

Chapter 491

(Senate Bill 512)

AN ACT concerning

Health Care Practitioners – Identification Badge

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

BY adding to

Article – Health Occupations

Section 1–220

Annotated Code of Maryland

(2009 Replacement Volume and 2012 Supplement)

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

Article – Health Occupations

1–220.

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

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

(1) A FREESTANDING AMBULATORY CARE FACILITY;

(2) A PHYSICIAN’S OFFICE; OR

(3) AN URGENT CARE FACILITY.

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

(1) THE HEALTH CARE PRACTITIONER'S NAME; AND

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

~~(e)~~ **(D)** A BADGE OR OTHER FORM OF IDENTIFICATION IS NOT REQUIRED TO BE WORN IF:

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

~~(2)~~ **(II) 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; OR**

(2) THE PATIENT IS BEING SEEN IN:

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

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

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

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

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

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

~~(3)~~ ~~(4)~~ (2) THE REGULATIONS, WHEN NECESSARY FOR THE PATIENT OR HEALTH CARE PRACTITIONER'S SAFETY OR FOR THERAPEUTIC CONCERNS MAY:

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

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

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

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

(4) 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.

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

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

Approved by the Governor, May 16, 2013.