

The House Committee on Health and Human Services offers the following substitute to HB 971:

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 legislative findings; to provide for definitions; to require that advertisements
5 identify a health care practitioner's license; to require identifiers and signage; to provide for
6 applicability; to provide for violations; to provide for related matters; to provide for an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "43-1-33.

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

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

17 (1) There are numerous professional degrees that include the term 'doctor,' such as
18 Doctor of Medicine (M.D.); Doctor of Osteopathy (D.O.); Doctor of Dental Surgery
19 (D.D.S.); Doctor of Dental Medicine (D.M.D.); Doctor of Podiatric Medicine (D.P.M.);
20 Doctor of Optometry (O.D.); Doctor of Chiropractic (D.C.); registered professional
21 nurses or advanced practice registered nurses (nurse practitioners, clinical nurse
22 specialists, certified nurse midwives, and certified nurse anesthetists) with doctorate
23 degrees (D.N.P., D.N.S., Ph.D., or Ed.D.); audiologists with doctorate degrees (A.U.D.);
24 speech-language pathologists with doctorate degrees (S.L.P.D. or Ph.D.); and other
25 designations, which may be used by health care practitioners;

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

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

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

34 (1) 'Advertisement' means any communication or statement, whether printed, electronic,
 35 or verbal, that names a health care practitioner in relation to his or her practice,
 36 profession, or institution in which the practitioner is employed, volunteers, or otherwise
 37 provides health care services. This term includes business cards, letterhead, patient
 38 brochures, e-mail, Internet, audio, and video.

39 (2) 'Health care practice or facility' means a hospital; physician practice setting; nursing
 40 home; assisted living community; personal care home; medical clinic, including a retail
 41 medical clinic located in a retail store, supermarket, or pharmacy; and any other
 42 institution licensed pursuant to Chapter 7 of Title 31.

43 (3) 'Health care practitioner' means a:

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

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

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

48 (D) Dietitian licensed pursuant to Chapter 11A of this title;

49 (E) Advanced practice registered nurse, including nurse practitioner, certified
 50 registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, registered
 51 professional nurse, and licensed practical nurse, licensed or registered pursuant to
 52 Chapter 26 of this title;

53 (F) Occupational therapist licensed pursuant to Chapter 28 of this title;

54 (G) Optometrist licensed pursuant to Chapter 30 of this title;

55 (H) Physical therapist licensed pursuant to Chapter 33 of this title;

56 (I) Physician or osteopath licensed pursuant to Chapter 34 of this title;

57 (J) Physician assistant licensed pursuant to Chapter 34 of this title;

58 (K) Acupuncturist licensed pursuant to Chapter 34 of this title;

59 (L) Podiatrist licensed pursuant to Chapter 35 of this title;

60 (M) Psychologist licensed pursuant to Chapter 39 of this title;

61 (N) Audiologist or speech-language pathologist licensed pursuant to Chapter 44 of this
 62 title;

63 (O) Pharmacist licensed pursuant to Chapter 4 of Title 26; and

64 (P) Medical assistant or certified nursing assistant.

65 (d)(1) An advertisement by a health care practitioner shall identify the type of license the
66 health care practitioner holds.

67 (2) This subsection shall not apply to an advertisement by a health care practice or
68 facility and shall not be construed to require any such practice or facility in which
69 multiple health care practitioners are employed to list in an advertisement the name of
70 every health care practitioner so employed by such practice or facility.

71 (e)(1) A health care practitioner providing services in this state in a health care practice
72 or facility shall conspicuously post and affirmatively communicate the practitioner's
73 specific licensure to all current and prospective patients as follows:

74 (A)(i) The health care practitioner shall wear an identifier during all patient
75 encounters that shall include:

76 (I) The health care practitioner's name; and

77 (II) The type of license the health care practitioner holds.

78 (ii) The identifier shall be of sufficient size and be worn in a conspicuous manner so
79 as to be visible and apparent. A lab coat or similar distinguishing clothing or uniform
80 indicating the practitioner's specific licensure may be considered an identifier if such
81 clothing or uniform meets the requirements of division (i) of this subparagraph.

82 (iii) An identifier shall not be required in an operating room or other setting where
83 surgical or other invasive procedures are performed or in any other setting where
84 maintaining a sterile environment is medically necessary.

85 (iv) If a safety or health risk to the health care practitioner or a patient would be
86 created as a result of the practitioner wearing such identifier, an identifier shall not be
87 required or may be modified by omitting or concealing the last name of the
88 practitioner, pursuant to guidelines developed by each health care practitioner's
89 professional licensing board, as applied to the specific health care practitioners each
90 such board regulates; and

91 (B) A health care practitioner in a health care practice or facility other than a hospital
92 shall display in the reception area of such practice or facility a notice that clearly
93 identifies the type of health care practitioners employed in such practice or facility and
94 the right of a patient to inquire as to the type of license of the health care practitioner
95 treating such patient. The notice shall be of sufficient size so as to be visible and
96 apparent to all current and prospective patients.

97 (2) A health care practitioner who practices in more than one office shall place the
98 identifier information conspicuously on such practitioner's website if he or she maintains
99 a website.

100 (3) A health care practitioner who practices in a nonpatient care setting and who does not
 101 have any direct patient care interactions shall not be subject to the provisions of this
 102 subsection.

103 (4) A health care practice or facility which requires its health care practitioners to wear
 104 an identification badge as of the effective date of this Code section shall not be required
 105 to replace such badges to conform to the requirements of subparagraph (A) of paragraph
 106 (1) of this subsection until January 1, 2017. On and after January 1, 2017, all health care
 107 practices and facilities shall be in compliance with subparagraph (A) of paragraph (1) of
 108 this subsection.

109 (5) Except as otherwise provided by paragraph (6) of this subsection, this subsection
 110 shall only apply to health care practices and facilities where more than one type of health
 111 care practitioner interacts with patients in exam settings. This subsection shall not apply
 112 to health care practices or facilities in which only one type of health care practitioner
 113 practices.

114 (6) This subsection shall only apply to a dentist if such dentist is practicing in a hospital.
 115 This subsection shall only apply to a chiropractor or optometrist if such chiropractor or
 116 optometrist is practicing in a health care practice or facility in which a physician or
 117 osteopath also practices.

118 (f) A health care practitioner who intentionally violates any provision of this Code section
 119 may be subject to disciplinary action by the health care practitioner's professional licensing
 120 board. Notwithstanding the imposition of any sanction, the health care practitioner's
 121 professional licensing board may seek an injunction or other legal means as appropriate
 122 against such health care practitioner violating this Code section.

123 (g) A violation of this Code section shall not constitute a private cause of action."

124 **SECTION 2.**

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

127 **SECTION 3.**

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