

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 656**

4 (By Senators Stollings, Foster, Kirkendoll, Laird and Jenkins)

5 _____
6 [Originating in the Committee on Health and Human Resources;
7 reported February 23, 2012.]

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

24 **CHAPTER 16. PUBLIC HEALTH.**

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

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

2 (a) The Legislature finds that:

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

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

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

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

18 **§16-1C-2. Definitions.**

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

23 (b) "Employee" means an employee of a health care provider who
24 delivers direct patient care.

25 (c) "Health care provider" means an individual, partnership,
26 corporation, facility, hospital or institution licensed or

1 certified or authorized by law to provide professional health care
2 service in this state to a patient during that patient's medical,
3 remedial or behavioral health care, treatment or confinement.

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

8 **§16-1C-3. Identification badge requirements.**

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

13 **§16-1C-4. Exceptions.**

14 (a) Notwithstanding section three of this article, the
15 following shall apply:

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

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

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

25 **§16-1C-5. Enforcement.**

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

5 **§16-1C-6. Rules.**

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

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

14 (2) The title to be used to identify employee licensure
15 information;

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

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

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

22 **§16-1C-7. Applicability.**

23 The provisions of section three of this article apply to
24 employees of health care providers, as of July 1, 2015.

