

[First Reprint]

**SENATE, No. 2465**

**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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 reported by the Senate Health, Human Services and Senior Citizens Committee on June 11, 2020, with amendments.



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 found  
18 that 27 percent of patients erroneously believe that a chiropractor is a  
19 medical doctor; 39 percent of patients erroneously believe that a doctor  
20 of nursing practice is a medical doctor; 43 percent of patients  
21 erroneously believe that a psychologist is a medical doctor; 47 percent  
22 of patients erroneously believe that an optometrist is a medical doctor;  
23 and 67 percent of patients erroneously believe a podiatrist is a medical  
24 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 <sup>1, 1</sup> and treat  
30 serious health care conditions.

31 d. There is a compelling <sup>1</sup>**[state]** State<sup>1</sup> interest in patients being  
32 promptly and clearly informed of the training and qualifications of the  
33 health care professionals who provide health care services.

34 e. There is a compelling <sup>1</sup>**[state]** State<sup>1</sup> interest in the public  
35 being 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,  
41 whether printed, electronic or oral, that names the health care  
42 professional in relation to his or her practice, profession, or  
43 institution in which the individual is employed, volunteers or  
44 otherwise provides health care services. This includes business  
45 cards, letterhead, patient brochures, e-mail, Internet, audio and

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SHH committee amendments adopted June 11, 2020.

1 video, and any other communication or statement used in the course  
2 of business. “Advertisement” does not include office building  
3 placards or exterior building signage.

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

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

16

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

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

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

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

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

31 (c) the profession in which the health care professional is licensed;  
32 and

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

35 (2) a poster or other writing, in font of a sufficient size, placed in a  
36 clear and conspicuous manner in the office or offices where the health  
37 care professional provides health care services <sup>1</sup>,<sup>1</sup> that states the type  
38 of licensure held by the health care professional.

39 c. A medical doctor or doctor of osteopathic medicine who  
40 supervises or participates in collaborative practice agreements with  
41 non-medical doctor or non-osteopathic doctor health care professionals  
42 shall be required to clearly and conspicuously post in each office  
43 where the medical doctor or doctor of osteopathic medicine provides  
44 services the schedule of regular hours the medical doctor or doctor of  
45 osteopathic medicine <sup>1</sup>**[are]** is<sup>1</sup> present in each office.

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

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

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

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

14           b. Each day <sup>1</sup>of a failure during which a health care professional  
15 fails<sup>1</sup> to comply with any provision of section 4 of P.L. , c.  
16 (C. ) (pending before the Legislature as this bill) shall constitute a  
17 separate and punishable offense.

18           c. Any fees or other amounts billed to a patient by a health care  
19 professional found in violation of section 4 of P.L. , c. (C. )  
20 (pending before the Legislature as this bill) shall be effectively  
21 rescinded <sup>1</sup>[,]<sup>1</sup> or refunded <sup>1</sup>[. This includes] , including any fees or  
22 amounts collected by<sup>1</sup> third parties <sup>1</sup>[contracted to collect fees]<sup>1</sup> on  
23 behalf of a health care professional, the health care professional's  
24 employer, or other entities contracting with the health care  
25 professional.

26           d. Any imposition of professional sanctions, administrative fees,  
27 or other disciplinary action taken by the appropriate State entity shall  
28 be publicly reported in <sup>1</sup>[means determined] the form and manner  
29 prescribed<sup>1</sup> by that State entity.

30           <sup>1</sup>e. Nothing in P.L. , c. (C. ) (pending before the  
31 Legislature as this bill) shall be construed to impose liability on news  
32 media that accept or publish advertising that may fall within the scope  
33 of P.L. , c. (C. ) (pending before the Legislature as this bill).<sup>1</sup>

34  
35           6. If any of <sup>1</sup>the<sup>1</sup> provisions of P.L. , c. (C. ) (pending  
36 before the Legislature as this bill) or its application to any person or  
37 circumstance is held to be invalid, the invalidity shall not affect any  
38 other provision or application of P.L. , c. (C. ) (pending before  
39 the Legislature as this bill) <sup>1</sup>[,]<sup>1</sup> which can be given effect without the  
40 invalid provision or application and, to this end, the provisions of  
41 P.L. , c. (C. ) (pending before the Legislature as this bill) are  
42 severable.

43  
44           7. This act shall take effect on the first day of the seventh  
45 month next following enactment.