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SENATE BILL 6394

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State of Washington

62nd Legislature

2012 Regular Session

By Senator Keiser

Read first time 01/20/12. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to requiring transparency for patients regarding  
2 training and qualifications of health care professionals; adding new  
3 sections to chapter 18.130 RCW; creating a new section; and providing  
4 an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The exclusive use of the term "doctor" by a  
7 health care professional fails to fully inform patients of the training  
8 and qualifications of the health care professional. There is a  
9 compelling state interest in the public being protected from  
10 potentially misleading and deceptive advertising which might cause  
11 patients to have undue expectations regarding treatments and outcomes.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.130 RCW  
13 to read as follows:

14 The definitions in this section apply throughout sections 3 and 4  
15 of this act unless the context clearly requires otherwise.

16 (1) "Advertisement" denotes any communication or statement that  
17 names the health care professional in relation to his or her practice  
18 or profession. This includes, but is not limited to, business cards,

1 letterhead, patient brochures, e-mail, internet, audio or video  
2 presentations, billboards, signs, professional notices, and any other  
3 communication used in the course of business.

4 (2) "Deceptive or misleading information" includes, but is not  
5 limited to, any advertisement or communication or representation that  
6 misstates, falsely describes, holds out or falsely details the health  
7 care professional's skills, training, expertise, education, board  
8 certification, licensure, certification, registration, or professional  
9 degrees.

10 (3) "Department" means the department of health.

11 (4) "Health care professional" means any individual who is  
12 specifically referred to as a doctor, a surgeon, or a physician,  
13 including any individual who has a doctorate degree in any health care  
14 profession regulated under this chapter.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.130 RCW  
16 to read as follows:

17 (1) An advertisement that names a health care professional,  
18 regardless of whether the title "doctor" appears, must identify the  
19 type of license, registration, or certification held by the health care  
20 professional by clearly stating either:

21 (a) The health care professional's full title indicating the type  
22 of license, registration, or certification held by the health care  
23 professional; or

24 (b) Use of a suffix after the name of the health care professional,  
25 as approved in statute for the type of license, registration, or  
26 certification held by the professional.

27 (2) All advertisements must be free from any and all deceptive or  
28 misleading information.

29 (3) All health care professionals referenced in section 2 of this  
30 act and who provide health care services are responsible for ensuring  
31 that the manner in which they refer to themselves is consistent with  
32 their training and qualifications so as to avoid any potential  
33 confusion by patients as to their level of training and qualifications  
34 or scope of practice.

35 NEW SECTION. **Sec. 4.** A new section is added to chapter 18.130 RCW  
36 to read as follows:

1           (1) Failure to comply with any provision under section 3 of this  
2 act is considered unprofessional conduct as defined in RCW 18.130.180.

3           (2) Health care professionals who do not comply with the provisions  
4 of section 3 of this act are subject to sanctions as provided in this  
5 chapter.

6           NEW SECTION.   **Sec. 5.** This act takes effect January 1, 2013.

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