

SENATE BILL No. 182

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-10.5.

Synopsis: Health practitioner advertising and identification. Establishes requirements for advertising by licensed health care practitioners. Requires licensed health care practitioners to wear identification badges while providing direct patient care. Establishes exceptions. Allows for disciplinary sanctions for violations.

Effective: July 1, 2020.

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January 6, 2020, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 182



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-10.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]:
4 **Chapter 10.5. Health Care Provider Advertising and**
5 **Identification**
6 **Sec. 1. This chapter does not apply to any advertising**
7 **communicated or disseminated before January 1, 2021.**
8 **Sec. 2. (a) As used in this chapter, "advertisement" means the**
9 **commercial use of any printed, electronic, or oral communication**
10 **or statement that:**
11 **(1) is communicated or disseminated to the general public for**
12 **the purpose of encouraging a person to use a practitioner's**
13 **professional services; or**
14 **(2) names a practitioner concerning the practice, profession,**
15 **or institution in which the practitioner is employed,**
16 **volunteers, or provides health care services.**
17 **(b) The term includes the following:**



- 1 (1) Business card.
- 2 (2) Letterhead.
- 3 (3) Patient brochure.
- 4 (4) Pamphlet.
- 5 (5) Newsletter.
- 6 (6) Telephone directory.
- 7 (7) Electronic mail.
- 8 (8) Internet web site.
- 9 (9) Physician data base.
- 10 (10) Audio or video transmissions.
- 11 (11) Direct patient solicitation.
- 12 (12) Billboards.
- 13 (13) Any other communication or statement used in the course
- 14 of business for the purpose of promoting services to the
- 15 public.

16 Sec. 3. As used in this chapter, "deceptive or misleading
17 information" means any information that misrepresents or falsely
18 describes the profession or the practitioner's skills, training,
19 expertise, education, board certification, or license.

20 Sec. 4. As used in this chapter, "direct patient care" means
21 health care that provides for the physical, diagnostic, emotional, or
22 rehabilitation needs of a patient, or health care that involves
23 examination, treatment, or preparation for diagnostic tests or
24 procedures.

25 Sec. 5. As used in this chapter, "license" includes a license,
26 certificate, registration, or permit, including:

- 27 (1) an unlimited license, certificate, or registration;
- 28 (2) a limited or probationary license, certificate, or
29 registration;
- 30 (3) a temporary license, certificate, registration, or permit;
- 31 (4) an intern permit; or
- 32 (5) a provisional license.

33 Sec. 6. (a) As used in this chapter, "practitioner" means an
34 individual who holds a license issued by the board described in
35 IC 25-0.5-11 that regulates the profession of the individual,
36 including a certificate of registration issued under IC 25-20.

37 (b) The term does not include a veterinarian licensed under
38 IC 25-38.1.

39 Sec. 7. (a) A practitioner who uses an advertisement for health
40 care services that names the practitioner shall prominently identify
41 in the advertisement the type of license held by the practitioner.

42 (b) A practitioner who uses an advertisement for health care



1 services may not include in the advertisement any deceptive or
2 misleading information.

3 (c) If a practitioner uses an advertisement that is in writing, the
4 practitioner shall include information concerning the type of
5 license and the practitioner's board certification that is
6 prominently displayed in the advertisement using a font size and
7 style that makes the information readily apparent.

8 **Sec. 8. (a) Except as provided in subsection (b), a practitioner**
9 **who provides direct patient care shall wear an identification badge**
10 **during each patient encounter. The badge must be of sufficient size**
11 **and worn in a manner to be visible, and must clearly include the**
12 **following information:**

13 (1) The practitioner's first and last name.

14 (2) The type of license held by the practitioner using the name
15 of the profession that is specifically allowed to be used by the
16 practitioner under the laws relating to the licensure of the
17 practitioner.

18 (3) If applicable, the practitioner's status as a student, intern,
19 trainee, or resident.

20 (b) A practitioner is not required to wear an identification
21 badge during a patient encounter in the following circumstances:

22 (1) While delivering direct patient care if it is not clinically
23 feasible, including in an operating room, an emergency or
24 trauma setting, a setting where surgical or invasive
25 procedures are performed, or a setting where maintaining a
26 sterile environment is medically necessary.

27 (2) When delivering direct patient care if the practitioner is
28 concerned for the practitioner's own safety.

29 (3) If the license type and name of each practitioner who
30 works in the office is displayed on the office door in a manner
31 that meets the requirements of subsection (a).

32 (4) If each health care provider working in the office has the
33 practitioner's license posted prominently in the office and
34 readily visible to a patient.

35 **Sec. 9. A practitioner who violates this chapter is subject to**
36 **disciplinary sanctions under IC 25-1-9 by the board that issued the**
37 **practitioner's license.**

