



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3509

Introduced 2/10/2010, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

New Act

Creates the Truth in Health Care Professional Services Act. Requires an advertisement for health care services that names a health care professional to identify the type of license held pursuant to the definitions under his or her licensing Act. Provides that the advertisement shall be free from any and all deceptive or misleading information. Requires a health care professional providing health care services in the State to conspicuously post and affirmatively communicate the professional's specific licensure as required under the Act, with certain exceptions. Provides that any health care professional, third party contracted to collect fees on behalf of the health care professional, the health care professional's employer, or other entity contracting with the health care professional who violates any provision under the Act is guilty of unprofessional conduct and subject to disciplinary action under the appropriate provisions of the specific Act governing that health care profession. Sets forth other provisions concerning violations and enforcement of the Act. Defines "advertisement", "deceptive" and "misleading", "health care professional", and "licensee". Effective July 1, 2010.

LRB096 19788 ASK 35228 b

1 AN ACT concerning professional regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Truth
5 in Health Care Professional Services Act.

6 Section 5. Purpose. The General Assembly hereby finds and
7 declares that:

8 (a) There are widespread differences regarding the
9 training and qualifications required to earn the professional
10 degrees. These differences often concern the training and
11 skills necessary to correctly detect, diagnose, prevent, and
12 treat illness or health care conditions.

13 (b) There is a compelling State interest in patients being
14 promptly and clearly informed of the training and
15 qualifications of the health care professionals who provide
16 health care services.

17 (c) There is a compelling State interest in the public
18 being protected from potentially misleading and deceptive
19 health care advertising that might cause patients to have undue
20 expectations regarding their treatment and outcome.

21 Section 10. Definitions. For purposes of this Act:

22 "Advertisement" denotes any communication or statement,

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

8 "Deceptive" or "misleading" includes, but is not limited
9 to, any advertisement or affirmative communication or
10 representation for health care services that misstates,
11 falsely describes, or falsely represents the health care
12 professional's skills, training, expertise, education, board
13 certification, or licensure.

14 "Health care professional" means any person who treats
15 human ailments and is subject to licensure or regulation by the
16 State, including students and residents.

17 "Licensee" means a health care professional who holds an
18 active license with the licensing board governing his or her
19 practice in this State.

20 Section 15. Requirements.

21 (a) An advertisement for health care services must identify
22 the type of license held by the health care professional
23 advertising or providing services pursuant to the definitions,
24 titles, and initials authorized under his or her licensing Act.
25 The advertisement shall be free from any and all deceptive or

1 misleading information.

2 (b) A health care professional providing health care
3 services in this State must conspicuously post and
4 affirmatively communicate the professional's specific
5 licensure by doing the following:

6 (1) The health care professional shall wear a name tag
7 during all patient encounters that clearly identifies the
8 type of license held by the health care professional. The
9 name tag shall be of sufficient size and be worn in a
10 conspicuous manner so as to be visible and apparent; and

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

16 (3) The health care professional must only use the
17 licensure titles or initials authorized by his or her
18 licensing Act or authorized by the professional licensing
19 Act for students in training.

20 A health care professional who practices in more than one
21 office shall comply with these requirements in each practice
22 setting.

23 (c) Health care professionals working in non-patient care
24 settings, and who do not have any direct patient care
25 interactions, are not subject to the provisions of subsection
26 (b) of this Section.

1 Section 20. Violations and enforcement.

2 (a) Failure to comply with any provision under this Section
3 shall constitute a violation under this Act.

4 (b) Each day this Act is violated shall constitute a
5 separate offense and shall be punishable as such.

6 (c) Any health care professional, third party contracted to
7 collect fees on behalf of the health care professional, the
8 health care professional's employer, or other entity
9 contracting with the health care professional, who violates any
10 provision under this Act is guilty of unprofessional conduct
11 and subject to disciplinary action under the appropriate
12 provisions of the specific Act governing that health care
13 profession.

14 Section 97. Severability. The provisions of this Act are
15 severable under Section 1.31 of the Statute on Statutes.

16 Section 99. Effective date. This Act takes effect July 1,
17 2010.