

# SENATE . . . . . No. 1169

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## The Commonwealth of Massachusetts

PRESENTED BY:

*Thomas P. Kennedy*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to truth in advertising.

PETITION OF:

NAME:

*Thomas P. Kennedy*

DISTRICT/ADDRESS:

*Second Plymouth and Bristol*

# SENATE . . . . . No. 1169

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By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 1169) of Thomas P. Kennedy for legislation relative to truth in advertising. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1035 OF 2013-2014.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act relative to truth in advertising.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 1. Chapter 112 is hereby amended by adding the following new sections:

2           For the purposes of this section:

3           "Advertisement" any communication or statement, whether printed, electronic, or oral  
4           that names the health care practitioner in relation to his or her practice, profession, or institution  
5           in which the individual is employed, volunteers or otherwise provides health care services. This  
6           includes business cards, letterhead, patient brochures, email, Internet, audio and video, and any  
7           other communication or statement used in the course of business.

8           "Deceptive" or "misleading" includes, but is not limited to, any advertisement or  
9           affirmative communication or representation that mis-states, falsely describes, holds out or

falsely details the health care practitioner's profession, skills, training, expertise, education, board certification or licensure.

"Health care practitioner" any person who engages in acts that are the subject of licensure or regulation.

"Licensee" a health care practitioner who holds an active license with the licensing board governing his or her practice in the Commonwealth.

(a) An advertisement for health care services that names a health care practitioner must identify the type of license held pursuant to the definitions under this act. The advertisement shall be free from any and all deceptive and misleading information.

(b) A health care practitioner providing health care services in the Commonwealth must conspicuously post and affirmatively communicate the practitioner's specific licensure as defined under this act. This shall consist of the following:

1. The health care practitioner shall wear a photo identification name tag during all patient encounters that shall include (i) a recent photograph of the practitioner (ii) the practitioner's name; (iii) the type of license; and (iv) the expiration date of the license. The name tag shall be of sufficient size and be worn in a conspicuous manner so as to be visible and apparent.

2. The health care practitioner shall display in his or her office a writing that clearly identifies the type of license held by the health care practitioner. The writing must be of sufficient size so as to be visible and apparent to all current and prospective patients.

(c) A health care practitioner who practices in more than one office shall be required to comply with these requirements in each practice setting.

(d) A medical doctor or doctor of osteopathic medicine who supervises or participates in collaborative practice agreements with non-medical doctors or non-doctors of osteopathic medicine health care practitioners shall be required to conspicuously post in each office a schedule of the regular hours when he or she will be present at that office.

(e) Health care practitioners working in non-patient care settings, and who do not have any direct patient care interactions, are not subject to the provisions of this act.

(f) Failure to comply with any provision under this section shall constitute a violation of this act and Chapter 93A of the general laws.