

**HOUSE . . . . . No. 3467**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Nick Collins*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to public safety and public health worker protections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Nick Collins</i>	<i>4th Suffolk</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>

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By Mr. Collins of Boston, a petition (accompanied by bill, House, No. 3467) of Nick Collins, Brian M. Ashe and Michael O. Moore for legislation to further protect certain public safety and health workers from diseases. Public Health.

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The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
\_\_\_\_\_

An Act relating to public safety and public health worker protections.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 111 of the General Laws is hereby amended by striking section 111C and  
2 inserting in place thereof the following section:-

3 Section 111C. (a) As used in this section the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:-

5 “First responder”, a police officer, fire fighter, emergency medical technician, corrections  
6 officer, ambulance operator or attendant, or other comparable public safety position.

7 “Infectious diseases dangerous to the public health” , shall be defined by department  
8 regulations, which shall be promulgated pursuant to this section.

9 “Patient”, a person or deceased person being transported to a health care facility by a first  
10 responder.

11 “Unprotected exposure capable of transmitting an infectious disease dangerous to the  
12 public health”, shall be defined in regulations promulgated by the department and shall include,  
13 but not be limited to, instances of direct mouth-to-mouth resuscitation, or the co-mingling of the  
14 blood of the patient and the person who has transported the patient to the health care facility.

15 (b) Any first responder who, while acting in his professional capacity, attends, assists, or  
16 transports a patient to a health care facility licensed under section 51, and who sustains an  
17 unprotected exposure capable of transmitting an infectious disease dangerous to the public  
18 health, shall immediately, upon arrival at such facility, provide to the admitting agent or other  
19 appropriate employee of the said facility a standardized trip form. The department shall prepare  
20 and distribute said standardized trip form, which shall include, but need not be limited to the  
21 names and contact information of persons who believe they have had such unprotected exposure,  
22 and the manner in which such exposure occurred.

23 (c) Any health care facility licensed under section 51 which receives a trip form pursuant  
24 to subsection (b) shall, with the patient’s consent, immediately test the patient to whom the trip  
25 form relates for infectious diseases dangerous to the public health. If the health care facility  
26 diagnoses the patient as having an infectious disease dangerous to the public health, they shall  
27 notify orally within 48 hours after making such a diagnosis, and in writing within 72 hours of  
28 such diagnosis, any individual listed on the trip report who has sustained an unprotected  
29 exposure which, in the opinion of the health care facility is capable of transmitting such disease.  
30 Such response shall include, but not be limited to, the appropriate medical precautions and  
31 treatments which should be taken by the party who has sustained the unprotected exposure;  
32 provided, however, that the identity of the patient suspected of having such disease shall not be  
33 released in such response, and shall be kept confidential in accordance with the provisions of

34 section 70. The department shall determine the method by which the response to the trip report is  
35 conveyed, and shall assure the patient or deceased person's legal representative or next of kin, if  
36 there is no legal representative is informed of those individuals who have been notified of his  
37 disease pursuant to this section, and that the response is directed only to those parties who have  
38 sustained an unprotected exposure to an infectious disease.

39 (d) (1) If a patient refuses to provide a blood or bodily fluid specimen for the purposes of  
40 testing for the presence of an infectious disease dangerous to the public health, the facility shall  
41 immediately notify the exposed first responder. Such notice shall not include the patient's name  
42 or any personally identifiable information, but shall include a patient number by which the  
43 facility can identify the patient. The first responder or the department may petition the district  
44 court having jurisdiction of the patient's residence, or the facility to which the patient was  
45 transported, for an order requiring that the patient provide a blood or bodily fluid specimen by  
46 filing a complaint with that court.

47 (2) The petition shall be accompanied by an affidavit attesting that: (i) the first responder  
48 sustained an unprotected exposure capable of transmitting an infectious disease dangerous to the  
49 public health; and (ii) the first responder has reason to believe that an identifiable patient may  
50 have an infectious disease dangerous to the public health. The district court shall order a blood  
51 test or submission of a bodily fluid specimen upon a finding that the first responder has  
52 demonstrated a need for such test by a preponderance of the evidence.

53 (e) If a patient is not admitted to a medical facility, a first responder or the department  
54 may arrange for the voluntary testing of the patient as soon as possible, or petition the

55 appropriate district court for an order requiring order a blood test or submission of a bodily fluid  
56 specimen as described in subsection (d).

57 (f) Notwithstanding the provisions of any general law or special law to the contrary, no  
58 hospital, or agent, employee, administrator, doctor, official or other representative of said  
59 reporting institution shall be held jointly or severally liable either as an institution, or personally,  
60 for reporting or testing pursuant to the requirements of this section, if such reporting and testing  
61 were conducted in good faith. All such parties, provided they have operated in good faith, shall  
62 otherwise be afforded total immunity from civil or criminal liability as a result of fulfilling the  
63 provisions of this section or the regulations promulgated in accordance with this section.

64 (g) The department of public health may issue rules and regulations to implement the  
65 provisions of this section.