

1 SB293  
2 199018-1  
3 By Senator Melson  
4 RFD: Education Policy  
5 First Read: 16-APR-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 one of the following:

24           (1) Wear an identification name tag or embroidered  
25 lab coat, medical scrubs, or similar clothing, during all  
26 patient encounters that includes both the practitioner's name  
27 and the type of license held by the practitioner. The name tag

1 shall be of sufficient size and be worn in a conspicuous  
2 manner. In the case of an embroidered lab coat, medical  
3 scrubs, or similar clothing, the lettering and font used shall  
4 be of sufficient size so as to be visible and apparent and  
5 conspicuously located on the garment. An identifier shall not  
6 be required in any mental health setting where it would impede  
7 the psychotherapeutic relationship, in an operating room or  
8 other setting where surgical or other invasive procedures are  
9 performed, or in any other setting where maintaining a sterile  
10 environment is medically necessary.

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

22 (c) Any health care practitioner who currently wears  
23 an identification badge as required by his or her health care  
24 practice or facility shall not be required to immediately  
25 replace that badge.

26 Section 4. Each board, department, agency, or other  
27 political subdivision of this state issuing a primary license,

1 certificate, or registration to a health care practitioner to  
2 practice in a profession or trade in this state shall adopt  
3 rules for the implementation and enforcement of this act and  
4 shall include within the rules a schedule of penalties for  
5 violations of this act.

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