

FIRST REGULAR SESSION

HOUSE BILL NO. 190

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BURLISON (Sponsor), DAVIS, FUNDERBURK, KEENEY,
JONES (110), DIEHL, MORRIS, ELMER, BAHR, SCHATZ, KELLEY (127) AND LANT (Co-sponsors).

0525L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto six new sections relating to the volunteer health services act.

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

Section A. Chapter 191, RSMo, is amended by adding thereto six new sections, to be known as sections 191.1100, 191.1102, 191.1104, 191.1106, 191.1110, and 191.1112, to read as follows:

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

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

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

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

(a) Missouri state law;

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

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

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

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

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

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

4 (1) Is a licensed health care provider;

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

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

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

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

 191.1104. With regard to a person who voluntarily provides health care services
2 and who is covered by the provisions of subsection 1 of section 191.1102, all requirements
3 regarding display of a license or certificate shall be satisfied by the presentation for
4 inspection, upon request, of a photocopy of the applicable license, certificate, or statement
5 of exemption.

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

6 (1) The name of the sponsoring organization;

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

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

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

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

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

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

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

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

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

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

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

(2) The volunteer licensee who is providing free care shall not receive compensation of any type, directly or indirectly, or any benefits of any type whatsoever, or any

9 consideration of any nature, from any person for the free care. Nor shall such service be
10 a part of the provider's training or assignment.

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

13 (4) A health care licensee providing free health care shall not engage in activities
14 at a clinic, or at the health care licensee's office, if the activities are performed on behalf
15 of the sponsoring organization, unless such activities are authorized by the appropriate
16 authorities to be performed at the clinic or office and the clinic or office is in compliance
17 with all applicable regulations.

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

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

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

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

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

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

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

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

24 2. (1) Any volunteer crisis response team member who, while exercising ordinary
25 care, participates in a crisis intervention shall not be liable in tort for any personal injuries
26 or infliction of emotional distress of any participant to the crisis intervention that is caused
27 by the act or omission of a crisis response team member during the course of a crisis
28 intervention.

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

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

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

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

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

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

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

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

41 (7) If damages resulted from gross negligence of the team member.

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