

2020 Regular Session

SENATE BILL NO. 429

BY SENATOR JOHNS

HEALTH CARE. Requires certain disclosures by healthcare providers. (8/1/20)

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AN ACT

To enact R.S. 37:1743.2, relative to required disclosures for healthcare providers; to provide for advertising requirements; to provide for required disclosures; to require rulemaking; to provide for penalties for violations; to define key terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1743.2 is hereby enacted to read as follows:

§1743.2. Advertising; disclosures; requirements; violations

A. An advertisement for healthcare services that names a healthcare provider shall identify the type of license held by the healthcare provider. The advertisement shall be free from any deceptive or misleading information.

B.(1) A healthcare provider providing healthcare services in the state of Louisiana shall conspicuously post and affirmatively communicate the provider's specific licensure by doing all of the following:

(a) The healthcare provider shall display in the provider's office a writing that clearly identifies the type of license held by the healthcare provider. The writing shall be of sufficient size so as to be visible and apparent to all

1 current and prospective patients.

2 (b) The healthcare provider shall display and post the name of any
3 healthcare provider with whom they are in a collaborative or supervisory
4 practice agreement.

5 (c) Any person seeing a healthcare provider shall be informed upon
6 checking into a healthcare facility or office, the name of and specific license held
7 by the provider who will provide healthcare services to that person.

8 (2) A healthcare provider who practices in more than one office shall
9 comply with the disclosures required by this Subsection in each practice setting.

10 C. A physician or dentist who supervises or participates in a
11 collaborative practice agreement with another healthcare provider shall
12 conspicuously post in each office the name, licensure type, and specialty of any
13 healthcare provider with whom they are in a collaborative or supervisory
14 practice agreement.

15 D. The provisions of this Section shall not apply to any healthcare
16 provider who is working in a nonpatient care setting and does not have any
17 direct patient care interactions.

18 E. Each state agency, professional, or occupational licensing board, or
19 commission that regulates the practice of a healthcare provider pursuant to the
20 provisions of this Title shall promulgate rules and regulations, in accordance
21 with the Administrative Procedure Act, for the enforcement of the provisions
22 of this Section. The rules and regulations shall include penalties for violations
23 of the provisions of this Section consistent with the licensing and regulatory laws
24 applicable to the healthcare provider and the rules and regulations of the state
25 agency, professional, or occupational licensing board, or commission. A
26 violation of the provisions of this Section shall also constitute grounds for the
27 suspension or revocation of a license or other credentials by the state agency,
28 professional or occupational licensing board, or commission.

29 F. For the purposes of this Section, the following definitions apply:

1 **(1) "Advertisement" means any communication or statement, whether**
 2 **printed, electronic, or oral, that names the healthcare provider in relation to the**
 3 **provider's practice, profession, or institution in which the individual is**
 4 **employed, volunteers, or otherwise provides healthcare services.**

5 **"Advertisement" shall include business cards, letterhead, patient brochures,**
 6 **email, internet, audio, and video, and any other communication or statement**
 7 **used in the course of business.**

8 **(2) "Deceptive" or "misleading" means, but is not limited to, any**
 9 **advertisement or affirmative communication or representation that misstates,**
 10 **falsely describes, holds out, or falsely details the healthcare provider's**
 11 **profession, skills, training, expertise, education, board certification, or**
 12 **licensure.**

13 **(3) "Healthcare provider" means a person who is licensed, certified, or**
 14 **otherwise authorized by the laws of this state to provide healthcare services or**
 15 **medical treatment in the ordinary course of business or practice of a profession.**

16 **(4) "Licensee" means any individual holding a license, certificate,**
 17 **registration, permit, approval, or other similar document granting authority to**
 18 **provide healthcare services from any state board, commission, department,**
 19 **agency, officer, or other entity which issues, authorizes, or otherwise regulates**
 20 **any healthcare profession pursuant to Title 37 of the Louisiana Revised Statutes**
 21 **of 1950.**

22 **(5) "Physician" shall have the same meaning as that term defined in**
 23 **R.S. 37:1262.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Brandi Cannon.

Proposed law provides that an advertisement for healthcare services that names a healthcare provider shall identify the type of license held by the healthcare provider and be free from deceptive or misleading information.

Proposed law provides that a healthcare provider shall conspicuously post and affirmatively

communicate the provider's specific licensure by doing all of the following:

- (1) Displaying in the provider's office a writing that clearly identifies the type of license held by the healthcare provider.
- (2) Displaying and posting the name of any healthcare provider with whom they are in a collaborative or supervisory practice agreement.
- (3) Informing any person checking into a healthcare facility or office, the name of and specific license held by the provider who will provide healthcare services to that person.

Proposed law shall not apply to any healthcare provider who is working in a nonpatient care setting and does not have any direct patient care interactions.

Proposed law provides that each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare provider shall promulgate rules and regulations for the enforcement of proposed law, including penalties for violations consistent with the licensing and regulatory laws applicable to the healthcare provider and the rules and regulations of the state agency, professional, or occupational licensing board, or commission.

Proposed law provides that a violation shall also constitute grounds for the suspension or revocation of a license or other credentials by the state agency, professional, or occupational licensing board, or commission.

Proposed law defines "advertisement", "deceptive" or "misleading", "healthcare provider", "licensee", and "physician".

Effective August 1, 2020.

(Adds R.S. 37:1743.2)