

HOUSE SUBSTITUTE AMENDMENT NO. _____

for

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 852,
Page 4, Section 105.935, Line 54, by inserting after all of said line the following:

"334.950. 1. As used in this section, the following terms shall mean:

(1) "Child abuse medical resource centers", medical institutions affiliated with accredited children's hospitals or recognized institutions of higher education with accredited medical school programs that provide training, support, mentoring, and peer review to SAFE CARE providers in Missouri;

(2) "SAFE CARE provider", a physician, advanced practice nurse, or physician's assistant licensed in this state who provides medical diagnosis and treatment to children suspected of being victims of abuse and who receives:

(a) Missouri-based initial intensive training regarding child maltreatment from the SAFE CARE network;

(b) Ongoing update training on child maltreatment from the SAFE CARE network;

(c) Peer review and new provider mentoring regarding the forensic evaluation of children suspected of being victims of abuse from the SAFE CARE network;

(3) "Sexual assault forensic examination child abuse resource education network" or "SAFE CARE network", a network of SAFE CARE providers and child abuse medical resource centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and peer review for SAFE CARE providers for the medical evaluation of child abuse victims in this state to improve outcomes for children who are victims of or at risk for child maltreatment by enhancing the skills and role of the medical provider in a multidisciplinary context.

2. Child abuse medical resource centers may collaborate directly or through the use of technology with SAFE CARE providers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized training for forensic medical evaluations for children conducted in a hospital, child advocacy center, or by a private health care professional without the need for a collaborative agreement between the child abuse medical resource center and a SAFE CARE provider.

3. SAFE CARE providers who are a part of the SAFE CARE network in Missouri may collaborate directly or through the use of technology with other SAFE CARE providers and child abuse medical resource centers to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation conducted by providing specialized

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1 training for forensic medical evaluations for children conducted in a hospital, child advocacy center,
 2 or by a private health care professional without the need for a collaborative agreement between the
 3 child abuse medical resource center and a SAFE CARE provider.

4 4. The SAFE CARE network shall develop recommendations concerning medically based
 5 screening processes and forensic evidence collection for children who may be in need of an
 6 emergency examination following an alleged sexual assault. Such recommendations shall be
 7 provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed practitioners
 8 that provide emergency examinations for children suspected of being victims of abuse.

9 5. The department of public safety shall establish rules and make payments to SAFE CARE
 10 providers, out of appropriations made for that purpose, who provide forensic examinations of
 11 persons under eighteen years of age who are alleged victims of physical abuse.

12 6. The department shall establish maximum reimbursement rates for charges submitted under
 13 this section, which shall reflect the reasonable cost of providing the forensic exam.

14 7. The department shall only reimburse providers for forensic evaluations and case reviews.
 15 The department shall not reimburse providers for medical procedures, facility fees, supplies or
 16 laboratory/radiology tests.

17 8. In order for the department to provide reimbursement, the child shall be the subject of a
 18 child abuse investigation or reported to the children's division as a result of the examination.

19 9. A minor may consent to examination under this section. Such consent is not subject to
 20 disaffirmance because of the individual's status as a minor, and the consent of a parent or guardian of
 21 the minor is not required for such examination."; and

22
 23 Further amend said bill, Page 4, Section 105.935, Line 54, by inserting after all of said line the
 24 following:

25
 26 "287.243. 1. This section shall be known and may be cited as the "Line of Duty
 27 Compensation Act".

28 2. As used in this section, unless otherwise provided, the following words shall mean:

29 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with
 30 sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by
 31 the department of health and senior services, division of regulation and licensure, 19 CSR 30-40.005,
 32 et seq.;

33 (2) "Air ambulance registered professional nurse", a person licensed as a registered
 34 professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations
 35 adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered professional
 36 nursing services as a flight nurse in conjunction with an air ambulance program that is certified in
 37 accordance with sections 190.001 to 190.245 and the corresponding regulations applicable to such
 38 programs;

39 (3) "Emergency medical technician", a person licensed in emergency medical care in
 40 accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by the
 41 department of health and senior services under sections 190.001 to 190.245;

42 (4) "Firefighter", any person, including a volunteer firefighter, employed by the state or a
 43 local governmental entity as an employer defined under subsection 1 of section 287.030, or
 44 otherwise serving as a member or officer of a fire department either for the purpose of the prevention
 45 or control of fire or the underwater recovery of drowning victims;

46 (5) "Killed in the line of duty", when [a] any person defined in this section loses [one's] his
 47 or her life [as a result of an injury received in the active performance of his or her duties within the
 48 ordinary scope of his or her respective profession while the individual is on duty and but for the

individual's performance, death would have not occurred] when:

(a) Death is caused by an accident or the willful act of violence of another;

(b) The law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is in the active performance of his or her duties in his or her respective profession and there is a relationship between the accident or commission of the act of violence and the performance of the duty, even if the individual is off duty; the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is traveling to or from employment; or the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter is taking any meal break or other break which takes place while that individual is on duty;

(c) Death is the natural and probable consequence of the injury; and

(d) Death occurs within three hundred weeks from the date the injury was received.

The term excludes death resulting from the willful misconduct or intoxication of the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. The division of workers' compensation shall have the burden of proving such willful misconduct or intoxication;

(6) "Law enforcement officer", any person employed by the state or a local governmental entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary police officer or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life;

(7) "Local governmental entity", includes counties, municipalities, townships, board or other political subdivision, cities under special charter, or under the commission form of government, fire protection districts, ambulance districts, and municipal corporations;

(8) "State", the state of Missouri and its departments, divisions, boards, bureaus, commissions, authorities, and colleges and universities;

(9) "Volunteer firefighter", a person having principal employment other than as a firefighter, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual who volunteers assistance without being regularly enrolled as a firefighter.

3. (1) A claim for compensation under this section shall be filed by the estate of the deceased with the division of workers' compensation not later than one year from the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter. If a claim is made within one year of the date of death of a law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation shall be paid, if the division finds that the claimant is entitled to compensation under this section. (2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars, subject to appropriation, for death occurring on or after June 19, 2009.

4. Notwithstanding subsection 3 of this section, no compensation is payable under this section unless a claim is filed within the time specified under this section setting forth:

(1) The name, address, and title or designation of the position in which the law enforcement officer, emergency medical technician, air ambulance pilot, air ambulance registered professional nurse, or firefighter was serving at the time of his or her death;

(2) The name and address of the claimant;

(3) A full, factual account of the circumstances resulting in or the course of events causing

1 the death at issue; and

2 (4) Such other information that is reasonably required by the division.

3 When a claim is filed, the division of workers' compensation shall make an investigation for
4 substantiation of matters set forth in the application.

5 5. The compensation provided for under this section is in addition to, and not exclusive of,
6 any pension rights, death benefits, or other compensation the claimant may otherwise be entitled to
7 by law.

8 6. Neither employers nor workers' compensation insurers shall have subrogation rights
9 against any compensation awarded for claims under this section. Such compensation shall not be
10 assignable, shall be exempt from attachment, garnishment, and execution, and shall not be subject to
11 setoff or counterclaim, or be in any way liable for any debt, except that the division or commission
12 may allow as lien on the compensation, reasonable attorney's fees for services in connection with the
13 proceedings for compensation if the services are found to be necessary. Such fees are subject to
14 regulation as set forth in section 287.260.

15 7. Any person seeking compensation under this section who is aggrieved by the decision of
16 the division of workers' compensation regarding his or her compensation claim, may make
17 application for a hearing as provided in section 287.450. The procedures applicable to the
18 processing of such hearings and determinations shall be those established by this chapter. Decisions
19 of the administrative law judge under this section shall be binding, subject to review by either party
20 under the provisions of section 287.480.

21 8. Pursuant to section 23.253 of the Missouri sunset act:

22 (1) The provisions of the new program authorized under this section shall automatically
23 sunset six years after June 19, [2009] 2019, unless reauthorized by an act of the general assembly;
24 and

25 (2) If such program is reauthorized, the program authorized under this section shall
26 automatically sunset twelve years after the effective date of the reauthorization of this section; and

27 (3) This section shall terminate on September first of the calendar year immediately
28 following the calendar year in which the program authorized under this section is sunset.

29 9. The provisions of this section, unless specified, shall not be subject to other provisions of
30 this chapter.

31 10. There is hereby created in the state treasury the "Line of Duty Compensation Fund",
32 which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts, or
33 bequests to the fund. The state treasurer shall be custodian of the fund and shall approve
34 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation,
35 money in the fund shall be used solely for paying claims under this section. Notwithstanding the
36 provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the
37 biennium shall not revert to the credit of the general revenue fund. The state treasurer shall invest
38 moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned
39 on such investments shall be credited to the fund.

40 11. The division shall promulgate rules to administer this section, including but not limited
41 to the appointment of claims to multiple claimants, record retention, and procedures for information
42 requests. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
43 under the authority delegated in this section shall become effective only if it complies with and is
44 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
45 chapter 536 are nonseverable and if any of the powers vested with the general assembly under
46 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
47 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
48 June 19, 2009, shall be invalid and void."; and

- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.
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- 4 SUBSTITUTE AMENDMENT FOR AMENDMENT NO. 5816H04.22H