

Guidance Regarding Requirements of Act 2010-110: Photo Identification Tags

Act 2010-110 was enacted by the General Assembly in November 2010. It is codified at Section 809b of the Health Care Facilities Act (35 P.S. § 448.809b). Section 809b requires that certain health care employees in certain health care settings must wear photo identification tags or badges that contain specific information.

The Department published interim regulations in the *Pennsylvania Bulletin* on December 9, 2011 that can be found at 28 Pa. Code Ch. 53. The regulations required that the photo identification badge requirements applied to employees that deliver direct care to a consumer outside of a health care facility or employment agency and to employees of the private practice of a physician. Those regulations have expired and are no longer in effect. As of June 1, 2015, the photo identification badge requirements will also apply to all employees that deliver direct care to a patient or consumer at a health care facility, as well as to those employees delivering direct care to a consumer outside of a health care facility or employment agency and to employees of the private practice of a physician.

The Department intends to issue proposed regulations later this year. Under the regulatory review process, there will be an opportunity for public comment to those regulations. Those comments will be considered by the Department before issuance of final regulations.

In the interim, the Department is providing guidance regarding the requirements of Section 809b which will take effect on June 1, 2015. These comments are advisory only but should provide guidance to facilities as they implement the photo identification badge requirements.

Under the statutory provisions of Act 2010-110, the following requirements become effective as of June 1, 2015:

The following individuals must wear photo identification badges:

- **All employees and physicians working at health care facilities licensed by the Department who provide direct care to patients or consumers**

Guidance: The Department interprets this requirement to apply to all individuals employed by a health care facility and to all physicians working at a health care facility who provide the actual delivery of health care services to a patient or provide assistance with the activities of daily living for a consumer. Health care facilities licensed by the Department under the Health Care Facilities Act are: general and special care hospitals, home health care agencies, home care agencies, hospices, long-term care nursing facilities, birth centers, abortion facilities and ambulatory surgical facilities.

- **All employees and physicians working at the private practice of physicians who provide direct care to patients or consumers.**

Guidance: The Department interprets this requirement to apply to all individuals employed by and all physicians working at the private practice office of a physician who provide the actual delivery of health care services to a patient. The Department of State, Bureau of Professional and Occupational Affairs, may issue further guidance on this matter.

- **All employees and physicians working at an employment agency who provide direct care to patients and consumers.**

Guidance: The Department interprets this requirement to apply to all employees and physicians working at an employment agency who provide the actual delivery of services to a patient or provide assistance with the activities of daily living to a consumer. The photo identification badge should be issued by the employment agency. If the employee or physician provides services at or on behalf of a health care facility, the Department recommends that the health care facility issue a second badge that contains the name of the health care facility and the name of the individual. These badges will provide

patients at the health care facility with the necessary information to verify identification of the individual and also verify that the individual is authorized to work in the health care facility.

The badge must include the following:

- **A recent photograph of the employee**

Guidance: The Department interprets this requirement to mean the individual's photograph should be updated so as to ensure that a patient can recognize the individual. As individuals age, their appearance can change and the facility needs to update the photographs on the badges accordingly. The Department recommends that the photographs be updated every 4 years. This is a recommendation only although the Department intends to include this requirement in the proposed regulations.

- **The employee's name**

Guidance: The purpose of this requirement is to ensure that an individual can be identified. It is recommended that the individual's full name appear on the badge. Subject to health care facility policy as discussed later, in most cases such identification will be the individual's full first and last name. Where that individual is most commonly known by another name (such as use of abbreviated form of the first name or use of middle name instead of first name), that name may appear on the badge.

- **The employee's title**

Guidance: This title should be the descriptive name of an individual's health care occupation, such as would be indicated on a professional license, certification or registration. Those individuals who do not possess such a designation shall use a title that reflects the job function they perform and that would be most helpful to the patient in identifying the individual's job.

- **The name of the employee’s health care facility or employment agency**

Guidance: If the individual is employed by a health care facility, then the name of the health care facility should appear on the badge. If the individual is employed by an employment agency, then the name of the employment agency should appear on the badge.

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. The following titles must be used when applicable:

- **A Medical Doctor shall have the title “Physician.”**
- **A Doctor of Osteopathy shall have the title “Physician.”**
- **A Registered Nurse shall have the title “Registered Nurse.”**
- **A Licensed Practical Nurse shall have the title “Licensed Practical Nurse.”**

Guidance: This section of the statute is very specific on the location and size of the title. This section also requires that the badge contain the terms “physician”, “registered nurse” and “licensed practical nurse” in full and not any abbreviation.

Abbreviated titles may be used when the title indicates licensure or certification by a Commonwealth agency.

Guidance: The Department does not recommend that the badge contain abbreviated titles. As noted in the guidance above, the statute requires that physicians, registered nurses and licensed practical nurses use their complete titles and not “MD”, “RN” or “LPN.” As these titles, whose abbreviations are generally familiar, are to be stated in full, it is recommended that complete titles be listed for all individuals. The use of the full title should serve to reduce confusion or misunderstanding.

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

Guidance: If conditions exist where there is a medical or safety impediment to the wearing of a photo identification badge, the individual does not have to wear the badge so long as those conditions persist.

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.

Guidance: The Department interprets this requirement to permit individuals to conceal their last name on their photo identification badge when they have reason to believe that the person or persons to whom they will be or are providing care, will act in an irrational or violent manner. The Department recommends that facilities adopt policies and procedures in the event that this occurs which will describe the process to be followed in the event that an individual requests concealment of their last name and describes how individuals with the same first name will be differentiated.