

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, Pages 1-6 ,
2 Sections 191.1100, 191.1102, 191.1104, 191.1106, 191.1110, and 191.1112, by deleting all of said
3 sections from the bill and inserting in lieu thereof the following:
4

5 "191.1100. 1. Sections 191.1100 to 191.1112 shall be known and may be cited as the
6 "Volunteer Health Services Act".

7 2. As used in sections 191.1100 to 191.1112, the following terms shall mean:

8 (1) "Health care provider", any physician, surgeon, dentist, nurse, optometrist, mental health
9 professional, or other practitioner of a health care discipline, the professional practice of which
10 requires licensure or certification under state law or under comparable laws of another state,
11 territory, district, or possession of the United States;

12 (2) "Licensed health care provider", any health care provider holding a current license or
13 certificate issued under:

14 (a) Missouri state law;

15 (b) Comparable laws of another state, territory, district, or possession of the United States;

16 (3) "Regularly practice", to practice more than sixty days within any ninety-day period;

17 (4) "Sponsoring organization", any organization that organizes or arranges for the voluntary
18 provision of health care services and registers with the department of health and senior services as a
19 sponsoring organization in accordance with section 191.1106, and charges clients on a sliding scale
20 based on income;

21 (5) "Voluntary provision of health care services", the providing of professional health care
22 services by a health care provider without charge to a recipient of the services or a third party.

23 191.1102. 1. Notwithstanding any provision of law to the contrary, no additional license or
24 certificate otherwise required by state law is necessary for the voluntary provision of health care
25 services by any person who:

26 (1) Is a licensed health care provider;

27 (2) Lawfully practices under an exception to the licensure or certification requirements of
28 any state, territory, district, or possession of the United States; provided that the person does not and
29 will not regularly practice in the state of Missouri.

30 2. The provisions of subsection 1 of this section shall not apply to:

31 (1) Any person whose license or certificate is suspended or revoked under disciplinary
32 proceedings in any jurisdiction; or

33 (2) A licensed health care provider who renders services outside the scope of practice
34 authorized by the provider's licensure, certification, or exception to such licensure or certification.

35 191.1104. With regard to a person who voluntarily provides health care services and who is
36 covered by the provisions of subsection 1 of section 191.1102, all requirements regarding display of
37 a license or certificate shall be satisfied by the presentation for inspection, upon request, of a

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1 photocopy of the applicable license, certificate, or statement of exemption.

2 191.1106. 1. Before providing volunteer medical services in this state, a sponsoring
 3 organization shall register with the department of health and senior services by submitting a
 4 registration fee of fifty dollars and filing a registration form. The registration fee shall not apply to
 5 any sponsoring organization when providing volunteer health care services in cases of natural or
 6 manmade disasters. Such registration form shall contain:

7 (1) The name of the sponsoring organization;

8 (2) The name of the principal individual or individuals who are the officers or organization's
 9 officials responsible for the operation of the sponsoring organization;

10 (3) The address, including street, city, zip code, and county, of the sponsoring organization's
 11 principal office address and the same address information for each principal or official listed in
 12 subdivision (2) of this subsection;

13 (4) Telephone numbers for the principal office of the sponsoring agency and each principal
 14 or official listed in subdivision (2) of this subsection; and

15 (5) Such additional information as the department shall require.

16
 17 Upon any change in the information required under this subsection, the sponsoring organization shall
 18 notify the department in writing of such change within thirty days of its occurrence.

19 2. The sponsoring organization shall file a quarterly voluntary services report with the
 20 department during the current quarter that lists all licensed health care providers who provided
 21 voluntary health care services during the preceding quarter. The sponsoring organization shall
 22 maintain on file for five years following the date of service additional information, including the
 23 date, place, and type of services provided.

24 3. Each sponsoring organization shall maintain a list of health care providers associated with
 25 its provision of voluntary health services. For each such health care provider, the organization shall
 26 maintain a copy of a current license, certificate, or statement of exemption from licensure or
 27 certification, or in the event that the health care provider is currently licensed in the state of
 28 Missouri, a copy of the health care provider's license verification obtained from a state-sponsored
 29 website, if available.

30 4. The sponsoring organization shall maintain such records for a period of at least five years
 31 following the provision of health care services and shall furnish such records upon request to any
 32 regulatory board of any healing arts profession established under state law.

33 5. Compliance with subsections 1 and 2 of this section shall be prima facie evidence that the
 34 sponsoring organization has exercised due care in its selection of health care providers.

35 6. The department may revoke the registration of any sponsoring organization that fails to
 36 comply with the requirements of this section.

37 191.1110. 1. (1) No person who is licensed, certified, or authorized by the board of any of
 38 the professions of the healing arts or board of nursing and who, while exercising ordinary care,
 39 engages in the voluntary provision of health care services within the limits of the person's license,
 40 certificate, or authorization to any patient of a sponsoring organization shall be liable for any civil
 41 damages for any act or omission resulting from the rendering of such services.

42 (2) The volunteer licensee who is providing free care shall not receive compensation of any
 43 type, directly or indirectly, or any benefits of any type whatsoever, or any consideration of any
 44 nature, from any person for the free care. Nor shall such service be a part of the provider's training
 45 or assignment.

46 (3) The volunteer licensee shall be acting within the scope of such license, certification, or
 47 authority.

48 (4) A health care licensee providing free health care shall not engage in activities at a clinic,

or at the health care licensee's office, if the activities are performed on behalf of the sponsoring organization, unless such activities are authorized by the appropriate authorities to be performed at the clinic or office and the clinic or office is in compliance with all applicable regulations.

2. For purposes of this section, any commissioned or contract medical officer or dentist serving on active duty in the United States Armed Forces and assigned to duty as a practicing, commissioned, or contract medical officer or dentist at any military hospital or medical facility owned and operated by the United States government shall be deemed to be licensed.

191.1112. 1. For purposes of this section, the following terms shall mean:

(1) "Crisis intervention", a session at which crisis response services are rendered by a critical incident stress management team member or qualified mental health professional during or after a crisis or disaster;

(2) "Crisis response services", consultation, risk assessment, referral, and crisis intervention services provided by a critical incident stress management team or qualified mental health professional or paraprofessional trained within the Federal Emergency Management Agency (FEMA) Crisis Counseling Program or in psychological first aid to individuals affected by crisis or disaster;

(3) "Critical incident stress management team member" or "team member", an individual specially trained to provide crisis response services as a member of an organized community or local crisis response team that holds membership in a registered critical incident stress management team;

(4) "Registered team", a team formally registered with a recognized training agency. For purposes of this section, a recognized training agency shall include the International Critical Incident Stress Foundation, the National Organization for Victim Assistance, the National Red Cross, the Missouri department of mental health, and other such organizations;

(5) "Training session", a session providing crisis response training by a qualified trained trainer utilizing the standards established by the accrediting agencies set out in subdivision (4) of this subsection;

(6) "Volunteer", a person who serves and receives no remuneration for services except reimbursement for actual expenses.

2. (1) Any volunteer crisis response team member who, while exercising ordinary care, participates in a crisis intervention shall not be liable in tort for any personal injuries or infliction of emotional distress of any participant to the crisis intervention that is caused by the act or omission of a crisis response team member during the course of a crisis intervention.

(2) Subdivision (1) of this subsection shall not apply unless the intervention or training is conducted within generally accepted protocols of a registered team, as defined by a nationally recognized accrediting agency.

3. The tort immunity in subsection 2 of this section shall not apply if:

(1) The team member acted with actual malice or willful intent to injure the subject;

(2) The team member acted outside the scope of assigned duties;

(3) The team member acted without team coordination and dispatch;

(4) The action involved the commission of a crime;

(5) The action involved sexual harassment, or sexual or physical abuse;

(6) The actions involved any form of moral turpitude or moral misconduct within the normally accepted community standards; or

(7) If damages resulted from gross negligence of the team member."; and

Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.