

Amendment No. 215

Senate Amendment to Senate Bill No. 367

(BDR 54-625)

Proposed by: Senate Committee on Commerce, Labor and Energy**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold underlining** is newly added transitory language.

MNM/BAW



Date: 4/18/2011

S.B. No. 367—Requires certain health care practitioners to communicate certain information to the public. (BDR 54-625)



SENATE BILL NO. 367—SENATORS CEGAVSKE; AND HARDY

MARCH 21, 2011

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Requires certain health care practitioners to communicate certain information to the public. (BDR 54-625)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to health care practitioners; ***requiring that advertisements for health care services include certain information;*** requiring certain health care practitioners to communicate certain information to the public; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill, ~~which is patterned after legislation recently enacted in California, requires certain health care practitioners to communicate the practitioner's name, type of state granted practitioner license and highest level of academic degree to each of the practitioner's patients by: (1) providing such information in writing at a patient's initial office visit; (2) prominently displaying such information in an area of the practitioner's office that is visible to patients; or (3) both providing such information in writing and prominently displaying such information. If a health care practitioner chooses to disclose such required information by providing the information in writing at a patient's initial office visit, the information must conform to a certain format. Additionally, a health care practitioner who provides information regarding health care services on an Internet website that is directly controlled or administered by the practitioner or his or her office personnel must prominently display the required information regarding the practitioner's name, license and degree on the Internet website.~~ ***requires that advertisements for health care services include certain information regarding the qualifications of certain health care practitioners to whom the advertisement pertains, including information regarding any applicable licensure or board certification held by a health care practitioner. Such advertisements also must not include any deceptive or misleading information regarding a health care practitioner. This bill further requires certain health care practitioners who provide health care services in this State to: (1) communicate their specific licensure to all current and prospective patients; and (2) display in their office a writing that clearly identifies the type of license they hold, in a size that is visible and apparent to all current and prospective patients. A health care practitioner must comply with such advertising and patient disclosure requirements in each office in which the health care practitioner practices.*** This bill also exempts certain health care practitioners from ~~[disclosing] such [required information to patients].~~ ***advertising and patient disclosure requirements.***

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 4, a health care practitioner shall communicate his or her name, type of state-granted practitioner license and highest level of academic degree to every patient by using one or both of the following methods:

(a) Providing such information in writing at a patient's initial office visit.

(b) Prominently displaying such information in an area of his or her office that is visible to patients.

2. A health care practitioner who chooses to disclose the information required pursuant to this section in the manner set forth in paragraph (a) of subsection 1 shall present such information in at least 24 point type or font in the following format:

HEALTH CARE PRACTITIONER INFORMATION

1. Name and license.....

2. Highest level of academic degree.....

3. Board certification (ABMS).....

3. A health care practitioner who provides information regarding health care services on an Internet website that is directly controlled or administered by the health care practitioner or his or her office personnel shall prominently display the information required pursuant to this section on the Internet website.

4. 2:

(a) An advertisement for health care services that names a health care practitioner must identify the type of license held by the health care practitioner and must not contain any deceptive or misleading information.

(b) An advertisement for health care services that includes the name of a physician or an osteopathic physician must disclose the name of the board by which the physician or osteopathic physician is licensed or certified. The advertisement must not include a statement that a physician or osteopathic physician is "board certified" unless the board is:

(1) A specialty board of the American Board of Medical Specialties or the American Osteopathic Association, or a board with equivalent requirements that is approved by the licensing authority which issues a license to practice medicine or osteopathic medicine in this State to the physician or osteopathic physician; or

(2) A board that requires a postgraduate training program which provides complete training in the specialty or subspecialty of the physician or osteopathic physician and which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

(c) A health care practitioner who provides health care services in this State must conspicuously post and affirmatively communicate his or her specific licensure to all current and prospective patients. The health care practitioner shall display in his or her office a writing that clearly identifies the type of license held by the health care practitioner. The writing must be of sufficient size to be visible and apparent to all current and prospective patients.

(d) A health care practitioner who practices in more than one office shall comply with the requirements set forth in this section in each office in which he or she practices.

2. The provisions of this section do not apply to the following health care practitioners:

(a) A person who provides professional medical services to enrollees of a health care service plan that exclusively contracts with a single medical group in a specific geographic area to provide or arrange for professional medical services for the enrollees of the plan.

(b) A person who works in a health facility. ~~for medical laboratory.~~

(c) A practitioner of respiratory care licensed under chapter 630 of NRS.

(d) A hearing aid specialist or an apprentice to a hearing aid specialist licensed under chapter 637A of NRS.

(e) A veterinarian or other person licensed under chapter 638 of NRS.

(f) A marriage and family therapist, clinical professional counselor, or intern to a marriage and family therapist or clinical professional counselor licensed under chapter 641A of NRS.

(g) A social worker licensed under chapter 641B of NRS.

(h) A person who works in or is licensed to operate, conduct, issue a report from or maintain a medical laboratory under chapter 652 of NRS.

~~5.4~~ 3. As used in this section:

(a) "Advertisement" means any printed, electronic or oral communication or statement that names a health care practitioner in relation to the practice, profession or institution in which the health care practitioner is employed, volunteers or otherwise provides health care services. The term includes, without limitation, any business card, letterhead, patient brochure, electronic mail, Internet website, audio or video transmission and any other communication or statement used in the course of business.

(b) "Deceptive or misleading information" means any information that falsely describes or misrepresents the profession, skills, training, expertise, education, board certification or licensure of a health care practitioner.

(c) "Health care practitioner" means ~~any person licensed to practice one of the health professions regulated by~~ who engages in acts related to the treatment of human ailments or conditions and who is subject to licensure or regulation by this title.

~~(b)~~ (d) "Health facility" has the meaning ascribed to it in NRS 439A.015.

~~(c)~~ (e) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(f) "Osteopathic physician" has the meaning ascribed to it in NRS 633.091.

(g) "Physician" has the meaning ascribed to it in NRS 630.014.

Sec. 2. This act becomes effective on January 1, 2012.