

1 **TRANSPARENCY IN HEALTH CARE PROVIDER**

2 **ADVERTISING**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jerry W. Stevenson**

6 House Sponsor: Brad R. Wilson

8 **LONG TITLE**

9 **General Description:**

10 This bill amends health care provider licensing laws to require certain information
11 about the health care provider in any professional advertising.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ requires a health care provider to include certain information about the license and
- 15 title of the health care provider in any advertisement for the health care provider's
- 16 services;
- 17 ▶ defines advertisement; and
- 18 ▶ makes it unprofessional conduct to violate the advertisement requirements.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 ENACTS:

25 **58-1-501.6**, Utah Code Annotated 1953

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

28 Section 1. Section **58-1-501.6** is enacted to read:

29 **58-1-501.6. Health care provider advertisements and disclosure -- Unprofessional**

30 **conduct.**

31 For purposes of this section:

32 (1) (a) "Advertisement" includes:

33 (i) billboards;

34 (ii) written documents such as:

35 (A) brochures;

36 (B) pamphlets;

37 (C) direct mail solicitations;

38 (D) radio, television, and telephone solicitation scripts; and

39 (E) telephone directories;

40 (iii) media, including television, radio, and Internet websites; and

41 (iv) any other means of promotion intended to directly or indirectly induce a person to
42 enter into an agreement for services with a health care provider.

43 (b) "Advertisement" does not include materials that provide information about health
44 care provider networks established by health insurance carriers.

45 (2) "Health care provider" means a natural person who is:

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

47 (b) licensed under this title.

48 (3) (a) This section does not provide authority for a health care provider to advertise
49 the services offered by the health care provider.

50 (b) If a health care provider's licensing authority and professional ethics permit the
51 health care provider to advertise, the provisions of this section apply to any advertisement for
52 the health care provider's services, on or after July 1, 2011.

53 (4) An advertisement for a health care provider's services that includes the health care
54 provider's name shall identify the license type, as used by the division, under which the health
55 care provider is practicing.

56 (5) (a) A physician licensed under Chapter 67, Utah Medical Practice Act, may comply
57 with the requirements of this section by using any one of the designations in the definitions of

58 "practice of medicine" in Section 58-67-102.

59 **(b) A physician licensed under Chapter 68, Utah Osteopathic Medical Practice Act,**
60 **may comply with this section by using any of the designations in the definition of "practice of**
61 **osteopathic medicine" in Section 58-68-102.**

62 **(6) It is unprofessional conduct if a health care provider violates this section.**