

FINAL PROPOSAL
Solicitation of Accident Victims

1 **12-30-102. [Formerly 12-29.1-102] Solicitation of accident victims - waiting**
2 **period - definitions.** (1) Except as permitted by subsection (2) of this section, ~~no~~ NEITHER
3 A health care practitioner ~~licensed under articles 29.5 to 43 of this title or his or her~~ NOR AN
4 agent OF A HEALTH CARE PRACTITIONER shall engage in solicitation for professional
5 employment concerning a personal injury unless the incident for which employment is
6 sought occurred more than thirty days ~~prior to~~ BEFORE the solicitation.

7 (2) This section ~~shall~~ DOES not apply to any person providing emergency health care
8 at the time of the incident or follow-up referrals to physicians from the emergency health
9 care providers.

10 ~~(3) As used in this section, "solicitation" means an initial contact initiated in person,~~
11 ~~through any form of electronic or written communication, or by telephone, telegraph, or~~
12 ~~facsimile, any of which is directed to a specific individual, unless said contact is requested~~
13 ~~by the individual, a member of the individual's family, or the individual's authorized~~
14 ~~representative. "Solicitation" does not include radio, television, newspaper, or yellow pages~~
15 ~~advertisements.~~

16 ~~(4)~~ (3) Any agreement made in violation of this section is voidable at the option of
17 the individual suffering the personal injury or the individual's authorized representative.

18 (4) AS USED IN THIS SECTION:

19 (a) "HEALTH CARE PRACTITIONER" MEANS:

20 (I) AN ACUPUNCTURIST LICENSED UNDER ARTICLE 200 OF THIS TITLE 12;

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22 (II) AN AUDIOLOGIST LICENSED UNDER ARTICLE 210 OF THIS TITLE 12;

23 (III) A CHIROPRACTOR LICENSED UNDER ARTICLE 215 OF THIS TITLE 12;

24 (IV) A DENTIST OR DENTAL HYGIENIST LICENSED UNDER ARTICLE 220 OF THIS TITLE
25 12;

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27 (V) A MASSAGE THERAPIST LICENSED UNDER ARTICLE 235 OF THIS TITLE 12;

28 (VI) A PHYSICIAN, PHYSICIAN ASSISTANT, OR ANESTHESIOLOGIST ASSISTANT
29 LICENSED UNDER ARTICLE 240 OF THIS TITLE 12;

30 (VII) A PSYCHOLOGIST, SOCIAL WORKER, MARRIAGE AND FAMILY THERAPIST,
31 PROFESSIONAL COUNSELOR, OR ADDICTION COUNSELOR LICENSED UNDER PART 3, 4, 5, 6, OR
32 8 OF ARTICLE 245 OF THIS TITLE 12;

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34 (VIII) A PRACTICAL OR PROFESSIONAL NURSE LICENSED UNDER ARTICLE 255 OF THIS
35 TITLE 12;

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37 (IX) A NURSING HOME ADMINISTRATOR LICENSED UNDER ARTICLE 265 OF THIS TITLE

1 12;
2 (X) AN OCCUPATIONAL THERAPIST OR OCCUPATIONAL THERAPY ASSISTANT LICENSED
3 UNDER ARTICLE 270 OF THIS TITLE 12;
4 (XI) AN OPTOMETRIST LICENSED UNDER ARTICLE 275 OF THIS TITLE 12;
5 (XII) A PHARMACIST LICENSED UNDER ARTICLE 280 OF THIS TITLE 12;
6 (XIII) A PHYSICAL THERAPIST OR PHYSICAL THERAPIST ASSISTANT LICENSED UNDER
7 ARTICLE 285 OF THIS TITLE 12;
8 (XIV) A PODIATRIST LICENSED UNDER ARTICLE 290 OF THIS TITLE 12;
9 (XV) A PSYCHIATRIC TECHNICIAN LICENSED UNDER ARTICLE 295 OF THIS TITLE 12;
10 OR
11 (XVI) A RESPIRATORY THERAPIST LICENSED UNDER ARTICLE 300 OF THIS TITLE 12;
12 (b) "SOLICITATION" MEANS AN INITIAL CONTACT INITIATED IN PERSON, THROUGH ANY
13 FORM OF ELECTRONIC OR WRITTEN COMMUNICATION, OR BY TELEPHONE, TELEGRAPH, OR
14 FACSIMILE, ANY OF WHICH IS DIRECTED TO A SPECIFIC INDIVIDUAL, UNLESS THE CONTACT IS
15 REQUESTED BY THE INDIVIDUAL, A MEMBER OF THE INDIVIDUAL'S FAMILY, OR THE
16 INDIVIDUAL'S AUTHORIZED REPRESENTATIVE. "SOLICITATION" DOES NOT INCLUDE RADIO,
17 TELEVISION, NEWSPAPER, OR YELLOW PAGES ADVERTISEMENTS.