

MAINE STATE LEGISLATURE

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INSURANCE AND FINANCIAL SERVICES

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STATE OF MAINE

SENATE

126TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 265, L.D. 727, Bill, "An Act Establishing Health Care Practitioner Transparency Requirements"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 24 MRSA §2988 is enacted to read:

§2988. Identification of health care practitioners; advertising

1. Definitions. For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advertisement" means a communication, whether printed, electronic or oral, that names a health care practitioner and the practice, profession or institution in which the practitioner is employed, volunteers or otherwise provides health care services. "Advertisement" includes business cards, letterhead, patient brochures, e-mail, Internet, audio and video communications and any other communication used in the course of business.

B. "Deceptive or misleading advertising" includes, but is not limited to, use of an advertisement that misstates, falsely describes, falsely holds out or falsely details the health care practitioner's professional skills, training, expertise, education, board certification or licensure.

2. Advertising. A health care practitioner who advertises health care services shall disclose in an advertisement the applicable license under which the health care practitioner is authorized to provide services. The advertisement:

A. May not constitute deceptive or misleading advertising; and

B. Must include the health care practitioner's name, the type of license the practitioner holds and the common term for the practitioner's profession.

COMMITTEE AMENDMENT

1 3. Identification. A health care practitioner shall comply with the following
2 identification requirements. A health care practitioner who does not have direct patient
3 care interactions is not subject to the provisions of this subsection.

4 A. A health care practitioner shall display a copy of the practitioner's license in a
5 prominent place in an office area visible to current and prospective patients. If the
6 health care practitioner sees patients in a setting outside of a licensed health care
7 facility, the copy must be of sufficient size to be visible and apparent to patients,
8 except that a copy no smaller than the original license is deemed to be sufficient.

9 B. A health care practitioner seeing patients on a face-to-face basis shall wear a
10 name badge or some other form of identification that clearly discloses:

11 (1) The health care practitioner's name;

12 (2) The type of license, registration or certification the health care practitioner
13 holds, including the common term for the health care practitioner's profession;
14 and

15 (3) The health care practitioner's medical staff position, if applicable.

16 4. Complaints; disciplinary action. A person may file a complaint with the
17 appropriate licensing board regarding a health care practitioner who fails to provide the
18 consumer information required in this section. A health care practitioner who violates
19 any provision of this section engages in unprofessional conduct and is subject to
20 disciplinary action under the applicable licensing provisions of the health care
21 practitioner.

22 5. Authority of licensing board. This section may not be construed to limit the
23 authority of a licensing board to impose requirements for professional conduct and
24 advertising on a health care practitioner in addition to the requirements of this section.'

25 **SUMMARY**

26 This amendment reallocates and clarifies the provisions of the bill except for the
27 current law regarding notification of charges for health care service.

28 This amendment clarifies health care practitioner identification requirements and the
29 disciplinary actions that may be taken for failure to comply with these consumer
30 information requirements. The amendment provides that a licensing board may impose
31 additional requirements on a health care practitioner for professional conduct and
32 advertising. The amendment removes the provision in the bill addressing disclosure of
33 charges for health care services because it is included in other legislation.

34 **FISCAL NOTE REQUIRED**

35 (See attached)



126th MAINE LEGISLATURE

LD 727

LR 1602(02)

An Act Establishing Health Care Practitioner Transparency Requirements

Fiscal Note for Bill as Amended by Committee Amendment *A#(154)*
Committee: Insurance and Financial Services
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the licensing boards affiliated with the Department of Professional and Financial Regulation associated with rulemaking can be absorbed within existing budgeted resources.