



General Assembly

January Session, 2023

Raised Bill No. 1016

LCO No. 3784



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING TRUTH IN ADVERTISING 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, 2023*) As used in this section and
2 sections 2 and 3 of this act:

3 (1) "Advertisement" means any communication or statement,
4 whether printed, electronic or oral, that names a health care provider in
5 relation to the health care provider's practice, profession or institution
6 in which the health care provider is employed, volunteers or otherwise
7 provides health care or mental health care services, including, but not
8 limited to, a business card, letterhead, a patient brochure, electronic
9 mail, an Internet web site, an audio, a video, and any other
10 communication or statement used in the course of business.

11 (2) "Deceptive" or "misleading" includes, but need not be limited to,
12 misstating, falsely describing, holding out or falsely detailing a
13 profession, skill, training, expertise, education, board certification or
14 licensure.

15 (3) "Health care provider" means any person who provides health
16 care or mental health care services that are the subject of licensure by the
17 Department of Public Health.

18 Sec. 2. (NEW) (*Effective October 1, 2023*) (a) A health care provider who
19 has direct patient care interactions and is advertising for health care or
20 mental health care services in this state shall identify the type of license
21 held by the health care provider. The advertisement shall be free from
22 any and all deceptive and misleading information.

23 (b) A health care provider providing health care or mental health care
24 services in this state shall conspicuously post and affirmatively
25 communicate the provider's specific licensure as a health care provider
26 as follows:

27 (1) The health care provider shall wear a photo identification name
28 tag during all patient encounters that shall include (A) a recent
29 photograph of the health care provider, (B) the health care provider's
30 name, (C) the type of license held by the health care provider, and (D)
31 the expiration date of the license. The photo identification name tag shall
32 be of sufficient size and be worn in a conspicuous manner so as to be
33 visible and apparent.

34 (2) The health care provider shall display in the health care provider's
35 office a written notice that clearly identifies the type of license held by
36 the health care provider. The written notice shall be of sufficient size so
37 as to be visible and apparent to all current and prospective patients.

38 (3) A health care provider who practices in more than one office shall
39 comply with the requirements set forth in subdivisions (1) and (2) of this
40 subsection in each office.

41 (4) A physician licensed pursuant to chapter 370 of the general
42 statutes who supervises or participates in collaborative practice
43 agreements with a health care provider who is not a physician shall
44 conspicuously post in each office a schedule of the regular hours when
45 the physician will be present in such office.

46 (c) No person, except a physician licensed pursuant to section 370 of
 47 the general statutes, shall attach to the person's name, either alone or in
 48 connection with other words, any of the following designations or
 49 terms: (1) "Doctor of medicine"; (2) "M.D."; (3) "doctor of osteopathy"; (4)
 50 "D.O."; (5) "osteopath"; (6) "osteopathic medical physician"; (7)
 51 "surgeon"; (8) "physician and surgeon"; (9) "anesthesiologist"; (10)
 52 "cardiologist"; (11) "dermatologist"; (12) "endocrinologist"; (13)
 53 "gastroenterologist"; (14) "gynecologist"; (15) "hematologist"; (16)
 54 "internist"; (17) "laryngologist"; (18) "nephrologist"; (19) "neurologist";
 55 (20) "obstetrician"; (21) "oncologist"; (22) "ophthalmologist"; (23)
 56 "orthopedic surgeon"; (24) "orthopedist"; (25) "otologist"; (26)
 57 "otolaryngologist"; (27) "otorhinolaryngologist"; (28) "pathologist"; (29)
 58 "pediatrician"; (30) "primary care physician"; (31) "proctologist"; (32)
 59 "psychiatrist"; (33) "radiologist"; (34) "rheumatologist"; (35)
 60 "rhinologist"; (36) "urologist"; (37) "medical doctor"; or (38) "physiatrist".
 61 This subsection shall not apply to a health care provider who has a
 62 special area of practice if the health care provider uses the following
 63 format when attaching to his or her name any of the designations or
 64 terms described in subdivisions (1) to (38), inclusive, of this subsection:
 65 "(Insert name or title of the health care provider's profession)
 66 specializing in (insert name of specialty)". Nothing in this subsection
 67 shall prevent a health care provider from using the name or title of the
 68 health care provider's profession that is allowed under the Connecticut
 69 general statutes or regulations of Connecticut state agencies.

70 Sec. 3. (NEW) (*Effective October 1, 2023*) (a) No person or entity shall
 71 knowingly aid, assist, procure, employ or advise any unlicensed person
 72 or entity to practice or engage in the provision of any health care or
 73 mental health care service that is subject to licensure by the Department
 74 of Public Health.

75 (b) No health care provider shall delegate to or contract for the
 76 performance of health care or mental health care services by a person
 77 when the health care provider knows or has reason to know that the
 78 person is not licensed to provide such services.

79 (c) Each day that a person or entity violates any provision of this
80 section or section 2 of this act shall constitute a separate offense.

81 (d) Any person or entity that violates any provision of this section or
82 section 2 of this act has committed unprofessional conduct and shall be
83 subject to disciplinary action by the Department of Public Health.

84 (e) Any person or entity that violates any provision of this section or
85 section 2 of this act shall rescind and refund all fees or other amounts
86 that such person or entity billed to a patient and that the patient paid to
87 such person or entity, including, but not limited to, any such fees or
88 amounts collected from the patient by a third party contracted to collect
89 fees on behalf of such person or entity, such person's employer or
90 another entity contracting with such person or entity.

91 (f) The Department of Public Health shall publicly post on its Internet
92 web site the imposition of each professional sanction, administrative fee
93 or other disciplinary action against a person or entity made pursuant to
94 this section or section 2 of this act.

95 (g) Notwithstanding the imposition of any professional sanction,
96 administrative fee or other disciplinary action made under this section,
97 a professional licensing board or other administrative agency with
98 jurisdiction may seek an injunction or other legal means as appropriate
99 against a person or entity that violates any provision of this section or
100 section 2 of this act.

101 Sec. 4. (NEW) (*Effective October 1, 2023*) (a) No person shall engage in
102 the practice of nursing or provide nursing or nursing-related services
103 unless such person is licensed, registered or otherwise authorized under
104 chapter 378 or 378a of the general statutes to practice nursing or provide
105 nursing or nursing-related services.

106 (b) No person, unless licensed, registered or otherwise authorized
107 under chapter 378 of the general statutes, shall (1) use the title "nurse"
108 or any initials associated with such title that represents to the public that
109 such person is licensed, registered or otherwise authorized to practice

110 nursing, or (2) advertise services under the description of "nurse".

111 (c) Any person licensed, registered or otherwise authorized under
112 chapter 378 or 378a of the general statutes to practice under a title that
113 includes the word "nurse" (1) shall use the entire title associated with
114 such person's licensure or authorization, and (2) may not abbreviate the
115 title to "nurse".

116 (d) Nothing in this section shall be construed to prohibit or limit the
117 following:

118 (1) The performance by any person of any act that such person is
119 licensed or otherwise authorized to perform under the general statutes;

120 (2) The clinical practice of nursing by any student enrolled in a
121 nursing program approved by the State Board of Examiners for Nursing
122 under section 20-93 of the general statutes; or

123 (3) The practice of nursing by any person who holds a temporary
124 permit under section 20-94 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>October 1, 2023</i>	New section
Sec. 3	<i>October 1, 2023</i>	New section
Sec. 4	<i>October 1, 2023</i>	New section

Statement of Purpose:

To require truth in advertising by health care providers.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]