

WEST VIRGINIA LEGISLATURE
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E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 21

(SENATORS STOLLINGS, JENKINS AND KESSLER (MR. PRESIDENT),
ORIGINAL SPONSORS)

[PASSED APRIL 13, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]

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

[Passed April 13, 2013; in effect ninety days from passage.]

AN ACT 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 and §16-1C-5, all relating generally to requiring health care providers to wear identification badges; providing definitions; establishing identification badge requirements; setting forth exceptions; 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 and §16-1C-5, all to read as follows:

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

§16-1C-1. 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,
4 treatment 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
12 during that patient's medical, remedial or behavioral health
13 care, 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-2. 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-3. 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

8 direct patient care if the employee is concerned for his or her
9 safety.

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

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

§16-1C-4. 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
6 provisions of this article. These rules shall include, at a
7 minimum:

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

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

13 (3) The appearance of the identification badge, which
14 shall have the title of the employee as large as possible in
15 block type: *Provided*, That health care facilities providing
16 identification badges prior to enactment of this article shall
17 not be required to issue new badges;

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

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

§16-1C-5. Applicability.

1 Section three of this article applies to employees of health
2 care providers who employ at least three licensed
3 practitioners or employ more than ten employees as of July
4 1, 2015.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
 Day of, 2013.

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Governor