

4651--C

Cal. No. 1287

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I N   S E N A T E

April 1, 2015

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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:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "health care professional transparency act".  
3     S 2. The education law is amended by adding a new section 6511-a to  
4     read as follows:  
5     S 6511-A. HEALTH CARE PROFESSIONAL TRANSPARENCY. 1. DEFINITIONS. FOR  
6     PURPOSES OF THIS SECTION:  
7     A. "ADVERTISEMENT" MEANS ANY COMMUNICATION OR STATEMENT, WHETHER  
8     PRINTED, ELECTRONIC OR ORAL, THAT NAMES THE HEALTH CARE PRACTITIONER IN  
9     RELATION TO HIS OR HER PRACTICE, PROFESSION, OR INSTITUTION IN WHICH THE  
10    INDIVIDUAL IS EMPLOYED, VOLUNTEERS OR OTHERWISE PROVIDES HEALTH CARE  
11    SERVICES. ADVERTISEMENT INCLUDES BUSINESS CARDS, LETTERHEAD, PATIENT  
12    BROCHURES, E-MAIL, INTERNET, AUDIO AND VIDEO AND ANY OTHER COMMUNICATION  
13    OR STATEMENT USED IN THE COURSE OF BUSINESS.  
14    B. "DECEPTIVE" OR "MISLEADING" MEANS, BUT IS NOT LIMITED TO, ANY  
15    ADVERTISEMENT OR AFFIRMATIVE COMMUNICATION OR REPRESENTATION THAT  
16    MISSTATES, FALSELY DESCRIBES, HOLDS OUT OR FALSELY DETAILS THE HEALTH  
17    CARE PRACTITIONER'S PROFESSION, SKILLS, TRAINING, EXPERTISE, EDUCATION,  
18    BOARD CERTIFICATION OR LICENSURE.

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

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1 C. "HEALTH CARE PRACTITIONER" MEANS A PERSON WHO IS LICENSED, CERTI-  
2 FIED OR REGISTERED PURSUANT TO THIS TITLE.

3 2. ADVERTISEMENT REQUIREMENTS. A. AN ADVERTISEMENT FOR HEALTH CARE  
4 SERVICES THAT NAMES A HEALTH CARE PRACTITIONER MUST IDENTIFY THE TYPE OF  
5 LICENSE HELD PURSUANT TO THE DEFINITIONS UNDER THIS SECTION. THE ADVER-  
6 TISEMENT SHALL BE FREE FROM ANY AND ALL DECEPTIVE OR MISLEADING INFORMA-  
7 TION.

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

12 (1) THE HEALTH CARE PRACTITIONER SHALL WEAR A PHOTO IDENTIFICATION  
13 NAME TAG DURING ALL PATIENT ENCOUNTERS THAT SHALL INCLUDE (I) THE PRAC-  
14 TITIONER'S NAME; AND (II) LARGE BOLD LETTERING WHICH SPECIFIES THE TYPE  
15 OF LICENSE HELD BY THE PRACTITIONER. THE NAME TAG SHALL BE OF SUFFI-  
16 CIENT SIZE AND BE WORN IN A CONSPICUOUS MANNER SO AS TO BE READILY IDEN-  
17 TIFIABLE; AND

18 (2) THE HEALTH CARE PRACTITIONER SHALL DISPLAY IN HIS OR HER OFFICE A  
19 DOCUMENT THAT CLEARLY IDENTIFIES THE TYPE OF LICENSE HELD BY THE HEALTH  
20 CARE PRACTITIONER. THE WRITING SHALL BE OF SUFFICIENT SIZE SO AS TO BE  
21 VISIBLE AND APPARENT TO ALL CURRENT AND PROSPECTIVE PATIENTS. FOR  
22 PURPOSES OF THIS SECTION, THE TERM OFFICE DOES NOT APPLY TO ANY PART OF  
23 A GENERAL HOSPITAL AS THAT TERM IS DEFINED IN SUBDIVISION TEN OF SECTION  
24 TWENTY-EIGHT HUNDRED ONE OF THE PUBLIC HEALTH LAW.

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

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

30 (15) FAILING TO COMPLY WITH ADVERTISEMENT AND IDENTIFICATION REQUIRE-  
31 MENTS PURSUANT TO SECTION SIXTY-FIVE HUNDRED ELEVEN-A OF THIS SUBARTI-  
32 CLE.

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

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

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