

House Bill 971

By: Representative Rogers of the 29<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to professions and businesses, so as to provide certain notice by  
3 health care practitioners to patients with regard to their license; to provide for a short title;  
4 to provide for definitions; to require that advertisements identify a health care practitioner's  
5 license; to require identifiers and signage; to provide for violations; to provide for related  
6 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 43 of the Official Code of Georgia Annotated, relating to general  
10 provisions relative to professions and businesses, is amended by adding a new Code section  
11 to read as follows:

12 "43-1-33.

13 (a) This Act shall be known and may be cited as the 'Consumer Information and  
14 Awareness Act.'

15 (b) The General Assembly hereby finds and declares that:

16 (1) There are numerous professional degrees that include the term 'doctor' which may be  
17 used by various health care practitioners;

18 (2) There are widespread differences regarding the training and qualifications required  
19 to earn any such professional degree, and such differences often concern the training and  
20 skills necessary to correctly detect, diagnose, prevent, and treat serious health care  
21 conditions; and

22 (3) There is a compelling state interest in ensuring that patients are promptly and clearly  
23 informed of the training and qualifications of the health care practitioners who are  
24 providing health care services to such patients.

25 (c) As used in this Code section, the term:

26 (1) 'Advertisement' means any communication or statement, whether printed, electronic,  
 27 or verbal, that names a health care practitioner in relation to his or her practice,  
 28 profession, or institution in which the practitioner is employed, volunteers, or otherwise  
 29 provides health care services. This term includes business cards, letterhead, patient  
 30 brochures, e-mail, Internet, audio, video, and any other method of communication or  
 31 statement used in the course of business.

32 (2) 'Health care practitioner' means a:

33 (A) Chiropractor licensed pursuant to Chapter 9 of this title;

34 (B) Professional counselor, social worker, or marriage and family therapist licensed  
 35 pursuant to Chapter 10A of this title;

36 (C) Dentist licensed pursuant to Chapter 11 of this title;

37 (D) Advanced practice registered nurse, including nurse practitioner, certified  
 38 registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, registered  
 39 professional nurse, or licensed practical nurse, licensed or registered pursuant to  
 40 Chapter 26 of this title;

41 (E) Occupational therapist licensed pursuant to Chapter 28 of this title;

42 (F) Optometrist licensed pursuant to Chapter 30 of this title;

43 (G) Physical therapist licensed pursuant to Chapter 33 of this title;

44 (H) Physician or osteopath licensed pursuant to Chapter 34 of this title;

45 (I) Physician assistant licensed pursuant to Chapter 34 of this title;

46 (J) Podiatrist licensed pursuant to Chapter 35 of this title;

47 (K) Psychologist licensed pursuant to Chapter 39 of this title;

48 (L) Audiologist or speech-language pathologist licensed pursuant to Chapter 44 of this  
 49 title;

50 (M) Medical assistant or certified nursing assistant; or

51 (N) Practitioner of naturopathy.

52 (d) An advertisement shall identify the type of license the health care practitioner holds.

53 (e) A health care practitioner providing health care services in this state shall  
 54 conspicuously post and affirmatively communicate the practitioner's specific licensure to  
 55 all current and prospective patients as follows:

56 (1) The health care practitioner shall wear an identifier during all patient encounters that  
 57 shall include:

58 (A) The health care practitioner's name; and

59 (B) The type of license the health care practitioner holds.

60 The identifier shall be of sufficient size and be worn in a conspicuous manner so as to be  
 61 visible and apparent; and

62 (2) The health care practitioner shall display in his or her office a writing that clearly  
63 identifies the type of license the health care practitioner holds. The writing shall be of  
64 sufficient size so as to be visible and apparent to all current and prospective patients.

65 (f) A health care practitioner who practices in more than one office shall place the  
66 identifier information conspicuously on such practitioner's website if he or she maintains  
67 a website.

68 (g) A health care practitioner who practices in a nonpatient care setting and who does not  
69 have any direct patient care interactions shall not be subject to the provisions of this Code  
70 section.

71 (h) A health care practitioner who intentionally violates any provision of this Code section  
72 may be subject to disciplinary action by the health care practitioner's professional licensing  
73 board. Notwithstanding the imposition of any sanction, a professional licensing board or  
74 other administrative agency with jurisdiction may seek an injunction or other legal means  
75 as appropriate against a health care practitioner violating this Code section.

76 (i) A violation of this Code section shall not constitute a private cause of action.

77 (j) A health care facility which requires its health care practitioners to wear an  
78 identification badge as of the effective date of this Code section shall not be required to  
79 replace such badges to conform to the requirements of paragraph (1) of subsection (e) of  
80 this Code section until January 1, 2017. On and after January 1, 2017, all health care  
81 facilities shall be in compliance with paragraph (1) of subsection (e) of this Code section."

82 **SECTION 2.**

83 This Act shall become effective upon its approval by the Governor or upon its becoming law  
84 without such approval.

85 **SECTION 3.**

86 All laws and parts of laws in conflict with this Act are repealed.