



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1350

Introduced 2/8/2011, by Sen. Kyle McCarter

#### SYNOPSIS AS INTRODUCED:

225 ILCS 145/10  
225 ILCS 145/15  
225 ILCS 145/20

Amends the Truth in Health Care Professional Services Act. Provides that health care professionals and licensee as defined in the Truth in Health Care Professional Services Act applies to individuals who work in a hospital or in an ambulatory surgical treatment center as defined by the Ambulatory Surgical Treatment Center Act. Effective immediately.

LRB097 05158 CEL 45205 b

1 AN ACT concerning regulation.

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

4 Section 5. The Truth in Health Care Professional Services  
5 Act is amended by changing Sections 10, 15, and 20 as follows:

6 (225 ILCS 145/10)

7 Sec. 10. Definitions. For purposes of this Act:

8 "Advertisement" denotes any communication or statement,  
9 whether printed, electronic, or oral, that names the health  
10 care professional in relation to his or her practice,  
11 profession, or institution in which the individual is employed,  
12 volunteers, or otherwise provides health care services. This  
13 includes business cards, letterhead, patient brochures,  
14 e-mail, Internet, audio, and video, and any other communication  
15 or statement used in the course of business.

16 "Deceptive" or "misleading" includes, but is not limited  
17 to, any advertisement or affirmative communication or  
18 representation for health care services that misstates,  
19 falsely describes, or falsely represents the health care  
20 professional's skills, training, expertise, education, board  
21 certification, or licensure.

22 "Health care professional" means any person who treats  
23 human ailments and is subject to licensure or regulation by the

1 State and who is employed or works in a hospital or in an  
2 ambulatory surgical treatment center as defined in the  
3 Ambulatory Surgical Treatment Center Act, including students  
4 and residents.

5 "Licensee" means a health care professional who holds an  
6 active license with the licensing board governing his or her  
7 practice in this State and is employed or works in a hospital  
8 or in an ambulatory surgical center as defined in the  
9 Ambulatory Surgical Treatment Center Act.

10 (Source: P.A. 96-1340, eff. 7-27-10.)

11 (225 ILCS 145/15)

12 Sec. 15. Requirements.

13 (a) An advertisement for health care services must identify  
14 the type of license held by the health care professional  
15 advertising or providing services pursuant to the definitions,  
16 titles, and initials authorized under his or her licensing Act  
17 or examination designations required for licensure under his or  
18 her licensing Act. The advertisement shall be free from any and  
19 all deceptive or misleading information.

20 (b) A health care professional as defined in this Act who  
21 is providing health care services in this State must  
22 conspicuously post and affirmatively communicate the  
23 professional's specific licensure by doing the following:

24 (1) The health care professional shall wear a name tag  
25 during all patient encounters that clearly identifies the

1 type of license held by the health care professional,  
2 unless precluded by adopted sterilization or isolation  
3 protocols. The name tag shall be of sufficient size and be  
4 worn in a conspicuous manner so as to be visible and  
5 apparent;

6 (2) If the health care professional has an office in  
7 which he or she sees current or prospective patients, then  
8 the health care professional shall display in his or her  
9 office a writing that clearly identifies the type of  
10 license held by the health care professional. The writing  
11 must be of sufficient size so as to be visible and apparent  
12 to all current and prospective patients; and

13 (3) The health care professional must only use the  
14 licensure titles or initials authorized by his or her  
15 licensing Act, examination designations required for  
16 licensure under his or her licensing Act, or the titles  
17 authorized by the professional licensing Act for students  
18 in training.

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

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

26 (d) Under this Section, a health care professional as

1 defined in this Act who is a student or resident and does not  
2 have a state license shall only be required to wear a name tag  
3 that clearly identifies himself or herself by name and as a  
4 student or resident, as authorized by the professional  
5 licensing Act.

6 (Source: P.A. 96-1340, eff. 7-27-10.)

7 (225 ILCS 145/20)

8 Sec. 20. Violations and enforcement.

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

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

13 (c) Any health care professional as defined in this Act who  
14 violates any provision of this Act is guilty of unprofessional  
15 conduct and subject to disciplinary action under the  
16 appropriate provisions of the specific Act governing that  
17 health care profession.

18 (Source: P.A. 96-1340, eff. 7-27-10.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.