Alan Van Dyne *Legislative Service Commission*

S.B. 125

123rd General Assembly
(As Introduced)

Sen. Horn

BILL SUMMARY

- Provides that alternative, integrative, and complementary medical treatments are part of the practice of medicine and that the State Medical Board cannot discipline a physician solely for utilizing such techniques.

CONTENT AND OPERATION

Use of alternative medicine by physicians

(sec. 4731.22(B)(6))

Under current law, the State Medical Board is authorized to take disciplinary action against a physician for departing from or failing to conform to minimal standards of care used by similar practitioners in the same or similar circumstances. The bill provides that the utilization of "alternative, integrative, and complementary medical treatments" does not, in and of itself, constitute a departure from or failure to conform to minimal standards of care.

Licensing requirement

(sec. 4731.34; secs. 4731.41 and 4731.99 (not in the bill))

The bill provides that a person is regarded as practicing medicine if the person engages in the practice of "alternative, integrative, and complementary medical treatments." Thus, any person who engages in those activities is subject to existing physician licensing requirements, including the criminal penalties that apply for engaging in the unlicensed practice of medicine. Under those penalties, a person is guilty of a felony of the fifth degree on the first offense and a fourth degree felony on each subsequent offense.

COMMENT

Enforcement of the bill may be hindered by the absence of a description of what is meant by "alternative, integrative, and complementary medical treatments." Because the terms are not defined, it is unclear whether, and to what extent, the bill expands a physician's treatment options. It is also not clear which actions are included in the bill's prohibition against practicing alternative medicine without a license. Both the United States and Ohio Constitutions require that the language of a criminal statute be precise enough to provide fair notice of the conduct it prohibits (*State v. Nipps* (10th Dist. 1979), 66 Ohio App.2d 17,19).

HISTORY

ACTION	DATE	JOURNAL ENTRY
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