

Amendment No. 772

Senate Amendment to Assembly Bill No. 456 First Reprint (BDR 54-1102)

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.

JMM/MSN



Date: 5/20/2013

A.B. No. 456—Revises provisions governing health care. (BDR 54-1102)



ASSEMBLY BILL NO. 456—COMMITTEE ON
HEALTH AND HUMAN SERVICES

MARCH 25, 2013

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing health care. (BDR 54-1102)

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

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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; requiring that advertisements for health care services include certain information; requiring a health care professional to communicate certain information to current and prospective patients; prescribing the format for certain advertisements and disclosures; requiring a health care professional to wear a name tag indicating his or her licensure or certification under certain circumstances; limiting the use of the term “board certified” by certain health care professionals; providing that a health care professional is subject to disciplinary action under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires that an advertisement for health care services include certain information regarding the qualifications of a health care professional to whom the advertisement pertains, including information regarding any license or certification held by the health care professional. This bill also provides that such advertisements must not include any deceptive or misleading information. This bill requires a health care professional to communicate his or her specific licensure to all current and prospective patients and requires such a communication to include a written disclosure statement which is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license held by the health care professional. This bill requires a health care professional to wear a name tag indicating his or her licensure or certification while providing health care services other than sterile procedures in a health care facility. This bill requires a health care professional to comply, as applicable, with such advertising and disclosure requirements in each office in which he or she practices, prescribes the format for certain advertisements and disclosures and sets forth certain exceptions to such requirements. This bill also prohibits a health care professional who is a physician or osteopathic physician from using the term “board certified” unless he or she discloses the name of the board by which he or she is certified and the board: (1) is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or (2) meets certain other requirements. This bill further provides that a health care professional who violates the provisions of this bill is subject to disciplinary action.

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 the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~1.~~ Except as otherwise provided in subsection ~~4~~ 3:

(a) An advertisement for health care services that names a health care professional must identify the type of license or certificate held by the health care professional and must not contain any deceptive or misleading information. If an advertisement for health care services is in writing, the information concerning licensure and board certification that is required pursuant to this section must be prominently displayed in the advertisement using a font size and style to make the information readily apparent.

(b) Except as otherwise provided in subsection 4, a health care professional who provides health care services in this State shall affirmatively communicate his or her specific licensure or certification to all current and prospective patients. Such communication must include, without limitation, a written patient disclosure statement that is conspicuously displayed in the office of the health care professional and which clearly identifies the type of license or certificate held by the health care professional. The statement must be in a font size sufficient to make the information reasonably visible.

(c) A health care professional shall, during the course of providing health care services other than sterile procedures in a health care facility, wear a name tag which indicates his or her specific licensure or certification.

~~666~~ (d) A physician or osteopathic physician shall not hold himself or herself out to the public as board certified in a specialty or subspecialty, and an advertisement for health care services must not include a statement that a physician or osteopathic physician is board certified in a specialty or subspecialty, unless the physician or osteopathic physician discloses the full and correct name of the board by which he or she is certified, and the board:

(1) Is a member board of the American Board of Medical Specialties or the American Osteopathic Association; or

(2) Requires for certification in a specialty or subspecialty:

(I) Successful completion of a postgraduate training program which is approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association and which provides complete training in the specialty or subspecialty;

(II) Prerequisite certification by the American Board of Medical Specialties or the American Osteopathic Association in the specialty or subspecialty; and

(III) Successful completion of an examination in the specialty or subspecialty.

~~666~~ (e) A health care professional who violates any provision of this section is guilty of unprofessional conduct and is subject to disciplinary action by the board, agency or other entity in this State by which he or she is licensed, certified or regulated.

2. A health care professional 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.

3. The provisions of this section do not apply to:

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

(b) 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, unless the person provides services directly to a patient or the public.

~~3.4~~ 4. The provisions of paragraph (b) of subsection 1 do not apply to a health care professional who provides health care services in a medical facility licensed pursuant to chapter 449 of NRS or a hospital established pursuant to chapter 450 of NRS.

5. As used in this section:

(a) "Advertisement" means any printed, electronic or oral communication or statement that names a health care professional in relation to the practice, profession or institution in which the health care professional is employed, volunteers or otherwise provides health care services. The term includes, without limitation, any business card, letterhead, patient brochure, pamphlet, newsletter, telephone directory, electronic mail, Internet website, physician database, audio or video transmission, direct patient solicitation, billboard 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 professional.

(c) "Health care facility" has the meaning ascribed to it in NRS 449.2414.

~~(b)~~ (d) "Health care professional" means any person who engages in acts related to the treatment of human ailments or conditions and who is subject to licensure, certification or regulation by the provisions of this title.

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

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

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

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on January 1, 2014.