

House Bill 416

By: Representatives Rogers of the 29<sup>th</sup>, Cooper of the 43<sup>rd</sup>, Rynders of the 152<sup>nd</sup>, Kidd of the 145<sup>th</sup>, Hatchett of the 150<sup>th</sup>, and others

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 for certain  
3 identification by health care practitioners to patients with regard to their license; to provide  
4 for a short title; to provide for legislative findings; to provide for definitions; to require that  
5 advertisements identify a health care practitioner's license; to require identifiers and signage;  
6 to provide for applicability; to provide for violations; to provide for related matters; to  
7 provide for an 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; and

26 (2) Each health care professional receives education and training that qualifies them to  
 27 provide general and specialized services respectively. This training is necessary to  
 28 correctly detect, diagnose, prevent, and treat serious health conditions.

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

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

35 (2) 'Health care practice or facility' means a hospital, physician practice setting, nursing  
 36 home, assisted living community, or personal care home.

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

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

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

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

42 (D) Dietitian licensed or registered pursuant to Chapter 11A of this title;

43 (E) Advanced practice registered nurse, including nurse practitioner, certified  
 44 registered nurse anesthetist, certified nurse midwife, clinical nurse specialist, registered  
 45 professional nurse, and licensed practical nurse, licensed or registered pursuant to  
 46 Chapter 26 of this title;

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

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

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

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

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

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

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

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

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

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

58 (P) Ophthalmic technician;

59 (Q) Medical assistant or certified nursing assistant; and

60 (R) Respiratory care professional certified pursuant to Article 6 of Chapter 34 of this  
 61 title.

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

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

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

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

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

74 (II) The type of license or educational degree the health care practitioner holds.

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

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

82 (iv) An identifier shall not be required in any mental health setting where it would  
83 impede the psychotherapeutic relationship.

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

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

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

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

102 (4) A health care practice or facility which requires, as of the effective date of this Code  
 103 section, its health care practitioners to wear an identification badge shall not be required  
 104 to replace such badges to conform to the requirements of subparagraph (A) of paragraph  
 105 (1) of this subsection if the standards of the existing requirements are higher than the  
 106 requirements of this Code section.

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

112 (6) This subsection shall only apply to a dentist if such dentist is practicing in a hospital.  
 113 This subsection shall only apply to a chiropractor or optometrist if such chiropractor or  
 114 optometrist is practicing in a hospital, nursing home, assisted living community, or  
 115 personal care home.

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

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

122 **SECTION 2.**

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

125 **SECTION 3.**

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