

Senate Bill No. 602

(By Senators Stollings, Beach, Jenkins and Laird)

[Introduced February 14, 2014; referred to the
Committee on Health and Human Resources.]

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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 rule-
18 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 **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 rehabilitation 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 or contractor of a health
24 care provider or a person who is granted privileges by a health

1 care provider who delivers direct patient care.

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

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

11 **§16-1C-3. Identification badge requirements.**

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

16 **§16-1C-4. Exceptions.**

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

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

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

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

4 **§16-1C-5. Enforcement.**

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

9 **§16-1C-6. Rules.**

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

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

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

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

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

24 (5) Such other rules as may be deemed necessary to effectuate

1 the purposes of this article.

2 **§16-1C-7. Applicability.**

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

NOTE: The purpose of this bill is to require 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.