

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1482 Session of  
2009

INTRODUCED BY MANN, BELFANTI, BISHOP, FRANKEL, HALUSKA, HARRIS,  
JOHNSON, KIRKLAND, KOTIK, KULA, MAHONEY, MILLARD, MUNDY,  
MURT, M. O'BRIEN, O'NEILL, OLIVER, PICKETT, READSHAW,  
SIPTROTH, STURLA, SWANGER, J. TAYLOR, VULAKOVICH, WATERS,  
MICOZZIE, CONKLIN, D. COSTA, BRENNAN, CREIGHTON, FREEMAN,  
REICHLEY, HARPER, BROWN, BEYER, BENNINGHOFF, GINGRICH AND  
GEIST, MAY 12, 2009

AS REPORTED FROM COMMITTEE ON PROFESSIONAL LICENSURE, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 23, 2010

## AN ACT

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

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

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

16 ~~Section 809.2. Photo identification tag regulations.~~ ←

17 ~~The department shall promulgate regulations to require each~~  
18 ~~employee of a home care agency, home health care agency and~~  
19 ~~hospital to wear a photo identification tag at all times when~~

1 ~~the employee is working. The photo identification tag shall~~  
2 ~~include a recent photograph of the employee, the employee's~~  
3 ~~name, the name of the home care agency, home health care agency~~  
4 ~~or hospital, the certificate or license number for the home care~~  
5 ~~agency, home health care agency or hospital and the expiration~~  
6 ~~date of the certificate or license.~~

7 Section 2. ~~This act shall take effect in 60 days.~~

8 SECTION 809.2. PHOTO IDENTIFICATION TAG REGULATIONS. ←

9 (A) REGULATIONS.--EXCEPT AS PROVIDED UNDER SUBSECTION (C),  
10 THE DEPARTMENT SHALL PROMULGATE REGULATIONS UNDER SUBSECTION (B)  
11 TO REQUIRE EMPLOYEES TO WEAR A PHOTO IDENTIFICATION TAG WHEN THE  
12 EMPLOYEE IS WORKING. THE FOLLOWING SHALL APPLY:

13 (1) THE PHOTO IDENTIFICATION TAG SHALL INCLUDE A RECENT  
14 PHOTOGRAPH OF THE EMPLOYEE, THE EMPLOYEE'S NAME, THE  
15 EMPLOYEE'S TITLE AND THE NAME OF THE HEALTH CARE FACILITY OR  
16 EMPLOYMENT AGENCY.

17 (2) THE TITLE OF THE EMPLOYEE SHALL BE AS LARGE AS  
18 POSSIBLE IN BLOCK TYPE AND SHALL OCCUPY A ONE-HALF INCH TALL  
19 STRIP AS CLOSE AS PRACTICABLE TO THE BOTTOM EDGE OF THE  
20 BADGE.

21 (3) TITLES SHALL BE AS FOLLOWS:

22 (I) A MEDICAL DOCTOR SHALL HAVE THE TITLE  
23 "PHYSICIAN."

24 (II) A DOCTOR OF OSTEOPATHY SHALL HAVE THE TITLE  
25 "PHYSICIAN."

26 (III) A REGISTERED NURSE SHALL HAVE THE TITLE  
27 "REGISTERED NURSE."

28 (IV) A LICENSED PRACTICAL NURSE SHALL HAVE THE TITLE  
29 "LICENSED PRACTICAL NURSE."

30 (V) ALL OTHER TITLES SHALL BE DETERMINED BY THE

1 DEPARTMENT. ABBREVIATED TITLES MAY BE USED WHEN THE TITLE  
2 INDICATES LICENSURE OR CERTIFICATION BY A COMMONWEALTH  
3 AGENCY.

4 (B) INTERIM REGULATIONS.--THE DEPARTMENT, UPON THE  
5 CONCLUSION OF AT LEAST ONE PUBLIC HEARING, SHALL PUBLISH INTERIM  
6 REGULATIONS REGARDING IMPLEMENTATION OF THIS SECTION IN THE  
7 PENNSYLVANIA BULLETIN WITHIN 90 DAYS OF THE EFFECTIVE DATE OF  
8 THIS SECTION. THE INTERIM REGULATIONS SHALL NOT BE SUBJECT TO  
9 SECTIONS 201 AND 202 OF THE ACT OF JULY 31, 1968 (P.L.769,  
10 NO.240), REFERRED TO AS THE COMMONWEALTH DOCUMENTS LAW, AND THE  
11 ACT OF JUNE 25, 1982 (P.L.633, NO.181), KNOWN AS THE "REGULATORY  
12 REVIEW ACT." THE INTERIM REGULATIONS SHALL EXPIRE 18 MONTHS  
13 FOLLOWING THE EFFECTIVE DATE OF THIS SECTION OR WHEN FINAL  
14 REGULATIONS ARE PROMULGATED BY THE DEPARTMENT, WHICHEVER OCCURS  
15 FIRST. FINAL REGULATIONS SHALL BE PROMULGATED NO LATER THAN 18  
16 MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS SECTION.

17 (C) EXCEPTIONS.--NOTWITHSTANDING SUBSECTION (A), THE  
18 FOLLOWING SHALL APPLY:

19 (1) AN EMPLOYEE SHALL NOT BE REQUIRED TO WEAR AN  
20 IDENTIFICATION BADGE WHILE DELIVERING DIRECT CARE TO A  
21 CONSUMER IF NOT CLINICALLY FEASIBLE.

22 (2) THE LAST NAME OF THE EMPLOYEE MAY BE OMITTED OR  
23 CONCEALED WHEN DELIVERING DIRECT CARE TO A CONSUMER WHO  
24 EXHIBITS SYMPTOMS OF IRRATIONALITY OR VIOLENCE.

25 (D) APPLICABILITY.--EXCEPT FOR SUBSECTION (A) (2) AND (3),  
26 THIS SECTION SHALL APPLY TO AN EMPLOYEE THAT DELIVERS DIRECT  
27 CARE TO A CONSUMER OUTSIDE OF THE HEALTH CARE FACILITY OR  
28 EMPLOYMENT AGENCY. ON JUNE 1, 2015, THIS SECTION SHALL APPLY TO  
29 AN EMPLOYEE THAT DELIVERS DIRECT CARE TO A CONSUMER AT OR  
30 OUTSIDE OF THE HEALTH CARE FACILITY OR EMPLOYMENT AGENCY.

1 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING  
2 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS  
3 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

4 "EMPLOYEE." AN EMPLOYEE OR A PHYSICIAN OF ANY OF THE  
5 FOLLOWING THAT DELIVERS DIRECT CARE TO A CONSUMER:

6 (1) A HEALTH CARE FACILITY.

7 (2) A HEALTH CARE PROVIDER.

8 (3) THE PRIVATE PRACTICE OF A PHYSICIAN.

9 "TITLE." A LICENSE, CERTIFICATION OR REGISTRATION HELD BY  
10 THE EMPLOYEE.

11 SECTION 2. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

12 (1) THE ADDITION OF SECTION 809.2 (A) (2) AND (3) OF THE  
13 ACT SHALL TAKE EFFECT JUNE 1, 2015.

14 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60  
15 DAYS.