HOUSE DOCKET, NO. 1314 FILED ON: 1/18/2023

HOUSE . . . . . No. 3606

The Commonwealth of Massachusetts

PRESENTED BY:

Gerard J. Cassidy

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 health care transparency.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Gerard J. Cassidy	*9th Plymouth*	*1/18/2023*
Paul McMurtry	*11th Norfolk*	*3/1/2023*
William C. Galvin	*6th Norfolk*	*3/1/2023*
Kenneth I. Gordon	*21st Middlesex*	*3/1/2023*
Andres X. Vargas	*3rd Essex*	*6/6/2023*

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HOUSE . . . . . No. 3606

By Representative Cassidy of Brockton, a petition (accompanied by bill, House, No. 3606) of Gerard J. Cassidy and others relative to the use of the term physician. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4812* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act relative to health care transparency.

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

SECTION 1. Chapter 112 of the General Laws is hereby amended by striking out section 8A and inserting in place thereof the following section:-

Section 8A. No person may, directly or indirectly, use the title "physician" or display or use the term physician in any title, advertisement, listing of affiliations, communication with the public or in any other manner to indicate or imply in any way that such person offers to engage or engages in the practice of medicine or in the provision of health care services to patients within the commonwealth who is not registered by the board of registration in medicine as a physician under section 2, nor use or imply the use of the words or terms “surgeon,” “medical doctor,” “doctor of osteopathy,” “M.D.”, “anesthesiologist,” “cardiologist,” “dermatologist,” “endocrinologist,” “gastroenterologist,” “general practitioner,” “gynecologist,” “hematologist,”

“internist,” “laryngologist,” “nephrologist,” “neurologist,” “obstetrician,” “oncologist,” “ophthalmologist,” “orthopedic surgeon,” “orthopedist,” “osteopath,” “otologist,” “otolaryngologist,” “otolaryngologist,” “pathologist,” “pediatrician,” “primary care physician,” “proctologist,” “psychiatrist,” “radiologist,” “rheumatologist,” “rhinologist,” “urologist,” or any similar title or description of services with the intent to represent that the person practices medicine. This section shall not apply to use of the term "chiropractic physician" by individuals licensed and practicing under sections 89 to 97, inclusive, or the use of the term "podiatric physician" by individuals licensed and practicing under sections 13 to 22, inclusive, or the use of the term "physician assistant" by individuals licensed and practicing under sections 9C to 9K, inclusive. A person who violates this section shall be punished by a fine of not less than $100 and not more than $1,000 or by imprisonment for not less than 30 days and not more than 1 year in the house of corrections, or by both such fine and imprisonment.

SECTION 2. Said chapter 112 is hereby further amended by adding the following section:-

Section 290. (a) For the purposes of this section, the following terms shall have the following meanings:

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

"Deceptive" or "misleading" includes, but is not limited to, any advertisement or 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.

(b) 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 chapter. The advertisement shall be free from any and all deceptive and misleading information.

(c) 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 chapter, which 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.

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

(e) 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.

(f) 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 section.

(g) Failure to comply with any provision under this section shall constitute a violation of this section and chapter 93A.