

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, GEIST, HELM AND HARHART, MAY 12, 2009

SENATOR VANCE, PUBLIC HEALTH AND WELFARE, IN SENATE, AS AMENDED, SEPTEMBER 28, 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 (a) Regulations.--Except as provided under subsection (c),
18 the department shall promulgate regulations under subsection (b)

1 to require employees to wear a photo identification tag when the
2 employee is working. The following shall apply:

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

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

11 (3) Titles shall be as follows:

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

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

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

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

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

24 (b) Interim regulations.--The department, upon the
25 conclusion of at least one public hearing, shall publish interim
26 regulations regarding implementation of this section in the
27 Pennsylvania Bulletin within 90 days of the effective date of
28 this section. The interim regulations shall not be subject to
29 sections 201 and 202 of the act of July 31, 1968 (P.L.769,
30 No.240), referred to as the Commonwealth Documents Law, and the

1 act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory
2 Review Act." The interim regulations shall expire 18 months
3 following the effective date of this section or when final
4 regulations are promulgated by the department, whichever occurs
5 first. Final regulations shall be promulgated no later than 18
6 months following the effective date of this section.

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

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

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

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

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

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

26 (1) A health care facility.

27 (2) A health care provider.

28 (3) The private practice of a physician.

29 (4) AN EMPLOYMENT AGENCY.

30 "EMPLOYMENT AGENCY." A PUBLIC OR PRIVATE ORGANIZATION THAT



1 PROVIDES EMPLOYMENT SERVICES FOR PERSONS SEEKING EMPLOYMENT AND
2 FOR POTENTIAL EMPLOYERS SEEKING EMPLOYEES.

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

5 Section 2. This act shall take effect as follows:

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

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