

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 576
Committee Substitute Favorable 4/25/23

Short Title: Health Care Practitioner Transparency Act.

(Public)

Sponsors:

Referred to:

April 6, 2023

A BILL TO BE ENTITLED
AN ACT TO PROMOTE HEALTH CARE PRACTITIONER TRANSPARENCY THROUGH
LICENSURE IDENTIFICATION AND ADVERTISEMENT REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. The title of Article 37 of Chapter 90 of the General Statutes reads as rewritten:

"Article 37.

"Health Care Practitioner Identification-Practitioner Transparency Act."

SECTION 2. Article 37 of Chapter 90 of the General Statutes is amended by adding the following new sections to read:

"§ 90-641. Short title.

This act shall be known as the "Health Care Practitioner Transparency Act."

"§ 90-642. Definitions.

The following definitions apply in this Article:

- (1) Advertisement. – Any communication or statement that is printed, electronic, or oral which names the health care practitioner in relation to their practice, profession, or institution where the health care practitioner is employed, volunteers, or otherwise provides health care services, including business cards, letterhead, patient brochures, email, internet, audio and video, or any other communication or statement used in the course of business.
- (2) Deceptive or misleading. – Any verbal or written representation or advertisement that misstates, falsely describes, or holds out in a false light the profession, skills, expertise, education, board certification, or licensure of the health care professional.
- (3) Health care practitioner. – An individual who is licensed, certified, or registered to engage in the practice of medicine, nursing, dentistry, pharmacy, or any related occupation involving the direct provision of health care to patients.
- (4) Licensee. – A health care practitioner who holds an active license with a licensing board that governs the health care practitioner's occupation in this State."

SECTION 3.(a) G.S. 90-640 is recodified as G.S. 90-643 and reads as rewritten:

"§ 90-643. Identification badges required-requirements.

(a) For purposes of this section, "health care practitioner" means an individual who is licensed, certified, or registered to engage in the practice of medicine, nursing, dentistry, pharmacy, or any related occupation involving the direct provision of health care to patients.



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~~(b)(a)~~ When providing health care to a patient, a health care practitioner shall wear a badge or other form of identification displaying ~~in readily visible type the individual's name~~ (i) the health care practitioner's name and (ii) the license, certification, or registration held by the practitioner. If the identity of the individual's license, certification, or registration is commonly expressed by an abbreviation rather than by full title, that abbreviation may be used on the badge or other identification health care practitioner in a form easily understandable to the patient. When reasonably possible, the badge or other form of identification shall display a photograph of the health care practitioner. The badge or other form of identification shall be of sufficient size and be worn in a conspicuous manner to be visible and apparent. Nothing in this subsection shall be construed to require a health care practitioner to display his or her license, certification, or registration number on a badge or other form of identification.

~~(c)(b)~~ The badge or other form of identification is not required to be worn if the patient is ~~being seen in health care practitioner shall display a written document in the health care practitioner's office and, that clearly identifies the type of license, certification, or registration held by the health care practitioner and the name and type of license of the health care practitioner can be readily determined by the patient from a the posted license, a sign in the office, a brochure provided to patients, or otherwise license.~~

~~(d)~~ Each licensing board or other regulatory authority for health care practitioners may adopt rules for exemptions from wearing a badge or other form of identification, or for allowing use of the practitioner's first name only, when necessary for the health care practitioner's safety or for therapeutic concerns.

~~(e)~~ Violation of this section is a ground for disciplinary action against the health care practitioner by the practitioner's licensing board or other regulatory authority."

SECTION 3.(b) This section becomes effective October 1, 2026.

SECTION 4. Article 37 of Chapter 90 of the General Statutes is amended by adding the following new sections to read:

"§ 90-644. Advertisement and representation requirements.

(a) An advertisement for health care services that names a health care practitioner must identify the type of license, certification, or registration held by the health care practitioner. The advertisement shall not contain any deceptive or misleading information.

(b) A health care practitioner shall not make a representation about the health care practitioner's license, certification, or registration that is deceptive or misleading.

(c) Any individual not licensed to practice medicine under Article 1 of this Chapter shall not hold himself or herself out to the public by calling oneself a physician or any of the following titles, or using any similar title or description of services with the intent to represent that the individual practices medicine: "surgeon," "doctor," "doctor of osteopathy," "M.D.," "D.O.," "anesthesiologist," "cardiologist," "dermatologist," "endocrinologist," "gastroenterologist," "general practitioner," "gynecologist," "hematologist," "hospitalist," "internist," "intensivist," "laborist," "laryngologist," "nephrologist," "neurologist," "obstetrician," "oncologist," "ophthalmologist," "orthopedic surgeon," "orthopedist," "osteopath," "otologist," "otolaryngologist," "otorhinolaryngologist," "pathologist," "pediatrician," "primary care physician," "proctologist," "psychiatrist," "radiologist," "rheumatologist," "rhinologist," or "urologist." Nothing in this subsection shall be construed to prevent a health care practitioner from using any title or abbreviation which is authorized for such health care practitioner pursuant to licensing statutes.

"§ 90-645. Violations and enforcement.

(a) Any health care practitioner subject to this Article who does any of the following shall be in violation of this Article:

(1) Knowingly aids, assists, procures, employs, or advises an unlicensed individual or entity in practicing or engaging in acts outside the scope of the health care practitioner's degree of licensure.

(2) Knowingly delegates or contracts the performance of health care services to a health care practitioner that is unqualified to perform those health care services.

(3) Fails to comply with any provision of this Article.

(b) Any health care practitioner who violates this Article as provided under subsection (a) of this section shall be guilty of unprofessional conduct and may be subject to disciplinary action under the health care practitioner's licensure board or other appropriate governing provisions.

(c) Each day of noncompliance with this Article by a health care practitioner shall constitute a separate and distinct violation.

(d) Any health care practitioner who practices in more than one office shall be required to comply with this Article in each practice setting.

(e) Health care practitioners that work in non-patient settings and do not have any direct patient health care interactions are not subject to this Article."

SECTION 5. The following boards shall adopt temporary rules to implement the provisions of this act. Those temporary rules shall remain in effect until permanent rules are adopted that replace those temporary rules:

(1) North Carolina Medical Board.

(2) North Carolina Board of Nursing.

(3) North Carolina Board of Pharmacy.

(4) North Carolina State Board of Dental Examiners.

(5) North Carolina Addictions Specialist Professional Practice Board.

(6) North Carolina State Board of Examiners in Optometry.

(7) North Carolina State Board of Chiropractic Examiners.

(8) Board of Podiatry Examiners for the State of North Carolina.

(9) Board of Licensed Clinical Mental Health Counselors.

(10) North Carolina Psychology Board.

(11) North Carolina Respiratory Care Board.

(12) Board of Examiners for Speech and Language Pathologists and Audiologists.

(13) North Carolina Board of Physical Therapy Examiners.

(14) North Carolina Board of Occupational Therapy.

(15) North Carolina Board of Dietetics/Nutrition.

SECTION 6. Except as otherwise provided, this act becomes effective October 1, 2023.