

1 SB151
2 198086-1
3 By Senator Melson
4 RFD: Healthcare
5 First Read: 20-MAR-19

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

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

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 Relating to health care; to require a health care
21 practitioner to include accurate information regarding his or
22 her licensure in advertising; and to require a health care
23 practitioner to communicate information pertaining to his or
24 her licensure to patients in various ways.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The Legislature finds and declares the
27 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 business cards, letterhead,
18 patient brochures, e-mail, Internet, audio, video, and any
19 other communication or statement used in the course of
20 business.

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

1 (3) HEALTH CARE PRACTITIONER. Any person who holds
2 an active license or registration issued by this state to
3 provide health care services to patients in this state. The
4 term does not include a health care practitioner who practices
5 in a non-patient care setting or who does not have any direct
6 patient care interactions.

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

14 Section 3. (a) An advertisement for health care
15 services that names a health care practitioner must identify
16 the type of license held by the practitioner. The
17 advertisement shall be free from any and all deceptive or
18 misleading information.

19 (b) A health care practitioner providing health care
20 services in this state must conspicuously post and
21 affirmatively communicate the practitioner's specific
22 licensure to current and prospective patients. A health care
23 practitioner shall do both of the following:

24 (1) Wear an identification name tag during all
25 patient encounters that includes both the practitioner's name
26 and the type of license held by the practitioner. The name tag
27 shall be of sufficient size and be worn in a conspicuous

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

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

18 (c) Any health care practitioner who currently wears
19 an identification badge as required by his or her health care
20 practice or facility shall be allowed two years from the
21 effective date of this act to replace all existing
22 identification badges with badges complying with the
23 requirements of this act.

24 Section 4. Each board, department, agency, or other
25 political subdivision of this state issuing a primary license,
26 certificate, or registration to a health care practitioner to
27 practice in a profession or trade in this state shall adopt

1 rules for the implementation and enforcement of this act and
2 shall include within the rules a schedule of penalties for
3 violations of this act.

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