FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 129

97TH GENERAL ASSEMBLY

2013

AN ACT

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

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) "Gross deviation", a conscious disregard of the safety of others;

(2) "Health care provider", any physician, surgeon, dentist, nurse, optometrist, mental health professional licensed under chapter 337, veterinarian, 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;

(3) "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;

(4) "Regularly practice", to practice more than sixty days within any ninety-day period;
(5) "Sponsoring organization", any organization that organizes or
arranges for the voluntary provision of health care services and
registers with the department of health and senior services as a
sponsoring organization in accordance with section 191.1106;

(6) "Voluntary provision of health care services", the providing
of professional health care services by a health care provider without
charge to a recipient of the services or a third party. The provision of
such health care services under sections 191.1100 to 191.1112 shall be
the provider's professional practice area in which the provider is
licensed or certified.

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

(1) Is a licensed health care provider;

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

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

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

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

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

191.1106. 1. Before providing volunteer health care services in
this state, a sponsoring organization shall register with the department
of health and senior services by submitting a registration fee of fifty
dollars and filing a registration form. The registration and fee shall be
submitted annually to the department with the fee to be used for the
administration of sections 191.1100 to 191.1112. Such registration form shall contain:

1. The name of the sponsoring organization;
2. The name of the principal individual or individuals who are the officers or organization's officials responsible for the operation of the sponsoring organization;
3. The address, including street, city, zip code, and county, of the sponsoring organization's principal office address and the same address information for each principal 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 care 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.

7. 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 pursuant to 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 August 28, 2013, shall
be invalid and void.

8. Nothing in the volunteer health services act shall require a
health care provider or organization providing health care services
without charge to register with the department and receive the liability
protection under sections 191.1100 to 191.1112.

191.1110. 1. (1) No licensed health care provider who 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, unless
the act or omission was the result of such person's gross deviation from
the ordinary standard of care or willful misconduct.

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

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

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

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

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

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

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

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

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

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

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

2. (1) Any volunteer crisis response team member who participates in a crisis intervention shall not be liable in tort for any
personal injuries or infliction of emotional distress of any participant
to the crisis intervention that is caused by the act or omission of a
challenge response team member during the course of a crisis intervention.
(2) No volunteer crisis response team member who participates
in a crisis intervention conducted within generally accepted protocols
of a registered team, as defined by a nationally recognized accrediting
agency, shall be liable for any civil damages for any act or omission
resulting from the rendering of such services, unless the act or
omission was the result of such person's gross deviation from the
ordinary standard of care or willful misconduct.
(3) Subdivision (1) of this subsection shall not apply unless the
intervention or training is conducted within generally accepted
protocols of a registered team, as defined by a nationally recognized
accrediting agency.
3. The tort immunity in subsection 2 of this section shall not apply if:
(1) The team member acted with actual malice or willful intent
to injure the subject;
(2) The team member acted outside the scope of assigned duties;
(3) The team member acted without team coordination and
dispatch;
(4) The action involved the commission of a crime;
(5) The action involved sexual harassment, or sexual or physical
abuse;
(6) The actions involved any form of moral turpitude or moral
misconduct; or
(7) If damages resulted from gross deviation from the ordinary
standard of care or willful misconduct.
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