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

4651--C

Cal. No. 1287

2015-2016 Regular Sessions

I N S E N A T E

April 1, 2015

Introduced by Sens. GRIFFO, AVELLA, DeFRANCISCO, ESPAILLAT, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

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

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

LBD06721-06-5

C. "HEALTH CARE PRACTITIONER" MEANS A PERSON WHO IS LICENSED, CERTIFIED OR REGISTERED PURSUANT TO THIS TITLE.

2. ADVERTISEMENT REQUIREMENTS. A. AN ADVERTISEMENT FOR HEALTH CARE SERVICES THAT NAMES A HEALTH CARE PRACTITIONER MUST IDENTIFY THE TYPE OF LICENSE HELD PURSUANT TO THE DEFINITIONS UNDER THIS SECTION. 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) THE HEALTH CARE PRACTITIONER SHALL DISPLAY IN HIS OR HER OFFICE A DOCUMENT THAT CLEARLY IDENTIFIES THE TYPE OF LICENSE HELD BY THE HEALTH CARE PRACTITIONER. THE WRITING SHALL BE OF SUFFICIENT SIZE SO AS TO BE VISIBLE AND APPARENT TO ALL CURRENT AND PROSPECTIVE PATIENTS. FOR PURPOSES OF THIS SECTION, THE TERM OFFICE DOES NOT APPLY TO ANY PART OF A GENERAL HOSPITAL AS THAT TERM IS DEFINED IN SUBDIVISION TEN OF SECTION TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW.

C. A HEALTH CARE PRACTITIONER WHO PRACTICES IN MORE THAN ONE OFFICE SHALL BE REQUIRED TO COMPLY WITH THESE REQUIREMENTS IN EACH PRACTICE SETTING.

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

(15) FAILING TO COMPLY WITH ADVERTISEMENT AND IDENTIFICATION REQUIREMENTS PURSUANT TO SECTION SIXTY-FIVE HUNDRED ELEVEN-A OF THIS SUBARTICLE.

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

50. FAILING TO COMPLY WITH ADVERTISEMENT AND IDENTIFICATION REQUIREMENTS PURSUANT TO SECTION SIXTY-FIVE HUNDRED ELEVEN-A OF THIS TITLE.

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