

SENATE BILL NO. 1385

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

4236S.03I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to health care workers.

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

Section A. Chapter 191, RSMo, is amended by adding thereto
2 one new section, to be known as section 191.1350, to read as
3 follows:

191.1350. 1. No employee or contractor of a licensed
2 or registered health care facility shall be required to
3 physically engage with a person exhibiting violent
4 tendencies if there is a reasonable fear that such
5 engagement shall result in bodily harm to the employee.

6 2. No licensed or registered health care facility
7 shall require an employee or contractor to become certified,
8 or otherwise to participate, in training that limits
9 physical control or restraint of violent patients to
10 specific holds or positions. No agency or department of the
11 state or accrediting body shall require a health care
12 facility to mandate such training of its employees or
13 contractors. Nothing in this subsection shall be construed
14 to preclude agencies, accrediting bodies, or health care
15 facilities from prohibiting the use of specific holds or
16 positions, such as choke holds, that could result in a
17 patient's death unless used to save the life of a victim or
18 to prevent imminent danger of substantial and irreversible
19 bodily impairment.

20 3. No licensed or registered health care facility, or
21 any employee or contractor of such, shall, if acting in good
22 faith and without gross negligence, be held liable for
23 damages arising out of a incident in which a violent patient
24 who poses a risk of bodily harm to employees, contractors,
25 or bystanders escapes or otherwise flees from the custody of
26 the facility; provided that such patient shall not have been
27 known to the facility and staff as being diagnosed with
28 dementia, acute brain injury, acute nondrug-related
29 psychosis, or an intellectual or developmental disability,
30 or who is a minor child.

31 4. Any nurse licensed under chapter 335 may terminate
32 without consequence his or her participation in a patient's
33 care if the nurse is subject to assault or battery, as such
34 terms are defined in section 455.010, by the patient or an
35 individual acting on behalf of the patient; provided the
36 patient or individual is of sound mind or is otherwise
37 intoxicated at the time of the assault or battery. The
38 health care facility shall be responsible for assigning a
39 new nurse, as needed, to that patient until care is
40 terminated.

41 5. An individual who expresses an intent to harm
42 themselves, who is not in need of emergency medical
43 attention, and who has been charged with a criminal offense
44 and is in the custody of a law enforcement officer shall
45 first be evaluated at the nearest appropriate prison or
46 jail. If admission to a hospital is recommended following
47 the evaluation and an inpatient bed is available at an
48 accepting hospital, then the individual may be transported
49 to the accepting hospital. An evaluation under this
50 subsection may be conducted through telehealth.

51 6. A health care facility that violates the provisions
52 of this section shall be subject to revocation or suspension
53 of the facility's license or registration. Accrediting
54 entities that violate the provisions of this section shall
55 not be recognized as valid accrediting entities by any
56 agency or department of this state.

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