

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 916, Page 1, Section A, Line 3, by  
2 inserting after said section and line the following:

3  
4 "191.227. 1. All physicians, chiropractors, hospitals, dentists, and other duly licensed  
5 practitioners in this state, herein called "providers", shall, upon written request of a patient, or  
6 guardian or legally authorized representative of a patient, furnish a copy of his or her record of that  
7 patient's health history and treatment rendered to the person submitting a written request, except that  
8 such right shall be limited to access consistent with the patient's condition and sound therapeutic  
9 treatment as determined by the provider. Beginning August 28, 1994, such record shall be furnished  
10 within a reasonable time of the receipt of the request therefor and upon payment of a fee as provided  
11 in this section.

12 2. Health care providers may condition the furnishing of the patient's health care records to  
13 the patient, the patient's authorized representative or any other person or entity authorized by law to  
14 obtain or reproduce such records upon payment of a fee for:

15 (1) (a) Search and retrieval, in an amount not more than twenty-four dollars and eighty-five  
16 cents plus copying in the amount of fifty-seven cents per page for the cost of supplies and labor  
17 plus, if the health care provider has contracted for off-site records storage and management, any  
18 additional labor costs of outside storage retrieval, not to exceed twenty-three dollars and twenty-six  
19 cents, as adjusted annually pursuant to subsection 6 of this section; or

20 (b) The records shall be furnished electronically upon payment of the search, retrieval, and  
21 copying fees set under this section at the time of the request or one hundred eight dollars and eighty-  
22 eight cents total, whichever is less, if such person:

23 a. Requests health records to be delivered electronically in a format of the health care  
24 provider's choice;

25 b. The health care provider stores such records completely in an electronic health record;  
26 and

27 c. The health care provider is capable of providing the requested records and affidavit, if  
28 requested, in an electronic format;

29 (2) Postage, to include packaging and delivery cost;

30 (3) Notary fee, not to exceed two dollars, if requested.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1  
2 Such fee shall be the fee in effect on February 1, 2018, increased or decreased annually under this  
3 section.

4 3. For purposes of subsections 1 and 2 of this section, "a copy of his or her record of that  
5 patient's health history and treatment rendered" or "the patient's health care records" includes a  
6 statement or record that no such health history or treatment record responsive to the request exists.

7 4. Notwithstanding provisions of this section to the contrary, providers may charge for the  
8 reasonable cost of all duplications of health care record material or information which cannot  
9 routinely be copied or duplicated on a standard commercial photocopy machine.

10 5. The transfer of the patient's record done in good faith shall not render the provider liable  
11 to the patient or any other person for any consequences which resulted or may result from disclosure  
12 of the patient's record as required by this section.

13 6. Effective February first of each year, the fees listed in subsection 2 of this section shall be  
14 increased or decreased annually based on the annual percentage change in the unadjusted, U.S. city  
15 average, annual average inflation rate of the medical care component of the Consumer Price Index  
16 for All Urban Consumers (CPI-U). The current reference base of the index, as published by the  
17 Bureau of Labor Statistics of the United States Department of Labor, shall be used as the reference  
18 base. For purposes of this subsection, the annual average inflation rate shall be based on a twelve-  
19 month calendar year beginning in January and ending in December of each preceding calendar year.  
20 The department of health and senior services shall report the annual adjustment and the adjusted  
21 fees authorized in this section on the department's internet website by February first of each year.

22 7. A health care provider may disclose a deceased patient's health care records or payment  
23 records to the executor or administrator of the deceased person's estate, or pursuant to a valid,  
24 unrevoked power of attorney for health care that specifically directs that the deceased person's  
25 health care records be released to the agent after death. If an executor, administrator, or agent has  
26 not been appointed, the deceased prior to death did not specifically object to disclosure of his or her  
27 records in writing, and such disclosure is not inconsistent with any prior expressed preference of the  
28 deceased that is known to the health care provider, a deceased patient's health care records may be  
29 released upon written request of a person who is deemed as the personal representative of the  
30 deceased person under this subsection. Priority shall be given to the deceased patient's spouse and  
31 the records shall be released on the affidavit of the surviving spouse that he or she is the surviving  
32 spouse. If there is no surviving spouse, the health care records may be released to one of the  
33 following persons:

34 (1) The acting trustee of a trust created by the deceased patient either alone or with the  
35 deceased patient's spouse;

36 (2) An adult child of the deceased patient on the affidavit of the adult child that he or she is  
37 the adult child of the deceased;

38 (3) A parent of the deceased patient on the affidavit of the parent that he or she is the parent  
39 of the deceased;

(4) An adult brother or sister of the deceased patient on the affidavit of the adult brother or sister that he or she is the adult brother or sister of the deceased;

(5) A guardian or conservator of the deceased patient at the time of the patient's death on the affidavit of the guardian or conservator that he or she is the guardian or conservator of the deceased; or

(6) A guardian ad litem of the deceased's minor child based on the affidavit of the guardian that he or she is the guardian ad litem of the minor child of the deceased.

8. (1) Records containing a patient's health history and treatment created by an emergency care provider, as defined in section 191.630, or a telecommunicator first responder, as defined in section 650.320, in the course of the provider's or responder's official duties while responding to a formal request for assistance shall be made available, upon written request, to any person authorized to obtain the patient's health care records under the provisions of this section.

(2) The furnishing of health care records under this subsection may be conditioned upon the payment of a fee in an amount equal to the fee allowed for the furnishing of any other health care record under this section.

(3) Nothing in this subsection shall limit the release of information regarding the general nature of the event that resulted in a formal request of assistance as long as any personal health information is redacted.

(4) Nothing in this subsection shall limit the release of information to facilitate the normal delivery of patient care or to evaluate the quality of care as part of an established quality improvement program."; and

Further amend said bill, Page 4, Section 221.523, Line 20, by inserting after said section and line the following:

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

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

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

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

(3) "Air ambulance registered respiratory therapist", a person licensed as a registered respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding regulations adopted by the state board for respiratory care, who provides respiratory therapy services in

1 conjunction with an air ambulance program that is certified in accordance with sections 190.001 to  
2 190.245 and corresponding regulations applicable to such programs;

3 (4) "Child", any natural, illegitimate, adopted, or posthumous child or stepchild of a  
4 deceased public safety officer who, at the time of the public safety officer's fatality is:

5 (a) Eighteen years of age or under;

6 (b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

7 (c) Over eighteen years of age and incapable of self-support because of physical or mental  
8 disability;

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

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

16 (7) "Flight crew member", an individual engaged in flight responsibilities with an air  
17 ambulance licensed in accordance with sections 190.001 to 190.245 and corresponding regulations  
18 applicable to such programs;

19 (8) "Killed in the line of duty", when any person defined in this section loses his or her life  
20 when:

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

22 (b) The public safety officer is in the active performance of his or her duties in his or her  
23 respective profession and there is a relationship between the accident or commission of the act of  
24 violence and the performance of the duty, even if the individual is off duty; the public safety officer  
25 is traveling to or from employment; or the public safety officer is taking any meal break or other  
26 break which takes place while that individual is on duty;

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

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

29  
30 The term excludes death resulting from the willful misconduct or intoxication of the public safety  
31 officer. The division of workers' compensation shall have the burden of proving such willful  
32 misconduct or intoxication;

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

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

1 (11) "Public safety officer", any law enforcement officer, firefighter, uniformed employee of  
2 the office of the state fire marshal, emergency medical technician, police officer, capitol police  
3 officer, parole officer, probation officer, state correctional employee, water safety officer, park  
4 ranger, conservation officer, or highway patrolman employed by the state of Missouri or a political  
5 subdivision thereof who is killed in the line of duty or any emergency medical technician, air  
6 ambulance pilot, air ambulance registered professional nurse, air ambulance registered respiratory  
7 therapist, or flight crew member who is killed in the line of duty;

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

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

16 3. (1) A claim for compensation under this section shall be filed by survivors of the  
17 deceased with the division of workers' compensation not later than one year from the date of death  
18 of a public safety officer. If a claim is made within one year of the date of death of a public safety  
19 officer killed in the line of duty, compensation shall be paid, if the division finds that the claimant is  
20 entitled to compensation under this section.

21 (2) The amount of compensation paid to the claimant shall be twenty-five thousand dollars,  
22 subject to appropriation, for death occurring on or after June 19, 2009.

23 4. Any compensation awarded under the provisions of this section shall be distributed as  
24 follows:

25 (1) To the surviving spouse of the public safety officer if there is no child who survived the  
26 public safety officer;

27 (2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to the  
28 surviving spouse if there is at least one child who survived the public safety officer, and a surviving  
29 spouse of the public safety officer;

30 (3) To the surviving child, or children, in equal shares, if there is no surviving spouse of the  
31 public safety officer;

32 (4) If there is no surviving spouse of the public safety officer and no surviving child:

33 (a) To the surviving individual, or individuals, in shares per the designation or, otherwise, in  
34 equal shares, designated by the public safety officer to receive benefits under this subsection in the  
35 most recently executed designation of beneficiary of the public safety officer on file at the time of  
36 death with the public safety agency, organization, or unit; or

37 (b) To the surviving individual, or individuals, in equal shares, designated by the public  
38 safety officer to receive benefits under the most recently executed life insurance policy of the public

1 safety officer on file at the time of death with the public safety agency, organization, or unit if there  
2 is no individual qualifying under paragraph (a);

3 (5) To the surviving parent, or parents, in equal shares, of the public safety officer if there is  
4 no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

5 (6) To the surviving individual, or individuals, in equal shares, who would qualify under the  
6 definition of the term "child" but for age if there is no individual qualifying under subdivision (1),  
7 (2), (3), (4), or (5) of this subsection.

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

10 (1) The name, address, and title or designation of the position in which the public safety  
11 officer was serving at the time of his or her death;

12 (2) The name and address of the claimant;

13 (3) A full, factual account of the circumstances resulting in or the course of events causing  
14 the death at issue; and

15 (4) Such other information that is reasonably required by the division.  
16

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

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

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

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

35 9. Pursuant to section 23.253 of the Missouri sunset act:

36 (1) The provisions of the ~~[new]~~ program authorized under this section shall automatically  
37 sunset ~~[six]~~ twelve years after ~~[June 19, 2019]~~ June 30, 2025, unless reauthorized by an act of the  
38 general assembly; and

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

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

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

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

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

292.606. 1. Fees shall be collected for a period of six years from August 28, ~~[2018]~~ 2025.

2. (1) Any employer required to report under subsection 1 of section 292.605, except local governments and family-owned farm operations, shall submit an annual fee to the commission of one hundred dollars along with the Tier II form. Owners or operators of petroleum retail facilities shall pay a fee of no more than fifty dollars for each such facility. Any person, firm or corporation selling, delivering or transporting petroleum or petroleum products and whose primary business deals with petroleum products or who is covered by the provisions of chapter 323, if such person, firm or corporation is paying fees under the provisions of the federal hazardous materials transportation registration and fee assessment program, shall deduct such federal fees from those fees owed to the state under the provisions of this subsection. If the federal fees exceed or are equal to what would otherwise be owed under this subsection, such employer shall not be liable for state fees under this subsection. In relation to petroleum products "primary business" shall mean that the person, firm or corporation shall earn more than fifty percent of hazardous chemical revenues from the sale, delivery or transport of petroleum products. For the purpose of calculating fees, all grades of gasoline are considered to be one product, all grades of heating oils, diesel fuels, kerosenes, naphthas, aviation turbine fuel, and all other heavy distillate products except for grades of gasoline are considered to be one product, and all varieties of motor lubricating oil are considered to be one

1 product. For the purposes of this section "facility" shall mean all buildings, equipment, structures  
2 and other stationary items that are located on a single site or on contiguous or adjacent sites and  
3 which are owned or operated by the same person. If more than three hazardous substances or  
4 mixtures are reported on the Tier II form, the employer shall submit an additional twenty-dollar fee  
5 for each hazardous substance or mixture. Fees collected under this subdivision shall be for each  
6 hazardous chemical on hand at any one time in excess of ten thousand pounds or for extremely  
7 hazardous substances on hand at any one time in excess of five hundred pounds or the threshold  
8 planning quantity, whichever is less, or for explosives or blasting agents on hand at any one time in  
9 excess of one hundred pounds. However, no employer shall pay more than ten thousand dollars per  
10 year in fees. Moneys acquired through litigation and any administrative fees paid pursuant to  
11 subsection 3 of this section shall not be applied toward this cap.

12 (2) Employers engaged in transporting hazardous materials by pipeline except local gas  
13 distribution companies regulated by the Missouri public service commission shall pay to the  
14 commission a fee of two hundred fifty dollars for each county in which they operate.

15 (3) Payment of fees is due each year by March first. A late fee of ten percent of the total  
16 owed, plus one percent per month of the total, may be assessed by the commission.

17 (4) If, on March first of each year, fees collected under this section and natural resources  
18 damages made available pursuant to section 640.235 exceed one million dollars, any excess over  
19 one million dollars shall be proportionately credited to fees payable in the succeeding year by each  
20 employer who was required to pay a fee and who did pay a fee in the year in which the excess  
21 occurred. The limit of one million dollars contained herein shall be reviewed by the commission  
22 concurrent with the review of fees as required in subsection 1 of this section.

23 3. Beginning January 1, 2013, any employer filing its Tier II form pursuant to subsection 1  
24 of section 292.605 may request that the commission distribute that employer's Tier II report to the  
25 local emergency planning committees and fire departments listed in its Tier II report. Any employer  
26 opting to have the commission distribute its Tier II report shall pay an additional fee of ten dollars  
27 for each facility listed in the report at the time of filing to recoup the commission's distribution  
28 costs. Fees shall be deposited in the chemical emergency preparedness fund established under  
29 section 292.607. An employer who pays the additional fee and whose Tier II report includes all  
30 local emergency planning committees and fire departments required to be notified under subsection  
31 1 of section 292.605 shall satisfy the reporting requirements of subsection 1 of section 292.605. The  
32 commission shall develop a mechanism for an employer to exercise its option to have the  
33 commission distribute its Tier II report.

34 4. Local emergency planning committees receiving funds under section 292.604 shall  
35 coordinate with the commission and the department in chemical emergency planning, training,  
36 preparedness, and response activities. Local emergency planning committees receiving funds under  
37 this section, section 260.394, sections 292.602, 292.604, 292.605, 292.615 and section 640.235 shall  
38 provide to the commission an annual report of expenditures and activities.



1           5. Fees collected by the department and all funds provided to local emergency planning  
2 committees shall be used for chemical emergency preparedness purposes as outlined in sections  
3 292.600 to 292.625 and the federal act, including contingency planning for chemical releases;  
4 exercising, evaluating, and distributing plans, providing training related to chemical emergency  
5 preparedness and prevention of chemical accidents; identifying facilities required to report;  
6 processing the information submitted by facilities and making it available to the public; receiving  
7 and handling emergency notifications of chemical releases; operating a local emergency planning  
8 committee; and providing public notice of chemical preparedness activities. Local emergency  
9 planning committees receiving funds under this section may combine such funds with other local  
10 emergency planning committees to further the purposes of sections 292.600 to 292.625, or the  
11 federal act.

12           6. The commission shall establish criteria and guidance on how funds received by local  
13 emergency planning committees may be used.

14           7. A one-time fee shall be assessed in accordance with subsection 2 of this section and shall  
15 be calculated based on the filing due on March 1, 2025, and shall be paid by November 1, 2025.";  
16 and

17  
18 Further amend said bill by amending the title, enacting clause, and intersectional references  
19 accordingly.