

# Public Health Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-402

AN ACT CONCERNING TRUTH IN ADVERTISING BY MEDICAL DOCTORS

**Title:** AND DOCTORS OF OSTEOPATHIC MEDICINE.

**Vote Date:** 3/23/2018

**Vote Action:** Joint Favorable

**PH Date:** 3/20/2018

**File No.:**

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## **SPONSORS OF BILL:**

Public Health Committee

## **REASONS FOR BILL:**

To define “board certification” or “board certified” as used by medical doctors and doctors of osteopathic medicine.

This bill allows a physician to advertise or otherwise convey to the public that he or she is 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 either:

1. A member of the American Board of Medical Specialties or American Osteopathic Association or
2. Another board that requires (a) successful completion of a postgraduate training program meeting certain criteria and (b) passage of an examination in the applicable specialty or subspecialty.

Under the bill, a physician is subject to disciplinary action if he or she advertises as board-certified and these conditions are not met.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

None

## **NATURE AND SOURCES OF SUPPORT:**

**Mariam Hakim Zargar, President, Connecticut Orthopaedic Society:** Mariam Hakim Zargar, on behalf of the Connecticut Orthopaedic Society, submitted testimony in support of Senate Bill 402. This bill is an important first step toward full disclosure and transparency for the healthcare consumer. By requiring medical and osteopathic physicians to disclose their Board Certification credentials, all patients will have accurate information needed to determine the appropriate care provider. As orthopaedic surgeons, we welcome the transparency provided in this bill and I support SB 402.

**The Connecticut Society of Eye Physicians; The Connecticut Dermatology & Dermatologic Surgery Society; Connecticut Urology Society; ENT Society:** The above organizations submitted testimony in support of SB 402. These groups recommend the implementation of simple, concise, and uncomplicated regulation and enforcement against fraudulent advertising. Policymakers need to protect consumers and patients by closing loopholes in the regulation of health care advertising which could mislead consumers. Advertisements should not be false, fraudulent, deceptive, or misleading, nor should they omit any pertinent information and advertisers should be obligated to document and substantiate claims made in ads concerning safety, efficacy, benefits and risks, as well as unique skillsets and remedies. Photos should be representative of actual results and not retouched or misleading. On behalf of patients and consumers, we urge policymakers to consider language that would require healthcare providers that use the title “Doctor” to include their true credentials and any board certification.

**American Medical Association; American Academy of Dermatology Association; American Academy of Facial Plastic and Reconstructive Surgery; American Academy of Otolaryngology – Head and Neck Surgery; American College of Emergency Physicians; American Society for Dermatologic Surgery Association; American Society of Plastic Surgeons; Connecticut College of Emergency Physicians; Connecticut ENT Society; Connecticut Society of Eye Physicians (Eye M.D.s); Connecticut Society of Plastic and Reconstructive Surgeons; Connecticut State Dermatology & Dermatologic Surgery Association; Connecticut State Medical Society; Connecticut Urology Society:** The above organizations submitted testimony in support of Senate Bill 402 with the following language to clarify.

1. Successfully complete a postgraduate training program that is approved by the Accreditation Council for Graduate Medical Education [ACGME] or the AOA that provides *complete* training in the specialty or subspecialty certified by this board;
2. Certification by a member board of the ABMS or the AOA covering that training *field that provides complete ACGME or AOA-accredited training in the specialty or subspecialty* certified by the non-ABMS or AOA board, and;
3. Successful passage of an examination in the specialty or subspecialty certified by such other board.

The passage of this legislation will strengthen the protection of patients when making informed decisions about who provides their medical care. Furthermore, we strongly believe that any physician who wants to advertise as “board certified” must state the full name of the certifying board in any type of advertisement. This would remove confusion regarding unaccredited boards.

#### **NATURE AND SOURCES OF OPPOSITION:**

**Linda Gray Murphy, American Board of Physician Specialties:** Linda Gray Murphy, on behalf of the American Board of Physician Specialties, submitted testimony in opposition of SB 402 unless the language is amended. While SB 402 includes the American Board of Medical Specialties [ABMS], we respectfully request that the bill be amended to include the American Board of Physician Specialties [ABPS] in Section 1 (2) (b) (A). We feel that, in its current state, SB 402 is unfair and monopolistic and, if passed, it will actively exclude physicians' board certified by our organization. That action would force most physicians into becoming members of either ABMS or AOA and will create de facto monopolies for both organizations.

ABPS's certification is recognized by many other state licensing authorities; as well as, federal programs such as the Veterans Health Administration, United States Armed Forces, and the Centers for Medicare and Medicaid Services. ABPS examinations, procedures, and protocols not only meet the highest standards possible, but are clinically, psychometrically, and legally defensible. Castle Worldwide, a third-party industry leader, conducted a comprehensive assessment of ABPS' rigorous standards and found that they were equivalent or better, to those set by larger certifying boards, including ABMS and AOA, which are recognized by SB 402. For these, and additional reasons, we believe the American Board of Physician Specialties should be recognized under Senate Bill 402.

**Reported by: Anne Gallagher**

**04/03/2018**