

HEALTH CARE FACILITIES ACT - PHOTO IDENTIFICATION TAG REGULATIONS
Act of Nov. 23, 2010, P.L. 1099, No. 110 Cl. 35
Session of 2010
No. 2010-110

HB 1482

AN ACT

Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An act relating to health care; prescribing the powers and duties of the Department of Health; establishing and providing the powers and duties of the State Health Coordinating Council, health systems agencies and Health Care Policy Board in the Department of Health, and State Health Facility Hearing Board in the Department of Justice; providing for certification of need of health care providers and prescribing penalties," providing for photo identification tag regulations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, is amended by adding a section to read:

Section 809.2. Photo identification tag regulations.

(a) Regulations.--Except as provided under subsection (c), the department shall promulgate regulations under subsection (b) to require employees to wear a photo identification tag when the employee is working. The following shall apply:

(1) The photo identification tag shall include a recent photograph of the employee, the employee's name, the employee's title and the name of the health care facility or employment agency.

(2) The title of the employee shall be as large as possible in block type and shall occupy a one-half inch tall strip as close as practicable to the bottom edge of the badge.

(3) Titles shall be as follows:

(i) A Medical Doctor shall have the title "Physician."

(ii) A Doctor of Osteopathy shall have the title "Physician."

(iii) A Registered Nurse shall have the title "Registered Nurse."

(iv) A Licensed Practical Nurse shall have the title "Licensed Practical Nurse."

(v) All other titles shall be determined by the department. Abbreviated titles may be used when the title indicates licensure or certification by a Commonwealth agency.

(b) Interim regulations.--The department, upon the conclusion of at least one public hearing, shall publish interim regulations regarding implementation of this section in the Pennsylvania Bulletin within 90 days of the effective date of this section. The interim regulations shall not be subject to sections 201 and 202 of the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." The interim regulations shall expire 18 months following the effective date of this section or when final regulations are promulgated by the department, whichever occurs first. Final regulations shall be

promulgated no later than 18 months following the effective date of this section.

(c) Exceptions.--Notwithstanding subsection (a), the following shall apply:

(1) An employee shall not be required to wear an identification badge while delivering direct care to a consumer if not clinically feasible.

(2) The last name of the employee may be omitted or concealed when delivering direct care to a consumer who exhibits symptoms of irrationality or violence.

(d) Applicability.--Except for subsection (a) (2) and (3), this section shall apply to an employee that delivers direct care to a consumer outside of the health care facility or employment agency. On June 1, 2015, this section shall apply to an employee that delivers direct care to a consumer at or outside of the health care facility or employment agency.

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Employee." An employee or a physician of any of the following that delivers direct care to a consumer:

- (1) A health care facility.
- (2) A health care provider.
- (3) The private practice of a physician.
- (4) An employment agency.

"Employment agency." A public or private organization that provides employment services for persons seeking employment and for potential employers seeking employees.

"Title." A license, certification or registration held by the employee.

Section 2. This act shall take effect as follows:

(1) The addition of section 809.2(a) (2) and (3) of the act shall take effect June 1, 2015.

(2) The remainder of this act shall take effect in 60 days.

APPROVED--The 23rd day of Novemeber, A.D. 2010.

EDWARD G. RENDELL