A bill for an act

relating to health; requiring transparency in health care advertising; proposing coding for new law in Minnesota Statutes, chapter 144.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[144.6586] HEALTH CARE ADVERTISING TRANSPARENCY.**

(a) An advertisement for health care services that includes a health care provider's name shall identify the title and type of license the health care provider holds under which the health care provider is practicing.

(b) An advertisement for health care services that includes a health professional's name shall identify the American Board of Medical Specialties member board, a board or association with requirements equivalent to a board approved by that person's medical licensing authority, or a board or association with an Accreditation Council for Graduate Medical Education approved postgraduate training program that provides complete training in the person's specialty or subspecialty, and shall disclose the name of the board or association in which the health professional is certified.

(c) A health care provider who violates this section commits an act of unprofessional conduct.

(d) For the purposes of this section, "advertisement" includes billboards, brochures, pamphlets, radio and television scripts, electronic media, printed telephone directories, telephone and direct mail solicitations, and any other means of promotion intended to directly or indirectly induce any person to enter into an agreement for services with the health professional. Advertisement does not include materials that provide information about network providers that are created by an entity regulated under chapter 62A.

Sec. 2. **[144.6587] APPROPRIATE PATIENT EXAMINATION.**

(a) Notwithstanding any other provision of law, an elective cosmetic surgery procedure may not be performed on a patient unless the patient has received, within 30 days prior to the elective cosmetic surgery procedure, and confirmed as up-to-date on the day of the procedure, an appropriate physical examination by and written clearance for the procedure from any of the following:

(1) a physician or surgeon who will be performing the surgery;

(2) another licensed physician or surgeon;

(3) a certified nurse practitioner, within the certified nurse practitioner's scope of practice, unless limited by protocols or a delegation agreement; or

(4) a licensed physician assistant, within a licensed physician assistant's scope of practice, unless limited by protocols or a delegation agreement.

(b) The physical examination described in paragraph (a) must include an appropriate medical history.

(c) An appropriate medical history and physical examination done on the day of the procedure is presumed to be in compliance with paragraphs (a) and (b).

(d) "Elective cosmetic surgery" means an elective surgery that is performed to alter or reshape normal structures of the body in order to improve the patient's appearance, including but not limited to liposuction and elective facial cosmetic surgery.

(e) A violation of this section shall constitute unprofessional conduct.