

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:

1 This bill requires that advertisements for health care services include certain
2 information regarding the qualifications of certain health care practitioners to
3 whom the advertisement pertains, including information regarding any applicable
4 licensure or board certification held by a health care practitioner. Such
5 advertisements also must not include any deceptive or misleading information
6 regarding a health care practitioner. This bill further requires certain health care
7 practitioners who provide health care services in this State to: (1) communicate
8 their specific licensure to all current and prospective patients; and (2) display in
9 their office a writing that clearly identifies the type of license they hold, in a size
10 that is visible and apparent to all current and prospective patients. A health care
11 practitioner must comply with such advertising and patient disclosure requirements
12 in each office in which the health care practitioner practices. This bill also exempts
13 certain health care practitioners from such advertising and patient disclosure
14 requirements.

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

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

3 ***1. Except as otherwise provided in subsection 2:***



* S B 3 6 7 R 1 *

(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.

(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.



* S B 3 6 7 R 1 *

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

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

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

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

10 3. As used in this section:

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

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

24 (c) "Health care practitioner" means any person who engages
25 in acts related to the treatment of human ailments or conditions
26 and who is subject to licensure or regulation by this title.

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

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

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

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

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

