

November 17, 2015

Massachusetts Joint Committee on Public Health

Sen. Jason M. Lewis, Senate Chair

Sen. Jennifer L. Flanagan, Senate Vice Chair

Rep. Kate Hogan, House Chair

Rep. Ruth B. Balser, House Vice Chair

Senate Committee Office

State House, Room 511B

Boston, MA 02133

House of Representatives Committee Office

State House, Room 130

Boston, MA 02133

RE: **S. 1169, an Act Relative to Truth in Advertising**

Dear Members of the Joint Committee on Public Health:

On behalf of the undersigned Massachusetts and federal medical organizations, we are writing to express formal support for S. 1169, which would implement important criteria for health care provider advertising by providing the necessary clarity and transparency that patients deserve when they seek health care services. Among other requirements, this bill would require all licensed Massachusetts health care practitioners to disclose their license type in a manner that is clear and easily identified by patients. These commonsense measures are aimed to help to alleviate the “white coat” confusion that may exist in the health care setting today. Currently, we know that patients often mistake non-physician providers for physicians, and that they may not know that certain medical specialists are physicians. For example, a recent American Medical Association survey of 800 adults nationwide yielded that 74 percent of respondents believed that podiatrists are medical doctors or doctors of osteopathic medicine – they are not.

While we greatly appreciate these steps, we would also request that the Committee amend the bill to add additional patient protections in the area of physician advertising as “board certified.” Among patients and the general public, the term “board certified” has come to signify the highest achievement in clinical training and expertise. When individuals seek medical care, the knowledge that their physician is board certified assures them that they are engaging a physician with significant direct training and demonstrated, validated skill in the specialty certification advertised.

The term “board certified” is typically associated with certification by a member board of the American Board of Medical Specialties (ABMS), the American Osteopathic Association (AOA), or other certifying bodies that require prior ABMS or AOA certification in the specific specialty in which they grant certification. The Massachusetts Joint Committee on Public Health would do well to advance legislative language that ensures physicians are only able to hold themselves out to the general public as board certified if their certifications meet these standards. For these reasons, we respectfully request that the

parameters in which physicians can advertise board certification be more clearly outlined. This can be done by inserting the following language after Section 1(a):

(b) A medical doctor or doctor of osteopathic medicine may not hold oneself out to the public in any manner as being certified by a public or private board including but not limited to a multidisciplinary board or "board certified," unless all of the following criteria are satisfied:

- (1) The advertisement states the full name of the certifying board and the name of the specialty or subspecialty; and
- (2) The board either:
 - (A) Is a member board of the American Board of Medical Specialties (ABMS) or the American Osteopathic Association (AOA); or
 - (B) Requires successful completion of a postgraduate training program approved by the Accreditation Council for Graduate Medical Education (ACGME) or the AOA that provides complete training in the specialty or subspecialty certified, followed by prerequisite certification by the ABMS or AOA board for that training field and further successful completion of examination in the specialty or subspecialty certified.

We believe patients deserve to have accurate information about who is treating them when in face-to-face encounters, as well as when they read health care practitioners' advertising. Consequently, we believe that S. 1169 is a positive step for the citizens of Massachusetts.

Thank you for your consideration of our comments and suggested amendment to S. 1169. If you have any questions, need further assistance or would like to utilize our model language, please feel free to contact Patrick Hermes, Senior Manager of Advocacy and Government Affairs at the American Society of Plastic Surgeons, at phermes@plasticsurgery.org.

Massachusetts Academy of Dermatology
Massachusetts Society of Otolaryngology
American Academy of Facial Plastic and Reconstructive Surgery
American Academy of Otolaryngology – Head and Neck Surgery
American College of Emergency Physicians
American Osteopathic Association
American Society of Dermatologic Surgery Association
American Society of Plastic Surgeons