

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND THIRTEEN

S.P. 265 - L.D. 727

An Act Establishing Health Care Practitioner Transparency Requirements**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 24 MRSA §2988** is enacted to read:**§2988. Identification of health care practitioners; advertising****1. Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advertisement" means a communication, whether printed, electronic or oral, that names a health care practitioner and the practice, profession or institution in which the practitioner is employed, volunteers or otherwise provides health care services. "Advertisement" includes business cards, letterhead, patient brochures, e-mail, Internet, audio and video communications and any other communication used in the course of business.

B. "Deceptive or misleading advertising" includes, but is not limited to, use of an advertisement that misstates, falsely describes, falsely holds out or falsely details the health care practitioner's professional skills, training, expertise, education, board certification or licensure.

2. Advertising. A health care practitioner who advertises health care services shall disclose in an advertisement the applicable license under which the health care practitioner is authorized to provide services. The advertisement:

A. May not constitute deceptive or misleading advertising; and

B. Must include the health care practitioner's name, the type of license the practitioner holds and the common term for the practitioner's profession.

3. Identification. A health care practitioner shall comply with the following identification requirements. A health care practitioner who does not have direct patient care interactions is not subject to the provisions of this subsection.

A. A health care practitioner shall display a copy of the practitioner's license in a prominent place in an office area visible to current and prospective patients. If the health care practitioner sees patients in a setting outside of a licensed health care facility, the copy must be of sufficient size to be visible and apparent to patients, except that a copy no smaller than the original license is deemed to be sufficient.

B. A health care practitioner seeing patients on a face-to-face basis shall wear a name badge or some other form of identification that clearly discloses:

(1) The health care practitioner's name;

(2) The type of license, registration or certification the health care practitioner holds, including the common term for the health care practitioner's profession; and

(3) The health care practitioner's medical staff position, if applicable.

4. Complaints; disciplinary action. A person may file a complaint with the appropriate licensing board regarding a health care practitioner who fails to provide the consumer information required in this section. A health care practitioner who violates any provision of this section engages in unprofessional conduct and is subject to disciplinary action under the applicable licensing provisions of the health care practitioner.

5. Authority of licensing board. This section may not be construed to limit the authority of a licensing board to impose requirements for professional conduct and advertising on a health care practitioner in addition to the requirements of this section.