



# Senate

General Assembly

**File No. 423**

February Session, 2018

Senate Bill No. 402

*Senate, April 11, 2018*

The Committee on Public Health reported through SEN. GERRATANA of the 6th Dist. and SEN. SOMERS of the 18th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING TRUTH IN ADVERTISING BY MEDICAL DOCTORS AND DOCTORS OF OSTEOPATHIC MEDICINE.***

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

1 Section 1. (NEW) (*Effective October 1, 2018*) (a) As used in this  
2 section:

3 (1) "Physician" means a person who is licensed to practice medicine,  
4 osteopathy, or surgery pursuant to chapter 370 of the general statutes;

5 (2) "Board certified" means certified by a board in accordance with  
6 the provisions of subdivision (2) of subsection (b) of this section.

7 (b) A physician may advertise or otherwise convey to the public that  
8 he or she is board certified only if the following conditions are  
9 satisfied: (1) The advertisement states the full name of the certifying  
10 board, and (2) the certifying board is either (A) a member of the  
11 American Board of Medical Specialties or the American Osteopathic  
12 Association, or (B) another board that requires, as prerequisites for

13 issuing certification, (i) successful completion of a postgraduate  
14 training program that is approved by the Accreditation Council for  
15 Graduate Medical Education or the American Osteopathic Association,  
16 that provides training in the specialty or subspecialty certified by such  
17 other board and that is certified by a board described in subparagraph  
18 (A) of this subdivision, and (ii) successful passage of an examination in  
19 the specialty or subspecialty certified by such other board.

20 (c) Any physician found to be in violation of any provision of this  
21 section shall be subject to the disciplinary action pursuant to section  
22 19a-17 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2018</i>	New section

**PH**      *Joint Favorable*

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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.

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**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 19 \$</b>	<b>FY 20 \$</b>
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill, which allows physicians to advertise that they are board certified under certain conditions, results in a potential minimal revenue gain to the General Fund as violations may lead to disciplinary action and the issuance of an associated civil penalty of up to \$25,000.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to physician violations and the associated issuance of civil penalties.

**OLR Bill Analysis****SB 402*****AN ACT CONCERNING TRUTH IN ADVERTISING BY MEDICAL DOCTORS AND DOCTORS OF OSTEOPATHIC MEDICINE.*****SUMMARY**

This bill allows physicians to advertise or otherwise convey to the public that they are board certified only if certain conditions are met.

The advertisement must state the full name of the certifying board. In addition, the certifying board must be:

1. a member of the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA) or
2. another board that requires (a) successful completion of a postgraduate training program meeting certain criteria and (b) passage of an examination.

Violating the bill subjects a physician to disciplinary action by the Department of Public Health. By law, disciplinary actions available to the department include, among other things, (1) revoking or suspending a license, (2) issuing a letter of reprimand, (3) placing the violator on probation, or (4) imposing a civil penalty of up to \$25,000 (CGS § 19a-17).

EFFECTIVE DATE: October 1, 2018

**BOARD REQUIREMENTS**

Under the bill, for boards that are not ABMS or AOA members, physicians may only advertise or hold themselves out as board-certified if the other board requires specified criteria for certification. The board must require applicants to have completed a postgraduate training program that:

1. is approved by the Accreditation Council for Graduate Medical Education or AOA,
2. provides training in the applicable specialty or subspecialty, and
3. is certified by an ABMS or AOA member board.

The board must also require applicants to have passed an examination in the applicable specialty or subspecialty.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 26    Nay 0    (03/23/2018)