

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5688

To prohibit misleading and deceptive advertising or representation in the provision of health care services.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2006

Mr. SULLIVAN (for himself, Mr. GENE GREEN of Texas, Mr. BASS, Mr. SCHWARZ of Michigan, Mr. BURGESS, Mr. BILIRAKIS, and Mr. SESSIONS) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To prohibit misleading and deceptive advertising or representation in the provision of health care services.

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 2006”.

6        **SEC. 2. FINDINGS.**

7        Congress finds that—

8                (1) the truthful exchange of information be-  
9        tween patients and their health care providers is key

1 to helping them understand their health care  
2 choices;

3 (2) consumers believe that complex medical  
4 issues, surgeries, procedures, and prescribing medi-  
5 cations should be performed by medical doctors;

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

10 (4) ample evidence exists of providers who are  
11 not medical doctors, doctors of osteopathic medicine,  
12 doctors of dental surgery, or doctors of dental medi-  
13 cine holding themselves out as such; and

14 (5) providers of health care services who are  
15 not medical doctors, doctors of osteopathic medicine,  
16 or dentists are of vital importance to the Nation's  
17 health care system.

18 **SEC. 3. HEALTH CARE SERVICE PROVIDER UNFAIR AND DE-**

19 **CEPTIVE ACTS AND PRACTICES.**

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

1 or misleads the public or a prospective or current patient  
2 that such person is a medical doctor, doctor of osteopathic  
3 medicine, doctor of dental surgery, or doctor of dental  
4 medicine or has the same or equivalent education, skills,  
5 or training. Such deceptive or misleading statements or  
6 acts shall include advertising in any medium, making false  
7 statements regarding the education, skills, training, or li-  
8 censure of such person, or in any other way describing  
9 such person's profession, skills, training, experience, edu-  
10 cation, or licensure in a fashion that causes the public,  
11 a potential patient, or current patient to believe that such  
12 person is a medical doctor, doctor of osteopathic medicine,  
13 doctor of dental surgery, or doctor of dental medicine.

14 (b) ENFORCEMENT.—A violation of subsection (a)  
15 shall be treated as an unfair or deceptive act or practice  
16 prescribed under section 5 of the Federal Trade Commis-  
17 sion Act (15 U.S.C. 45). The Federal Trade Commission  
18 shall enforce this Act in the same manner, by the same  
19 means, and with the same jurisdiction as though all appli-  
20 cable terms and provisions of the Federal Trade Commis-  
21 sion Act were incorporated into and made a part of this  
22 Act.

23 **SEC. 4. INVESTIGATION.**

24 As soon as practicable after the date of enactment  
25 of this Act, the Federal Trade Commission shall conduct

1 an investigation of health care providers engaging in the  
2 conduct prohibited by section 3(a) to—

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

5 (2) determine the frequency of such acts and  
6 practices;

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

9 (4) identify instances where any State public  
10 policy has permitted such acts and practices.

11 The Federal Trade Commission shall report its findings  
12 to Congress not later than 1 year after the date of the  
13 enactment of this Act.

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