

SENATE HEALTH, HUMAN SERVICES AND SENIOR CITIZENS COMMITTEE

STATEMENT TO **SENATE, No. 2465**

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 12, 2020

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 2465.

This bill, which is designated as the “New Jersey Health Care Transparency Act,” requires any advertisement for a health care professional licensed or certified to practice under State law to include the type of licensure the professional was issued. Advertisements are to exclude deceptive or misleading information relating to the health care professional, including, but not limited to, any affirmative communication or representation that misstates, falsely describes, holds out, or falsely details the professional’s skills, training, expertise, education, public or private board certification, or licensure.

Under the bill, a health care professional is required to wear a name tag that includes the following information about the professional: a recent photograph, full name, the profession in which the professional is licensed, and the expiration date of the current license. Additionally, a poster or other writing, in sufficiently-sized font, is to be placed in the office or offices where the health care professional provides health care services and convey the type of licensure held by the professional. Moreover, the bill requires a medical doctor or doctor of osteopathic medicine who supervises or participates in collaborative practice agreements with non-medical doctor or non-osteopathic doctor health care professionals to clearly and conspicuously post, in each office where the medical doctor or doctor of osteopathic medicine provides services, the schedule of regular hours the medical doctor or doctor of osteopathic medicine is present in each office.

The bill makes it unlawful for a health care professional to knowingly aid, abet, permit, advise, or procure an unlicensed person or entity to practice or engage in acts contrary to the profession practiced by the health care professional; delegate or contract for the performance of health care services by a health care professional when the individual delegating or contracting for performance knows, or has reason to know, that the individual does not have the required

authority under a professional license to delegate or contract for performance; or otherwise fail to comply with the bill's provisions.

Under the bill as amended, each day during which a health care professional fails to comply with the requirements of the bill constitutes a separate and punishable offense. Any fees or billings charged to a patient by a health care professional in violation of the bill are to be rescinded or refunded, including fees or billings charged to a patient by a third party contracted to collect fees on behalf of a health care professional, the health care professional's employer, or other entity contracting with the health care professional. Any imposition of professional sanctions, administrative fees, or other disciplinary action taken by the appropriate State entity shall be publicly reported in means determined by that State entity. The amended bill clarifies that nothing in the bill is to be construed to impose any liability on new media that accept or publish advertising for a health care professional that falls under the scope of the bill.

COMMITTEE AMENDMENTS:

The committee amendments expressly provide that the bill does not establish any liability for news media that accept or publish advertising that falls within the scope of the provisions of the bill.

The committee amendments make a number of technical changes involving grammar, punctuation, and syntax.