

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember David A. Catania introduced the following bill, which was referred to the Committee on \_\_\_\_\_.

To amend the Health Occupations Revision Act of 1985 to amend the definition of the practice of medicine and to repeal registration of naturopaths, to repeal the definition of the practice of naturopathic medicine, and repeal the Advisory Committee on Naturopathy.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the “Practices of Medicine and Naturopathic Medicine Amendment Act of 2009”.

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) Section 102 (D.C. Official Code § 3-1201.02) is amended as follows:

(1) Amend paragraph (7) to read as follows:

“(7)(A) “Practice of medicine” means suggesting, recommending, prescribing, or administering, with or without compensation, any form of treatment, operation, drug, medicine, manipulation, electricity, or any physical, mechanical or healing by other means, for the prevention, diagnosis, correction or treatment of a

1 physical or mental disease, ailment, injury, condition of defect of any person. The  
2 practice of medicine includes:

3 “(i) The management of pregnancy and parturition;

4 “(ii) The interpretation of tests, including primary diagnosis  
5 of pathology specimens, images, or photographs;

6 “(iii) Offering or performing a surgical operation upon  
7 another person;

8 “(iv) Offering or performing any type of invasive procedure  
9 of the body, whether through a body opening or a cutting of the skin, or otherwise  
10 affecting the layer of skin below the stratum corneum, for surgical, therapeutic, or  
11 cosmetic purposes, excluding procedures known as body tattooing or body piercing;

12 “(v) Rendering a written or otherwise documented medical  
13 opinion relating the diagnosis and treatment of a person within the District, or the actual  
14 rendering of treatment to a person within the District, by a physician located outside the  
15 District as a result of transmission of the person’s medical data by electronic or other  
16 means from within the District to the physician or to the physician’s agent.

17 “(vi) Maintaining an office or other place for the purpose of  
18 examining persons afflicted with disease, injury, or defect of body or mind;

19 “(vii) Advertising or representing in any manner that one is  
20 authorized to practice medicine; and

21 “(viii) Using the designation “Doctor of Medicine,”  
22 “Doctor of Osteopathy,” “physician,” “surgeon,” “physician and surgeon,” “M.D.,” or  
23 “D.O.,” or a similar designation, or any combination thereof, in the conduct of an

1 occupation or profession pertaining to the prevention, diagnosis or treatment of human  
2 disease or condition, unless the designation additionally contains the description of  
3 another branch of the healing arts for which one holds a valid license.”

4 (B) Nothing in this paragraph shall be construed as preventing or  
5 restricting other health professionals from offering or undertaking any type of invasive  
6 procedure of the body, whether through a body opening or a cutting of the skin, or  
7 otherwise affecting the layer of skin below the stratum corneum, for surgical, therapeutic,  
8 or cosmetic purposes, if such procedure:

9 (i) Has been authorized by a licensed physician; or

10 (ii) Is performed by an advanced practice registered nurse,  
11 an anesthesiologist assistant, a dentist, a physician assistant, a podiatrist, a practical  
12 nurse, a registered nurse or a surgical assistant who has received the necessary training  
13 and experience to perform the procedure in a safe and effective manner.

14 (2) Paragraph (7A) is repealed.

15 (b) Subsection 203(c-2) (D.C. Official Code § 3-1202.03(c-2)) is repealed.

16 (c) Paragraph (b)(2) (D.C. Official Code § 3-1204.01) is amended by striking the  
17 phrase “the naturopathic physician member initially appointed to the Advisory  
18 Committee on Naturopathic Medicine,”.

19 (d) Section 501 (D.C. Official Code § 3-1205.01) is amended by striking the  
20 phrase “naturopathic medicine,”.

21 (e) Subsection 504(e-1) (D.C. Official Code § 3-1205.04) is repealed.

22 (f) Section 621 (D.C. Official Code § 3-1206.21) is repealed.

23 (g) Section 622 (D.C. Official Code § 3-1206.22) is repealed.

1 (h) Section 901 (D.C. Official Code § 3-1209.01) is repealed.

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3 (i) Subsection 1003(x) (D.C. Official Code § 3-1210.03) is repealed.

4 Sec. 3. Fiscal impact statement.

5 The Council adopts the fiscal impact statement in the committee report as the

6 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home

7 Rule Act of 1973, as amended, approved December 24, 1973 (87 Stat. 813; D.C. Official

8 Code § 1-206.02(c)(3)).

9 Sec. 4. Effective date.

10 This act shall take effect following approval by the Mayor (or in the event of veto

11 by the Mayor, action by the Council to override the veto), a 30-day period of

12 Congressional review as provided in section 602(c)(1) of the District of Columbia Home

13 Rule Act of 1973, as amended, approved December 24, 1973 (87 Stat. 813; D.C. Official

14 Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.