

The “Complementary and Alternative Medicine” Safe Harbor to Unlicensed Practice

July 18, 2023

By Michael H. Cohen

In today's video, we talk about the safe harbor to unlicensed medical practice and what it requires of the practitioner.

Hi, I'm Michael H. Cohen, founding attorney of Cohen Healthcare Law Group. We help healthcare industry clients like you, navigate the healthcare and FDA legal landscape so you can grow, or scale, or launch your healthcare business.

Some years ago, a number of laws were enacted in various States to help create greater access to complementary and alternative medical therapies. These were generally known as “medical freedom” statutes, because they increased consumer access and choice.

There are two types of such laws. The first limits the ability of State medical boards to discipline a licensed medical doctor solely on the basis that the physician choose to use a complementary therapy. It's a pretty old statute.

The second is a legal safe harbor for limited practice by someone who is not a licensed medical doctor or DO. In California, this safe harbor became known as SB 577 and was codified into the Business & Professions Code.

Typically, this kind of healthcare freedom statute has a number of components. One, the practitioner cannot perform surgery or any kind of invasive procedure, prescribe, or otherwise practice “medicine.” Prescribing medication is disallowed but recommending dietary supplements might be allowed depending on what is said either there or elsewhere in State law.

Two, the practitioner must disclose that they are not State licensed. Three, they have to talk about their training, methodology and disclose that. Four, they must recommend that the client consult their own primary care or other relevant physician. There can be a number of other requirements, such as that the practitioner have adequate liability insurance.

There are of course other things to watch for, like whether the particular kinds of services offered by the practitioner, as well as their marketing claims, might potentially bring their work outside of the legal safe harbor and back into the prohibition against unauthorized practice, and that's something we can help evaluate. And it might be unlicensed practice of medicine, nutrition, psychology, or some other prohibited professional practice.

Thanks for watching. Please [contact us](#) with your questions. We have helped so many healthcare industry clients build their dream. We look forward to working with you on your journey to success!

Testimonials
