

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 852,
2 Page 4, Section 105.935, Line 54, by inserting immediately after all of said 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 shall 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
29 care providers or Good Samaritans to ascertain if a determination has been made as to whether the
30 patient or client has had a communicable disease and to ascertain the results of that determination;
31 and

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

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

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

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

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

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

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

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

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

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

1 (4) A coroner and medical examiner shall have written policies and procedures for
2 notification of an emergency care provider and Good Samaritan pursuant to this section. The
3 coroner or medical examiner shall include local representation of a designated infection control
4 officer during the process to develop or review such policies. The policies shall be substantially the
5 same as those in place for notification of coroner or medical examiner employees. The policies and
6 procedures shall include designation of a representative of the emergency care providers to whom
7 notification shall be provided and who shall, in turn, notify the emergency care provider. The
8 identity of the designated local infection control officer of the emergency care provider shall not be
9 disclosed to the source patient tested. The designated local infection control officer shall inform the
10 coroner or medical examiner of those parties who receive the notification, and following receipt of
11 such information and upon request of the person tested, the coroner or medical examiner shall
12 inform the person of the parties to whom notification was provided.

13 2. If a person tested is diagnosed or confirmed as having a [contagious or infectious]
14 communicable disease pursuant to this section, the hospital, coroner, or medical examiner shall
15 notify the emergency care provider, Good Samaritan or the designated [representative] local
16 infection control officer of the emergency care provider who shall then notify the care provider.

17 3. The notification to the emergency care provider or the Good Samaritan shall advise the
18 emergency care provider or the Good Samaritan of possible exposure to a particular [contagious or
19 infectious] communicable disease and recommend that the emergency care provider or Good
20 Samaritan seek medical attention. The notification shall be provided as soon as is reasonably
21 possible following determination that the individual has a [contagious or infectious] communicable
22 disease. The notification shall not include the name of the person tested for the [contagious or
23 infectious] communicable disease unless the person consents. If the emergency care provider or
24 Good Samaritan who sustained an exposure determines the identity of the person diagnosed or
25 confirmed as having a [contagious or infectious] communicable disease, the identity of the person
26 shall be confidential information and shall not be disclosed by the emergency care provider or the
27 Good Samaritan to any other individual unless a specific written release is obtained by the person
28 diagnosed with or confirmed as having a [contagious or infectious] communicable disease.

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

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

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

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

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

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

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

14 [11.] 10. The [employer of a] agency which employs or sponsors the emergency care
15 provider who sustained an exposure pursuant to this section shall pay the costs of testing for the
16 person who is the source of the exposure and of the testing of the emergency care provider if the
17 exposure was sustained during the course of [employment] the provider's expected duties.

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

20 12. Ambulance services and emergency medical response agencies licensed under chapter
21 190 shall establish and maintain local policies and provide training regarding exposure of personnel
22 to patient blood and body fluids as well as general protection from communicable diseases. The
23 training provided and the policies established shall be in substantial compliance with the appropriate
24 CDC and OSHA guidelines.

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

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

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

35 (2) The process to be used by the emergency care provider, Good Samaritan, licensed
36 facility, coroner, medical examiner, and designated infection control officer for the reports required
37 by this section, the process to be used to evaluate requests received from emergency care providers
38 and Good Samaritans, and for informing emergency care providers and Good Samaritans as to their
39 obligations to maintain the confidentiality of information received; and

40 (3) The method by which emergency care providers and Good Samaritans shall be provided
41 information and advice in a timely manner related to the risk of infection from communicable

1 diseases as a result of aid or medical care."; and

2
3 Further amend said bill, Page 9, Section 590.750, Line 12, by inserting after all of said line the
4 following:

5
6 "[192.800. As used in this section, the following terms mean:

7 (1) "Communicable disease", an illness due to an infectious agent or its toxic
8 products and transmitted directly or indirectly to a susceptible host from an infected
9 person, animal or arthropod or through the agency of an intermediate host or a vector
10 or through the inanimate environment;

11 (2) "Designated officer", an employee of the department or a city or county
12 health officer, or designee, located in or employed by appropriate agencies serving
13 geographical regions and appointed by the director of the department of health and
14 senior services, whose duties consist of:

15 (a) Collecting, upon request, facts surrounding possible exposure of a first
16 responder or Good Samaritan to a communicable disease or infection;

17 (b) Contacting facilities that receive patients or clients of potentially exposed
18 first responders or Good Samaritans to ascertain if a determination has been made as
19 to whether the patient or client has had a communicable disease or infection and to
20 ascertain the results of that determination; and

21 (c) Notifying the first responder or Good Samaritan as to whether or not there
22 is reason for concern regarding possible exposure;

23 (3) "First responder", any person trained and authorized by law or rule to
24 render emergency medical assistance or treatment. Such persons may include, but
25 shall not be limited to, emergency first responders, police officers, sheriffs, deputy
26 sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical
27 technicians, mobile emergency medical technicians, emergency medical
28 technician-paramedics, registered nurses or physicians;

29 (4) "Good Samaritan", any person who renders emergency medical assistance
30 or aid until such time as relieved of these duties by a first responder;

31 (5) "Licensed facility", a facility licensed under chapter 197 or a state medical
32 facility.]

33 [192.802. The department of health and senior services shall ensure that first
34 responders or Good Samaritans are notified if there is reason to believe an exposure
35 has occurred which may present a significant risk of a communicable disease as a
36 result of attending or transporting a patient to a licensed facility. At the request of any
37 first responder, the licensed facility shall notify any such first responder and at the
38 request of any Good Samaritan, the designated officer shall notify such Good
39 Samaritan. Notification will be made as soon as practicable, but not later than
40 forty-eight hours, to the department of health and senior services or a designated
41 officer.]

1 [192.804. 1. First responders or Good Samaritans who attended or
2 transported a patient who believe that they may have received an exposure which may
3 present a significant risk of a communicable disease by a patient may provide a
4 written request concerning the suspected exposure to either the licensed facility that
5 received the patient or the designated officer, detailing the nature of the alleged
6 exposure. The form shall inform the first responder or Good Samaritan, in bold print,
7 of the provisions of subsections 1 and 6 of section 191.656 regarding confidentiality
8 and consequences of violation of confidentiality provisions. The first responder or
9 Good Samaritan shall be given a copy of the request form.

10 2. If the licensed facility, designated officer, coroner or medical examiner
11 makes a determination that there was an exposure to a communicable disease, the
12 report to the first responder or Good Samaritan shall provide the name of the
13 communicable disease involved, the date on which the patient was assisted or
14 transported, and any advice or information about the communicable disease as
15 provided by rule by the department of health and senior services and shall, in
16 addition, inform the first responder or the Good Samaritan of the provisions of
17 subsections 1 and 6 of section 191.656 regarding confidentiality and consequences of
18 violation of confidentiality provisions. This section shall not be construed to
19 authorize the disclosure of any identifying information with respect to the patient,
20 first responder or Good Samaritan.]

21 [192.806. 1. The department of health and senior services shall promulgate
22 regulations, pursuant to the provisions of section 192.006 and chapter 536,
23 concerning:

24 (1) The type of exposure that would prompt notification of the first responder
25 or Good Samaritan, which shall cover at a minimum, methods of potential
26 transmission of any diseases designated under P.L. 101-381 or diseases additionally
27 identified from the department of health and senior services' list of communicable
28 diseases;

29 (2) The process to be used by the first responder, Good Samaritan, licensed
30 facility, coroner, medical examiner and designated officer for the reports required by
31 this section, the process to be used to evaluate requests received from first responders
32 and Good Samaritans, and for informing first responders and Good Samaritans as to
33 their obligations to maintain the confidentiality of information received;

34 (3) The method by which first responders and Good Samaritans shall be
35 provided information and advice in a timely manner related to the risk of infection
36 from communicable diseases as a result of provision of aid or medical care;

37 (4) The need for employers of first responders to provide training to
38 employees regarding the use of universal precautions.

39 2. All licensed facilities, medical examiners, coroners, first responders and
40 Good Samaritans shall be required to comply with the regulations promulgated
41 pursuant to sections 192.800 to 192.808.]

1 [192.808. 1. Sections 192.800 to 192.808 shall not be construed to authorize
2 or require a licensed facility to test any patient for any communicable disease, nor
3 shall mandatory testing of any person be required, except as provided for in sections
4 191.659, 191.662 and 191.674.

5 2. All emergency response employees are required to respond to and treat any
6 patient regardless of HIV or other communicable disease infection.

7 3. Sections 192.800 to 192.808 shall not be construed to require or permit the
8 department of health and senior services or its designated officers to collect
9 information concerning HIV infection in a form that permits the identity of the patient
10 to be
11 determined, except as otherwise provided by law.]" and
12

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