

Legislative Analysis



HEALTH PROFESSIONALS: ID BADGES AND ADVERTISING REQUIREMENTS

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House Bill 4524

Sponsor: Rep. Gail Haines

Committee: Health Policy

Complete to 4-15-13

A SUMMARY OF HOUSE BILL 4524 AS INTRODUCED 4-10-13

The bill would, among other things, require a licensed or registered health professional to wear a photo identification badge when providing direct patient care and would revise a prohibition on making false or misleading advertising.

Section 16221 of the Public Health Code lists the grounds for which a disciplinary subcommittee of a licensing board may or is required to impose administrative sanctions such as a fine, restitution, or suspension or revocation of a license or registration.

House Bill 4524 would amend Section 16221 to revise one of the current grounds and add another. Currently, engaging in false or misleading advertising is grounds for administrative sanctions by the appropriate disciplinary subcommittee. The bill would revise the prohibition to instead apply to making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients in relation to the practice of the profession.

The bill would also add Section 16221a and make failure to comply with its provisions one of the grounds for imposing administrative sanctions. Section 16221a would do the following:

- Require a licensee or registrant to wear an identification card, badge, or similar device (hereinafter "ID"). The ID would have to be worn at all times when providing direct patient care. The ID would have to contain a recent photograph of the licensee or registrant, name, type of license or registration held (e.g., dentist, social worker, nurse), and the expiration date of the license or registration.
- Require the ID to be of sufficient size and worn in a conspicuous place so as to be visible to patients and other individuals.
- Exempt a licensee or registrant from wearing the ID if doing so would pose a safety or health risk either to the health professional or to a patient.
- Prohibit a licensee or registrant who provides direct patient care from including his or her name in any advertisement for health care services without identifying in that advertisement the type of license or registration held.

- Exempt a licensee or registrant from the ID and advertisement requirements of Section 16221a if the licensee or registrant practices at a location where direct patient care is not provided.
- Define "advertisement" to mean any communication or statement, whether printed, electronic, or oral, that names a licensee or registrant in connection with his or her practice, profession, or institution where he or she is employed, volunteers, or otherwise provides health care services. The term includes circulars, signs, newspaper or magazine publications, business cards, letterhead, patient brochures, or any other similar oral or written communications and Internet directories or websites.

The bill would take effect 90 days after being enacted into law.

(The regulated health professions requiring a license or registration includes chiropractic, acupuncture, dentistry, audiology, marriage and family therapy, medicine, nursing, nursing home administrator, optometry, osteopathic medicine and surgery, speech-language pathology, pharmacy practice and drug control, physical therapy, athletic training, massage therapy, podiatric medicine and surgery, counseling, psychology, occupational therapists, dietetics and nutrition, sanitarians, social work, respiratory care, and veterinary medicine.)

MCL 333.16221 and MCL 333.16221a

FISCAL IMPACT:

House Bill 4524 would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs.

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