

Payne, Mark

From: Charles Keller <charles.w.keller@gmail.com>
Sent: Tuesday, January 11, 2022 1:09 PM
To: Payne, Mark
Subject: [External] Rule Making Proposal RE: Name Badges

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January 11, 2022
Office of the Director

Division of Health Service Regulation
2701 Mail Service Center
Raleigh, North Carolina, 27699-2701

DELIVERED VIA EMAIL (Mark.Payne@dhhs.nc.gov)

Dear Mr. Payne:

Please accept this correspondence at my petition for rulemaking pursuant to G.S. 150B-20. The reason I present this petition is because seniors in nursing facilities and their advocates have difficulty obtaining identification of the person providing them care. Names are often forgotten, misheard, nicknames or aliases are provided, staff claim not to know the name of their coworkers, some nursing facility management has instructed staff to only provide a first name, and then flatly refuse to give it when asked directly. Not knowing the accurate name of a caregiver presents an issue of patient safety because complaints regarding care cannot be expeditiously addressed, reports to regulatory agencies lack vital identifying information, family and patients have no way to verify professional licensure is in good standing (for example NC LPN licensure look up requires a first and last name to search), or privately run a criminal records check on staff that may only had a check years earlier upon being hired. The dignity of the patient is violated when they have no way to meaningfully identify a person who provides them care.

This rule, if enacted, will promote professionalism in an industry that holds great power over their frail and elderly customers. It will protect this population from nursing home malfeasance and benign neglect. A savvy, wealthy senior, whose cognitive abilities can obtain a copy of their records and sometimes glean the name of some staff from their records, but not everyone knows to make the request and the facility charges for the copy.

This rule petition has no effect on existing rules or orders.

An internet search of name badge suppliers indicates the cost of the badge is anywhere between \$2.00 and \$10.00. Given that most nursing facilities charge at least between \$191.79 per day, per resident as of July 1, 2021,^[1] this is a small cost in comparison to the public benefit.

Currently, Georgia, Minnesota, Oregon, New York, California, Illinois, Massachusetts and Rhode Island have identification badge laws. North Carolina should join these states in vigorously giving vulnerable senior citizens the maximum protection possible.

Proposed Rule Text

10 NCAC 13D .XXXX Identification Badges

All nursing facilities shall issue name badges that conspicuously display the full legal name, nickname and the licensure, if applicable, in 18 point font for every staff member, contractor or volunteer that examines patients, provides treatment or care to patients, and gives custodial care to a patient. The badge must be prominently displayed on the staff member, contractor or volunteer's person at all times.

The name of any staff member, contractor or volunteer must be immediately provided in writing upon the request of a patient, visitor or family member of a patient within twenty-four hours of the request being made.

History Note: Authority: G.S. 131E-104; G.S. 131E-117(1); G.S. 131E-117(5); G.S. 131E-117(6); G.S. 131E-131;
Effective Date: April 1, 2022.

^[1] <https://medicaid.ncdhhs.gov/providers/fee-schedules/nursing-facility-fee-schedules>

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Thank you for your time and consideration,

Charles Keller, Jr.

"I will find a way or make one!"