

HCS HB 788 -- PUBLIC HEALTH EMERGENCY PREPAREDNESS

SPONSOR: Cooper (155)

COMMITTEE ACTION: Voted "do pass" by the Committee on Health Care Policy by a vote of 9 to 1.

This substitute changes the laws regarding public health emergency preparedness. The substitute:

- (1) Defines "volunteer";
- (2) Specifies that health care professionals and emergency responders deployed during an emergency are exempt from civil penalty except for acts of malice;
- (3) Allows the Governor to waive or suspend administrative rules that would hinder or delay the ability of the Department of Health and Senior Services to respond to a declared emergency;
- (4) Specifies that the department can recruit, train, and accept the services of citizen volunteers to dispense medication; and
- (5) Requires the department to provide volunteers with access to professional staff for training and oversight, develop written rules, and make sure volunteers understand their responsibilities.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPOSERS: Supporters say that the bill accomplishes improved health care delivery in public health emergencies and allows prompt and effective response from volunteers. Most malpractice insurance is based on location, and providers are less willing to volunteer in an emergency because of liability. The question of who is going to be liable for the care provided reduces the willingness of volunteers. National disaster situations have required the need for a large number of emergency response volunteers. Major catastrophes will tax the existing system, and the bill is needed to allow volunteers to safely step up to volunteer. The bill creates an environment in which volunteers will be used to provide needed services in emergencies.

Testifying for the bill were Representative Cooper (155); Department of Health and Senior Services; Department of Public Safety; Missouri Hospital Association; Office of Homeland Security, Department of Public Safety; Kevin Tweedy, Missouri One Disaster Medical Assistance Team and Ambulance Districts Association of Missouri; Metropolitan Ambulance Services Trust;

Kevin Gunn, City of St. Louis; Missouri Association of Homes for the Aging; Southwest Center for Independent Living; Missouri College of Emergency Physicians; Joan Eberhardt, Missouri Emergency Nurses Association; Frank Foster, EMS Legal Services; Sharon Lynch, Cole County Health Department; Boone County; Robert Dodson, MD, St. John's Regional Medical Center; and Missouri Ambulance Association.

OPPONENTS: Those who oppose the bill say that the bill allows treatment outside of a health care provider's scope of practice, can allow substandard care, and offers blanket immunity rather than limited liability. The bill also presents questions with training of volunteers such as when, how, and have they been appropriately trained. There is a need for quality care in all situations, not substandard care.

Testifying against the bill was Missouri Association of Trial Attorneys.