

**58-1-501.6 Health care provider advertisements and disclosure -- Unprofessional conduct.**

For purposes of this section:

- (1)
  - (a) "Advertisement" includes:
    - (i) billboards;
    - (ii) written documents such as:
      - (A) brochures;
      - (B) pamphlets;
      - (C) direct mail solicitations;
      - (D) radio, television, and telephone solicitation scripts; and
      - (E) telephone directories;
    - (iii) media, including television, radio, and Internet websites; and
    - (iv) any other means of promotion intended to directly or indirectly induce a person to enter into an agreement for services with a health care provider.
  - (b) "Advertisement" does not include materials that provide information about health care provider networks established by health insurance carriers.
- (2) "Health care provider" means a natural person who is:
  - (a) defined as a health care provider in Section 78B-3-403; and
  - (b) licensed under this title.
- (3)
  - (a) This section does not provide authority for a health care provider to advertise the services offered by the health care provider.
  - (b) If a health care provider's licensing authority and professional ethics permit the health care provider to advertise, the provisions of this section apply to any advertisement for the health care provider's services, on or after July 1, 2011.
- (4) An advertisement for a health care provider's services that includes the health care provider's name shall identify the license type, as used by the division, under which the health care provider is practicing.
- (5)
  - (a) A physician licensed under Chapter 67, Utah Medical Practice Act, may comply with the requirements of this section by using any one of the designations in the definitions of "practice of medicine" in Section 58-67-102.
  - (b) A physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act, may comply with this section by using any of the designations in the definition of "practice of osteopathic medicine" in Section 58-68-102.
- (6) It is unprofessional conduct if a health care provider violates this section.

Enacted by Chapter 139, 2011 General Session