

Senator Todd Weiler proposes the following substitute bill:

HEALTH CARE PROFESSIONAL TRUTH IN ADVERTISING

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill amends the unprofessional and unlawful conduct provisions of the Division of Occupational and Professional Licensing Act to require all licensed health care providers to disclose to a patient the health care provider's type of license and name.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ beginning January 1, 2015, requires a health care provider, in a patient encounter, to wear a badge or clothing that identifies the health care provider's name and license type;
- ▶ establishes certain exemptions for the requirement for health care provider identification;
- ▶ requires an individual in training to obtain a health care license to wear identification in patient encounters;
- ▶ prohibits deceptive or misleading representations by a healthcare provider;
- ▶ makes it unprofessional conduct for a health care provider to fail to wear identification in a patient encounter;
- ▶ makes it unlawful conduct for an individual to wear identification in a patient



26 encounter that suggests the individual is licensed to perform health care services for which the
27 individual is not licensed to perform; and

28 ▶ makes it unlawful conduct to engage in deceptive or misleading representations.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **58-1-501.8**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **58-1-501.8** is enacted to read:

39 **58-1-501.8. Occupational and professional identification of health care providers**

40 **-- Unlawful and unprofessional conduct.**

41 (1) For purposes of this section:

42 (a) "Badge" means a tag or badge in plain view:

43 (i) attached to a health care provider's clothing; or

44 (ii) hanging from a lanyard around a health care provider's neck.

45 (b) "Clothing" means a health care provider's outermost article of clothing that is
46 visible to others.

47 (c) "Deceptive or misleading conduct" means any affirmative communication or
48 representation that falsely states, describes, holds out, or details an individual's licensure,
49 training, education, or profession.

50 (d) "Health care provider" means a natural person who is:

51 (i) defined as a health care provider in Section **78B-3-403**; and

52 (ii) licensed under this title.

53 (e) "Identification" means a badge or stitching, or permanent writing in plain view on
54 clothing that:

55 (i) includes the health care provider's name;

56 (ii) includes the license type held by the health care provider;

57 (iii) is worn in a manner that is visible and apparent to others; and
58 (iv) contains the information required by Subsections (1)(e)(i) and (ii):
59 (A) in a manner and of sufficient size that can be easily read; and
60 (B) on both sides of the badge, unless the badge or tag is attached to clothing in a way

61 that prevents the badge from rotating.

62 (f) "License type" means a designation of the license type that satisfies the
63 requirements of Section [58-1-501.6](#).

64 (g) "Patient encounter" means an interaction in which a patient can see a health care
65 provider delivering services directly to a patient.

66 (2) Beginning January 1, 2015, except as provided in Subsections (3) and (4), a health
67 care provider shall wear identification during any patient encounter.

68 (3) A health care provider's identification may be covered if required under sterilization
69 or isolation protocols.

70 (4) A health care provider is not required to wear identification:

71 (a) if wearing identification would jeopardize the health care provider's safety; and

72 (b) (i) in an office in which:

73 (A) the license type and names of all health care providers working in the office are
74 displayed on the office door; and

75 (B) each health care provider working in the office has the health care provider's
76 license posted prominently in the office and readily visible to a patient; and

77 (ii) if the office is an office:

78 (A) of a solo health care provider;

79 (B) of a single type of health care provider; or

80 (C) with no more than two types of health care providers in which each patient is seen
81 by only one health care provider in the office, a patient does not receive services from another
82 health care provider in the office, and the health care providers do not provide cross coverage
83 of services for the patients of other health care providers in the office.

84 (5) An individual who is a student or is in training to obtain a license as a health care
85 provider shall:

86 (a) wear identification during patient encounters that identifies the person as in
87 training, or a student, for the particular license type; and

- 88 (b) otherwise comply with the provisions of this section.
- 89 (6) It is unprofessional conduct if a health care provider violates this section.
- 90 (7) It is unlawful conduct if an individual:
- 91 (a) wears identification in a patient encounter that suggests that the individual is
92 practicing or engaging in an occupation or profession that the individual may not lawfully
93 practice or engage in under this title; or
- 94 (b) engages in deceptive or misleading conduct.
- 95 (8) An individual who violates this section is subject to Section [58-1-502](#).