

Senate Bill No. 656

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

[Introduced February 20, 2012; referred to the Committee on
Health and Human Resources.]

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 and §16-1C-5, all relating generally to
requiring health care providers to wear identification badges;
setting forth legislative findings and purpose; providing
definitions; establishing identification badge requirements;
addressing 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. Legislative findings and purpose.

(a) The Legislature finds that:

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

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

9 (3) The reliability of the health care system is undermined
10 and patients are put at risk, when patients are confused or mislead
11 about the qualifications of health care providers to provide
12 specific patient care.

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

16 **§16-1C-2. Definitions.**

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

21 (b) "Employee" means an employee of a health care facility or
22 health care provider who delivers direct patient care.

23 (c) "Health care facility" means a publicly or privately owned
24 facility, agency or entity that offers or provides health care

1 services, whether a for-profit or nonprofit entity and whether or
2 not licensed, or required to be licensed, in whole or in part, and
3 includes, but is not limited to, hospitals; skilled nursing
4 facilities; kidney disease treatment centers, including free-
5 standing hemodialysis units; intermediate care facilities;
6 ambulatory health care facilities; ambulatory surgical facilities;
7 home health agencies; hospice agencies; rehabilitation facilities;
8 health maintenance organizations; and community mental health and
9 intellectual disability facilities. For purposes of this
10 definition, "community mental health and intellectual disability
11 facility" means a private facility which provides such
12 comprehensive services and continuity of care as emergency,
13 outpatient, partial hospitalization, inpatient or consultation and
14 education for individuals with mental illness, intellectual
15 disability or drug or alcohol addiction.

16 (d) "Health care provider" means a individual, partnership,
17 corporation, facility, hospital or institution licensed or
18 certified or authorized by law to provide professional health care
19 service in this state to a patient during that patient's medical,
20 remedial or behavioral health care, treatment or confinement.

21 (e) "Secretary" means the Secretary of the West Virginia
22 Department of Health and Human Resources. The secretary may define
23 in rules any term or phrase used in this article which is not
24 expressly defined.

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

2 An employee shall wear an identification badge when providing
3 direct patient care. The contents of the identification badge
4 shall include the first and last name of the employee, title of the
5 employee and licensure status, if any, of the employee. The
6 identification badge shall be worn in a conspicuous manner so as to
7 be visible and apparent.

8 **§16-1C-4. Rules.**

9 (a) The Secretary of the Department of Health and Human
10 Resources shall propose rules for legislative approval in
11 accordance with the provisions of chapter twenty-nine-a of this
12 code to implement the provisions of this article. These rules
13 shall include, at a minimum:

14 (1) The size of the identification badge, size of lettering on
15 the identification badge and titles to be used to identify
16 licensure status;

17 (2) Exemptions from the requirements of this article and the
18 procedure for seeking an exemption;

19 (3) Penalties for violation of this article, including the
20 assessment of civil penalties; and

21 (4) Other requirements the secretary determines are
22 appropriate.

23 (b) The rules authorized by this section may be filed as
24 emergency rules if considered necessary to promptly effectuate the

1 purposes of this article.

2 **§16-1C-5. Applicability.**

3 (a) The provisions of section three of this article apply to
 4 employees of health care providers and health care facilities, as
 5 of July 1, 2015.

NOTE: The purpose of this bill is to require health care providers to inform patients of their name, title and licensure information by wearing an identification badge when providing direct patient care. The bill grants the Secretary of the Department of Health and Human Resources rule-making authority to address exemptions and establishment of penalties for violations. The identification badge requirement is not applicable to health care providers until July 1, 2015.

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