

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 21**

5 (SENATORS STOLLINGS, JENKINS AND KESSLER (MR. PRESIDENT), *original*
6 *sponsors*)

7 _____
8 [Passed April 13, 2013; in effect ninety days from passage.]
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12 AN ACT to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new article, designated §16-1C-1, §16-1C-2,
14 §16-1C-3, §16-1C-4, and §16-1C-5, all relating generally to
15 requiring health care providers to wear identification badges;
16 providing definitions; establishing identification badge
17 requirements; setting forth exceptions; providing for
18 applicability; and granting rule-making authority.

19 *Be it enacted by the Legislature of West Virginia:*

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new article, designated §16-1C-1, §16-1C-2,
22 §16-1C-3, §16-1C-4, and §16-1C-5, all to read as follows:

23 **ARTICLE 1C. HEALTH CARE PROVIDER TRANSPARENCY ACT.**

24 **§16-1C-1. Definitions.**

1 (a) "Direct patient care" means health care that provides for
2 the physical, diagnostic, emotional or rehabilitation needs of a
3 patient or health care that involves examination, treatment or
4 preparation for diagnostic tests or procedures.

5 (b) "Employee" means an employee or contractor of a health
6 care provider or a person who is granted privileges by a health
7 care provider who delivers direct patient care.

8 (c) "Health care provider" means an individual, partnership,
9 corporation, facility, hospital or institution licensed or
10 certified or authorized by law to provide professional health care
11 service in this state to a patient during that patient's medical,
12 remedial or behavioral health care, treatment or confinement.

13 (d) "Secretary" means the Secretary of the West Virginia
14 Department of Health and Human Resources. The secretary may define
15 in rules any term or phrase used in this article which is not
16 expressly defined.

17 **§16-1C-2. Identification badge requirements.**

18 Notwithstanding any other provision of this code, an employee
19 shall wear an identification badge when providing direct patient
20 care. The identification badge shall be worn in a conspicuous
21 manner so as to be visible and apparent.

22 **§16-1C-3. Exceptions.**

23 (a) Notwithstanding section three of this article, the
24 following shall apply:

1 (1) An employee shall not be required to wear an
2 identification badge while delivering direct patient care if it is
3 not clinically feasible.

4 (2) The last name of the employee may be omitted or concealed
5 from an identification badge when delivering direct patient care if
6 the employee is concerned for his or her safety.

7 (b) An employee may petition the secretary for an exemption
8 from the requirements of this article for reasons that are not set
9 forth in this section.

10 (c) An employee providing direct patient care in a behavioral
11 health care setting may not be required to wear an identification
12 badge.

13 **§16-1C-4. Rules.**

14 The Secretary of the Department of Health and Human Resources,
15 in consultation with appropriate health care provider professional
16 licensing boards, shall propose rules for legislative approval in
17 accordance with the provisions of chapter twenty-nine-a of this
18 code to implement the provisions of this article. These rules
19 shall include, at a minimum:

20 (1) The contents of the identification badge, which shall at
21 least include the name of the employee and title of the employee;

22 (2) The title to be used to identify employee licensure
23 information;

24 (3) The appearance of the identification badge, which shall

1 have the title of the employee as large as possible in block type:
2 *Provided*, That health care facilities providing identification
3 badges prior to enactment of this article shall not be required to
4 issue new badges;

5 (4) The process and procedure for seeking an exemption from
6 the requirements of this article; and

7 (5) Such other rules as may be deemed necessary to effectuate
8 the purposes of this article.

9 **§16-1C-5. Applicability.**

10 Section three of this article applies to employees of health
11 care providers who employ at least three licensed practitioners or
12 employ more than ten employees as of July 1, 2015.