

Sixty-eighth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1221

Introduced by

Representatives Heinert, Bosch, Ista, Meier, Motschenbacher, M. Ruby, Schatz

Senators Axtman, Clemens

1 A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century
2 Code, relating to professional transparency for health care practitioners.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 43 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

7 As used in this chapter:

- 8 1. "Advertisement" means a communication or statement, whether printed, electronic, or
9 oral, which names the health care practitioner in relation to the practitioner's practice,
10 profession, or institution in which the practitioner is employed, volunteers, or otherwise
11 provides health care services. The term includes a communication or statement on a
12 business card, on letterhead, in a patient brochure, in electronic mail, on the internet,
13 in an audio or video format, and any other communication or statement used in the
14 course of business.
- 15 2. "Deceptive" or "misleading" includes an advertisement or affirmative communication or
16 representation that misstates, falsely describes, holds out, or falsely details the health
17 care practitioner's profession, skills, training, expertise, education, board certification,
18 or licensure.
- 19 3. "Health care practitioner" means the following health care licensure types:
20 a. Practitioners of allopathic medicine, signified by the letters "M.D." or the words
21 surgeon, medical doctor, or doctor of medicine, by an individual licensed to
22 practice medicine and surgery.

- 1 b. Practitioners of osteopathic medicine, signified by the letters "D.O." or the words
2 surgeon, osteopathic surgeon, osteopath, doctor of osteopathy, or doctor of
3 osteopathic medicine.
- 4 c. Practitioners of nursing, signified by the letters "D.N.P.", "N.P.", "R.N.", "L.P.N.",
5 "C.R.N.A.", ~~"C.N.A."~~, or any other commonly used signifier to denote a doctorate
6 of nursing practice, advanced practice practitioner, registered nurse, licensed
7 practical nurse, ~~or certified registered nurse anesthetist, or certified nurse~~
8 ~~assistant~~, respectively, as appropriate to signify the degree of licensure and
9 degree earned from a (regionally) accredited institution of higher education in the
10 appropriate field of learning. *remove suggested by BON*
- 11 d. Practitioners of podiatry, signified by the letters "D.P.M." or the words podiatrist,
12 doctor of podiatry, podiatric surgeon, or doctor of podiatric medicine.
- 13 e. Practitioners of chiropractic, signified by the letters "D.C." or the words
14 chiropractor or doctor of chiropractic.
- 15 f. Practitioners of naturopathy, signified by the letters "N.D." or the words
16 naturopathic doctor or doctor of naturopathy.
- 17 g. Physician assistants, signified by the letters "P.A." or the words physician
18 assistant.
- 19 h. Physical therapists, signified by the letters "P.T.", "D.P.T.", "M.P.T.", or the words
20 physical therapists.
- 21 i. Medical assistants, signified by the letters "M.A." or the words medical assistant.
- 22 j. Practitioners of audiology, signified by the letters "Au.D.", "Sc.D.", "Ph.D.", or the
23 words audiologist or doctor of audiology.
- 24 k. Psychologists, signified by the letters "PhD" or the word psychologist.

25 **Requirements.**

- 26 1. An advertisement for health care services which names a health care practitioner must
27 identify the type of license held pursuant to the definitions under this chapter. The
28 advertisement may not contain deceptive or misleading information.
- 29 2. A health care practitioner providing health care services in this state shall post
30 conspicuously and communicate affirmatively the practitioner's specific licensure as
31 defined under this chapter. A health care practitioner shall wear a photo identification

1 name tag during all patient encounters which must include a recent photograph of the
2 practitioner, the practitioner's name, and the type of license. The name tag must be of
3 sufficient size and be worn in a conspicuous manner so as to be visible and apparent.

4 3. A health care practitioner is not subject to ~~this chapter~~the name tag requirement if:

- 5 a. The health care practitioner is working in a nonpatient care setting and does not
6 have any direct patient care interactions;
7 b. The wearing of identification would jeopardize the health care practitioner's
8 safety;
9 c. The health care practitioner is in an office in which the license type and names of
10 all health care practitioners working in the office are displayed on the office door
11 and each health care practitioner working in the office has the practitioner's
12 license posted prominently in the office and readily visible to a patient; or
13 d. The office is an office of a solo health care practitioner, or of a single type of
14 health care provider.

15 **Violations and enforcement.**

16 1. Failure to comply with this chapter constitutes a violation under this chapter.

17 2. ~~Knowingly aiding, assisting, procuring, employing, or advising an unlicensed person to~~
18 ~~practice or engage in acts contrary to a health care practitioner's degree of licensure~~
19 ~~constitutes a violation under this chapter.~~

20 ~~3. Delegating or contracting for the performance of health care services by a health care~~
21 ~~practitioner if the licensee delegating or contracting for performance knows, or has~~
22 ~~reason to know, the individual does not have the required authority pursuant to the~~
23 ~~individual's licensure constitutes a violation under this chapter.~~

24 ~~4.~~ A health care practitioner who violates this chapter is deemed to have engaged in
25 unprofessional conduct, which may be grounds for disciplinary action under the
26 licensure provisions governing the respective health care practitioner.

27 5.3. A violation of this section does not create a private right of action by a patient.

28 6.4. Notwithstanding the imposition of any penalty, a professional licensing board or other
29 administrative agency with jurisdiction may seek an injunction or other legal means as
30 appropriate against a person violating this chapter.