

110TH CONGRESS
1ST SESSION

H. R. 2260

To prohibit misleading and deceptive advertising or representation in the provision of health care services, and to require the identification of the license of certain health care providers.

IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2007

Mr. SULLIVAN (for himself and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To prohibit misleading and deceptive advertising or representation in the provision of health care services, and to require the identification of the license of certain health care providers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthcare Truth and
5 Transparency Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) the truthful exchange of information be-
2 tween patients and their health care providers is key
3 to helping them understand their health care
4 choices;

5 (2) consumers believe that complex medical
6 issues, surgeries, procedures, and prescribing medi-
7 cations should be performed by medical doctors or
8 doctors of osteopathic medicine;

9 (3) consumers are often unaware of the dif-
10 ferences in, and seek more information about, the
11 qualifications, training, and education of their health
12 care providers;

13 (4) ample evidence exists of providers who are
14 not medical doctors or doctors of osteopathic medi-
15 cine holding themselves out as such; and

16 (5) providers of health care services who are
17 not medical doctors or doctors of osteopathic medi-
18 cine are of vital importance to the Nation's health
19 care system.

20 **SEC. 3. HEALTH CARE SERVICE PROVIDER UNFAIR AND DE-**
21 **CEPTIVE ACTS AND PRACTICES.**

22 (a) CONDUCT PROHIBITED.—It shall be unlawful for
23 any person who is a licensed health care service provider
24 but who is not a medical doctor or doctor of osteopathic
25 medicine to make any deceptive or misleading statement,

1 or engage in any deceptive or misleading act, that deceives
2 or misleads the public or a prospective or current patient
3 that such person is a medical doctor or doctor of osteo-
4 pathic medicine or has the same or equivalent education,
5 skills, or training. Such deceptive or misleading state-
6 ments or acts shall include advertising in any medium,
7 making false statements regarding the education, skills,
8 training, or licensure of such person, or in any other way
9 describing such person's profession, skills, training, expe-
10 rience, education, or licensure in a fashion that reasonably
11 causes the public, a potential patient, or current patient
12 to believe that such person is a medical doctor or doctor
13 of osteopathic medicine.

14 (b) REQUIREMENT TO IDENTIFY LICENSE IN ADVER-
15 TISING.—Any person who is a licensed health care service
16 provider but who is not a medical doctor or doctor of os-
17 teopathic medicine shall identify, in any advertisement in
18 any medium for health care services provided by such per-
19 son, the license under which such person is authorized to
20 provide such services.

21 (c) ENFORCEMENT.—A violation of subsection (a) or
22 (b) shall be treated as an unfair or deceptive act or prac-
23 tice prescribed under section 5 of the Federal Trade Com-
24 mission Act (15 U.S.C. 45). The Federal Trade Commis-
25 sion shall enforce this Act in the same manner, by the

1 same means, and with the same jurisdiction as though all
2 applicable terms and provisions of the Federal Trade
3 Commission Act were incorporated into and made a part
4 of this Act.

5 **SEC. 4. TRUTH IN ADVERTISING STUDY.**

6 (a) STUDY.—As soon as practicable after the date of
7 enactment of this Act, the Federal Trade Commission
8 shall conduct a study of health care providers subject to
9 the requirement of section 3(a) to—

10 (1) identify specific acts and practices consti-
11 tuting a violation of such section;

12 (2) determine the frequency of such acts and
13 practices;

14 (3) identify instances of harm or injury result-
15 ing from such acts and practices;

16 (4) determine the extent to which such persons
17 comply with State laws or regulations that—

18 (A) require oral or written disclosure, to
19 the patient or in an advertisement, of the type
20 of license such person holds; and

21 (B) set forth requirements for advertise-
22 ments for health care services with regard to
23 disclosure of the type of license under which
24 such person is authorized to provide such serv-
25 ices; and

1 (5) identify instances where any State public
2 policy has permitted acts and practices which violate
3 section 3(a).

4 (b) REPORT.—The Federal Trade Commission shall
5 report its findings to Congress not later than 1 year after
6 the date of the enactment of this Act.

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