

SECOND REGULAR SESSION

HOUSE BILL NO. 2505

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BASYE.

5257H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 191.631, RSMo, and to enact in lieu thereof one new section relating to testing for communicable diseases.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 191.631, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.631, to read as follows:

191.631. 1. (1) Notwithstanding any other law to the contrary, if an emergency care provider or a Good Samaritan sustains an exposure from a person while rendering emergency health care services, the person to whom the emergency care provider or Good Samaritan was exposed is deemed to consent to a test to determine if the person has a communicable disease and is deemed to consent to notification of the emergency care provider or the Good Samaritan of the results of the test, upon submission of an exposure report by the emergency care provider or the Good Samaritan to the hospital where the person is delivered by the emergency care provider.

(2) The hospital where the source patient is delivered shall conduct the test. The sample and test results shall only be identified by a number and shall not otherwise identify the person tested.

(3) A hospital shall have written policies and procedures for notification of an emergency care provider or Good Samaritan pursuant to this section. The hospital shall include local representation of designated infection control officers during the process to develop or review such policies. The policies shall be substantially the same as those in place for notification of hospital employees. The policies and procedures shall include designation of a representative of the emergency care provider to whom notification shall be provided and

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 who shall, in turn, notify the emergency care provider. The identity of the designated local
19 infection control officer of the emergency care provider shall not be disclosed to the source
20 patient tested. The designated local infection control officer shall inform the hospital of those
21 parties who receive the notification, and following receipt of such information and upon
22 request of the person tested, the hospital shall inform the person of the parties to whom
23 notification was provided.

24 (4) A coroner and medical examiner shall have written policies and procedures for
25 notification of an emergency care provider and Good Samaritan pursuant to this section. The
26 coroner or medical examiner shall include local representation of a designated infection
27 control officer during the process to develop or review such policies. The policies shall be
28 substantially the same as those in place for notification of coroner or medical examiner
29 employees. The policies and procedures shall include designation of a representative of the
30 emergency care providers to whom notification shall be provided and who shall, in turn,
31 notify the emergency care provider. The identity of the designated local infection control
32 officer of the emergency care provider shall not be disclosed to the source patient tested. The
33 designated local infection control officer shall inform the coroner or medical examiner of
34 those parties who receive the notification, and following receipt of such information and upon
35 request of the person tested, the coroner or medical examiner shall inform the person of the
36 parties to whom notification was provided.

37 2. If a person tested is diagnosed or confirmed as having a communicable disease
38 pursuant to this section, the hospital, coroner, or medical examiner shall notify the emergency
39 care provider, Good Samaritan or the designated local infection control officer of the
40 emergency care provider who shall then notify the **emergency** care provider.

41 3. The notification to the emergency care provider or the Good Samaritan shall advise
42 the emergency care provider or the Good Samaritan of possible exposure to a particular
43 communicable disease and recommend that the emergency care provider or Good Samaritan
44 seek medical attention. The notification shall be provided as soon as is reasonably possible
45 following determination that the individual has a communicable disease. The notification
46 shall not include the name of the person tested for the communicable disease unless the
47 person consents. If the emergency care provider or Good Samaritan who sustained an
48 exposure determines the identity of the person diagnosed or confirmed as having a
49 communicable disease, the identity of the person shall be confidential information and shall
50 not be disclosed by the emergency care provider or the Good Samaritan to any other
51 individual unless a specific written release is obtained by the person diagnosed with or
52 confirmed as having a communicable disease.

53 4. ~~[This section does not require or permit, unless otherwise provided, a hospital to~~
54 ~~administer a test for the express purpose of determining the presence of a communicable~~

55 ~~disease; except that testing may be performed if the person consents and if the requirements~~
56 ~~of this section are satisfied.~~

57 ~~5.]~~ This section does not preclude a hospital, coroner, or medical examiner from
58 providing notification to an emergency care provider or Good Samaritan under circumstances
59 in which the hospital's, coroner's, or medical examiner's policy provides for notification of the
60 hospital's, coroner's, or medical examiner's own employees of exposure to a communicable
61 disease that is not life-threatening if the notice does not reveal a patient's name, unless the
62 patient consents.

63 ~~[6.]~~ **5.** A hospital, coroner, or medical examiner participating in good faith in
64 complying with the provisions of this section is immune from any liability, civil or criminal,
65 which may otherwise be incurred or imposed.

66 ~~[7.]~~ **6.** A hospital's duty of notification pursuant to this section is not continuing but is
67 limited to diagnosis of a communicable disease made in the course of admission, care, and
68 treatment following the rendering of health care services to which notification pursuant to this
69 section applies.

70 ~~[8.]~~ **7.** A hospital, coroner, or medical examiner that performs a test in compliance
71 with this section or that fails to perform a test authorized pursuant to this section is immune
72 from any liability, civil or criminal, which may otherwise be incurred or imposed.

73 ~~[9.]~~ **8.** The department shall adopt rules to implement this section. The department
74 may determine by rule the communicable diseases for which testing is reasonable and
75 appropriate and which may be administered pursuant to this section. No rule or portion of a
76 rule promulgated under the authority of this section shall become effective unless it has been
77 promulgated pursuant to chapter 536.

78 ~~[10.]~~ **9.** The agency which employs or sponsors the emergency care provider who
79 sustained an exposure pursuant to this section shall pay the costs of testing for the person who
80 is the source of the exposure and of the testing of the emergency care provider if the exposure
81 was sustained during the course of the provider's expected duties.

82 ~~[11.]~~ **10.** All emergency care providers shall respond to and treat any patient
83 regardless of the status of the patient's HIV or other communicable disease infection.

84 ~~[12.]~~ **11.** Ambulance services and emergency medical response agencies licensed
85 under chapter 190 shall establish and maintain local policies and provide training regarding
86 exposure of personnel to patient blood and body fluids as well as general protection from
87 communicable diseases. The training provided and the policies established shall be in
88 substantial compliance with the appropriate CDC and OSHA guidelines.

89 ~~[13.]~~ **12.** Hospitals, long-term care facilities licensed under chapter 198, and other
90 medical facilities and practitioners who transfer patients known to have a communicable
91 disease or to be subject to an order of quarantine or an order of isolation shall notify the

92 emergency care providers who are providing the transportation services of the potential risk
93 of exposure to a communicable disease, including communicable diseases of a public health
94 threat.

95 ~~[14.]~~ **13.** The department shall promulgate regulations regarding all of the following:

96 (1) The type of exposure that would prompt notification of the emergency care
97 provider or Good Samaritan, which shall cover, at a minimum, methods of potential
98 transmission of any diseases designated under P.L. 101-381 or diseases additionally identified
99 from the department's list of communicable diseases;

100 (2) The process to be used by the emergency care provider, Good Samaritan, licensed
101 facility, coroner, medical examiner, and designated infection control officer for the reports
102 required by this section, the process to be used to evaluate requests received from emergency
103 care providers and Good Samaritans, and for informing emergency care providers and Good
104 Samaritans as to their obligations to maintain the confidentiality of information received; and

105 (3) The method by which emergency care providers and Good Samaritans shall be
106 provided information and advice in a timely manner related to the risk of infection from
107 communicable diseases as a result of aid or medical care.

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