

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 21

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

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

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

Be it enacted by the Legislature of West Virginia:

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

**ARTICLE 1C. HEALTHCARE PROVIDER TRANSPARENCY
ACT.**

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

1 (a) The Legislature finds that:

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

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

10 (3) The reliability of the health care system is undermined
11 and patients are put at risk when patients are confused or

12 mislead about the qualifications of employees of health care
13 providers to provide specific patient care.

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

§16-1C-2. Definitions.

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

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

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

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

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

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

§16-1C-4. Exceptions.

1 (a) Notwithstanding section three of this article, the
2 following shall apply:

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

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

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

§16-1C-5. Enforcement.

1 Upon complaint that an employee is not complying with
2 the requirements of this article, a health care provider
3 professional licensing board shall investigate the complaint for
4 the purpose of considering disciplinary action.

§16-1C-6. Rules.

1 The Secretary of the Department of Health and Human
2 Resources, in consultation with appropriate health care
3 provider professional licensing boards, shall propose rules for
4 legislative approval in accordance with the provisions of
5 chapter twenty-nine-a of this code to implement the provisions
6 of this article. These rules shall include, at a minimum:

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

10 (2) The title to be used to identify employee licensure
11 information;

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

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

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

§16-1C-7. Applicability.

1 Section three of this article applies to employees of health
2 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.)