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May 30, 2013

The Honorable Joseph Griffo  
New York State Senate  
188 State Street Room 612  
Legislative Office Building  
Albany, NY 12247

Re: American Medical Association Support for New York Senate Bill 5493

Dear Senator Griffo:

On behalf of the American Medical Association (AMA) and our physician and student members, I write in **strong support of New York Senate Bill (S.B.) 5493**, the "Health Care Professional Transparency Act." This legislation provides a straightforward solution to help reduce confusion and increase clarity and transparency for New York's patients when they seek out health care services.

A quick look at the facts shows that patients are confused about who is a medical doctor – and who is not. According to a recent AMA survey, most patients correctly identified physician specialties, such as orthopaedic surgeons, obstetrician-gynecologists and dermatologists as medical doctors. However, many patients incorrectly identified other health care professionals (podiatrists, optometrists and psychologists) as medical doctors. The AMA is concerned that this simple mistake may cause false expectations among patients and impair their ability to make informed health care decisions.

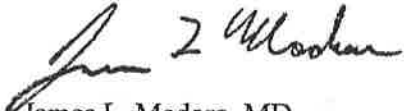
S.B. 5493 will help reduce this confusion by requiring all health care professionals to wear a name tag during direct patient encounters, which clearly identifies the type of license or certification held by the professional. S.B. 5493 also requires all health care professionals to visibly display their education, training and licensure in their offices. Further, S.B. 5493 ensures that any advertisement for health care services or professional website created to promote health care services clearly identify the type of license the practitioner holds and be free of deceptive and misleading information. In addition, S.B. 5493 ensures that physicians who represent themselves as being certified in a medical specialty or by a particular board do so clearly, and that the certification entity or board meet certain minimum qualifications.

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Importantly, patients are very much on board with these efforts. According to a recent AMA survey, the vast majority of patients would support legislation in their state to require that health care advertising materials clearly designate the level of education, skills, and training of the health care professional promoting his or her services. Considering the avalanche of information available to patients in today's health care system, the provision of truthful information is simply a matter of common sense.

Thank you for your support of truth in advertising. Once again, we urge you to **support S.B. 5493**. Should you have any questions, please contact Kristin Schleiter, JD, LLM, Senior Legislative Attorney, Advocacy Resource Center, at [kristin.schleiter@ama-assn.org](mailto:kristin.schleiter@ama-assn.org) or (312) 464-4783.

Sincerely,



James L. Madara, MD

Enclosure

cc: Medical Society of the State of New York

## Truth in Advertising survey results

Education and training matters when it comes to who provides your health care, but do most patients know the qualifications of their health care provider? A 2008 survey found that while patients strongly support a physician-led health care team, many are confused about the level of education and training of their health care provider.<sup>1</sup> Follow-up surveys conducted in 2010<sup>2</sup> and 2012<sup>3</sup> confirmed that patients want a physician to lead the health care team. The surveys also underscored that patient confusion remains high. Key findings include:

- ▶ **Ninety-one percent** of respondents said that a physician's years of medical education and training are vital to optimal patient care, especially in the event of a complication or medical emergency.<sup>1</sup>
- ▶ **Eighty-six percent** of respondents said that patients with one or more chronic diseases benefit when a physician leads the primary health care team.<sup>2</sup>
- ▶ **Eighty-four percent** of respondents said that they prefer a physician to have primary responsibility for the diagnosis and management of their health care.<sup>1</sup>

Truth in Advertising legislation can help provide the clarity and transparency necessary for patients to have the information they need to make informed decisions about their health care.

### Patients are not sure who is—and who is not—a physician<sup>4</sup>

Is this person a medical doctor or doctor of osteopathic medicine?	Yes (%)		No (%)		Not sure (%)	
	2008	2010	2008	2010	2008	2010
Orthopaedic surgeon/Orthopaedist	94	84	3	12	3	4
Obstetrician/Gynecologist	92	93	5	4	3	3
Primary care physician <sup>5</sup>	n/a	91	n/a	7	n/a	2
General or family practitioner	88	88	8	9	3	4
Dermatologist <sup>6</sup>	n/a	84	n/a	12	n/a	4
Dentist	77	69	20	29	3	2
Anesthesiologist	76	78	16	19	8	3
Psychiatrist	74	75	20	21	6	4
Ophthalmologist	69	71	14	16	17	13
Podiatrist	67	68	22	21	11	11
Optometrist	54	54	36	38	10	8
Psychologist	49	41	44	53	8	6
Chiropractor	38	31	53	64	9	6
Doctor of nursing practice	38	35	37	46	25	19
Audiologist	33	30	40	47	27	23
Otolaryngologist/ENT <sup>6</sup>	32	43	13	33	55	24
Nurse Practitioner	29	26	63	69	7	5
Physical Therapist	26	19	68	78	6	3
Midwife	11	7	82	86	7	7

## Additional findings from the “Truth in Advertising” surveys

### Patients strongly prefer physicians to lead the health care team

Should only a medical doctor or doctor of osteopathic medicine be allowed to perform the following procedures or should other health care professionals be allowed to perform this specific activity?	Only a medical MD or DO (%)			Other health care professional (%)			Both equally/ either one (%)			Don't know (%)		
	2008	2010	2012	2008	2010	2012	2008	2010	2012	2008	2010	2012
Amputations of the foot?	93	93	92	5	5	5	n/a	n/a	2	2	2	2
Diagnose and treat heart conditions?	n/a	n/a	90	n/a	n/a	3	n/a	n/a	5	n/a	n/a	1
Surgical procedures on the eye that require the use of a scalpel?	92	94	90	6	4	5	n/a	n/a	2	2	2	3
Treat emergency or trauma medical conditions, which may be life threatening?	n/a	n/a	85	n/a	n/a	3	n/a	n/a	9	n/a	n/a	2
Facial surgery such as nose shaping and face lifts?	90	89	83	8	8	7	n/a	n/a	3	3	3	6
Write prescriptions for complex drugs, including those that carry a risk of abuse or dependence	82	75	83	16	23	7	n/a	n/a	8	2	3	2
Diagnose and treat chronic diseases like diabetes?	n/a	n/a	74	n/a	n/a	13	n/a	n/a	12	n/a	n/a	2
Write prescriptions for medication to treat mental health conditions such as schizophrenia and bi-polar disorder?	80	75	76	17	22	12	n/a	n/a	8	3	3	4
Administer and monitor anesthesia levels and patient condition before and during surgery?	71	70	71	27	23	16	n/a	n/a	8	3	7	4
Write prescriptions for common conditions like sinus infections?	n/a	n/a	34	n/a	n/a	44	n/a	n/a	20	n/a	n/a	2

### Patients want their health care professional to clearly designate their education and training

Do you agree or disagree with the following?	Agree (%)			Disagree (%)			Don't know (%)		
	2008	2010	2012	2008	2010	2012	2008	2010	2012
Only licensed medical doctors or doctors of osteopathic medicine should be able to use the title of “physician.”	91	93	92	7	6	6	2	1	2
It is easy to identify who is a licensed MD or DO and who is not by reading what services they offer, their title and other licensing credentials in advertising or other marketing materials?	46	51	n/a	51	44	n/a	3	3	n/a

Would you support or oppose legislation in your state to require all health care advertising materials to clearly designate the level of education, skills and training of all health care professionals promoting their services?	Support (%)		Oppose (%)		Don't know (%)	
	2008	2010	2008	2010	2008	2010
	93	87	6	10	1	3

1. Global Strategy Group conducted a telephone survey on behalf of the AMA Scope of Practice Partnership between August 13–18, 2008. Global Strategy Group surveyed 850 adults nationwide. The overall margin of error is +/- 3.4 percent at the 95 percent confidence level.
2. Baseline & Associates conducted a telephone survey on behalf of the AMA Scope of Practice Partnership between November 4–8, 2010. Baseline & Associates surveyed 850 adults nationwide. The overall margin of error is +/- 3.4 percent at the 95 percent level.
3. Baseline & Associates conducted a telephone survey on behalf of the AMA Scope of Practice Partnership between March 8–12, 2012. Baseline & Associates surveyed 801 adults nationwide. The overall margin of error is +/- 3.5 percent at the 95 percent level.
4. A physician is an individual who has received a “Doctor of Medicine” or a “Doctor of Osteopathic Medicine” degree or an equivalent degree following successful completion of a prescribed course of study from a school of medicine or osteopathic medicine. AMA Policy H-405.969
5. The physician professions “primary care physician” and “dermatologist” were not referenced in the 2008 survey.
6. The abbreviation for ear, nose and throat—“ENT”—was not referenced in the 2008 survey.