

Introduced by

Senators G. Lee, Berry, Schneider

Representatives Karls, J. Nelson, Mock

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 any communication or statement, whether printed, electronic,  
9 or oral, which names the health care practitioner in relation to that practitioner's  
10 practice, profession, or institution in which the practitioner is employed, volunteers, or  
11 otherwise provides health care services. The term includes business cards, letterhead,  
12 patient brochures, e-mail, Internet, audio, video, and any other communication or  
13 statement used in the course of business.
- 14 2. "Deceptive" or "misleading" includes any advertisement or affirmative communication  
15 or representation that misstates, falsely describes, holds out, or details the health care  
16 practitioner's profession, skills, training, expertise, education, board certification, or  
17 licensure.
- 18 3. "Health care practitioner" or "practitioner" means an individual who engages in health  
19 care acts that are the subject of state licensure or regulation, including the following  
20 practitioners:
- 21 a. Practitioners of allopathic medicine who are licensed to practice medicine under  
22 chapter 43-17, who may be signified by the letters M.D. or the words physician,  
23 surgeon, medical doctor, or doctor of medicine.

- 1           b. Practitioners of osteopathic medicine who are licensed to practice medicine  
2           under chapter 43-17, who may be signified by the letters D.O. or the words  
3           physician, surgeon, osteopathic surgeon, osteopath, doctor of osteopathy, or  
4           doctor of osteopathic medicine.
- 5           c. Practitioners of nursing, who are licensed to practice nursing under chapter  
6           43-12.1, who may be signified by the letters R.N., L.P.N., or other abbreviations,  
7           title, or designation approved by the state board of nursing under section  
8           43-12.1-03 to denote a doctorate of nursing practice, nurse practitioner,  
9           registered nurse, licensed practical nurse, certified registered nurse anesthetist,  
10          or certified nurse assistant, as appropriate to signify the appropriate degree of  
11          licensure and education.
- 12          d. Podiatrists, who are licensed to practice podiatric medicine under chapter 43-05,  
13          who may be signified by the letters D.P.M. or the words doctor of podiatric  
14          medicine, podiatrist, podiatric physician, chiropodist, foot specialist, or foot doctor  
15          as authorized under section 43-05-09.
- 16          e. Practitioners of chiropractic, who are licensed to practice chiropractic under  
17          chapter 43-06, who may be signified by the letters D.C. or the words doctor of  
18          chiropractic, chiropractor, or chiropractic physician under section 43-06-11.
- 19          f. Dentists, who are licensed to practice dentistry under chapter 43-28, who may be  
20          signified by the letters D.D.S or D.M.D. as appropriate, or the words dentist,  
21          doctor of dental surgery, or doctor of dental medicine, as appropriate.
- 22          g. Practitioners of optometry who are licensed to practice optometry under chapter  
23          43-13, who are signified by the letters O.D. or the words optometrist or doctor of  
24          optometry.
- 25          h. Naturopaths who are licensed to practice naturopathic health under chapter  
26          43-58, who may be signified by the letters N.D. or the words naturopath or doctor  
27          of naturopathic medicine under section 43-58-03.
- 28          i. Physician assistants who have a certificate issued by the state board of medical  
29          examiners under chapter 43-17, who may be signified by the letters PA-C or the  
30          words physician assistant or certified physician assistant under section  
31          43-17-02.2.

- 1           j. Audiologists who are licensed to practice audiology under chapter 43-37, who  
2           may be signified by the letters Au.D., Sc.D., or Ph.D., or the words audiologist or  
3           doctor of audiology.
- 4           k. Speech language pathologists, psychologists, industrial psychologists,  
5           organizational psychologists, industrial-organizational psychologists, applied  
6           behavior analysts, physical therapists, occupational therapists, respiratory care  
7           practitioners, dieticians, nutritionists, who as appropriate may be signified by the  
8           letters Ph.D., Ed.D., or Sc.D. or other letters or title authorized by the  
9           professional's state licensing board or entity as appropriate to signify the  
10          appropriate degree of licensure and degree of education.

11          4. "Physician" has the same meaning provided under section 43-17-01.

12          **Requirements - Exemption.**

- 13          1. An advertisement for health care services which names a health care practitioner must  
14          identify the type of professional license held by the practitioner. The advertisement  
15          may not include deceptive or misleading information.
- 16          2. A health care practitioner providing health care services in this state shall post in a  
17          conspicuous location and affirmatively communicate the practitioner's specific  
18          professional licensure.
- 19          3. A health care practitioner shall wear a photo identification name tag during all patient  
20          encounters. The name tag must include a recent photograph of the practitioner, the  
21          practitioner's name, and the the type of license the practitioner holds. The name tag  
22          must be of sufficient size and must be worn in a conspicuous manner in order to be  
23          clearly visible.
- 24          4. A physician who supervises or participates in collaborative practice agreements with  
25          nonphysician health care practitioners shall post in a conspicuous manner in each of  
26          the nonphysician practitioner's offices a schedule of the physician's regular hours  
27          when the physician is scheduled to be present in that office.
- 28          5. A health care practitioner working in a nonpatient care setting, who does not have any  
29          direct patient care interactions, is not subject to this chapter.

30          **Violations and enforcement.**

- 31          1. It is a violation of this chapter:

- 1           a. To knowingly aid, assist, procure, employ, or advise an unlicensed person to  
2           practice in a regulated health care profession contrary to the state's licensure  
3           laws.
- 4           b. To knowingly aid, assist, procure, employ, or advise a practitioner to engage in  
5           acts contrary to the practitioner's degree of licensure or scope of practice.
- 6           c. For a practitioner to delegate to or contract with a person for the performance of  
7           health care services if the practitioner delegating or contracting for performance  
8           has reason to know the person does not have the required authority pursuant to  
9           the person's licensure or lack of licensure.
- 10          2. A health care practitioner who violates this chapter is guilty of unprofessional conduct,  
11          which may be grounds for disciplinary action under the appropriate licensure  
12          provisions governing the respective health care practitioner.
- 13          3. A violation of this section does not create a private right of action by a patient.
- 14          4. Notwithstanding the imposition of any penalty, a state professional licensing board or  
15          entity or other administrative agency with jurisdiction may seek an injunction or other  
16          legal means as appropriate against any person violating this chapter.