

## SB0137S01 compared with SB0137

~~{deleted text}~~ shows text that was in SB0137 but was deleted in SB0137S01.

inserted text shows text that was not in SB0137 but was inserted into SB0137S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends the unprofessional and unlawful conduct provisions of ~~{Title 58, Chapter 1,}~~ 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

## SB0137S01 compared with SB0137

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 encounter that suggests the individual is licensed to perform health care services for which the individual is not licensed to perform; and
- ▶ makes it unlawful conduct to engage in deceptive or misleading representations.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

ENACTS:

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

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

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

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

**-- Unlawful and unprofessional conduct.**

(1) For purposes of this section:

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

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

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

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

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

## SB0137S01 compared with SB0137

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

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

(ii) licensed under this title.

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

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

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

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

(iv) contains the information required by Subsections (1)(e)(i) and (ii):

(A) in a manner and of sufficient size that can be easily read; and

(B) on both sides of the badge, unless the badge or tag is attached to clothing in a way that prevents the badge from rotating.

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

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

(2) ~~(a)~~ Beginning January 1, 2015, except as provided in Subsections ~~(2)(b)~~<sup>3</sup> and ~~(2)(c)~~<sup>4</sup>, a health care provider shall wear identification during any patient encounter.

~~(b)~~<sup>3</sup> A health care provider's identification may be covered if required under sterilization or isolation protocols.

~~(c)~~<sup>4</sup> A health care provider is not required to wear identification:

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

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

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

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

(ii) if the office is an office:

(A) of a solo health care provider;

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

(C) with no more than two types of health care providers in which each patient is seen

## SB0137S01 compared with SB0137

by only one health care provider in the office, a patient does not receive services from another health care provider in the office, and the health care providers do not provide cross coverage of services for the patients of other health care providers in the office.

(~~3~~5) An individual who is a student or is in training to obtain a license as a health care provider shall:

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

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

(~~4~~6) It is unprofessional conduct if a health care provider violates this section.

(~~5~~7) It is unlawful conduct if an individual:

(a) wears identification in a patient encounter that suggests that the individual is practicing or engaging in an occupation or profession that the individual may not lawfully practice or engage in under this title; or

(b) engages in deceptive or misleading conduct.

(~~6~~8) An individual who violates this section is subject to Section 58-1-502.

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### Legislative Review Note

~~as of 2-3-14 10:03 AM~~

~~Office of Legislative Research and General Counsel}~~