

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1475

By: Yen

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5  
6 AS INTRODUCED

7 An Act relating to physician advertising; amending 59  
8 O.S. 2011, Section 725.2, which relates to  
9 professional designations; prohibiting physicians  
from certain advertising; providing standards for  
compliance; and providing an effective date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 59 O.S. 2011, Section 725.2, is  
14 amended to read as follows:

15 Section 725.2. A. The following nine classes of persons may  
16 use the word "Doctor", or an abbreviation thereof, and shall have  
17 the right to use, whether or not in conjunction with the word  
18 "Doctor", or any abbreviation thereof, the following designations:

19 1. The letters "D.P.M." or the words podiatrist, doctor of  
20 podiatry, podiatric surgeon, or doctor of podiatric medicine by a  
21 person licensed to practice podiatry under the Podiatric Medicine  
22 Practice Act;

1           2. The letters "D.C." or the words chiropractor or doctor of  
2 chiropractic by a person licensed to practice chiropractic under the  
3 Oklahoma Chiropractic Practice Act;

4           3. The letters "D.D.S." or "D.M.D.", as appropriate, or the  
5 words dentist, doctor of dental surgery<sub>7</sub> or doctor of dental  
6 medicine, as appropriate, by a person licensed to practice dentistry  
7 under the State Dental Act;

8           4. The letters "M.D." or the words surgeon, medical doctor<sub>7</sub> or  
9 doctor of medicine by a person licensed to practice medicine and  
10 surgery under the Oklahoma Allopathic Medical and Surgical Licensure  
11 and Supervision Act;

12           5. The letters "O.D." or the words optometrist or doctor of  
13 optometry by a person licensed to practice optometry under Sections  
14 581 through 606 of this title;

15           6. The letters "D.O." or the words surgeon, osteopathic  
16 surgeon, osteopath, doctor of osteopathy<sub>7</sub> or doctor of osteopathic  
17 medicine by a person licensed to practice osteopathy under the  
18 Oklahoma Osteopathic Medicine Act;

19           7. The letters "Ph.D.", "Ed.D."<sub>7</sub> or "Psy.D." or the words  
20 psychologist, therapist<sub>7</sub> or counselor by a person licensed as a  
21 health service psychologist pursuant to the Psychologists Licensing  
22 Act;

23           8. The letters "Ph.D.", "Ed.D."<sub>7</sub> or other letters representing  
24 a doctoral degree or the words language pathologist, speech

1 pathologist~~7~~ or speech and language pathologist by a person licensed  
2 as a speech and language pathologist pursuant to the Speech-Language  
3 Pathology and Audiology Licensing Act and who has earned a doctoral  
4 degree from a regionally accredited institution of higher learning  
5 in the field of speech and language pathology; and

6 9. The letters "Ph.D.", "Ed.D."~~7~~ or other letters representing  
7 a doctoral degree or the word audiologist by a person licensed as an  
8 audiologist pursuant to the Speech-Language Pathology and Audiology  
9 Licensing Act and who has earned a doctoral degree from a regionally  
10 accredited institution of higher learning in the field of audiology.

11 B. Unless otherwise specifically provided in a particular  
12 section or chapter of the Oklahoma Statutes, the word "doctor" or  
13 "doctors" shall mean and include each of the nine classes of persons  
14 listed in subsection A and the word "physician" or "physicians", as  
15 provided in subsection C of this section. Any other person using  
16 the term doctor, or any abbreviation thereof, shall designate the  
17 authority under which the title is used or the college or honorary  
18 degree that gives rise to use of the title.

19 C. Unless otherwise specifically provided in a particular  
20 section or chapter of the Oklahoma Statutes, the word "physician" or  
21 "physicians" shall mean and include each of the classes of persons  
22 listed in paragraphs 1 through 6 of subsection A and the word  
23 "doctor" or "doctors" as provided in subsection B of this section.  
24 The term "physician" shall not include any person specified in

1 paragraphs 7 through 9 of subsection A of this section unless such  
2 person is otherwise authorized to use such designation pursuant to  
3 this section.

4 D. For purposes of this section, "provider" means and includes:

5 1. Each of the nine classes of persons listed in subsection A  
6 of this section and referred to in subsections B and C of this  
7 section; and

8 2. Any other person using the term doctor or any abbreviation  
9 thereof.

10 E. Persons in each of the nine classes listed in subsection A,  
11 and referred to in subsections B and C, of this section shall  
12 identify through written notice, which may include the wearing of a  
13 name tag, the type of license under which the doctor is practicing,  
14 utilizing the designations provided in subsections A, B and C of  
15 this section. Each applicable licensing board is authorized by rule  
16 to determine how its license holders may comply with this disclosure  
17 requirement.

18 F. 1. Any advertisement for health care services naming a  
19 provider shall:

20 a. identify the type of license of the doctor utilizing  
21 the letters or words set forth in this section if the  
22 person is one of the classes of persons listed in  
23 subsection A of this section, and referred to in  
24 subsections B and C of this section, or

1           b.   utilize appropriate, accepted~~7~~ and easily understood  
2           words or letters, which clearly show and indicate the  
3           branch of the healing art in which the person is  
4           licensed to practice and is engaged in, if the person  
5           is not one of the nine classes of persons listed in  
6           subsection A of this section, or referred to in  
7           subsections B and C of this section.

8           2.   The term "advertisement" includes any printed document  
9           including letterhead, video clip~~7~~ or audio clip created by, for~~7~~ or  
10          at the direction of the provider or providers and advertised for the  
11          purpose of promoting the services of the doctor or provider.

12          G. 1. It shall be unlawful for any medical doctor, doctor of  
13          osteopathic medicine, doctor of dental surgery, doctor of dental  
14          medicine, doctor of optometry, doctor of podiatry~~7~~ or doctor of  
15          chiropractic to make any deceptive or misleading statement, or  
16          engage in any deceptive or misleading act, that deceives or misleads  
17          the public or a prospective or current patient, regarding the  
18          training and the license under which the person is authorized to  
19          practice.

20          2.   The term "deceptive or misleading statement or act"  
21          includes, but is not limited to:

- 22           a.   such statement or act in any advertising medium,
- 23           b.   making a false statement regarding the education,  
24           skills, training~~7~~ or licensure of a person, or

1 c. in any other way describing the profession, skills,  
2 training, expertise, education, or licensure of a  
3 person in a fashion that causes the public, a  
4 potential patient, or current patient to believe that  
5 the person is a medical doctor, doctor of osteopathic  
6 medicine, doctor of dental surgery, doctor of dental  
7 medicine, doctor of optometry, doctor of podiatry, or  
8 doctor of chiropractic when that person does not hold  
9 such credentials.

10 H. It shall be unlawful for a medical doctor or a doctor of  
11 osteopathic medicine to advertise as being certified by any public  
12 or private board, including but not limited to the use of the term  
13 "Board certified", unless the advertisement:

14 1. States the full name of the certifying board; and

15 2. Is for a medical doctor or doctor of osteopathic medicine

16 who is certified by:

17 a. a member board of the American Board of Medical  
18 Specialties (ABMS) or the American Osteopathic  
19 Association (AOA), or

20 b. a certifying board which requires successful  
21 completion of a postgraduate training program approved  
22 by the Accreditation Commission for Graduate Medical  
23 Education (ACGME) or the AOA.

1        ~~H.~~ I. Notwithstanding any other provision of this section, a  
2 person licensed in this state to perform speech pathology or  
3 audiology services is designated to be a practitioner of the healing  
4 art for purposes of making a referral for speech pathology or  
5 audiology services pursuant to the provisions of the Individuals  
6 with Disabilities Education Act, Amendment of 1997, Public Law 105-  
7 17, and Section 504 of the Rehabilitation Act of 1973.

8            SECTION 2. This act shall become effective November 1, 2016.

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10            55-2-2154            AM            2/18/2016 6:57:32 PM