

HOUSE BILL NO. HB0201

Health care qualifications and advertising.

Sponsored by: Representative(s) Pedersen, Edmonds and Wallis and Senator(s) Emerich and Landen

A BILL

for

1 AN ACT relating to consumer protection; requiring the
2 disclosure of specified information in health care
3 advertising; prohibiting deceptive or misleading
4 information; providing definitions; requiring the display
5 of specified information at medical practices; providing
6 fines and penalties; and providing for an effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 40-12-601 through 40-12-605 are
11 created to read:

12

13

ARTICLE 6

14

HEALTH CARE QUALIFICATIONS AND ADVERTISING

15

16

40-12-601. Short title.

1

2 This article shall be known and may be cited as the "Truth
3 in Health Care Practitioner Qualifications and Advertising
4 Act."

5

6 **40-12-602. Definitions.**

7

8 (a) As used in this act:

9

10 (i) "Advertisement" means billboards, brochures,
11 pamphlets, radio and television scripts, electronic media,
12 printed telephone directories, telephone and direct mail
13 solicitations and any other means of promotion intended to
14 directly or indirectly induce any person to enter into an
15 agreement for services with a health care professional;

16

17 (ii) "Deceptive or misleading" means misstating,
18 falsely describing or falsely holding out a health care
19 practitioner's profession, skills, training, expertise,
20 education, board certification or licensure;

21

22 (iii) "Health care service" means any act to
23 prevent, diagnose, correct or treat, in any manner, by any
24 means, method or device, any human disease, illness, pain,

1 wound, fracture, infirmity, defect or abnormal physical or
2 mental condition, injury, deformity or ailment, or to
3 otherwise improve human physical or mental health;

4

5 (iv) "Health care practitioner" means any person
6 who engages in, provides or renders health care services;

7

8 (v) "This act" means W.S. 40-12-601 through
9 40-12-605.

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11 **40-12-603. Requirements for health care advertising.**

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13 (a) An advertisement for health care services that
14 names a health care practitioner shall:

15

16 (i) Identify any health care license held by the
17 practitioner and the state in which the license was issued;

18

19 (ii) Where a health care practitioner's
20 professional credentials include any of the following, use
21 without abbreviation the appropriate word or phrase to
22 describe the practitioner's profession, as follows:

23

1 (A) For a doctor of podiatric medicine,
2 "doctor of podiatry," "podiatric surgeon" or "doctor of
3 podiatric medicine";

4
5 (B) For a doctor of chiropractic,
6 "chiropractor" or "doctor of chiropractic medicine";

7
8 (C) For a doctor of dental surgery,
9 "dentist" or "doctor of dental surgery";

10
11 (D) For a doctor of dental medicine,
12 "dentist" or "doctor of dental medicine";

13
14 (E) For a doctor of optometry,
15 "optometrist" or "doctor of optometry";

16
17 (F) For a doctor of nursing practice,
18 "nurse practitioner";

19
20 (G) For a doctor of philosophy, doctor of
21 education or doctor of psychology offering health care
22 services, "clinical psychologist," "therapist,"
23 "counselor," "language pathologist," "speech pathologist,"

1 "speech and language pathologist" or "audiologist" as
2 appropriate;

3

4 (H) For a medical doctor or a doctor of
5 osteopathy the area of medicine that best describes their
6 practice as included in the American Board of Medical
7 Specialties.

8

9 (iii) Be free from any deceptive or misleading
10 information;

11

12 (iv) List any professional degrees held;

13

14 (v) Include a word or phrase that best describes
15 their professional activities.

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17 **40-12-604. Health care identification.**

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19 (a) A health care practitioner providing health care
20 services in this state shall conspicuously post and
21 affirmatively communicate the practitioner's specific
22 licensure as follows:

23

1 (i) If a health care practitioner wears a name
2 tag during patient encounters, the name tag shall clearly
3 identify the type of license held by the health care
4 practitioner. The name tag shall be of sufficient size and
5 be worn in a conspicuous manner so as to be visible and
6 apparent;

7
8 (ii) The health care practitioner shall display
9 in his office a writing that clearly identifies the type of
10 license held by the health care practitioner. The writing
11 shall be of sufficient size so as to be visible and
12 apparent to all current and prospective patients.

13
14 (b) Any health care practitioner who engages in,
15 provides or renders health care services in more than one
16 (1) practice location shall be required to comply with the
17 requirements of subsection (a) of this section in each
18 practice location.

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20 **40-12-605. Violations; penalties.**

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22 (a) Any person who violates this act is guilty of a
23 misdemeanor punishable by a fine of not more than five

1 hundred dollars (\$500.00), imprisonment for not more than
2 six (6) months, or both.

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4 (b) In addition to any criminal penalties, a court
5 may assess a civil penalty of up to five thousand dollars
6 (\$5,000.00) for a violation of this act. Any penalty
7 collected under the provisions of this section shall be
8 deposited in the public school fund of the appropriate
9 county as required by article 7, section 5 of the Wyoming
10 constitution.

11

12 (c) In addition to any civil or criminal remedy
13 provided by law, upon a determination that any person has
14 violated this act, an appropriate licensing authority may
15 sanction the person or revoke or suspend any license held
16 by the person.

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18 **Section 2.** This act is effective July 1, 2011.

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(END)