

**SENATE, No. 2465**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MAY 11, 2020

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Cumberland, Gloucester and Salem)**

**SYNOPSIS**

“New Jersey Health Care Transparency Act.”

**CURRENT VERSION OF TEXT**

As introduced.



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:

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

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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.

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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.

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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.

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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 4  
9 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.

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STATEMENT

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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.