



House of Representatives

General Assembly

File No. 624

January Session, 2015

House Bill No. 6284

House of Representatives, April 14, 2015

The Committee on Public Health reported through REP. RITTER of the 1st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ADVERTISING OF SERVICES BY HEALTH CARE PROVIDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this
2 section:

3 (1) "Advertisement" means any communication or statement,
4 whether printed, electronic or oral, that names a provider in relation to
5 his or her profession or provision of health care services or the facility,
6 office or place where the provider is employed, volunteers or
7 otherwise provides health care services, including, but not limited to,
8 billboards, brochures, pamphlets, business cards, letterhead, direct
9 mail solicitations, scripts for radio, television and telephone
10 solicitations, and telephone directories. "Advertisement" shall not
11 include material that provides information about provider networks
12 established by health insurers;

13 (2) "Health care services" has the same meaning as provided in

14 section 38a-478 of the general statutes; and

15 (3) "Provider" has the same meaning as provided in section 20-7b of
16 the general statutes.

17 (b) Every advertisement shall clearly identify the type of license,
18 registration or certificate under which the provider is practicing and be
19 free from deceptive or misleading information.

20 (c) A facility, office or place where a provider is employed,
21 volunteers or otherwise provides health care services shall make
22 available, upon request of any person, an up-to-date list of every
23 provider who provides health care services at such facility, office or
24 place, including, but not limited to, the provider's name, the type of
25 license, registration or certificate under which such provider is
26 practicing and detailed information on the education, training and
27 experience of each provider. The list shall be free from deceptive or
28 misleading information.

29 (d) Any violation of the provisions of this section shall constitute an
30 unfair trade practice pursuant to chapter 735a of the general statutes.

31 Sec. 2. Section 19a-905 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2015*):

33 (a) As used in this section:

34 (1) "Health care provider" means any person employed by or acting
35 on behalf of a health care facility or institution; and

36 (2) "Health care facility or institution" means a hospital, nursing
37 home, rest home, home health care agency, homemaker-home health
38 aide agency, emergency medical services organization, assisted living
39 services agency, outpatient surgical facility and an infirmary operated
40 by an educational institution for the care of students enrolled in, and
41 faculty and employees of, such institution.

42 (b) Any health care provider who provides direct patient care shall

43 wear in plain view during such provider's working hours a
 44 photographic identification badge issued by the health care facility or
 45 institution that includes the name of the health care facility or
 46 institution, the name of the health care provider, and the type of
 47 license, certificate or employment title that the health care provider
 48 holds with the health care facility or institution. Health care facilities or
 49 institutions, in consultation with the Department of Public Health,
 50 shall develop policies and procedures concerning (1) the size, content
 51 and format of the photographic identification badge required pursuant
 52 to this subsection, and (2) any exemptions to the requirements of this
 53 subsection necessary to ensure the safety of patients and health care
 54 providers.

55 (c) Any violation of the provisions of this section shall constitute an
 56 unfair trade practice pursuant to chapter 735a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	New section
Sec. 2	October 1, 2015	19a-905

PH *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Consumer Protection, Dept.	GF - Cost	60,000	60,000
Comptroller- Fringe Benefits ¹	GF - Cost	21,257	21,257
Resources of the General Fund	GF - Revenue Gain	less than 40,000	less than 40,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a cost to the state of \$81,527 in FY 16 and FY 17. The cost is a result of the Department of Consumer Protection requiring additional staff to respond to an increase in the number of complaints particularly in the area of deceptive advertising by health care providers. The legal division would have to log in complaints, generate letters, investigate and schedule compliance meetings and hold administrative hearings. It is anticipated that this would require a half-time attorney and a half-time paralegal. The costs include Personnel Services (\$55,000), Other Expenses and Equipment (\$5,000) and Fringe Benefits (\$21,257).

Additionally the bill results in a potential revenue gain of less than \$40,000 in FY 16 and FY 17 due to violations of provisions of the bill.

The Out Years

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 38.65% of payroll in FY 16 and FY 17.

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation and the number of penalties.

OLR Bill Analysis**HB 6284*****AN ACT CONCERNING THE ADVERTISING OF SERVICES BY HEALTH CARE PROVIDERS.*****SUMMARY:**

This bill requires health care provider advertisements to (1) clearly identify the provider's type of license or other credential and (2) be free of deceptive or misleading information. It applies to printed, electronic, or oral advertisements, except material about health insurer provider networks.

The bill also requires places where providers work or volunteer to make available, on request, a list of all providers offering services at the facility, including their type of license or credential and detailed information on their education, training, and experience. The list also must be free of deceptive or misleading information.

Under the bill, a violation of these provisions is an unfair trade practice.

Existing law requires health care providers who provide direct patient care at healthcare facilities or institutions to wear an employer-issued photo-identification badge that includes the provider's type of license or title. The bill specifies that failure to do so is an unfair trade practice.

EFFECTIVE DATE: October 1, 2015

BACKGROUND***Connecticut Unfair Trade Practice Act (CUTPA)***

The law prohibits businesses from engaging in unfair and deceptive acts or practices. CUTPA allows the DCP consumer

protection commissioner to issue regulations defining what constitutes an unfair trade practice, investigate complaints, issue cease and desist orders, order restitution in cases involving less than \$5,000, enter into consent agreements, ask the attorney general to seek injunctive relief, and accept voluntary statements of compliance. It also allows individuals to sue. Courts may issue restraining orders; award actual and punitive damages, costs, and reasonable attorneys fees; and impose civil penalties of up to \$5,000 for willful violations and \$25,000 for violation of a restraining order.

COMMITTEE ACTION

Public Health Committee

Joint Favorable

Yea 25 Nay 0 (03/30/2015)