

AB 765 – Truth and Transparency in Licensure

Assemblymember Jim Wood

THE PROBLEM

As health care practices and various scopes of practice have evolved over the past decade, consumers options for seeking care has expanded. Due to this evolution, it is important that patients have a clear understanding of the education and training of their health care providers. Lack of clarity in advertising and communications has the potential to mislead patients. Requiring health care providers to communicate and display their proper title, credentials and capabilities allows patients to make informed choices about their health care decisions protecting their safety.

One area where terminology is specifically losing clarity with the public is the use of any health care professional title ending in “-ologist”. These terms, which historically and generally have been recognized as “physician-equivalent” and refer to physicians is not defined in statute. Recently, some advanced practice nurses across the nation have been using the “-ologist” designation (i.e., nurse anesthesiologist). The use of this terminology can confuse patients about the differences between various types of health care providers and can result in patients mistakenly believing that they are being treated by a physician (i.e., medical doctor or doctor of osteopathic medicine) when they are not.

EXISTING LAW

Existing law prohibits any person who is not licensed as a physician and/or surgeon in California from using any titles, terms, or letters to imply that they are a physician and surgeon, without holding a current, unrestricted license as a physician and surgeon. Current law also requires a health care practitioner to display the type of license, highest level of academic degree and the name of a certifying board or association (if applicable) in writing at the patient’s initial office visit or on prominent display in an office area visible to patients. Violators are guilty of a misdemeanor, and subject to license revocation or suspension, or other disciplinary action including an administrative fine not to exceed \$10,000.

BACKGROUND

Health care consumers deserve to know what types of providers are delivering their care. Trust, transparency and honesty in licensure status, education and training is critical in promoting and protecting patient safety. California has adopted many scope of practice expansions but these expansions have also called for clear representation of practitioner’s license so the public is aware should they prefer to receive care from a different type of licensed provider. For example, California recognizes independent practice for advanced practice nurses like Certified Registered Nurse Anesthetists (CRNAs) and has recently created pathways for advanced practice nurse practitioners to practice independent of physician-standardized protocols.

Several other states and jurisdictions such as the District of Columbia, Indiana, New Hampshire, and Texas have similar laws protecting physician specialty designated titles such as anesthesiologist, dermatologist, family physician, obstetrician, gynecologist, radiologist, psychiatrist, surgeon, etc.

BILL SUMMARY

AB 765 (Wood) protects “physician-equivalent” titles, terms, letters, words, abbreviations, description of services, alone or in combination with any other title, indicating or implying that they are licensed to practice as such, unless they have at the time of so doing a valid, unrevoked, and unsuspended license as a physician and surgeon.

SUPPORT

California Medical Association
California Society of Anesthesiologists
California Society of Dermatology & Dermatologic Surgery
California Radiological Society
California Chapter – American College of Emergency Physicians

FOR MORE INFORMATION

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