

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 21**

4 (By Senators Stollings, Jenkins and Kessler (Mr. President))

5 _____
6 [Originating in the Committee on Health and Human Resources;
7 reported March 8, 2013.]

8 _____
9
10
11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new article, designated §16-1C-1, §16-1C-2,
13 §16-1C-3, §16-1C-4, §16-1C-5, §16-1C-6 and §16-1C-7, all
14 relating generally to requiring health care providers to wear
15 identification badges; setting forth legislative findings and
16 purpose; providing definitions; establishing identification
17 badge requirement; setting forth exemptions; addressing
18 enforcement; providing for applicability; and granting
19 rule-making authority.

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

21 That the Code of West Virginia, 1931, as amended, be amended
22 by adding thereto a new article, designated §16-1C-1, §16-1C-2,
23 §16-1C-3, §16-1C-4, §16-1C-5, §16-1C-6 and §16-1C-7, all to read as
24 follows:

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

2 **§16-1C-1. Legislative findings and purpose.**

3 (a) The Legislature finds that:

4 (1) Patients receiving health care in this state need
5 increased clarity and transparency with regard to the
6 qualifications of employees of health care providers.

7 (2) There are widespread differences regarding the training
8 and qualifications earned by employees of health care providers.
9 These differences often concern the training and skills necessary
10 to correctly detect, diagnose, prevent and treat serious health
11 conditions.

12 (3) The reliability of the health care system is undermined
13 and patients are put at risk when patients are confused or misled
14 about the qualifications of employees of health care providers to
15 provide specific patient care.

16 (b) The purpose of this article is to require employees of
17 health care providers to wear identification badges, clearly
18 informing patients of their name and title.

19 **§16-1C-2. Definitions.**

20 (a) "Direct patient care" means health care that provides for
21 the physical, diagnostic, emotional or rehabilitation needs of a
22 patient or health care that involves examination, treatment or
23 preparation for diagnostic tests or procedures.

24 (b) "Employee" means an employee or contractor of a health

1 care provider or a person who is granted privileges by a health
2 care provider who delivers direct patient care.

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

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

12 **§16-1C-3. Identification badge requirements.**

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

17 **§16-1C-4. Exceptions.**

18 (a) Notwithstanding section three of this article, the
19 following shall apply:

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

23 (2) The last name of the employee may be omitted or concealed
24 from an identification badge when delivering direct patient care if

1 the employee is concerned for his or her safety.

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

5 **§16-1C-5. Enforcement.**

6 Upon complaint that an employee is not complying with the
7 requirements of this article, a health care provider professional
8 licensing board shall investigate the complaint for the purpose of
9 considering disciplinary action.

10 **§16-1C-6. Rules.**

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

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

19 (2) The title to be used to identify employee licensure
20 information;

21 (3) The appearance of the identification badge, which shall
22 have the title of the employee as large as possible in block type;

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

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

3 **§16-1C-7. Applicability.**

4 Section three of this article applies to employees of health
5 care providers, as of July 1, 2015.

(NOTE: The bill requires health care providers to wear identification badges. The bill sets forth legislative findings and purpose. The bill provides definitions. The bill establishes identification badge requirements. The bill identifies exemptions. The bill provides for enforcement. The bill also grants rule-making authority.

This article is new; therefore, strike-throughs and underscoring have been omitted.)