

CHAPTER 53. PHOTO IDENTIFICATION BADGES

- Sec.
 53.1. Legal basis, scope and definitions.
 53.2. Requirements.
 53.3. Contents of photo identification badge.
 53.4. (Reserved).
 53.5. Exceptions.

Authority

This Chapter 53 issued under sections 803(2) and 809.2 of the Health Care Facilities Act (35 P.S. §§ 448.803(2) and 448.809b), unless otherwise noted.

Source

The interim regulations of this Chapter 53 adopted December 9, 2011, effective December 10, 2011, expire 18 months following the effective date, 41 Pa.B. 6672, unless otherwise noted.

§ 53.1. Legal basis, scope and definitions.

- (a) This chapter implements section 809.2 of the act (35 P.S. § 448.809b).
 (b) This chapter contains standards which are applicable to the following:
 (1) All entities licensed as health care facilities under the act.
 (2) The private practice of a physician.
 (c) The following words and terms, when used in this chapter, have the following meanings:

Direct care—The actual delivery of health care services or assistance with activities of daily living to a consumer or patient.

Employee—An employee or a physician of any of the following who delivers direct care to a consumer:

- (i) A health care facility.
 (ii) A health care provider.
 (iii) The private practice of a physician.
 (iv) An employment agency.

Employment agency—A public or private organization that provides employment services for persons seeking employment and for potential employers seeking employees who provide direct care to consumers.

Employment status—Full-time, part-time, temporary, contractual or other classification of work that indicates the relationship between the employee and the health care facility, health care provider or employment agency.

Health care facility—A facility licensed by the Department under the act.

Health care provider—An individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies and insurance companies), the Commonwealth or a political subdivision or instrumentality (including a municipal corporation or authority) thereof, that operates a health care facility.

Outside of the health care facility or employment agency—Health care services that are provided to patients and consumers at a location other than a health care facility or employment agency, such as at the patient or consumer's residence.

Private practice of a physician—

(i) A circumstance in which a health care practitioner or an employee under a health care practitioner's supervision provides direct care to a patient or consumer.

(ii) This does not include a physician practice group which is owned and operated by a health care provider.

Title—A license, certification or registration held by the employee.

§ 53.2. Requirements.

(a) This chapter applies to an employee who delivers direct care as follows:

- (1) Outside of a health care facility or employment agency.
- (2) In a health care facility.
- (3) At the private practice of a physician.

(b) An employee who delivers direct care outside of a health care facility or employment agency or at the private practice of a physician shall wear a photo identification badge that meets the requirements in § 53.3 (relating to contents of photo identification badge).

(c) An employee who delivers direct care in a health care facility shall wear an identification badge that meets the requirements in § 51.6 (relating to identification of personnel).

§ 53.3. Contents of photo identification badge.

(a) An employee's photo identification badge must include the following:

- (1) A recent photograph of the employee, updated as provided for in subsection (c).
- (2) The employee's full name to include, at a minimum, the full first and last name.
- (3) The employee's title.
- (4) The name of the employee's health care facility or employment agency.

(b) The identification badge issued by an employment agency for an employee who is providing direct care for a health care facility must include the items in subsection (a). In addition, the health care facility where the employee of the employment agency is working shall issue the employee an identification badge that contains the name of the health care facility, the employment status of the employee at that facility and the employee's title.

(c) Photographs shall be updated at least every 4 years.

Cross References

This section cited in 28 Pa. Code § 53.2 (relating to requirements); and 28 Pa. Code § 53.5 (relating to exceptions).

§ 53.4. (Reserved).**§ 53.5. Exceptions.**

(a) *Photograph.* A health care facility, health care provider, employment agency or private practice of a physician may permit an employee to wear an identification badge without a photograph if having a photograph taken would violate the tenets of the employee's religion or religious beliefs.

(b) *Policies and procedures for exemption.* A health care facility, health care provider, employment agency or private practice of a physician shall establish policies and procedures in the event that an employee requests an exception under subsection (a), which, at a minimum:

(1) Require the employee to submit a signed and notarized statement that the taking of a photograph would violate the employee's religion or religious beliefs.

(2) Ensure that the employee wears an identification badge that contains the information in § 53.3(a)(2)—(4) (relating to contents of photo identification badge).

(3) Contain the employee's height and eye color.

(c) *Use of identification badge not clinically feasible.* An employee may not be required to wear an identification badge while delivering direct care to a patient or consumer if not clinically feasible.

(d) *Employee safety.* The last name of the employee may be omitted or concealed when delivering direct care to a patient or consumer who exhibits symptoms of irrationality or violence.

(e) *Policies and procedures for exemption.* A health care facility, health care provider, employment agency or private practice of a physician shall establish policies and procedures in the event that an employee requires an exception under subsection (d), which, at a minimum describe:

(1) The process to be followed in the event that an employee requires an exception.

(2) How employees with the same first name will be differentiated.

[Next page is 101-1.]

53-4

(359606) No. 447 Feb. 12

Copyright © 2012 Commonwealth of Pennsylvania