S T A T E O F N E W Y O R K

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2015-2016 Regular Sessions

I N A S S E M B L Y

April 24, 2015

Introduced by M. of A. STIRPE, SCHIMEL, TITONE, LAVINE, BRINDISI, ABINANTI, RYAN, JAFFEE -- Multi-Sponsored by -- M. of A. DUPREY, HOOPER, LUPINACCI, STECK -- read once and referred to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the health care professional transparency act

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

Section 1. Short title. This act shall be known and may be cited as the "health care professional transparency act".

S 2. The education law is amended by adding a new section 6511-a to read as follows:

S 6511-A. HEALTH CARE PROFESSIONAL TRANSPARENCY. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION:

A. "ADVERTISEMENT" MEANS ANY COMMUNICATION OR STATEMENT, WHETHER PRINTED, ELECTRONIC OR ORAL, THAT NAMES THE HEALTH CARE PRACTITIONER IN RELATION TO HIS OR HER PRACTICE, PROFESSION, OR INSTITUTION IN WHICH THE INDIVIDUAL IS EMPLOYED, VOLUNTEERS OR OTHERWISE PROVIDES HEALTH CARE SERVICES. ADVERTISEMENT INCLUDES, BUT IS NOT LIMITED TO, BUSINESS CARDS, LETTERHEAD, PATIENT BROCHURES, E-MAIL, INTERNET, AUDIO AND VIDEO AND ANY OTHER COMMUNICATION OR STATEMENT USED IN THE COURSE OF BUSINESS.

B. "DECEPTIVE" OR "MISLEADING" MEANS, BUT IS NOT LIMITED TO, ANY ADVERTISEMENT OR AFFIRMATIVE COMMUNICATION OR REPRESENTATION THAT MISSTATES, FALSELY DESCRIBES, HOLDS OUT OR FALSELY DETAILS THE HEALTH

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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CARE PRACTITIONER'S PROFESSION, SKILLS, TRAINING, EXPERTISE, EDUCATION, BOARD CERTIFICATION OR LICENSURE.

C. "HEALTH CARE PRACTITIONER" MEANS A PERSON WHO IS LICENSED, CERTIFIED OR REGISTERED PURSUANT TO THIS TITLE AND WHO PROVIDES HEALTH CARE SERVICES SUCH AS PROVIDING DIRECT CLINICAL SERVICES FOR THE BENEFIT OF THE HEALTH AND/OR MENTAL HEALTH OF A PATIENT.

2. ADVERTISEMENT REQUIREMENTS. A. AN ADVERTISEMENT FOR HEALTH CARE SERVICES THAT NAMES A HEALTH CARE PRACTITIONER MUST SPECIFY THE TITLE SUCH PRACTITIONER IS AUTHORIZED TO USE PURSUANT TO THIS TITLE. THE ADVERTISEMENT SHALL BE FREE FROM ANY AND ALL DECEPTIVE OR MISLEADING INFORMATION.

B. A HEALTH CARE PRACTITIONER PROVIDING HEALTH CARE SERVICES IN THIS STATE MUST CONSPICUOUSLY POST AND AFFIRMATIVELY COMMUNICATE THE PRACTITIONER'S SPECIFIC LICENSURE IN ACCORDANCE WITH THIS SECTION. THIS SHALL CONSIST OF THE FOLLOWING:

(1) THE HEALTH CARE PRACTITIONER SHALL WEAR A PHOTO IDENTIFICATION NAME TAG DURING ALL PATIENT ENCOUNTERS THAT SHALL INCLUDE (I) THE PRACTITIONER'S NAME; AND (II) LARGE BOLD LETTERING WHICH SPECIFIES THE TYPE OF LICENSE HELD BY THE PRACTITIONER. THE NAME TAG SHALL BE OF SUFFICIENT SIZE AND BE WORN IN A CONSPICUOUS MANNER SO AS TO BE READILY IDENTIFIABLE; AND

(2) REGISTRATION CERTIFICATES ISSUED BY THE DEPARTMENT SHALL BE CONSPICUOUSLY DISPLAYED BY EACH HEALTH CARE PRACTITIONER IN EACH OFFICE IN WHICH SUCH PERSON PRACTICES. IN INSTANCES WHERE HEALTH CARE PRACTITIONERS REGULARLY PRACTICE AT MORE THAN ONE OFFICE, REGISTRATION CERTIFICATES SHALL BE OBTAINED AND CONSPICUOUSLY DISPLAYED FOR EACH OFFICE BEARING THE HEALTH CARE PRACTITIONER'S NAME AND THE EXACT ADDRESS OF EACH SUCH OFFICE. WHERE PRACTICE IS CARRIED ON IN OTHER THAN INDIVIDUAL OFFICES OR SETTINGS, EACH HEALTH CARE PRACTITIONER SHALL HAVE A CURRENT REGISTRATION CERTIFICATE AVAILABLE FOR INSPECTION AT ALL TIMES.

C. THE REQUIREMENTS OF PARAGRAPH B OF THIS SUBDIVISION SHALL ONLY APPLY TO OFFICES WHERE FOUR OR MORE HEALTH CARE PRACTITIONERS PROVIDE HEALTH CARE SERVICES.

S 3. Section 6509 of the education law is amended by adding a new subdivision 15 to read as follows:

(15) EXCEPT FOR THE ADVERTISEMENT REQUIREMENT IN SUBPARAGRAPH ONE OF PARAGRAPH B OF SUBDIVISION TWO OF SECTION SIXTY-FIVE HUNDRED ELEVEN-A OF THIS SUBARTICLE, FAILING TO COMPLY WITH ADVERTISEMENT REQUIREMENTS IN SUCH SECTION.

S 4. Section 6530 of the education law is amended by adding a new subdivision 50 to read as follows:

50. EXCEPT FOR THE ADVERTISEMENT REQUIREMENT IN SUBPARAGRAPH ONE OF PARAGRAPH B OF SUBDIVISION TWO OF SECTION SIXTY-FIVE HUNDRED ELEVEN-A OF THIS TITLE, FAILING TO COMPLY WITH ADVERTISEMENT REQUIREMENTS IN SUCH SECTION.

S 5. This act shall take effect on the one hundred eightieth day after it shall have become a law.