

## **Professional Responsibility in Health Care Act**

*Summary: The Professional Responsibility in Health Care Act lists specific circumstances which constitute unprofessional conduct by a licensed health care provider in order to ensure that all clients are treated with appropriate care.*

Based on [VT SB 37 \(2023\)](#)

[NOTE: The substance of the bill doesn't mention UPCs. As written, it would apply to a health care provider at any facility. This makes it more likely to win a challenge in court, but please consider whether there are any facilities in the State that need explicit exemptions.]

### **SECTION 1. SHORT TITLE**

This Act shall be called the "Professional Responsibility in Health Care Act."

### **SECTION 2. FINDINGS**

The legislature finds that:

1. All licensed health care providers in [State] are subject to a code of conduct, which is a set of principles and guidelines that set the ethical and professional standards for those providers.
2. Many licensed health care providers volunteer to staff free medical clinics, which provide medical care mostly to residents who cannot afford health care services because they lack health insurance or are underinsured. At such clinics, licensed health care providers must comply with standard health care regulations, such as those concerning the privacy and security of clients' sensitive information; requirements about who can order and interpret diagnostic tests; credentialing regulations for those who operate specific types of medical equipment; and basic rules of sanitation and safety. Licensed providers volunteering at free medical clinics is laudable and should be encouraged.
3. Some licensed health care providers volunteer to staff unregulated centers where medical care is secondary to another primary mission. While organizations and individuals have the right to free expression, licensed medical professionals must comply with ethical and professional standards whenever they present themselves as if they were acting in their capacities as licensed providers.
4. It is essential for the State to make explicit the ethical and professional standards that apply to licensed providers volunteering at unregulated free clinics.

### **SECTION 3. PROFESSIONAL RESPONSIBILITY**

After section XXX, the following new section XXX shall be inserted:

#### **[THESE ARE ADDED TO THE EXISTING CODE ABOUT UNPROFESSIONAL CONDUCT]**

In addition to any other provision of law, the following conduct by a licensee constitutes unprofessional conduct. When that conduct is by an applicant or person who later becomes an applicant, it may constitute grounds for denial of a license or other disciplinary action. Any of the following items or any combination of items, whether the conduct at issue was committed within or outside the State, shall constitute unprofessional conduct:

- (1) Willfully representing, or working alongside, unlicensed health care providers in a manner that misrepresents them to clients as if they were licensed.
- (2) Willfully representing to clients, or knowing it is being represented, that the facility where the licensee is working is a medical facility that both diagnoses and treats clients' medical conditions when, in fact, it does not.
- (3) Willfully representing to clients, or knowing it is being represented, that an examination or test, such as an ultrasound examination or STD/STI test, is being conducted or interpreted as if it were a diagnostic examination or test like one at a hospital when, in fact, it is not.
- (4) Willfully representing to clients, or knowing it is being represented, that a facility needs a list of the client's medications, or a thorough medical history, or other sensitive private health information when a reasonable licensee would know that a such information is not needed for the services offered at that facility.
- (5) Willfully representing, or knowing it is being represented, that clients' sensitive private health information is protected by the Health Insurance Portability and Accountability Act (HIPAA) or protected by binding rules that provide privacy and security guarantees, when, in fact, HIPAA or other privacy and security guarantees are not provided.
- (6) Willfully representing, or knowing it is being represented, that a facility operates under the sanitation and safety standards of a licensed medical facility when, in fact, it does not.
- (7) Willfully providing inaccurate health or medical information to a client, or knowing it is being provided, including misrepresentation of a client's medical condition.

(8) Willfully representing, or knowing it is being represented, that the designated Medical Director or medical supervisor of a facility does not, in fact, directly supervise the medical care and compliance with regulations and health care standards at that facility.

[NOTE: THE EXISTING CODE IN WHICH THIS IS PLACED ALREADY HAS ENFORCEMENT MECHANISMS BUILT IN.]