

**CHAPTER 133**  
**(CORRECTED COPY OF CORRECTED COPY)**

**AN ACT** concerning health care professionals and supplementing Title 45 of the Revised Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.45:1-67 Short title.

1. This act shall be known and may be cited as the “New Jersey Health Care Transparency Act.”

C.45:1-68 Findings, declarations relative to identification of health care professionals.

2. The Legislature finds and declares that:

a. There are a multitude of professional degrees using the term “doctor,” including “medical doctor” (M.D.); “doctor of osteopathy” (D.O.); “doctor of dental surgery” (D.D.S.); “doctor of medicine in dentistry” (D.M.D.); “doctor of podiatric medicine” (D.P.M.); “doctor of optometry” (O.D.); “doctor of chiropractic” (D.C.); “doctor of nursing” (D.N.); “doctor of psychology” (PhD);” and other designations which may be used by health care professionals.

b. A July 2018 study by the American Medical Association found that 27 percent of patients erroneously believe that a chiropractor is a medical doctor; 39 percent of patients erroneously believe that a doctor of nursing practice is a medical doctor; 43 percent of patients erroneously believe that a psychologist is a medical doctor; 47 percent of patients erroneously believe that an optometrist is a medical doctor; and 67 percent of patients erroneously believe a podiatrist is a medical doctor.

c. There are widespread differences regarding the training and qualifications required to earn the degrees of the health care professionals subject to P.L.2020, c.133 (C.45:1-67 et seq.). These differences often concern the training and skills necessary to correctly detect, diagnose, prevent, and treat serious health care conditions.

d. There is a compelling State interest in patients being promptly and clearly informed of the training and qualifications of the health care professionals who provide health care services.

e. There is a compelling State interest in the public being protected from potentially misleading and deceptive health care advertising that might cause patients to have undue expectations regarding their treatment and outcome.

C.45:1-69 Definitions relative to identification of health care professionals.

3. As used in this act:

“Advertisement” means any communication or statement that is directly controlled or administered by a health care professional or a health care professional’s office personnel, whether printed, electronic or oral, that names the health care professional in relation to his or her practice, profession, or institution in which the individual is employed, volunteers or otherwise provides health care services. This includes business cards, letterhead, patient brochures, e-mail, Internet, audio and video, and any other communication or statement used in the course of business or where the health care professional is utilizing a professional degree or license to influence opinion or infer expertise in a health care topic. “Advertisement” does not include office building placards or exterior building signage.

“Health care professional” means a person licensed, certified, registered or otherwise authorized pursuant to Title 45 or Title 52 of the Revised Statutes, or by any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a health care profession. “Health care

professional” shall include, but shall not be limited to, health care professionals regulated by the following entities: the State Board of Medical Examiners, the New Jersey Board of Nursing, the New Jersey State Board of Dentistry, the New Jersey State Board of Optometrists, the Board of Pharmacy, the State Board of Chiropractic Examiners, the Acupuncture Examining Board, the State Board of Physical Therapy Examiners, the Orthotics and Prosthetics Board of Examiners, the State Board of Psychological Examiners, the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians, the Audiology and Speech-Language Pathology Advisory Committee, the Occupational Therapy Advisory Council and the Certified Psychoanalysts Advisory Committee. “Health care professional” for purposes of this act does not include individuals licensed in veterinarian medicine or health care professionals working in non-patient care settings, and who do not have any direct patient care interactions.

“Hospital” means an acute care general hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

“Licensee” means a health care professional with an active New Jersey license, certification, registration, or other valid authorization.

“Long-term care facility” means a nursing home, assisted living residence, comprehensive personal care home, residential health care facility, or dementia care home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

“Professional degree” means the academic degree conferred to a health care professional, including, but not limited to, “medical doctor” (M.D.); “doctor of osteopathy” (D.O.); “doctor of dental surgery” (D.D.S.); “doctor of medicine in dentistry” (D.M.D.); “doctor of podiatric medicine” (D.P.M.); “doctor of optometry” (O.D.); “doctor of chiropractic” (D.C.); and “doctor of nursing” (D.N.).

“Professional license” means the credential issued by the State to identify the profession practiced by a health care professional, including, but not limited to, “physician,” “chiropractor,” “advanced practice nurse,” “dentist,” “optometrist,” “psychologist,” “physician assistant,” “acupuncturist,” and “podiatrist.”

C.45:1-70 Identification as to type of licensure required for advertisement for health care services.

4. a. An advertisement for health care services that includes the name of a health care professional shall identify the type of professional license and professional degree issued to the health care professional and shall not contain deceptive or misleading information, including, but not limited to, any affirmative communication or representation that misstates, falsely describes, holds out, or falsely details the health care professional’s skills, training, expertise, education, public or private board certification, or licensure.

b. When providing in-person care, a health care professional shall communicate the professional licensure and professional degree held by the professional in the following formats:

(1) a name tag or embroidered identification to be worn during all patient encounters that is to include at a minimum:

(a) the full name of the health care professional; however, in a hospital, licensed ambulatory care facility or behavioral health care facility, or long-term care facility and at the discretion of facility administrators, either the health care professional’s full first name and last name or the full first name and first letter of the last name;

(b) the professional license and professional degree issued to the health care professional; and

(c) a recent photograph of the health care professional if providing direct patient care at a hospital, unless otherwise directed by hospital administrators; and

(2) a poster or other signage, in front of a sufficient size, placed in a clear and conspicuous manner at the office or offices where the health care professional provides health care services to

scheduled patients in an ambulatory setting, that states the type of professional license and professional degree held by the health care professional. For purposes of this subsection, “office” does not include in-patient hospital or emergency department patient care. This subsection shall not apply to telehealth or telemedicine services authorized under P.L.2017, c.117 (C.45:1-61 et al.).

c. A medical doctor or doctor of osteopathic medicine who supervises or participates in collaborative practice agreements with non-physician health care professionals, including, but not limited to, physician assistants and advance practice nurses, who provide in-person patient care at the same practice location shall be required to clearly and conspicuously post in each office when a medical doctor or doctor of osteopathic medicine is present. For purposes of this subsection, “office” does not include in-patient hospital or emergency department patient care.

d. A medical doctor or doctor of osteopathic medicine shall not advertise or hold oneself out to the public in any manner as being certified by a public or private board, including, but not limited to, a multidisciplinary board, or as “board certified” unless the board either:

(1) is a member of the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA); or

(2) is a non-ABMS or non-AOA board that requires as prerequisites for issuing certification:

(a) successful completion of a post-graduate training program approved by the Accreditation Council for Graduate Medical Education (ACGME) or the AOA that provides complete training in the specialty or subspecialty certified by the non-ABMS or non-AOA board;

(b) certification by an ABMS or AOA board covering that training field that provides complete ACGME- or AOA-accredited training in the specialty or subspecialty certified by the non-ABMS or non-AOA board; and

(c) successful passage of examination in the specialty or subspecialty certified by the non-ABMS or non-AOA board.

Any advertisement for a medical doctor or doctor of osteopathic medicine shall state the full name of the certification board.

e. The Division of Consumer Affairs in the Department of Law and Public Safety shall adopt rules and regulations, in accordance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), as are necessary to effectuate the provisions of subsections a. and b. of this section.

C.45:1-71 Additional unlawful practices for health care professionals; violations, penalties.

5. a. In addition to any practice declared unlawful pursuant to P.L.1978, c.73 (C.45:1-14 et seq.), it shall be unlawful for a health care professional to fail to comply with any provision of section 4 of P.L.2020, c.133 (C.45:1-70).

b. Nothing in P.L.2020, c.133 (C.45:1-67 et seq.) shall be construed to impose liability on news media that accept or publish advertising that may fall within the scope of P.L.2020, c.133 (C.45:1-67 et seq.).

C.45:1-72 Severability.

6. If any of the provisions of P.L.2020, c.133 (C.45:1-67 et seq.) or its application to any person or circumstance is held to be invalid, the invalidity shall not affect any other provision or application of P.L.2020, c.133 (C.45:1-67 et seq.) which can be given effect without the invalid provision or application and, to this end, the provisions of P.L.2020, c.133 (C.45:1-67 et seq.) are severable.

C.45:1-73 Construction of act.

7. Nothing in this act shall be construed to limit a licensing board authorized under Title 45 or Title 52 of the Revised Statutes, or limit any principal department of the Executive Branch of State government or any entity within any department or any other entity hereafter created to license or otherwise regulate a health care profession to adopt more stringent standards for its licensees.

8. This act shall take effect on the first day of the seventh month next following enactment.

Approved December 14, 2020.