

ASSEMBLY, No. 4143

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 11, 2020

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

Assemblywoman ANGELICA M. JIMENEZ

District 32 (Bergen and Hudson)

SYNOPSIS

“New Jersey Health Care Transparency Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/17/2020)

1 AN ACT concerning health care professionals and supplementing
2 Title 45 of the Revised Statutes.

3

4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. This act shall be known and may be cited as the “New Jersey
8 Health Care Transparency Act.”

9

10 2. The Legislature finds and declares that:

11 a. There are a multitude of professional degrees using the term
12 “doctor,” including “medical doctor” (M.D.); “doctor of osteopathy”
13 (D.O.); “doctor of dental surgery” (D.D.S.); “doctor of podiatric
14 medicine” (D.P.M.); “doctor of optometry” (O.D.); “doctor of
15 chiropractic” (D.C.); “doctor of nursing” (D.N.); and other
16 designations which may be used by health care professionals.

17 b. A July 2018 study by the American Medical Association
18 found that 27 percent of patients erroneously believe that a
19 chiropractor is a medical doctor; 39 percent of patients erroneously
20 believe that a doctor of nursing practice is a medical doctor; 43
21 percent of patients erroneously believe that a psychologist is a
22 medical doctor; 47 percent of patients erroneously believe that an
23 optometrist is a medical doctor; and 67 percent of patients
24 erroneously believe a podiatrist is a medical doctor.

25 c. There are widespread differences regarding the training and
26 qualifications required to earn the degrees of the health care
27 professionals subject to P.L. , c. (C.) (pending before the
28 Legislature as this bill). These differences often concern the training
29 and skills necessary to correctly detect, diagnose, prevent and treat
30 serious health care conditions.

31 d. There is a compelling state interest in patients being promptly
32 and clearly informed of the training and qualifications of the health
33 care professionals who provide health care services.

34 e. There is a compelling state interest in the public being
35 protected from potentially misleading and deceptive health care
36 advertising that might cause patients to have undue expectations
37 regarding their treatment and outcome.

38

39 3. As used in this act:

40 “Advertisement” means any communication or statement, whether
41 printed, electronic or oral, that names the health care professional in
42 relation to his or her practice, profession, or institution in which the
43 individual is employed, volunteers or otherwise provides health care
44 services. This includes business cards, letterhead, patient brochures,
45 e-mail, Internet, audio and video, and any other communication or
46 statement used in the course of business. “Advertisement” does not
47 include office building placards or exterior building signage.

1 “Health care professional” means a person licensed, certified,
2 registered or otherwise authorized by any entity designated in section
3 2 of P.L. 1978, c.73 (C.45:1-15), or by any principal department of
4 the Executive Branch of State government or any entity within any
5 department or any other entity hereafter created to license or
6 otherwise regulate a health care profession. “Health care
7 professional” does not include individuals licensed in electrology;
8 genetic counseling; massage and bodywork therapy; mortuary
9 science; or veterinarian medicine.

10 “Licensee” means a health care professional with an active New
11 Jersey license, certification, registration, or other valid authorization.

12
13 4. a. An advertisement for health care services that includes the
14 name of a health care professional shall identify the type of licensure
15 issued to the health care professional and shall not contain deceptive
16 or misleading information, including, but not limited to, any
17 affirmative communication or representation that misstates, falsely
18 describes, holds out, or falsely details the health care professional’s
19 skills, training, expertise, education, public or private board
20 certification, or licensure.

21 b. A health care professional shall communicate the specific
22 licensure held by the professional in the following formats:

23 (1) a name tag to be worn during all patient encounters that is to
24 include:

25 (a) a recent photograph of the health care professional;

26 (b) the full name of the health care professional;

27 (c) the profession in which the health care professional is
28 licensed; and

29 (d) the expiration date of the health care professional’s active
30 license; and

31 (2) a poster or other writing, in font of a sufficient size, placed in
32 a clear and conspicuous manner in the office or offices where the
33 health care professional provides health care services that states the
34 type of licensure held by the health care professional.

35 c. A medical doctor or doctor of osteopathic medicine who
36 supervises or participates in collaborative practice agreements with
37 non-medical doctor or non-osteopathic doctor health care
38 professionals shall be required to clearly and conspicuously post in
39 each office where the medical doctor or doctor of osteopathic
40 medicine provides services the schedule of regular hours the medical
41 doctor or doctor of osteopathic medicine are present in each office.

42
43 5. a. In addition to any practice declared unlawful pursuant to
44 P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a health
45 care professional to engage in the following:

46 (1) Knowingly aiding, abetting, permitting, advising, or
47 procuring an unlicensed person or entity to practice or engage in acts
48 contrary to the profession practiced by the health care professional;

1 (2) Delegating or contracting for the performance of health care
2 services by a health care professional when the individual delegating
3 or contracting for performance knows, or has reason to know, that
4 the individual does not have the required authority under a
5 professional license to delegate or contract for performance; or

6 (3) Any other failure to comply with any provision of section 4
7 of P.L. , c. (C.) (pending before the Legislature as this bill).

8 b. Each day of a failure to comply with any provision of section
9 4 of P.L. , c. (C.) (pending before the Legislature as this bill)
10 shall constitute a separate and punishable offense.

11 c. Any fees or other amounts billed to a patient by a health care
12 professional found in violation of section 4 of P.L. , c. (C.)
13 (pending before the Legislature as this bill) shall be effectively
14 rescinded, or refunded. This includes third parties contracted to
15 collect fees on behalf of a health care professional, the health care
16 professional's employer, or other entities contracting with the health
17 care professional.

18 d. Any imposition of professional sanctions, administrative fees,
19 or other disciplinary action taken by the appropriate State entity shall
20 be publicly reported in means determined by that State entity.

21
22 6. If any of provisions of P.L. , c. (C.) (pending before
23 the Legislature as this bill) or its application to any person or
24 circumstance is held to be invalid, the invalidity shall not affect any
25 other provision or application of P.L. , c. (C.) (pending
26 before the Legislature as this bill), which can be given effect without
27 the invalid provision or application and, to this end, the provisions of
28 P.L. , c. (C.) (pending before the Legislature as this bill) are
29 severable.

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31 7. This act shall take effect on the first day of the seventh month
32 next following enactment.

33 34 35 STATEMENT

36
37 This bill, the "New Jersey Health Care Transparency Act,"
38 requires any advertisement of health care professionals, licensed by
39 the Division of Consumer Affairs, any principal department of the
40 Executive Branch of State government, or any entity within any
41 department or any other entity hereafter created to license or
42 otherwise regulate a health care profession, to include the type of
43 licensure the professional was issued. Advertisements are to exclude
44 deceptive or misleading information relating to the health care
45 professional, including, but not limited to, any affirmative
46 communication or representation that misstates, falsely describes,
47 holds out, or falsely details the professional's skills, training,

1 expertise, education, public or private board certification, or
2 licensure.

3 Under the bill, a health care professional is required to wear a
4 name tag that includes the following information about the
5 professional: a recent photograph, full name, the profession in which
6 they are licensed, and the expiration date of the current license.
7 Additionally, a poster or other writing, in sufficiently-sized font, has
8 to be placed in the office or offices where the health care professional
9 provides health care services and convey the type of licensure held
10 by the professional. Moreover, the bill requires a medical doctor or
11 doctor of osteopathic medicine who supervises or participates in
12 collaborative practice agreements with non-medical doctor or non-
13 osteopathic doctor health care professionals to clearly and
14 conspicuously post, in each office where the medical doctor or doctor
15 of osteopathic medicine provides services, the schedule of regular
16 hours the medical doctor or doctor of osteopathic medicine are
17 present in each office.

18 The bill makes it unlawful for a health care professional to
19 knowingly aid, abet, permit, advise, or procure an unlicensed person
20 or entity to practice or engage in acts contrary to the profession
21 practiced by the health care professional; delegate or contract for the
22 performance of health care services by a health care professional
23 when the individual delegating or contracting for performance
24 knows, or has reason to know, that the individual does not have the
25 required authority under a professional license to delegate or contract
26 for performance; and commit any other failure in complying with the
27 bill's provisions.

28 Under the bill, every day of a failure to comply is a separate and
29 punishable offense. Any fees or billings charged a patient by a health
30 care professional in violation of this bill would be rescinded or
31 refunded. This includes fees or billings charged to a patient by a third
32 party contracted to collect fees on behalf of a health care
33 professional, the health care professional's employer, or other entity
34 contracting with the health care professional. Any imposition of
35 professional sanctions, administrative fees, or other disciplinary
36 action taken by the appropriate State entity shall be publicly reported
37 in means determined by that State entity.