

# HOUSE BILL 1356

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CF SB 512

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By: Delegates Cullison, Barve, Clippinger, Costa, Donoghue, Elliott, Frank, Gutierrez, Hubbard, Hucker, Kach, A. Kelly, Kipke, Krebs, Murphy, Oaks, Pena-Melnyk, Reznik, Stocksdale, and V. Turner

Introduced and read first time: February 11, 2013

Assigned to: Rules and Executive Nominations

Re-referred to: Health and Government Operations, February 26, 2013

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 2, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Care Practitioners – Identification Badge**

3 FOR the purpose of requiring that certain health care practitioners, when providing  
4 health care to a patient, wear a badge or other form of identification displaying  
5 certain information; providing for ~~a certain exception~~ certain exceptions;  
6 ~~requiring each health occupation~~ authorizing each health occupations board to  
7 ~~adopt certain regulations, including provisions for taking certain administrative~~  
8 ~~action for a certain violation~~; authorizing the regulations to provide certain  
9 exemptions or allow use of a certain name; providing that a violation may be  
10 reported to a certain health occupations board; authorizing a health occupations  
11 board to send certain letters in response to a reported violation; requiring that  
12 ~~certain administrative actions~~ letters be kept confidential; defining a certain  
13 term; and generally relating to display of identification by health care  
14 practitioners.

15 BY adding to  
16 Article – Health Occupations  
17 Section 1–220  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2012 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 **1–220.**

5 (A) IN THIS SECTION, “HEALTH CARE PRACTITIONER” MEANS A PERSON  
6 WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THIS  
7 ARTICLE TO PROVIDE HEALTH CARE SERVICES IN THE ORDINARY COURSE OF  
8 BUSINESS OR PRACTICE OF A PROFESSION.

9 (B) THIS SECTION APPLIES ONLY TO A HEALTH CARE PRACTITIONER  
10 WHO PRACTICES IN:

11 (1) A FREESTANDING AMBULATORY CARE FACILITY;

12 (2) A PHYSICIAN’S OFFICE; OR

13 (3) AN URGENT CARE FACILITY.

14 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WHEN  
15 PROVIDING HEALTH CARE TO A PATIENT, A HEALTH CARE PRACTITIONER SHALL  
16 WEAR A BADGE OR OTHER FORM OF IDENTIFICATION DISPLAYING IN READILY  
17 VISIBLE TYPE:

18 (1) THE HEALTH CARE PRACTITIONER’S NAME; AND

19 (2) THE TYPE OF LICENSE OF THE HEALTH CARE PRACTITIONER.

20 (D) A BADGE OR OTHER FORM OF IDENTIFICATION IS NOT REQUIRED TO  
21 BE WORN IF:

22 (1) (I) THE PATIENT IS BEING SEEN IN THE OFFICE OF A  
23 HEALTH CARE PRACTITIONER WHO IS A SOLO PRACTITIONER; AND

24 ~~(2)~~ (II) THE NAME AND LICENSE OF THE HEALTH CARE  
25 PRACTITIONER CAN BE READILY DETERMINED BY THE PATIENT FROM A POSTED  
26 LICENSE OR SIGN IN THE OFFICE; OR

27 (2) THE PATIENT IS BEING SEEN IN:

28 (I) AN OPERATING ROOM OR OTHER SETTING WHERE  
29 SURGICAL OR OTHER INVASIVE PROCEDURES ARE PERFORMED; OR

1                    (II) ANY OTHER SETTING WHERE MAINTAINING A STERILE  
2 ENVIRONMENT IS MEDICALLY NECESSARY.

3            (E) (1) EACH HEALTH OCCUPATION BOARD SHALL OCCUPATIONS  
4 BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

5            ~~(2) THE REGULATIONS SHALL INCLUDE PROVISIONS FOR TAKING~~  
6 ~~ADMINISTRATIVE ACTION AGAINST A HEALTH CARE PRACTITIONER WHO~~  
7 ~~VIOLATES THIS SECTION AS FOLLOWS:~~

8                    ~~(I) FOR A FIRST OFFENSE, ISSUE A WARNING; AND~~

9                    ~~(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPOSE A~~  
10 ~~FINE NOT TO EXCEED \$25 FOR EACH VIOLATION.~~

11            ~~(3) (I) (2)~~ THE REGULATIONS, WHEN NECESSARY FOR THE  
12 HEALTH CARE PRACTITIONER'S SAFETY OR FOR THERAPEUTIC CONCERNS MAY:

13                    ~~1. (I) PROVIDE EXEMPTIONS FROM WEARING A BADGE~~  
14 ~~OR OTHER FORM OF IDENTIFICATION; OR~~

15                    ~~2. (II) ALLOW USE OF THE HEALTH CARE~~  
16 ~~PRACTITIONER'S FIRST NAME ONLY.~~

17                    ~~(II) THE REGULATIONS SHALL SPECIFY THE RATIONALE~~  
18 ~~FOR AND SITUATIONS IN WHICH AN EXEMPTION OR USE OF THE FIRST NAME~~  
19 ~~ONLY IS PERMISSIBLE.~~

20            (3) A VIOLATION MAY BE REPORTED TO THE HEALTH  
21 OCCUPATIONS BOARD THAT LICENSED OR CERTIFIED THE HEALTH CARE  
22 PRACTITIONER.

23            (4) IN RESPONSE TO A REPORTED VIOLATION, A HEALTH  
24 OCCUPATIONS BOARD MAY SEND AN ADVISORY LETTER OR A LETTER OF  
25 EDUCATION TO THE HEALTH CARE PRACTITIONER.

26            (F) ~~AN ADMINISTRATIVE ACTION TAKEN BY A HEALTH OCCUPATION~~  
27 ADVISORY LETTER OR LETTER OF EDUCATION SENT BY A HEALTH OCCUPATIONS  
28 BOARD UNDER THIS SECTION IS CONFIDENTIAL AND MAY NOT BE PUBLICALLY  
29 REPORTED AS A DISCIPLINARY ACTION.

30            SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2013.