

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 129  
AN ACT

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

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Chapter 191, RSMo, is amended by adding thereto  
2 six new sections, to be known as sections 191.1100, 191.1102,  
3 191.1104, 191.1106, 191.1110, and 191.1112, to read as follows:

4           191.1100. 1. Sections 191.1100 to 191.1112 shall be known  
5 and may be cited as the "Volunteer Health Services Act".

6           2. As used in sections 191.1100 to 191.1112, the following  
7 terms shall mean:

8           (1) "Gross deviation", a conscious disregard of the safety  
9 of others;

10           (2) "Health care provider", any physician, surgeon,  
11 dentist, nurse, optometrist, mental health professional licensed  
12 under chapter 337, or other practitioner of a health care  
13 discipline, the professional practice of which requires licensure  
14 or certification under state law or under comparable laws of  
15 another state, territory, district, or possession of the United  
16 States;

17           (3) "Licensed health care provider", any health care  
18 provider holding a current license or certificate issued under:

1           (a) Missouri state law;

2           (b) Comparable laws of another state, territory, district,  
3 or possession of the United States;

4           (4) "Regularly practice", to practice more than sixty days  
5 within any ninety-day period;

6           (5) "Sponsoring organization", any organization that  
7 organizes or arranges for the voluntary provision of health care  
8 services and registers with the department of health and senior  
9 services as a sponsoring organization in accordance with section  
10 191.1106;

11           (6) "Voluntary provision of health care services", the  
12 providing of professional health care services by a health care  
13 provider without charge to a recipient of the services or a third  
14 party. The provision of such health care services under sections  
15 191.1100 to 191.1112 shall be the provider's professional  
16 practice area in which the provider is licensed or certified.

17           191.1102. 1. Notwithstanding any provision of law to the  
18 contrary, no additional license or certificate otherwise required  
19 by state law is necessary for the voluntary provision of health  
20 care services by any person who:

21           (1) Is a licensed health care provider;

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

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

28           (1) Any person whose license or certificate is suspended or

1 revoked under disciplinary proceedings in any jurisdiction; or

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

6 191.1104. With regard to a person who voluntarily provides  
7 health care services and who is covered by the provisions of  
8 subsection 1 of section 191.1102, all requirements regarding  
9 display of a license or certificate shall be satisfied by the  
10 presentation for inspection, upon request, of a photocopy of the  
11 applicable license, certificate, or statement of exemption.

12 191.1106. 1. Before providing volunteer health care  
13 services in this state, a sponsoring organization shall register  
14 with the department of health and senior services by submitting a  
15 registration fee of fifty dollars and filing a registration form.  
16 The registration and fee shall be submitted annually to the  
17 department with the fee to be used for the administration of  
18 sections 191.1100 to 191.1112. Such registration form shall  
19 contain:

20 (1) The name of the sponsoring organization;

21 (2) The name of the principal individual or individuals who  
22 are the officers or organization's officials responsible for the  
23 operation of the sponsoring organization;

24 (3) The address, including street, city, zip code, and  
25 county, of the sponsoring organization's principal office address  
26 and the same address information for each principal or official  
27 listed in subdivision (2) of this subsection;

28 (4) Telephone numbers for the principal office of the

1 sponsoring agency and each principal or official listed in  
2 subdivision (2) of this subsection; and

3 (5) Such additional information as the department shall  
4 require.

5  
6 Upon any change in the information required under this  
7 subsection, the sponsoring organization shall notify the  
8 department in writing of such change within thirty days of its  
9 occurrence.

10 2. The sponsoring organization shall file a quarterly  
11 voluntary services report with the department during the current  
12 quarter that lists all licensed health care providers who  
13 provided voluntary health care services during the preceding  
14 quarter. The sponsoring organization shall maintain on file for  
15 five years following the date of service additional information,  
16 including the date, place, and type of services provided.

17 3. Each sponsoring organization shall maintain a list of  
18 health care providers associated with its provision of voluntary  
19 health care services. For each such health care provider, the  
20 organization shall maintain a copy of a current license,  
21 certificate, or statement of exemption from licensure or  
22 certification, or in the event that the health care provider is  
23 currently licensed in the state of Missouri, a copy of the health  
24 care provider's license verification obtained from a state-  
25 sponsored website, if available.

26 4. The sponsoring organization shall maintain such records  
27 for a period of at least five years following the provision of  
28 health care services and shall furnish such records upon request

1 to any regulatory board of any healing arts profession  
2 established under state law.

3 5. Compliance with subsections 1 and 2 of this section  
4 shall be prima facie evidence that the sponsoring organization  
5 has exercised due care in its selection of health care providers.

6 6. The department may revoke the registration of any  
7 sponsoring organization that fails to comply with the  
8 requirements of this section.

9 7. Any rule or portion of a rule, as that term is defined  
10 in section 536.010 that is created under the authority delegated  
11 in this section shall become effective only if it complies with  
12 and is subject to all of the provisions of chapter 536, and, if  
13 applicable, section 536.028. This section and chapter 536 are  
14 nonseverable and if any of the powers vested with the general  
15 assembly pursuant to chapter 536, to review, to delay the  
16 effective date, or to disapprove and annul a rule are  
17 subsequently held unconstitutional, then the grant of rulemaking  
18 authority and any rule proposed or adopted after August 28, 2013,  
19 shall be invalid and void.

20 8. Nothing in the volunteer health services act shall  
21 require a health care provider or organization providing health  
22 care services without charge to register with the department and  
23 receive the liability protection under sections 191.1100 to  
24 191.1112.

25 191.1110. 1. (1) No licensed health care provider who  
26 engages in the voluntary provision of health care services within  
27 the limits of the person's license, certificate, or authorization  
28 to any patient of a sponsoring organization shall be liable for

1 any civil damages for any act or omission resulting from the  
2 rendering of such services, unless the act or omission was the  
3 result of such person's gross deviation from the ordinary  
4 standard of care or willful misconduct.

5 (2) The volunteer licensee who is providing free care shall  
6 not receive compensation of any type, directly or indirectly, or  
7 any benefits of any type whatsoever, or any consideration of any  
8 nature, from any person for the free care. Nor shall such  
9 service be a part of the provider's training or assignment.

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

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

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

25 191.1112. 1. For purposes of this section, the following  
26 terms shall mean:

27 (1) "Crisis intervention", a session at which crisis  
28 response services are rendered by a critical incident stress

1 management team member or qualified mental health professional  
2 during or after a crisis or disaster;

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

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

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

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

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

28 2. (1) Any volunteer crisis response team member who

1 participates in a crisis intervention shall not be liable in tort  
2 for any personal injuries or infliction of emotional distress of  
3 any participant to the crisis intervention that is caused by the  
4 act or omission of a crisis response team member during the  
5 course of a crisis intervention.

6 (2) No volunteer crisis response team member who  
7 participates in a crisis intervention conducted within generally  
8 accepted protocols of a registered team, as defined by a  
9 nationally recognized accrediting agency, shall be liable for any  
10 civil damages for any act or omission resulting from the  
11 rendering of such services, unless the act or omission was the  
12 result of such person's gross deviation from the ordinary  
13 standard of care or willful misconduct.

14 (3) Subdivision (1) of this subsection shall not apply  
15 unless the intervention or training is conducted within generally  
16 accepted protocols of a registered team, as defined by a  
17 nationally recognized accrediting agency.

18 3. The tort immunity in subsection 2 of this section shall  
19 not apply if:

20 (1) The team member acted with actual malice or willful  
21 intent to injure the subject;

22 (2) The team member acted outside the scope of assigned  
23 duties;

24 (3) The team member acted without team coordination and  
25 dispatch;

26 (4) The action involved the commission of a crime;

27 (5) The action involved sexual harassment, or sexual or  
28 physical abuse;

1           (6) The actions involved any form of moral turpitude or  
2 moral misconduct; or

3           (7) If damages resulted from gross deviation from the  
4 ordinary standard of care or willful misconduct.