

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 727

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S.P. 265

In Senate, February 28, 2013

### **An Act Establishing Health Care Practitioner Transparency Requirements**

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Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative SANBORN of Gorham and  
Senators: CAIN of Penobscot, CRAVEN of Androscoggin, HASKELL of Cumberland,  
LACHOWICZ of Kennebec, LANGLEY of Hancock, SAVIELLO of Franklin,  
WHITTEMORE of Somerset, Representative: TREAT of Hallowell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2987**, as enacted by PL 2003, c. 469, Pt. C, §30, is repealed  
3 and the following enacted in its place:

4 **§2987. Consumer information**

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

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

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

17 **2. Charges.** A health care practitioner shall notify patients in writing of the health  
18 care practitioner's charges for health care services commonly offered by the practitioner.  
19 Upon request of a patient, a health care practitioner shall assist the patient in determining  
20 the actual payment from a 3rd-party payor for a health care service commonly offered by  
21 the practitioner.

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

25 A. May not constitute deceptive or misleading advertising; and

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

28 **4. Identification.** A health care practitioner shall display a copy of the practitioner's  
29 license in a prominent place in an office area visible to current and prospective patients.  
30 If the health care practitioner sees patients in a setting outside of a licensed health care  
31 facility, the copy must be of sufficient size to be visible and apparent to patients. A  
32 health care practitioner seeing patients on a face-to-face basis shall wear a name badge or  
33 some other form of identification that clearly discloses the practitioner's name, license,  
34 registration or certification status and staff position, if applicable. A health care  
35 practitioner who does not have direct patient care interactions is not subject to the  
36 provisions of this section.

37 **5. Complaints; disciplinary action.** A person may file a complaint with the  
38 appropriate licensing board regarding a health care practitioner who fails to provide the  
39 consumer information required in this section. A health care practitioner who violates  
40 any provision of this section engages in unprofessional conduct and is subject to

1 disciplinary action under the applicable licensing provisions of the health care  
2 practitioner.

3

### **SUMMARY**

4 This bill ensures that patients receive accurate health care information by prohibiting  
5 deceptive or misleading advertising or misrepresentation in the provision of health care  
6 services, requiring the identification and level of licensure of health care practitioners  
7 with patient contact and clarifying disciplinary actions that may be taken for failure to  
8 comply with these consumer information requirements.