

Amendment No. 324

Senate Amendment to Senate Bill No. 211

(BDR 54-14)

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.

WBD/DY



Date: 4/18/2013

S.B. No. 211—Requires certain health care practitioners to communicate certain information to the public. (BDR 54-14)



SENATE BILL NO. 211—SENATOR CEGAVSKE

MARCH 4, 2013

Referred to Committee on Commerce, Labor and Energy

SUMMARY—Requires certain health care practitioners to communicate certain information to the public. (BDR 54-14)

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; requiring that advertisements for certain health care services include certain information; requiring certain health care practitioners to communicate certain information to the public; limiting the use of the term “board certified” by certain health care practitioners; providing for the professional discipline of health care practitioners under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill requires that an advertisement for health care services identify the type of license held by each health care practitioner named in the advertisement. Such an advertisement must not include any deceptive or misleading information regarding a health care practitioner. This bill further requires a health care practitioner who provides health care services in this State to communicate his or her specific licensure to all current and prospective patients by: (1) conspicuously displaying in each office in which the health care practitioner practices a written patient disclosure statement that clearly identifies the type of license he or she holds; and (2) if the health care practitioner wears a name tag while delivering health care services, including his or her licensure on the tag. This bill prohibits health care practitioners who are physicians and osteopathic physicians from using the term “board certified” unless the board is a specialty certifying board of the American Board of Medical Specialties or the American Osteopathic Association or meets certain other requirements. This bill provides that a health care practitioner who violates an advertising or patient disclosure requirement is subject to professional discipline. This bill also ~~exempts~~ **establishes** certain ~~health care practitioners~~ **exemptions** from the requirements for advertising and patient disclosure.

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 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) A health care practitioner who provides health care services in this State shall affirmatively communicate his or her specific licensure to all current and prospective patients. Such communication must include, without limitation:

(1) A written patient disclosure statement that is conspicuously displayed in the office of the health care practitioner which 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.

(2) If the health care practitioner wears a name tag during the course of providing health care services, an indication of his or her specific licensure on the tag.

(c) 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.

(d) A physician or osteopathic physician shall not hold himself or herself out to the public as 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) ~~the~~ The successful completion of a postgraduate training program that 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.

↪ 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 requirements of this subsection are met.

(e) 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.

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

2. The provisions of this section do not apply to ~~the~~ :

(a) An advertisement for health care services or a health care practitioner who provides health care services if the health care services are provided in a medical facility licensed pursuant to chapter 449 of NRS or a county or public hospital established pursuant to chapter 450 of NRS; or

(b) The following health care practitioners:

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

~~(2)~~ (2) 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. *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, 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 practitioner.*

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

(d) *“Medical laboratory” has the meaning ascribed to it in NRS 652.060.*

(e) *“Osteopathic physician” has the meaning ascribed to it in NRS 633.091.*

(f) *“Physician” has the meaning ascribed to it in NRS 630.014.*

Sec. 2. This act becomes effective on January 1, 2014.