

1 HB601
2 201044-1
3 By Representative Weaver
4 RFD: Health
5 First Read: 09-MAY-19

SYNOPSIS: This bill would require a health care practitioner to include accurate information regarding his or her licensure in advertising.

This bill would also require a health care practitioner to communicate information pertaining to his or her licensure to patients in various ways.

A BILL
TO BE ENTITLED
AN ACT

Relating to health care; to require a health care practitioner to include accurate information regarding his or her licensure in advertising; and to require a health care practitioner to communicate information pertaining to his or her licensure to patients in various ways.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

1 (1) There is a compelling state interest in patients
2 being promptly and clearly informed of the training and
3 qualifications of the health care practitioners who provide
4 health care services.

5 (2) There is a compelling state interest in
6 protecting the public from potentially misleading and
7 deceptive health care advertising that might cause patients to
8 have undue expectation regarding treatment and outcomes and
9 that might burden patients with bills for unnecessary care.

10 Section 2. For purposes of this act, the following
11 terms shall have the following meanings:

12 (1) ADVERTISEMENT. Any communication or statement,
13 whether printed, electronic, or oral, that names the health
14 care practitioner in relation to his or her practice,
15 profession, or institution in which the individual is
16 employed, volunteers, or otherwise provides health care
17 services. This term includes patient brochures, e-mail,
18 Internet, audio, video, and any other communication or
19 statement used in the course of business.

20 (2) DECEPTIVE or MISLEADING. Includes, but is not
21 limited to, any advertisement or affirmative communication or
22 representation that misstates, falsely describes, or falsely
23 details the health care practitioner's profession, skills,
24 training, expertise, education, board certification, or
25 licensure.

26 (3) HEALTH CARE PRACTITIONER. Any person who holds
27 an active license or registration issued by this state to

1 provide health care services to patients in this state. The
2 term does not include a health care practitioner who practices
3 in a non-patient care setting or who does not have any direct
4 patient care interactions.

5 (4) HEALTH CARE SERVICES. Medical or health related
6 services typically offered by a practitioner under a license,
7 certificate, or registration issued by a board, department,
8 agency, or other subdivision of this state, related to the
9 recognition, diagnosis, treatment, therapy, resolution, or
10 maintenance of a mental or physical human condition, ailment,
11 illness, or problem.

12 Section 3. (a) An advertisement for health care
13 services that names a health care practitioner shall be free
14 from any and all deceptive or misleading information.

15 (b) A health care practitioner providing health care
16 services in this state must conspicuously post and
17 affirmatively communicate the practitioner's specific
18 licensure to current and prospective patients. A health care
19 practitioner shall do one of the following:

20 (1) Wear an identification name tag or embroidered
21 lab coat, medical scrubs, or similar clothing, during all
22 patient encounters that includes the practitioner's first name
23 or first and last name and the type of license held by the
24 practitioner. The name tag shall be of sufficient size and be
25 worn in a conspicuous manner. In the case of an embroidered
26 lab coat, medical scrubs, or similar clothing, the lettering
27 and font used shall be of sufficient size so as to be visible

1 and apparent and conspicuously located on the garment. An
2 identifier shall not be required in any mental health setting
3 where it would impede the psychotherapeutic relationship, in
4 an operating room or other setting where surgical or other
5 invasive procedures are performed, in a nursing home, or in
6 any other setting where maintaining a sterile environment is
7 medically necessary.

8 (2) Display, within the reception area of the health
9 care practice or facility and on the website of the health
10 care practice or facility, a notice that clearly lists the
11 name of each health care practitioner employed in the practice
12 or facility and the type of license held by each individual.
13 The notice shall be visible and apparent to all current and
14 prospective patients. The notice shall be a minimum of 93
15 square inches with characters at least one inch in size.

16 (c) Any health care practitioner who currently wears
17 an identification badge as required by his or her health care
18 practice or facility shall be allowed to continue use of that
19 current identification badge until that existing
20 identification badge is replaced. Any identification badges
21 made after the effective date of this act must comply with the
22 requirements of this act.

23 Section 4. (a) Each board, department, agency, or
24 other political subdivision of this state issuing a primary
25 license, certificate, or registration to a health care
26 practitioner to practice in a profession or trade in this
27 state shall not adopt rules for the implementation and

1 enforcement of this act except to establish a schedule of
2 penalties for violations of this act.

3 (b) Any entity that currently has rules in place
4 which meet the requirements of this act shall not be required
5 to adopt new rules for the implementation or enforcement of
6 this act.

7 Section 5. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.