The Uniform Disciplinary Act describes unprofessional conduct and includes a provision that states the use of nontraditional treatment by itself shall not constitute unprofessional conduct, provided that it does not result in injury to a patient or create an unreasonable risk of harm to a patient.

In March of 2000, President Clinton issued an executive order establishing the White House Commission on Complementary and Alternative Medicine Policy. The commission was directed to issue recommendations regarding the practice. An interim report is due July 2001 and a final report in March of 2002. Complementary and alternative medicine focuses on a holistic perspective to health care, with an emphasis on healing partnerships between practitioner and patient and education.

Physicians practicing complementary and alternative medicine express concerns that conventional practitioners sitting on the commission use the disciplinary process to discourage their practice.

**Summary of Bill:** A definition is created in statute for integrative, complementary and alternative medicine distinguished from conventional medicine.

Two alternative medicine practitioners must be on the Medical Quality Assurance Commission, and two of the public members must be consumers of integrative, complementary, and alternative medicine. All commission members must consider disciplinary action that would be a revocation of the physician's license. Pro tem members cannot participate in license revocation decisions.

The osteopathic board and Medical Quality Assurance Commission are given guidelines to measure whether an osteopathic physician's or surgeon's or medical physician's or surgeon's conduct violates the practice.

The Uniform Disciplinary Act provisions are amended to require full commission or board participation when revoking a physician's license.

A license holder may appeal a final decision regarding disposition of his or her license to superior court.

The disciplinary authorities for physicians and osteopathic physicians have authority to adopt standards for the practice of conventional, integrative, complementary, and alternative medicine.

The practice of integrative, complementary, and alternative medicine does not constitute unprofessional conduct, unless a safety risk is demonstrated.

**Appropriation:** None.

**Fiscal Note:** Requested on February 15, 2001.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.