

SECOND REGULAR SESSION

SENATE BILL NO. 918

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOLSMAN.

Read 1st time February 25, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5980S.02I

AN ACT

To repeal sections 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, and 192.808, RSMo, and to enact in lieu thereof two new sections relating to communicable disease.

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

Section A. Sections 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 2 and 192.808, RSMo, are repealed and two new sections enacted in lieu thereof, 3 to be known as sections 191.630 and 191.631, to read as follows:

191.630. As used in sections 191.630 and 191.631, the following terms 2 mean:

3 (1) "[Care provider", a person who is employed as an emergency medical 4 care provider, firefighter, or police officer;

5 (2) "Contagious or infectious disease", hepatitis in any form and any other 6 communicable disease as defined in section 192.800, except AIDS or HIV infection 7 as defined in section 191.650, determined to be life-threatening to a person 8 exposed to the disease as established by rules adopted by the department, in 9 accordance with guidelines of the Centers for Disease Control and Prevention of 10 the Department of Health and Human Services] **Communicable disease",** 11 **acquired immunodeficiency syndrome (AIDS), cutaneous anthrax,** 12 **hepatitis in any form, human immunodeficiency virus (HIV), measles,** 13 **meningococcal disease, mumps, pertussis, pneumonic plague, rubella,** 14 **severe acute respiratory syndrome (SARS-CoV), smallpox, tuberculosis,** 15 **varicella disease, vaccinia, viral hemorrhagic fevers, and other such** 16 **diseases as the department may define by rule or regulation;**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 **(2) "Communicable disease tests", tests designed for detection of**
18 **communicable diseases. Rapid testing of the source patient in line with**
19 **the Occupational Safety and Health Administration (OSHA)**
20 **enforcement of the Centers for Disease Control and Prevention (CDC)**
21 **guidelines shall be recommended;**

22 **(3) "Coroner or medical examiner", the same meaning as defined**
23 **in chapter 58;**

24 [(3)] **(4) "Department", the Missouri department of health and senior**
25 **services;**

26 [(4)] **(5) "Designated infection control officer", the person or**
27 **persons within the entity or agency who are responsible for managing**
28 **the infection control program and for coordinating efforts surrounding**
29 **the investigation of an exposure such as:**

30 **(a) Collecting, upon request, facts surrounding possible exposure**
31 **of an emergency care provider or Good Samaritan to a communicable**
32 **disease;**

33 **(b) Contacting facilities that receive patients or clients of**
34 **potentially exposed emergency care providers or Good Samaritans to**
35 **ascertain if a determination has been made as to whether the patient**
36 **or client has had a communicable disease and to ascertain the results**
37 **of that determination; and**

38 **(c) Notifying the emergency care provider or Good Samaritan as**
39 **to whether there is reason for concern regarding possible exposure;**

40 **(6) "Emergency [medical] care provider", a person who is serving as**
41 **a licensed or certified person trained to provide emergency and nonemergency**
42 **medical care as a first responder, emergency responder, EMT-B, EMT-I, or**
43 **EMT-P as defined in section 190.100, firefighter, law enforcement officer,**
44 **sheriff, deputy sheriff, registered nurse, physician, medical helicopter**
45 **pilot, or other certification or licensure levels adopted by rule of the department;**

46 [(5)] **(7) "Exposure", a specific eye, mouth, other mucous membrane,**
47 **nonintact skin, or parenteral contact with blood or other potentially infectious**
48 **materials that results from the performance of an employee's duties;**

49 [(6) "HIV", the same meaning as defined in section 191.650;

50 **(7)] (8) "Good Samaritan", any person who renders emergency**
51 **medical assistance or aid within his or her level of training or skill**

52 **until such time as he or she is relieved of those duties by an emergency**
53 **care provider;**

54 (9) "Hospital", the same meaning as defined in section 197.020;

55 (10) "Source patient", any person who is sick or injured and
56 requiring the care or services of a Good Samaritan or emergency care
57 provider, for whose blood or other potentially infectious materials have
58 resulted in exposure.

191.631. 1. (1) Notwithstanding any other law to the contrary, if [a] **an**
2 **emergency care provider or a Good Samaritan** sustains an exposure from a
3 person while rendering emergency health care services, the person to whom the
4 **emergency care provider or Good Samaritan** was exposed is deemed to
5 consent to a test to determine if the person has a [contagious or infectious]
6 **communicable** disease and is deemed to consent to notification of the
7 **emergency care provider or the Good Samaritan** of the results of the test,
8 upon submission of an exposure report by the **emergency care provider or the**
9 **Good Samaritan** to the hospital where the person is delivered by the
10 **emergency care provider.**

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

14 (3) A hospital shall have written policies and procedures for notification
15 of [a] **an emergency care provider or Good Samaritan** pursuant to this
16 section. **The hospital shall include local representation of designated**
17 **infection control officers during the process to develop or review such**
18 **policies. The policies shall be substantially the same as those in place**
19 **for notification of hospital employees.** The policies and procedures shall
20 include designation of a representative of the **emergency care provider** to whom
21 notification shall be provided and who shall, in turn, notify the **emergency care**
22 **provider.** The identity of the designated [representative] **local infection**
23 **control officer** of the **emergency care provider** shall not be disclosed to the
24 [person] **source patient** tested. The designated [representative] **local**
25 **infection control officer** shall inform the hospital of those parties who receive
26 the notification, and following receipt of such information and upon request of the
27 person tested, the hospital shall inform the person of the parties to whom
28 notification was provided.

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

46 2. If a person tested is diagnosed or confirmed as having a [contagious or
47 infectious] **communicable** disease pursuant to this section, the hospital,
48 **coroner, or medical examiner** shall notify the **emergency** care provider,
49 **Good Samaritan** or the designated [representative] **local infection control**
50 **officer** of the **emergency** care provider who shall then notify the care provider.

51 3. The notification to the **emergency** care provider **or the Good**
52 **Samaritan** shall advise the **emergency** care provider **or the Good Samaritan**
53 of possible exposure to a particular [contagious or infectious] **communicable**
54 disease and recommend that the **emergency** care provider **or Good Samaritan**
55 seek medical attention. The notification shall be provided as soon as is
56 reasonably possible following determination that the individual has a [contagious
57 or infectious] **communicable** disease. The notification shall not include the
58 name of the person tested for the [contagious or infectious] **communicable**
59 disease unless the person consents. If the **emergency** care provider **or Good**
60 **Samaritan** who sustained an exposure determines the identity of the person
61 diagnosed or confirmed as having a [contagious or infectious] **communicable**
62 disease, the identity of the person shall be confidential information and shall not
63 be disclosed by the **emergency** care provider **or the Good Samaritan** to any

64 other individual unless a specific written release is obtained by the person
65 diagnosed with or confirmed as having a [contagious or infectious]
66 **communicable** disease.

67 4. This section does not require or permit, unless otherwise provided, a
68 hospital to administer a test for the express purpose of determining the presence
69 of a [contagious or infectious] **communicable** disease; except that testing may
70 be performed if the person consents and if the requirements of this section are
71 satisfied.

72 5. This section does not preclude a hospital, **coroner, or medical**
73 **examiner** from providing notification to [a] **an emergency** care provider **or**
74 **Good Samaritan** under circumstances in which the hospital's, **coroner's, or**
75 **medical examiner's** policy provides for notification of the hospital's, **coroner's,**
76 **or medical examiner's** own employees of exposure to a [contagious or
77 infectious] **communicable** disease that is not life-threatening if the notice does
78 not reveal a patient's name, unless the patient consents.

79 6. A hospital, **coroner, or medical examiner** participating in good faith
80 in complying with the provisions of this section is immune from any liability, civil
81 or criminal, which may otherwise be incurred or imposed.

82 7. A hospital's duty of notification pursuant to this section is not
83 continuing but is limited to diagnosis of a [contagious or infectious]
84 **communicable** disease made in the course of admission, care, and treatment
85 following the rendering of health care services to which notification pursuant to
86 this section applies.

87 8. A hospital, **coroner, or medical examiner** that performs a test in
88 compliance with this section or that fails to perform a test authorized pursuant
89 to this section is immune from any liability, civil or criminal, which may
90 otherwise be incurred or imposed.

91 9. [A hospital has no duty to perform the test authorized.

92 10.] The department shall adopt rules to implement this section. The
93 department may determine by rule the [contagious or infectious] **communicable**
94 diseases for which testing is reasonable and appropriate and which may be
95 administered pursuant to this section. No rule or portion of a rule promulgated
96 under the authority of this section shall become effective unless it has been
97 promulgated pursuant to chapter 536.

98 [11.] 10. The [employer of a] **agency which employs or sponsors the**

99 **emergency** care provider who sustained an exposure pursuant to this section
100 shall pay the costs of testing for the person who is the source of the exposure and
101 of the testing of the **emergency** care provider if the exposure was sustained
102 during the course of [employment] **the provider's expected duties.**

103 **11. All emergency care providers shall respond to and treat any**
104 **patient regardless of the status of the patient's HIV or other**
105 **communicable disease infection.**

106 **12. Ambulance services and emergency medical response**
107 **agencies licensed under chapter 190 shall establish and maintain local**
108 **policies and provide training regarding exposure of personnel to**
109 **patient blood and body fluids as well as general protection from**
110 **communicable diseases. The training provided and the policies**
111 **established shall be in substantial compliance with the appropriate**
112 **CDC and OSHA guidelines.**

113 **13. Hospitals, nursing homes, and other medical facilities and**
114 **practitioners who transfer patients known to have a communicable**
115 **disease or to be subject to an order of quarantine or an order of**
116 **isolation shall notify the emergency care providers who are providing**
117 **the transportation services of the potential risk of exposure to a**
118 **communicable disease, including communicable diseases of a public**
119 **health threat.**

120 **14. The department shall promulgate regulations regarding all**
121 **of the following:**

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

127 **(2) The process to be used by the emergency care provider, Good**
128 **Samaritan, licensed facility, coroner, medical examiner, and designated**
129 **infection control officer for the reports required by this section, the**
130 **process to be used to evaluate requests received from emergency care**
131 **providers and Good Samaritans, and for informing emergency care**
132 **providers and Good Samaritans as to their obligations to maintain the**
133 **confidentiality of information received; and**

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

[192.800. As used in this section, the following terms mean:

2 (1) "Communicable disease", an illness due to an infectious
3 agent or its toxic products and transmitted directly or indirectly to
4 a susceptible host from an infected person, animal or arthropod or
5 through the agency of an intermediate host or a vector or through
6 the inanimate environment;

7 (2) "Designated officer", an employee of the department or
8 a city or county health officer, or designee, located in or employed
9 by appropriate agencies serving geographical regions and appointed
10 by the director of the department of health and senior services,
11 whose duties consist of:

12 (a) Collecting, upon request, facts surrounding possible
13 exposure of a first responder or Good Samaritan to a communicable
14 disease or infection;

15 (b) Contacting facilities that receive patients or clients of
16 potentially exposed first responders or Good Samaritans to
17 ascertain if a determination has been made as to whether the
18 patient or client has had a communicable disease or infection and
19 to ascertain the results of that determination; and

20 (c) Notifying the first responder or Good Samaritan as to
21 whether or not there is reason for concern regarding possible
22 exposure;

23 (3) "First responder", any person trained and authorized by
24 law or rule to render emergency medical assistance or
25 treatment. Such persons may include, but shall not be limited to,
26 emergency first responders, police officers, sheriffs, deputy sheriffs,
27 firefighters, ambulance attendants and attendant drivers,
28 emergency medical technicians, mobile emergency medical
29 technicians, emergency medical technician-paramedics, registered
30 nurses or physicians;

31 (4) "Good Samaritan", any person who renders emergency

32 medical assistance or aid until such time as relieved of these duties
33 by a first responder;

34 (5) "Licensed facility", a facility licensed under chapter 197
35 or a state medical facility.]

[192.802. The department of health and senior services
2 shall ensure that first responders or Good Samaritans are notified
3 if there is reason to believe an exposure has occurred which may
4 present a significant risk of a communicable disease as a result of
5 attending or transporting a patient to a licensed facility. At the
6 request of any first responder, the licensed facility shall notify any
7 such first responder and at the request of any Good Samaritan, the
8 designated officer shall notify such Good Samaritan. Notification
9 will be made as soon as practicable, but not later than forty-eight
10 hours, to the department of health and senior services or a
11 designated officer.]

[192.804. 1. First responders or Good Samaritans who
2 attended or transported a patient who believe that they may have
3 received an exposure which may present a significant risk of a
4 communicable disease by a patient may provide a written request
5 concerning the suspected exposure to either the licensed facility
6 that received the patient or the designated officer, detailing the
7 nature of the alleged exposure. The form shall inform the first
8 responder or Good Samaritan, in bold print, of the provisions of
9 subsections 1 and 6 of section 191.656 regarding confidentiality and
10 consequences of violation of confidentiality provisions. The first
11 responder or Good Samaritan shall be given a copy of the request
12 form.

13 2. If the licensed facility, designated officer, coroner or
14 medical examiner makes a determination that there was an
15 exposure to a communicable disease, the report to the first
16 responder or Good Samaritan shall provide the name of the
17 communicable disease involved, the date on which the patient was
18 assisted or transported, and any advice or information about the
19 communicable disease as provided by rule by the department of
20 health and senior services and shall, in addition, inform the first

21 responder or the Good Samaritan of the provisions of subsections
22 1 and 6 of section 191.656 regarding confidentiality and
23 consequences of violation of confidentiality provisions. This section
24 shall not be construed to authorize the disclosure of any identifying
25 information with respect to the patient, first responder or Good
26 Samaritan.]

2 [192.806. 1. The department of health and senior services
3 shall promulgate regulations, pursuant to the provisions of section
4 192.006 and chapter 536, concerning:

5 (1) The type of exposure that would prompt notification of
6 the first responder or Good Samaritan, which shall cover at a
7 minimum, methods of potential transmission of any diseases
8 designated under P.L. 101-381 or diseases additionally identified
9 from the department of health and senior services' list of
10 communicable diseases;

11 (2) The process to be used by the first responder, Good
12 Samaritan, licensed facility, coroner, medical examiner and
13 designated officer for the reports required by this section, the
14 process to be used to evaluate requests received from first
15 responders and Good Samaritans, and for informing first
16 responders and Good Samaritans as to their obligations to
17 maintain the confidentiality of information received;

18 (3) The method by which first responders and Good
19 Samaritans shall be provided information and advice in a timely
20 manner related to the risk of infection from communicable diseases
21 as a result of provision of aid or medical care;

22 (4) The need for employers of first responders to provide
23 training to employees regarding the use of universal precautions.

24 2. All licensed facilities, medical examiners, coroners, first
25 responders and Good Samaritans shall be required to comply with
26 the regulations promulgated pursuant to sections 192.800 to
192.808.]

2 [192.808. 1. Sections 192.800 to 192.808 shall not be
3 construed to authorize or require a licensed facility to test any
4 patient for any communicable disease, nor shall mandatory testing

4 of any person be required, except as provided for in sections
5 191.659, 191.662 and 191.674.

6 2. All emergency response employees are required to
7 respond to and treat any patient regardless of HIV or other
8 communicable disease infection.

9 3. Sections 192.800 to 192.808 shall not be construed to
10 require or permit the department of health and senior services or
11 its designated officers to collect information concerning HIV
12 infection in a form that permits the identity of the patient to be
13 determined, except as otherwise provided by law.]

Unofficial



Bill

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