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**NEW YORK STATE SENATE**  
**INTRODUCER'S MEMORANDUM IN SUPPORT**  
**submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S4651A

**SPONSOR:** GRIFFO

**TITLE OF BILL:**

An act to amend the education law, in relation to enacting the health care professional transparency act

**PURPOSE:**

To ensure appropriate identification of all health professionals in their one on one interaction with patients and in their advertisements to the public.

**SUMMARY OF PROVISIONS:**

This bill creates a new section 6511-a of the Education Law in relation to Health Care professional transparency to require that an advertisement for health care services that names a health care practitioner must identify the type of license by that health care professional and requires that advertisements shall be free from any and all deceptive or misleading information.

The bill also requires a health care practitioner providing health care services in this state to conspicuously post and affirmatively communicate the practitioner's specific licensure as defined under this section and specifies that 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) the employee's name; (ii) large bold lettering which specifies the type of license held by the practitioner; and (iii) 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; and (2) the health care practitioner outside of a general hospital shall display in his or her office a writing that clearly identified the type of license held by the health care practitioner. The writing shall be of sufficient size so as to be visible and apparent to all current and prospective patients. This bill also amends Section 6509 of the Education Law by adding a new subdivision fifteen (15) to make the failure to comply with section 6511-a an act of professional misconduct for non-physician health care professionals.

This bill also amends Section 6530 of the Education Law by adding, a new subparagraph (50) to make the failure to comply with section 6511-a an act of professional misconduct for physicians.

**EXISTING LAW:**

Current law does not require non-physician providers to specify in their advertisements the type of license held by such health care professional. Current law prohibits physicians from making false, fraudulent and misleading advertisements but does not require physicians to specify their specialty credentials such as board certification in their advertisements.

**JUSTIFICATION:**

In studies conducted by the AMA it was found that patients are clearly confused about who provides their medical care. Results of the survey revealed multiple examples of confusion by the public. 67% of respondents believed that a podiatrist was a medical doctor and 50% of the respondents believed that a psychologist was a medical doctor. A mere 69% of respondents believed that an ophthalmologist is a medical doctor. This confusion is exacerbated by advertisements which fail to specify the title and type of license held by the health professional advertising his or her services. Clarity in advertising will enhance public information and decision making on matters affecting the public's choice of health professional. Also, by requiring health care professionals to wear clearly readable identification badges, the patient can be properly informed as to the type of provider with whom they are speaking about their care.

**LEGISLATIVE HISTORY:**

2014 - S. 5493 - Rules Committee/A. 7889 - Higher Education Committee.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediate.