PENNSYLVANIA’S HEALTH CARE ID BADGE REQUIREMENTS

The Pennsylvania Department of Health has issued final interim regulations with respect to Act 110 – Pennsylvania’s Health Care ID Badge law. According to the new regulations, effective December 10, 2011, all private practice physicians and their employees who provide direct care to patients, and employees who deliver direct care outside of a health care facility (e.g., home health agencies) are required to wear photo identification badges that state their credentials and job title (such as "physician" or "registered nurse") in large block letters.

In order to comply with the new regulations, an ID badge must include the following information:

- A photograph of the employee updated at least every four years;
- The employee’s full name (including first and last name);
- The employee’s title – the only titles included in the regulations are “physician,” “registered nurse,” and “licensed practical nurse;” all other employees are to use the title to which they are licensed or by which they are certified. According to the regulations, the employee’s title 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; and
- The name of the employee’s health care facility or employment agency.

It should be noted that the regulations contain a “religious” and a “safety” exception to the foregoing requirements. The religious exception pertains to employees who refuse to take a photograph as it would constitute a violation of their religious beliefs. If such a situation occurs, the covered entity may allow an employee to wear an identification badge without a photo. The employee, however, must sign a notarized statement and wear an identification badge containing all of the remaining information, in addition to the employee’s height and eye color.

As to the safety exception, the last name of the employee may be omitted or concealed when delivering direct care to a patient who exhibits symptoms of irrationality or violence. Health care facilities must prepare written policies that indicate how they will address this exception and continue to ensure that such employees are adequately identified on their ID badge.

The foregoing regulations do not apply to employees of hospitals until June of 2015. According to the Department of Health, the delay in requiring hospitals to comply with the regulations is predicated, primarily, on the belief that such facilities generally have badges which are encrypted with codes to control access to secure units, such as medication storage areas. Accordingly, these facilities have been provided with additional time to comply with the new regulations.

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