

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

1

HOUSE BILL 576

Short Title: Health Care Practitioner Transparency Act. (Public)

Sponsors: Representatives K. Baker, Reeder, Potts, and Paré (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Health, if favorable, Judiciary 1, if favorable, Rules, Calendar, and Operations of the House

April 6, 2023

A BILL TO BE ENTITLED
AN ACT TO REQUIRE HEALTH CARE PRACTITIONERS TO WEAR IDENTIFICATION
NOTIFYING PATIENTS OF THE HEALTH CARE PRACTITIONER'S APPROPRIATE
LICENSURE.

The General Assembly of North Carolina enacts:

SECTION 1.(a) 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 1.(b) Article 37 of Chapter 90 of the General Statutes is amended by
adding the following new sections to read:

"§ 90-640. Short title.

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

"§ 90-641. 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 1.(c) G.S. 90-640 is recodified as G.S. 90-642 and reads as rewritten:

"§ 90-642. Identification ~~badges required~~ and advertisement requirements.



* H 5 7 6 - V - 1 *

(a) ~~For purposes of this section, "health~~ An advertisement for 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. services that names a health care practitioner must identify the type of license held by the health care practitioner. The advertisement shall not contain any deceptive or misleading information.

(b) ~~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 (i) a recent photograph of the health care practitioner, (ii) the individual's name and health care practitioner's name, (iii) 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, and (iv) the expiration date of the health care practitioner's license. The badge or other form of identification shall be of sufficient size and be worn in a conspicuous manner to be visible and apparent.~~

(c) ~~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.~~

(d1) A health care practitioner shall not make a representation about the health care practitioner's license, certification, or registration that is deceptive or misleading.

(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.~~

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

(g) Any individual 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," "medical 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."

(h) A medical doctor or doctor of osteopathic medicine who supervises or participates in collaborative practice agreements with other health care practitioners or professionals who provide any type of health care services who are not medical doctors or doctors of osteopathic medicine shall post, in a conspicuous location in each office, a schedule of the regular hours when the medical doctor or doctor of osteopathic medicine will be present in that office.

(i) 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 1.(d) Article 37 of Chapter 90 of the General Statutes is amended by adding a new section to read:

"§ 90-643. 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) Any person who is injured or suffers damages as a result of a violation of this Article may maintain an action in the Wake County Superior Court for injunctive relief against any health care practitioner who has committed a violation of this Article.

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

SECTION 2. 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 3. This act becomes effective October 1, 2023.