

SENATE BILL 512

J2

(3lr2469)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senators Montgomery, Benson, Forehand, Madaleno, Peters, Pinsky, and Ramirez**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Health Care Practitioners – Identification Badge**

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

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.

Italics indicate opposite chamber/conference committee amendments.



1 letters be kept confidential; defining a certain term; and generally relating to
2 display of identification by health care practitioners.

3 BY adding to
4 Article – Health Occupations
5 Section 1–220
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2012 Supplement)

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

10 **Article – Health Occupations**

11 **1–220.**

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

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

18 (1) A FREESTANDING AMBULATORY CARE FACILITY;

19 (2) A PHYSICIAN’S OFFICE; OR

20 (3) AN URGENT CARE FACILITY.

21 ~~(B)~~ (C) EXCEPT AS PROVIDED IN SUBSECTION ~~(C)~~ (D) OF THIS
22 SECTION, WHEN PROVIDING HEALTH CARE TO A PATIENT, A HEALTH CARE
23 PRACTITIONER SHALL WEAR A BADGE OR OTHER FORM OF IDENTIFICATION
24 DISPLAYING IN READILY VISIBLE TYPE:

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

26 (2) THE ~~TITLE OR ROLE~~ TYPE OF LICENSE OF THE HEALTH CARE
27 PRACTITIONER.

28 ~~(C)~~ (D) A BADGE OR OTHER FORM OF IDENTIFICATION IS NOT
29 REQUIRED TO BE WORN IF:

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

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

4 (2) THE PATIENT IS BEING SEEN IN:

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

7 (II) ANY OTHER SETTING WHERE MAINTAINING A STERILE
 8 ENVIRONMENT IS MEDICALLY NECESSARY.

9 ~~(D)~~ (E) (1) EACH HEALTH ~~OCCUPATION BOARD SHALL~~
 10 OCCUPATIONS BOARD MAY ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

11 ~~(2)~~ ~~THE REGULATIONS SHALL INCLUDE PROVISIONS FOR TAKING~~
 12 ~~DISCIPLINARY ADMINISTRATIVE ACTION AGAINST A HEALTH CARE~~
 13 ~~PRACTITIONER WHO VIOLATES THIS SECTION AS FOLLOWS:~~

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

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

17 ~~(3)~~ ~~(1)~~ (2) THE REGULATIONS, WHEN NECESSARY FOR THE
 18 PATIENT OR HEALTH CARE PRACTITIONER'S SAFETY OR FOR THERAPEUTIC
 19 CONCERNS MAY:

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

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

24 ~~(H)~~ ~~THE REGULATIONS SHALL SPECIFY THE RATIONALE~~
 25 ~~FOR AND SITUATIONS IN WHICH AN EXEMPTION OR USE OF THE FIRST NAME~~
 26 ~~ONLY IS PERMISSIBLE.~~

27 (3) A VIOLATION MAY BE REPORTED TO THE HEALTH
 28 OCCUPATIONS BOARD THAT LICENSED OR CERTIFIED THE HEALTH CARE
 29 PRACTITIONER.

1 **(4) IN RESPONSE TO A REPORTED VIOLATION, A HEALTH**
 2 **OCCUPATIONS BOARD MAY SEND AN ADVISORY LETTER OR A LETTER OF**
 3 **EDUCATION TO THE HEALTH CARE PRACTITIONER.**

4 **(F) AN ADMINISTRATIVE ACTION TAKEN BY A HEALTH OCCUPATION**
 5 **ADVISORY LETTER OR LETTER OF EDUCATION SENT BY A HEALTH OCCUPATIONS**
 6 **BOARD UNDER THIS SECTION IS CONFIDENTIAL AND MAY NOT BE PUBLICLY**
 7 **REPORTED AS A DISCIPLINARY ACTION.**

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.