

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1356

(Delegate Cullison, *et al.*)

Health and Government Operations

Education, Health, and Environmental Affairs

Health Care Practitioners - Identification Badge

This bill requires a health care practitioner who practices in a freestanding ambulatory care facility, a physician's office, or an urgent care facility to wear a badge or other form of identification when providing health care to a patient. The badge or other form of identification must display in readily visible type (1) the health care practitioner's name and (2) the type of license of the health care practitioner.

Fiscal Summary

State Effect: Potential minimal increase in special fund expenditures beginning in FY 2014 for the health occupations boards to the extent that health care practitioners violate the provisions of the bill. Regulations can be adopted using existing budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: "Health care practitioner" means a person who is licensed, certified, or otherwise authorized under the Health Occupations Article to provide health care services in the ordinary course of business or practice of a profession.

A badge or other form of identification is not required to be worn if a patient is being seen in the office of a solo health care practitioner and the name and license of the health care practitioner can be readily determined by the patient from a posted license or sign in the office. Likewise, such identification is not required to be worn if the patient is being

seen in a setting where surgical or other invasive procedures are performed or where maintaining a sterile environment is medically necessary.

Each health occupations board may adopt regulations to implement the bill. The regulations may provide exemptions from wearing a badge or other form of identification or allow the use of the health care practitioner's first name only for the patient's or health care practitioner's safety or for therapeutic concerns. A violation may be reported to a health occupations board. In response to a reported violation, a health occupations board may send an advisory letter or a letter of education to the health care practitioner. An advisory letter or a letter of education sent by a health occupations board under the bill is confidential and may not be publically reported as a disciplinary action.

Current Law: Each hospital or nursing facility in the State must ensure that its employees and any other individuals who provide a health care service within or on the premises of the hospital or nursing facility wear a personal identification tag, except where inappropriate for medical reasons, that indicates in readable text (1) the name of the individual and (2) the professional or other title of the individual. The Secretary of Health and Mental Hygiene may impose a fine of up to \$25 per violation.

Generally, each licensee (and in some instances certificate holders) of a health occupations board must display his or her license (or certificate) conspicuously in the office or place of employment of the licensee. Section 12-6B-08 of the Health Occupations Article requires each registered pharmacy technician, when performing delegated pharmacy acts, to wear identification that conspicuously identifies the registered pharmacy technician as a registered pharmacy technician.

Background: Nationally, several states (including California, Illinois, Massachusetts, Minnesota, New York, North Carolina, Oregon, Rhode Island, and Virginia) have enacted legislation requiring health care practitioners who provide direct patient care to wear identification indicating their name and title or license. The details of the requirements vary widely among states – some provide exemptions for personal safety reasons, some do not require the identification if a patient is being seen in the practitioner's office, and some allow common abbreviations rather than the full title of the license or certification.

Additional Information

Prior Introductions: As introduced, HB 957 of 2012 would have required a health care practitioner to disclose his or her licensure or certification by wearing an identification tag during a patient encounter. The identification tag would have been required to include the first and last name of the health care practitioner and the full spelling of the

type of license of certification held by the practitioner. These provisions were struck from the bill by the House Health and Government Operations Committee.

Cross File: Although designated as a cross file, SB 512 (Senator Montgomery, *et al* - Education, Health, and Environmental Affairs) is not identical.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

Fiscal Note History: First Reader - March 14, 2013
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