

1 **HEALTH CARE PROFESSIONAL TRUTH IN ADVERTISING**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd Weiler**

5 House Sponsor: Ryan D. Wilcox

7 **LONG TITLE**

8 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ beginning January 1, 2015, requires a health care provider, in a patient encounter, to
16 wear a badge or clothing that identifies the health care provider's name and license
17 type;
- 18 ▶ establishes certain exemptions for the requirement for health care provider
19 identification;
- 20 ▶ requires an individual in training to obtain a health care license to wear
21 identification in patient encounters;
- 22 ▶ prohibits deceptive or misleading representations by a healthcare provider;
- 23 ▶ makes it unprofessional conduct for a health care provider to fail to wear
24 identification in a patient encounter;
- 25 ▶ 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
27 which the 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 -- Penalties.**

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 a health care facility, health care clinic,
65 or office in which a patient can see a health care provider delivering services directly to a
66 patient.

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

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

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

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

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

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

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

78 (ii) if the office is an office:

79 (A) of a solo health care provider; or

80 (B) of a single type of health care provider.

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

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

85 (b) otherwise comply with the provisions of this section.

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