

FIRST REGULAR SESSION

# HOUSE BILL NO. 1266

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BUSH.

2667H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To repeal section 571.012, RSMo, and to enact in lieu thereof two new sections relating to inquiries into the safety of patients in their homes.

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

Section A. Section 571.012, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 191.947 and 571.012, to read as follows:

**191.947. 1. As used in this section, the term "health care professional" shall have the same meaning given to the term in section 376.1350.**

**2. Notwithstanding any other provision of law to the contrary, a health care professional shall not be subject to criminal or civil liability for any of the following during a medical examination or assessment of a patient:**

**(1) Inquiring into the presence or absence of a harmful or potentially harmful device or substance in the patient's private home or residence;**

**(2) Inquiring into whether the patient is subject to any other harmful or potentially harmful situation in his or her private home or residence;**

**(3) Counseling or educating the patient or the patient's guardian about best practices in storage and maintenance of any hazardous device or substance in the patient's private home or residence; or**

**(4) Documenting or maintaining in the patient's medical records any information obtained from an inquiry described in subdivision (1) or (2) of this subsection and any counseling or education provided to the patient or the patient's guardian as described under subdivision (3) of this subsection.**

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.

571.012. 1. No health care professional licensed in this state, nor anyone under his or her supervision, shall be required by law to:

(1) Inquire as to whether a patient owns or has access to a firearm;

(2) Document or maintain in a patient's medical records whether such patient owns or has access to a firearm; or

(3) Notify any governmental entity of the identity of a patient based solely on the patient's status as an owner of, or the patient's access to, a firearm.

2. No health care professional licensed in this state, nor anyone under his or her supervision, nor any person or entity that has possession or control of medical records, may disclose information gathered in a doctor/patient relationship about the status of a patient as an owner of a firearm, unless by order of a court of appropriate jurisdiction, in response to a threat to the health or safety of that patient or another person, as part of a referral to a mental health professional, or with the patient's express consent on a separate document dealing solely with firearm ownership. The separate document shall not be filled out as a matter of routine, but only when, in the judgment of the health care professional, it is medically indicated or necessitated.

3. Nothing in this section shall be construed as prohibiting or otherwise restricting a health care professional from inquiring about and documenting whether a patient owns or has access to a firearm ~~[if such inquiry or documentation is necessitated or medically indicated by the health care professional's judgment and such inquiry or documentation does not violate any other state or federal law]~~ **or engaging in any other activity described in section 191.947.**

4. No health care professional licensed in this state shall use an electronic medical record program that requires, in order to complete and save a medical record, entry of data regarding whether a patient owns, has access to, or lives in a home containing a firearm.

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