

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Committee Substitute for Senate Bill No. 129, Page 1, Section
2 A, Line 3, by inserting after all of said section and line the following:

3
4 "191.630. As used in sections 191.630 and 191.631, the following terms mean:

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

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

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

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

22 [(3)] (4) "Department", the Missouri department of health and senior services;

23 [(4)] (5) "Designated infection control officer", the person or persons within the entity or
24 agency who are responsible for managing the infection control program and for coordinating efforts
25 surrounding the investigation of an exposure such as:

26 (a) Collecting, upon request, facts surrounding possible exposure of an emergency care
27 provider or Good Samaritan to a communicable disease;

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

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

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

Action Taken _____ Date _____

1 [(5)] (7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or
 2 parenteral contact with blood or other potentially infectious materials that results from the
 3 performance of an employee's duties;

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

5 (7)] (8) "Good Samaritan", any person who renders emergency medical assistance or aid
 6 within his or her level of training or skill until such time as he or she is relieved of those duties by an
 7 emergency care provider;

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

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

12 191.631. 1. (1) Notwithstanding any other law to the contrary, if [a] an emergency care
 13 provider or a Good Samaritan sustains an exposure from a person while rendering emergency health
 14 care services, the person to whom the emergency care provider or Good Samaritan was exposed is
 15 deemed to consent to a test to determine if the person has a [contagious or infectious] communicable
 16 disease and is deemed to consent to notification of the emergency care provider or the Good
 17 Samaritan of the results of the test, upon submission of an exposure report by the emergency care
 18 provider or the Good Samaritan to the hospital where the person is delivered by the emergency care
 19 provider.

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

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

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

47 2. If a person tested is diagnosed or confirmed as having a [contagious or infectious]
 48 communicable disease pursuant to this section, the hospital, coroner, or medical examiner shall

1 notify the emergency care provider, Good Samaritan, or the designated [representative] local
2 infection control officer of the emergency care provider who shall then notify the care provider.

3 3. The notification to the emergency care provider or the Good Samaritan shall advise the
4 emergency care provider or the Good Samaritan of possible exposure to a particular [contagious or
5 infectious] communicable disease and recommend that the emergency care provider or Good
6 Samaritan seek medical attention. The notification shall be provided as soon as is reasonably
7 possible following determination that the individual has a [contagious or infectious] communicable
8 disease. The notification shall not include the name of the person tested for the [contagious or
9 infectious] communicable disease unless the person consents. If the emergency care provider or
10 Good Samaritan who sustained an exposure determines the identity of the person diagnosed or
11 confirmed as having a [contagious or infectious] communicable disease, the identity of the person
12 shall be confidential information and shall not be disclosed by the emergency care provider or the
13 Good Samaritan to any other individual unless a specific written release is obtained by the person
14 diagnosed with or confirmed as having a [contagious or infectious] communicable disease.

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

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

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

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

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

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

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

41 [11.] 10. The [employer of a] agency which employs or sponsors the emergency care
42 provider who sustained an exposure pursuant to this section shall pay the costs of testing for the
43 person who is the source of the exposure and of the testing of the emergency care provider if the
44 exposure was sustained during the course of [employment] the provider's expected duties.

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

47 12. Ambulance services and emergency medical response agencies licensed under chapter
48 190 shall establish and maintain local policies and provide training regarding exposure of personnel

1 to patient blood and body fluids as well as general protection from communicable diseases. The
 2 training provided and the policies established shall be in substantial compliance with the appropriate
 3 CDC and OSHA guidelines.

4 13. Hospitals, nursing homes, and other medical facilities and practitioners who transfer
 5 patients known to have a communicable disease or to be subject to an order of quarantine or an order
 6 of isolation shall notify the emergency care providers who are providing the transportation services
 7 of the potential risk of exposure to a communicable disease, including communicable diseases of a
 8 public health threat.

9 14. The department shall promulgate regulations regarding all of the following:

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

14 (b) The process to be used by the emergency care provider, Good Samaritan, licensed facility,
 15 coroner, medical examiner, and designated infection control officer for the reports required by this
 16 section, the process to be used to evaluate requests received from emergency care providers and
 17 Good Samaritans, and for informing emergency care providers and Good Samaritans as to their
 18 obligations to maintain the confidentiality of information received; and

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

22
 23 Further amend said bill, Page 6, Section 191.1110, Line 58 by inserting after said line the following:

24 "302.291. 1. The director, having good cause to believe that an operator is incompetent or
 25 unqualified to retain his or her license, after giving ten days' notice in writing by certified mail
 26 directed to such person's present known address, may require the person to submit to an examination
 27 as prescribed by the director. Upon conclusion of the examination, the director may allow the person
 28 to retain his or her license, may suspend, deny or revoke the person's license, or may issue the person
 29 a license subject to restrictions as provided in section 302.301. If an examination indicates a
 30 condition that potentially impairs safe driving, the director, in addition to action with respect to the
 31 license, may require the person to submit to further periodic examinations. The refusal or neglect of
 32 the person to submit to an examination within thirty days after the date of such notice shall be
 33 grounds for suspension, denial or revocation of the person's license by the director, an associate
 34 circuit or circuit court. Notice of any suspension, denial, revocation or other restriction shall be
 35 provided by certified mail. As used in this section, the term "denial" means the act of not licensing a
 36 person who is currently suspended, revoked or otherwise not licensed to operate a motor vehicle.
 37 Denial may also include the act of withdrawing a previously issued license.

38 2. The examination provided for in subsection 1 of this section may include, but is not
 39 limited to, a written test and tests of driving skills, vision, highway sign recognition and, if
 40 appropriate, a physical and/or mental examination as provided in section 302.173.

41 3. The director shall have good cause to believe that an operator is incompetent or
 42 unqualified to retain such person's license on the basis of, but not limited to, a report by:

43 (1) Any certified peace officer;

44 (2) Any physician, physical therapist or occupational therapist licensed pursuant to chapter
 45 334; any chiropractic physician licensed pursuant to chapter 331; any registered nurse licensed
 46 pursuant to chapter 335; any psychologist, social worker or professional counselor licensed pursuant
 47 to chapter 337; any optometrist licensed pursuant to chapter 336; any emergency medical technician

1 licensed pursuant to chapter 190; or

2 (3) Any member of the operator's family within three degrees of consanguinity, or the
3 operator's spouse, who has reached the age of eighteen, except that no person may report the same
4 family member pursuant to this section more than one time during a twelve-month period. The
5 report must state that the person reasonably and in good faith believes the driver cannot safely
6 operate a motor vehicle and must be based upon personal observation or physical evidence which
7 shall be described in the report, or the report shall be based upon an investigation by a law
8 enforcement officer. The report shall be a written declaration in the form prescribed by the
9 department of revenue and shall contain the name, address, telephone number, and signature of the
10 person making the report.

11 4. Any physician, physical therapist or occupational therapist licensed pursuant to chapter
12 334, any chiropractor licensed pursuant to chapter 331, any registered nurse licensed pursuant to
13 chapter 335, any psychologist, social worker or professional counselor licensed pursuant to chapter
14 337, or any optometrist licensed pursuant to chapter 336, or any emergency medical technician
15 licensed pursuant to chapter 190 may report to the department any patient diagnosed or assessed as
16 having a disorder or condition that may prevent such person from safely operating a motor vehicle.
17 Such report shall state the diagnosis or assessment and whether the condition is permanent or
18 temporary. The existence of a physician-patient relationship shall not prevent the making of a report
19 by such medical professionals.

20 5. Any person who makes a report in good faith pursuant to this section shall be immune
21 from any civil liability that otherwise might result from making the report. Notwithstanding the
22 provisions of chapter 610 to the contrary, all reports made and all medical records reviewed and
23 maintained by the department of revenue pursuant to this section shall be kept confidential except
24 upon order of a court of competent jurisdiction or in a review of the director's action pursuant to
25 section 302.311.

26 6. The department of revenue shall keep records and statistics of reports made and actions
27 taken against driver's licenses pursuant to this section.

28 7. The department of revenue shall, in consultation with the medical advisory board
29 established by section 302.292, develop a standardized form and provide guidelines for the reporting
30 of cases and for the examination of drivers pursuant to this section. The guidelines shall be
31 published and adopted as required for rules and regulations pursuant to chapter 536. The department
32 of revenue shall also adopt rules and regulations as necessary to carry out the other provisions of this
33 section. The director of revenue shall provide health care professionals and law enforcement officers
34 with information about the procedures authorized in this section. The guidelines and regulations
35 implementing this section shall be in compliance with the federal Americans with Disabilities Act of
36 1990.

37 8. Any person who knowingly violates a confidentiality provision of this section or who
38 knowingly permits or encourages the unauthorized use of a report or reporting person's name in
39 violation of this section shall be guilty of a class A misdemeanor and shall be liable for damages
40 which proximately result.

41 9. Any person who intentionally files a false report pursuant to this section shall be guilty of

1 a class A misdemeanor and shall be liable for damages which proximately result.

2 10. All appeals of license revocations, suspensions, denials and restrictions shall be made as
3 required pursuant to section 302.311 within thirty days after the receipt of the notice of revocation,
4 suspension, denial or restriction.

5 11. Any individual whose condition is temporary in nature as reported pursuant to the
6 provisions of subsection 4 of this section shall have the right to petition the director of the
7 department of revenue for total or partial reinstatement of his or her license. Such request shall be
8 made on a form prescribed by the department of revenue and accompanied by a statement from a
9 health care provider with the same or similar license as the health care provider who made the initial
10 report resulting in the limitation or loss of the driver's license. Such petition shall be decided by the
11 director of the department of revenue within thirty days of receipt of the petition. Such decision by
12 the director is appealable pursuant to subsection 10 of this section."; and

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.
16
17