

Senators Hill of the 6th, Watson of the 1st and Williams of the 27th offered the following amendment:

LOST

1 *Amend the Senate Committee on Health and Human Services substitute to SB 221 (LC 37*
2 *2388S) by striking lines 1 and 2 and inserting in lieu thereof the following:*

3 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so
4 as to include optometrists in requirements for certain identification by health care
5 practitioners to patients with regard to their license; to authorize doctors of optometry to
6 administer

7 *By inserting between lines 5 and 6 the following:*

SECTION 1.

9 Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by
10 revising Code Section 43-1-33, relating to identification by health care practitioners to
11 patients with regard to their license, short title, legislative findings, definitions, requirements
12 for advertisements and signage, applicability, and violations, 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, signage, e-mail, Internet, audio, and video.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

59 (P) Ophthalmic technician;

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

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

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

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

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

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

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

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

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

80 (iii) An identifier shall not be required in an operating room or other setting where
81 surgical or other invasive procedures are performed or in any other setting where
82 maintaining a sterile environment is medically necessary; provided, however, that this
83 subdivision shall not apply to optometrists administering injections pursuant to
84 subparagraph (c) of paragraph (2) of Code Section 43-30-1.

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

87 (v) If a safety or health risk to the health care practitioner or a patient would be
88 created as a result of the practitioner wearing such identifier in a specified practice
89 setting, an identifier shall not be required or may be modified by omitting or
90 concealing the last name of the practitioner in accordance with the requirements of
91 the health care practice or facility; and

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

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

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

104 (4) A health care practice or facility which requires, as of the effective date of this Code
105 section, its health care practitioners to wear an identification badge shall not be required

106 to replace such badges to conform to the requirements of subparagraph (A) of paragraph
107 (1) of this subsection.

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

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

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

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

123 *By striking lines 6 through 9 and inserting in lieu thereof the following:*

124

SECTION 2.

125 Said title is further amended in Code Section 43-30-1, relating to definitions relative to
126 optometrists, by revising subparagraphs (C) and (D) of paragraph (2) as follows:

127 *By redesignating Section 2 as Section 3.*