
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1282 Session of
2015

INTRODUCED BY CUTLER, BAKER, COHEN, GREINER, EVERETT, HARKINS,
MURT, GABLER, GINGRICH, FEE, SCHLOSSBERG, QUINN, LAWRENCE,
SAYLOR, R. BROWN, GODSHALL, FABRIZIO, STURLA, KAUFFMAN,
READSHAW, ADOLPH, MOUL, McCARTER, COX AND McNEILL,
JUNE 5, 2015

REFERRED TO COMMITTEE ON HEALTH, JUNE 5, 2015

AN ACT

1 Providing for advertising and notice by health care
2 professionals and for penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Health Care
7 Professional Transparency Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Advertisement." A printed, electronic or oral communication
13 or statement that names a health care practitioner in relation
14 to his or her practice, profession or institution in which the
15 individual is employed, volunteers or provides health care
16 services. The term includes business cards, letterhead, patient

1 brochures, e-mail, Internet, audio and video and any other
2 communication or statement used in the course of business.

3 "Deceptive" or "misleading." An advertisement or affirmative
4 communication or representation that misstates, falsely
5 describes, holds out or falsely details the health care
6 practitioner's profession, skills, training, expertise,
7 education, board certification or licensure.

8 "Health care practitioner." An individual who is authorized
9 to practice some component of the healing arts by a license,
10 permit, certificate or registration issued by a Commonwealth
11 licensing agency or board. The term does not include a person
12 who is working in a nonpatient care setting and who does not
13 have direct patient care interaction.

14 Section 3. Requirements.

15 (a) Identification.--In an advertisement for a health care
16 service, the advertisement must:

17 (1) Identify the type of license, certification,
18 registration or permit held by the individual who will
19 perform the health care service.

20 (2) Be free from deceptive or misleading information.

21 (a.1) Certification.--A medical doctor or doctor of
22 osteopathic medicine may not hold himself or herself out to the
23 public in a manner as being certified by a public or private
24 board, including a multidisciplinary board or as being board
25 certified unless all of the following are satisfied:

26 (1) The advertising states the full name of the
27 certifying board and the name of the specialty or
28 subspecialty.

29 (2) The board:

30 (i) is a member board of the American Board of

1 Medical Specialties or the American Osteopathic
2 Association; or

3 (ii) requires all of the following:

4 (A) Successful completion of a postgraduate
5 training program approved by the Accreditation
6 Council for Graduate Medical Education (ACGME) or the
7 American Osteopathic Association that provides
8 complete training in the specialty or subspecialty
9 certified.

10 (B) Prerequisite certification by the American
11 Board of Medical Specialties or the American
12 Osteopathic Association for the training field.

13 (C) Successful completion of examination in the
14 specialty or subspecialty certified.

15 (b) Notice.--A health care practitioner must conspicuously
16 post and affirmatively communicate the health care
17 practitioner's specific licensure as follows:

18 (1) A health care practitioner must comply with the
19 requirements of section 809.2 of the act of July 19, 1979
20 (P.L.130, No.48), known as the Health Care Facilities Act.

21 (2) A health care practitioner shall display in his or
22 her office a writing that clearly identifies the type of
23 license held by the health care practitioner. The writing
24 must be of sufficient size so as to be visible and apparent
25 to all current and prospective patients.

26 (c) Practice setting.--A health care practitioner who
27 practices in more than one office shall be required to comply
28 with subsection (b) in each office.

29 Section 4. Violations and enforcement.

30 (a) Violations.--The following shall constitute a violation

1 of this act:

2 (1) Knowingly aiding, assisting, procuring, employing or
3 advising an unlicensed person or entity to practice or engage
4 in acts contrary to the health care practitioner's degree of
5 licensure, certification, registration or permit.

6 (2) Delegating or contracting for the performance of
7 health care services by a health care practitioner if the
8 individual delegating or contracting for performance knows,
9 or has reason to know, the person does not have the required
10 authority pursuant to statute or the person's licensure.

11 (b) Separate offense.--Each day of continuing violation
12 shall be considered a separate offense.

13 (c) Unprofessional conduct.--A health care practitioner who
14 violates any provision of this act commits unprofessional
15 conduct and shall be subject to disciplinary action under the
16 licensure, certification, registration or permit provisions
17 governing the respective health care practitioner.

18 (d) Fees.--A fee or other amount billed to and paid by a
19 patient as a result of a direct violation of this act shall be
20 void and must be refunded by the health care practitioner, a
21 third party contracted to collect fees on behalf of the health
22 care practitioner, the health care practitioner's employer or
23 other entity contracting with the health care practitioner.

24 (e) Reporting.--The imposition of professional sanctions,
25 administrative fees or other disciplinary actions shall be
26 publicly reported in a journal of official record.

27 (f) Injunction.--Notwithstanding the imposition of a
28 penalty, a professional licensing board or other administrative
29 agency with jurisdiction may seek an injunction or take other
30 legal means against a person or entity violating this act.

1 Section 5. Effective date.

2 This act shall take effect in 60 days.