

By: Bhojani

H.B. No. 3415

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of certain health professionals;
providing an administrative penalty.

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

SECTION 1. The heading to Subchapter E, Chapter 101, Occupations Code, is amended to read as follows:

SUBCHAPTER E. CERTAIN PRACTICES RELATED TO ADVERTISING AND BILLING
PROHIBITED [~~GROUND FOR LICENSE REVOCATION OR DENIAL~~]

SECTION 2. Section 101.201, Occupations Code, is amended by amending Subsection (b) and adding Subsections (c) and (d) to read as follows:

(b) False, misleading, or deceptive advertising or advertising not readily subject to verification includes advertising that:

(1) makes a material misrepresentation of fact or omits a fact necessary to make the statement as a whole not materially misleading;

(2) makes a representation likely to create an unjustified expectation about the results of a health care service or procedure;

(3) compares a health care professional's services with another health care professional's services unless the comparison can be factually substantiated;

(4) contains a testimonial;

1 (5) causes confusion or misunderstanding as to the
2 credentials, education, or licensing of a health care professional,
3 including using a title, a term, or other words that misstate,
4 falsely describe, falsely hold out, or falsely detail the health
5 care professional's:

6 (A) professional skills;

7 (B) training;

8 (C) expertise;

9 (D) educational degree;

10 (E) specialty certification; or

11 (F) licensure;

12 (6) represents that health care insurance deductibles
13 or copayments may be waived or are not applicable to health care
14 services to be provided if the deductibles or copayments are
15 required;

16 (7) represents that the benefits of a health benefit
17 plan will be accepted as full payment when deductibles or
18 copayments are required;

19 (8) makes a representation that is designed to take
20 advantage of the fears or emotions of a particularly susceptible
21 type of patient; or

22 (9) represents in the use of a professional name a
23 title or professional identification that is associated with
24 another profession and the health care professional is not licensed
25 or otherwise authorized to practice that profession [~~expressly or~~
26 ~~commonly reserved to or used by another profession or~~
27 ~~professional~~].

1 (c) For purposes of this section, advertising that does not
2 include the name of the health care professional and the
3 professional identification required by Section 104.003 is
4 considered false, misleading, deceptive, or not readily subject to
5 verification.

6 (d) In this section, "advertising" includes:

7 (1) any printed, electronic, or oral statement, with
8 respect to the provision of health care services by a health care
9 professional:

10 (A) that is communicated or disseminated to the
11 public;

12 (B) that:

13 (i) is intended to encourage a person to use
14 the professional's services; or

15 (ii) for a commercial purpose, names the
16 professional in connection with the practice, profession, or
17 institution in which the professional provides health care
18 services; and

19 (C) the preparation, communication, or
20 dissemination of which is controlled by the professional or a group
21 to which the professional is affiliated; and

22 (2) any communication or statement not described by
23 Subdivision (1) but that is used in the regular course of the
24 professional's business for the purpose of promoting the
25 professional's services to the public, including:

26 (A) business cards;

27 (B) letterhead;

1 (C) signs;

2 (D) pamphlets;

3 (E) brochures;

4 (F) e-mails and any other communication or
5 statement transmitted through the Internet; or

6 (G) audio or video communications, including
7 television or radio advertisements.

8 SECTION 3. Section 104.003, Occupations Code, is amended by
9 amending Subsections (b) and (c) and adding Subsection (h) to read
10 as follows:

11 (b) A person who is licensed by the Texas Medical [~~State~~]
12 Board [~~of Medical Examiners~~] and holds a doctor of medicine degree
13 shall use:

14 (1) physician or surgeon, M.D.;

15 (2) doctor, M.D.; [~~or~~]

16 (3) doctor of medicine, M.D.; or

17 (4) a designation indicating that the person is
18 certified or eligible for certification, as applicable, by a
19 certifying board of the American Board of Medical Specialties or a
20 successor organization.

21 (c) A person who is licensed by the Texas Medical [~~State~~]
22 Board [~~of Medical Examiners~~] and holds a doctor of osteopathy
23 degree shall use:

24 (1) physician or surgeon, D.O.;

25 (2) osteopathic physician or surgeon;

26 (3) doctor, D.O.;

27 (4) doctor of osteopathy;

1 (5) doctor of osteopathic medicine;

2 (6) osteopath; [~~or~~]

3 (7) D.O.; or

4 (8) a designation indicating that the person is
5 certified or eligible for certification, as applicable, by a
6 certifying board of the American Osteopathic Association or a
7 successor organization.

8 (h) Unless another provision of this title specifies
9 another designation, the person shall use only the following
10 designations for each healing art the person is licensed to
11 practice:

12 (1) "midwife," "physician assistant,"
13 "acupuncturist," or "surgical assistant," as applicable, if the
14 person holds a license under Subtitle C;

15 (2) "dental hygienist," if the person holds a license
16 to practice dental hygiene issued under Chapter 256;

17 (3) "licensed vocational nurse," "registered nurse,"
18 "advanced practice registered nurse," "nurse midwife," "certified
19 registered nurse anesthetist," "nurse practitioner," or "clinical
20 nurse specialist," as applicable, if the person holds a license
21 under Subtitle E;

22 (4) "speech-language pathologist," "audiologist,"
23 "hearing instrument fitter and dispenser," "licensed dyslexia
24 practitioner," or "licensed dyslexia therapist," as applicable, if
25 the person holds a license under Subtitle G;

26 (5) "athletic trainer," "physical therapist,"
27 "occupational therapist," or "massage therapist," as applicable,

1 if the person holds a license under Subtitle H;

2 (6) "psychologist," "psychological associate,"
3 "marriage and family therapist," "marriage and family therapist
4 associate," "professional counselor," "licensed counselor,"
5 "chemical dependency counselor," "social worker," "behavioral
6 analyst," or "assistant behavioral analyst," as applicable, if the
7 person holds a license under Subtitle I;

8 (7) "medical radiologic technologist," "medical
9 physicist," "perfusionist," "respiratory care practitioner,"
10 "orthotist," or "prosthetist," as applicable, if the person holds a
11 license or certificate, as appropriate, under Subtitle K; and

12 (8) "dietitian," if the person holds a license under
13 Chapter 701.

14 SECTION 4. Chapter 104, Occupations Code, is amended by
15 adding Sections 104.0033 and 104.0037 to read as follows:

16 Sec. 104.0033. FALSE AND DECEPTIVE ADVERTISING. A healing
17 art practitioner may not use advertising that is false, misleading,
18 deceptive, or not readily subject to verification as provided by
19 Section 101.201.

20 Sec. 104.0037. CERTAIN NAMES OF HEALTH EDUCATION PROGRAMS
21 PROHIBITED. A person who provides a postgraduate health education
22 program for a healing art that is regulated under this title may not
23 use the term "residency" or "fellowship" in the name of the program,
24 unless the program is intended for physicians, dentists,
25 podiatrists, or pharmacists.

26 SECTION 5. Section 104.005(a), Occupations Code, is amended
27 to read as follows:

1 (a) On the request of a healing art licensing board that
2 issues a license, certificate, or other authorization described by
3 [~~listed in~~] Section 104.003, the district or county attorney shall
4 file and prosecute appropriate judicial proceedings in the name of
5 the state against a person who violates Section 104.003.

6 SECTION 6. Chapter 104, Occupations Code, is amended by
7 adding Section 104.008 to read as follows:

8 Sec. 104.008. ADMINISTRATIVE PENALTY. (a) A healing art
9 licensing board that issues a license, certificate, or other
10 authorization described by Section 104.003 may impose an
11 administrative penalty on a person who:

12 (1) holds a license, certificate, or other
13 authorization issued by the healing art licensing board; and

14 (2) violates this chapter.

15 (b) The amount of an administrative penalty may not exceed
16 \$1,000 for each violation. Each day a violation continues or occurs
17 is a separate violation for purposes of imposing a penalty.

18 (c) A proceeding to impose an administrative penalty under
19 this section is subject to Chapter 2001, Government Code.

20 SECTION 7. Section 165.156, Occupations Code, is amended to
21 read as follows:

22 Sec. 165.156. MISREPRESENTATION REGARDING ENTITLEMENT TO
23 PRACTICE MEDICINE. A person, partnership, trust, association, or
24 corporation commits an offense if the person, partnership, trust,
25 association, or corporation, through the use of any title,
26 abbreviation, description of services, designation, letters,
27 words, or terms, alone or in combination with any other title,

1 affixed on stationery or on advertisements, or in any other manner,
2 including oral or written communications, indicates or induces
3 another to believe that the person, partnership, trust,
4 association, or corporation is entitled to practice medicine if the
5 person, partnership, trust, association, or corporation is not
6 licensed to do so.

7 SECTION 8. Subchapter D, Chapter 165, Occupations Code, is
8 amended by adding Section 165.1565 to read as follows:

9 Sec. 165.1565. USE OF TITLE. (a) In this section, "medical
10 or medical specialty title" means:

- 11 (1) "doctor of medicine" or "M.D.";
- 12 (2) "doctor of osteopathy" or "D.O.";
- 13 (3) "physician";
- 14 (4) "surgeon";
- 15 (5) "osteopathic physician";
- 16 (6) "osteopathic surgeon";
- 17 (7) "doctor";
- 18 (8) "anesthesiologist";
- 19 (9) "cardiologist";
- 20 (10) "dermatologist";
- 21 (11) "endocrinologist";
- 22 (12) "gastroenterologist";
- 23 (13) "general practitioner";
- 24 (14) "gynecologist";
- 25 (15) "hematologist";
- 26 (16) "intensivist";
- 27 (17) "internist";

- 1 (18) "laryngologist";
- 2 (19) "nephrologist";
- 3 (20) "neurologist";
- 4 (21) "obstetrician";
- 5 (22) "oncologist";
- 6 (23) "ophthalmologist";
- 7 (24) "orthopedic surgeon";
- 8 (25) "orthopedist";
- 9 (26) "osteopath";
- 10 (27) "otologist";
- 11 (28) "otolaryngologist";
- 12 (29) "otorhinolaryngologist";
- 13 (30) "pathologist";
- 14 (31) "pediatrician";
- 15 (32) "primary care physician";
- 16 (33) "proctologist";
- 17 (34) "psychiatrist";
- 18 (35) "pulmonologist";
- 19 (36) "radiologist";
- 20 (37) "resident";
- 21 (38) "rheumatologist";
- 22 (39) "rhinologist"; or
- 23 (40) "urologist".

24 (b) Except as provided by Section [104.004](#), a person who is
25 not licensed to practice medicine by the board may not:

26 (1) use or publicly display a medical or medical
27 specialty title in connection with the person's name either alone

1 or in combination with another word or title; or

2 (2) indicate or induce another to believe that the
3 person is an attending doctor or attending physician.

4 SECTION 9. Section 204.203, Occupations Code, is amended to
5 read as follows:

6 Sec. 204.203. IDENTIFICATION REQUIREMENTS. A physician
7 assistant shall:

8 (1) keep the physician assistant's license available
9 for inspection at the physician assistant's primary place of
10 business; and

11 (2) when engaged in the physician assistant's
12 professional activities, wear a name tag identifying the license
13 holder as a physician assistant by title or the initials "P.A.".

14 SECTION 10. Subchapter E, Chapter 204, Occupations Code, is
15 amended by adding Section 204.2035 to read as follows:

16 Sec. 204.2035. FALSE AND DECEPTIVE ADVERTISING. A
17 physician assistant may not use advertising that is false,
18 misleading, deceptive, or not readily subject to verification as
19 provided by Section 101.201.

20 SECTION 11. Sections 301.351(a), (b), and (c), Occupations
21 Code, are amended to read as follows:

22 (a) A person who holds a license [~~as a registered nurse~~]
23 under this chapter [~~+~~

24 [~~(1)~~] is referred to as:

25 (1) a registered nurse or [~~+~~ and

26 [~~(2) may use the abbreviation~~] "R.N.";

27 (2) a licensed vocational nurse or "L.V.N.";

- 1 (3) an advanced practice registered nurse or
2 "A.P.R.N.";
3 (4) a nurse practitioner or "N.P.";
4 (5) a nurse midwife;
5 (6) a certified registered nurse anesthetist or
6 "C.R.N.A."; or
7 (7) a clinical nurse specialist or "C.N.S.".

8 (b) A person who holds a license [~~as a vocational nurse~~]
9 under this chapter may not use the title "doctor" unless the person
10 also holds a license issued by the Texas Medical Board under
11 Subtitle B, as provided by Section 165.1565. [+

12 ~~[(1) is referred to as a licensed vocational nurse or~~
13 ~~vocational nurse; and~~

14 ~~[(2) may use the abbreviation "L.V.N." or "V.N."]~~

15 (c) While interacting with the public in a nursing role,
16 each nurse shall wear a clearly legible insignia identifying the
17 nurse in accordance with Subsection (a) [~~as a registered or~~
18 ~~vocational nurse~~]. The insignia may not contain information other
19 than:

20 (1) the appropriate [~~registered or vocational nurse~~]
21 designation;

22 (2) the nurse's name, certifications, academic
23 degrees, or practice position;

24 (3) the name of the employing facility or agency, or
25 other employer;

26 (4) a picture of the nurse; or

27 (5) any other information authorized by the board.

1 SECTION 12. Subchapter H, Chapter 301, Occupations Code, is
2 amended by adding Section 301.3515 to read as follows:

3 Sec. 301.3515. FALSE AND DECEPTIVE ADVERTISING. A nurse
4 may not use advertising that is false, misleading, deceptive, or
5 not readily subject to verification as provided by Section 101.201.

6 SECTION 13. The changes in law made by this Act apply only
7 to conduct that occurs on or after the effective date of this Act.
8 Conduct that occurs before that date is governed by the law in
9 effect on the date the conduct occurred, and the former law is
10 continued in effect for that purpose.

11 SECTION 14. This Act takes effect September 1, 2025.