

1 **HEALTH CARE PROFESSIONAL TRUTH IN ADVERTISING**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Todd Weiler**

5 House Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the unprofessional and unlawful conduct provisions of Title 58,
10 Chapter 1, Division of Occupational and Professional Licensing Act, to require all
11 licensed health care providers to disclose to a patient the health care provider's type of
12 license and name.

13 **Highlighted Provisions:**

14 This bill:

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



28 which the individual is not licensed to perform; and

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

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 ENACTS:

36 **58-1-501.8**, Utah Code Annotated 1953



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

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

40 **58-1-501.8. Occupational and professional identification of health care providers**

41 **-- Unlawful and unprofessional conduct.**

42 (1) For purposes of this section:

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

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

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

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

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

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

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

53 (ii) licensed under this title.

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

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

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

58 (iii) is worn in a manner that is visible and apparent to others; and

- 59 (iv) contains the information required by Subsections (1)(e)(i) and (ii):
60 (A) in a manner and of sufficient size that can be easily read; and
61 (B) on both sides of the badge, unless the badge or tag is attached to clothing in a way
62 that prevents the badge from rotating.
63 (f) "License type" means a designation of the license type that satisfies the
64 requirements of Section [58-1-501.6](#).
65 (2) (a) Beginning January 1, 2015, except as provided in Subsections (2)(b) and (2)(c),
66 a health care provider shall wear identification during any patient encounter.
67 (b) A health care provider's identification may be covered if required under sterilization
68 or isolation protocols.
69 (c) A health care provider is not required to wear identification if wearing
70 identification would jeopardize the health care provider's safety.
71 (3) An individual who is a student or is in training to obtain a license as a health care
72 provider shall:
73 (a) wear identification during patient encounters that identifies the person as in
74 training, or a student, for the particular license type; and
75 (b) otherwise comply with the provisions of this section.
76 (4) It is unprofessional conduct if a health care provider violates this section.
77 (5) It is unlawful conduct if an individual:
78 (a) wears identification in a patient encounter that suggests that the individual is
79 practicing or engaging in an occupation or profession that the individual may not lawfully
80 practice or engage in under this title; or
81 (b) engages in deceptive or misleading conduct.
82 (6) An individual who violates this section is subject to Section [58-1-502](#).

Legislative Review Note
as of 2-3-14 10:03 AM

Office of Legislative Research and General Counsel