

## CHAPTER 43-65 HEALTH CARE PRACTITIONER PROFESSIONAL TRANSPARENCY

### 43-65-01. Definitions.

As used in this chapter:

1. "Advertisement" means a communication or statement, whether printed, electronic, or oral, which names the health care practitioner in relation to the practitioner's practice, profession, or institution in which the practitioner is employed, volunteers, or otherwise provides health care services. The term includes a communication or statement on a business card, on letterhead, in a patient brochure, in electronic mail, on the internet, in an audio or video format, and any other communication or statement used in the course of business.
2. "Deceptive" or "misleading" includes an advertisement or affirmative communication or representation that misstates, falsely describes, holds out, or falsely details the health care practitioner's profession, skills, training, expertise, education, board certification, or licensure.
3. "Health care practitioner" means the following health care licensure types:
  - a. Practitioners of allopathic medicine, signified by the letters "M.D." or the words surgeon, medical doctor, or doctor of medicine, by an individual licensed to practice medicine and surgery.
  - b. Practitioners of osteopathic medicine, signified by the letters "D.O." or the words surgeon, osteopathic surgeon, osteopath, doctor of osteopathy, or doctor of osteopathic medicine.
  - c. Practitioners of nursing, signified by the letters "D.N.P.", "N.P.", "R.N.", "L.P.N.", "C.R.N.A.", or any other commonly used signifier to denote a doctorate of nursing practice, advanced practice practitioner, registered nurse, licensed practical nurse, or certified registered nurse anesthetist, respectively, as appropriate to signify the degree of licensure and degree earned from an accredited institution of higher education in the appropriate field of learning.
  - d. Practitioners of podiatry, signified by the letters "D.P.M." or the words podiatrist, doctor of podiatry, podiatric surgeon, or doctor of podiatric medicine.
  - e. Practitioners of chiropractic, signified by the letters "D.C." or the words chiropractor, chiropractic physician, or doctor of chiropractic.
  - f. Practitioners of naturopathy, signified by the letters "N.D." or the words naturopathic doctor or doctor of naturopathy.
  - g. Physician assistants, signified by the letters "P.A." or the words physician assistant.
  - h. Physical therapists, signified by the letters "P.T.", "D.P.T.", "M.P.T.", or the words physical therapists.
  - i. Medical assistants, signified by the letters "M.A." or the words medical assistant.
  - j. Practitioners of audiology, signified by the letters "Au.D.", "Sc.D.", "Ph.D.", or the words audiologist or doctor of audiology.
  - k. Psychologists, signified by the letters "Ph.D.", "Psy.D.", "Ed.D." or the word psychologist.

### 43-65-02. Requirements.

1. An advertisement for health care services which names a health care practitioner must identify the type of license held pursuant to the definitions under this chapter. The advertisement may not contain deceptive or misleading information.
2. A health care practitioner providing health care services in this state shall post conspicuously and communicate affirmatively the practitioner's specific licensure as defined under this chapter. A health care practitioner shall wear a photo identification name tag during all patient encounters which must include a recent photograph of the practitioner, the practitioner's name, and the type of license. The name tag must be of sufficient size and be worn in a conspicuous manner so as to be visible and apparent.
3. A health care practitioner is not subject to the name tag requirement if:

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

**43-65-03. Violations and enforcement.**

1. Failure to comply with this chapter constitutes a violation under this chapter.
2. A health care practitioner who violates this chapter is deemed to have engaged in unprofessional conduct, which may be grounds for disciplinary action under the licensure provisions governing the respective health care practitioner.
3. A violation of this section does not create a private right of action by a patient.
4. Notwithstanding the imposition of any penalty, a professional licensing board or other administrative agency with jurisdiction may seek an injunction or other legal means as appropriate against a person violating this chapter.