

House Bill 416 (COMMITTEE SUBSTITUTE)

By: Representatives Rogers of the 29th, Cooper of the 43rd, Rynders of the 152nd, Kidd of the 145th, Hatchett of the 150th, 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 style="text-align:center">**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 in accordance with the requirements of
88 the health care practice or facility; and

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

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

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

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

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

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

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

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

120 **SECTION 2.**

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

123 **SECTION 3.**

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