

SECOND REGULAR SESSION

HOUSE BILL NO. 1718

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MORRIS.

Read 1st time April 5, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5016L.011

AN ACT

To repeal sections 167.621, 167.624, and 190.092, RSMo, and to enact in lieu thereof three new sections relating to liability of health service providers.

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

Section A. Sections 167.621, 167.624, and 190.092, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 167.621, 167.624, and 190.092, RSMo, to read as follows:

167.621. 1. Persons providing health services under sections 167.600 to 167.621 shall obtain authorization from a parent or guardian of the child before providing services as provided by section 431.061, RSMo.

2. No employee of any school district may be required to administer medication or medical services for which the employee is not qualified according to standard medical practices. No **unqualified** employee who refuses to [violate this provision] **administer medication or medical services** shall be subject to any disciplinary action for such refusal. Nothing herein shall be construed to prevent any employee from providing routine first aid, provided that any employee shall be held harmless **and immune** from any liability if such employee is following a proper procedure adopted by the local school board.

3. **A school district may require an employee to obtain the necessary training to become qualified to administer medication or medical services according to standard medical practice. Any qualified employee shall be held harmless and immune from any civil liability for administering medication or medical services in good faith, according to standard medical practices.**

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

167.624. Each school board in the state, if the school district does not presently have a
2 program as described below, may develop and implement a program to train the students **and**
3 **employees** of the district in the administration of cardiopulmonary resuscitation and other
4 lifesaving methods, as they determine best, and may consult the department of public safety, the
5 state fire marshal's office, the local fire protection authorities, and others as the board sees fit.
6 The board may make completion of the program a requirement for graduation **or a condition of**
7 **employment. Any trained employee shall be held harmless and immune from any civil**
8 **liability for administering cardiopulmonary resuscitation and other lifesaving methods in**
9 **good faith.**

190.092. 1. A person or entity who acquires an automated external defibrillator shall
2 ensure that:

3 (1) Expected defibrillator users receive training by the American Red Cross or American
4 Heart Association in cardiopulmonary resuscitation and the use of automated external
5 defibrillators, or an equivalent nationally recognized course in defibrillator use and
6 cardiopulmonary resuscitation;

7 (2) The defibrillator is maintained and tested according to the manufacturer's operational
8 guidelines;

9 (3) Any person who renders emergency care or treatment on a person in cardiac arrest
10 by using an automated external defibrillator activates the emergency medical services system as
11 soon as possible; and

12 (4) Any person or entity that owns an automated external defibrillator that is for use
13 outside of a health care facility shall have a physician review and approve the clinical protocol
14 for the use of the defibrillator, review and advise regarding the training and skill maintenance
15 of the intended users of the defibrillator and assure proper review of all situations when the
16 defibrillator is used to render emergency care.

17 2. Any person or entity who acquires an automated external defibrillator shall notify the
18 emergency communications district or the ambulance dispatch center of the primary provider of
19 emergency medical services where the automated external defibrillator is to be located.

20 3. Any person who has had appropriate training, including a course in cardiopulmonary
21 resuscitation, has demonstrated a proficiency in the use of an automated external defibrillator,
22 and who gratuitously and in good faith renders emergency care when medically appropriate by
23 use of or provision of an automated external defibrillator, without objection of the injured victim
24 or victims thereof, shall [not be held liable for any civil damages] **be held harmless and**
25 **immune from civil liability** as a result of such care or treatment, where the person acts as an
26 ordinarily reasonable, prudent person, or with regard to a health care professional, including the
27 licensed physician who reviews and approves the clinical protocol, as a reasonably prudent and

28 careful health care provider would have acted, under the same or similar circumstances.

29 [Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.]