

FIRST REGULAR SESSION

SENATE BILL NO. 129

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time January 10, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0865S.011

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
2 sections, to be known as sections 191.1100, 191.1102, 191.1104, 191.1106,
3 191.1110, and 191.1112, to read as follows:

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

**3 2. As used in sections 191.1100 to 191.1112, the following terms
4 shall mean:**

**5 (1) "Health care provider", any physician, surgeon, dentist, nurse,
6 optometrist, mental health professional, or other practitioner of a
7 health care discipline, the professional practice of which requires
8 licensure or certification under state law or under comparable laws of
9 another state, territory, district, or possession of the United States;**

**10 (2) "Licensed health care provider", any health care provider
11 holding a current license or certificate issued under:**

12 (a) Missouri state law;

**13 (b) Comparable laws of another state, territory, district, or
14 possession of the United States;**

**15 (3) "Regularly practice", to practice more than sixty days within
16 any ninety-day period;**

**17 (4) "Sponsoring organization", any organization that organizes or
18 arranges for the voluntary provision of health care services and
19 registers with the department of health and senior services as a
20 sponsoring organization in accordance with section 191.1106, and**

21 charges clients on a sliding scale based on income;

22 (5) "Voluntary provision of health care services", the providing
23 of professional health care services by a health care provider without
24 charge to a recipient of the services or a third party.

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

5 (1) Is a licensed health care provider;

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

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

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

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

191.1104. With regard to a person who voluntarily provides
2 health care services and who is covered by the provisions of subsection
3 1 of section 191.1102, all requirements regarding display of a license or
4 certificate shall be satisfied by the presentation for inspection, upon
5 request, of a photocopy of the applicable license, certificate, or
6 statement of exemption.

191.1106. 1. Before providing volunteer medical services in this
2 state, a sponsoring organization shall register with the department of
3 health and senior services by submitting a registration fee of fifty
4 dollars and filing a registration form. The registration fee shall not
5 apply to any sponsoring organization when providing volunteer health
6 care services in cases of natural or manmade disasters. Such
7 registration form shall contain:

8 (1) The name of the sponsoring organization;

9 (2) The name of the principal individual or individuals who are
10 the officers or organization's officials responsible for the operation of
11 the sponsoring organization;

12 **(3) The address, including street, city, zip code, and county, of**
13 **the sponsoring organization's principal office address and the same**
14 **address information for each principal or official listed in subdivision**
15 **(2) of this subsection;**

16 **(4) Telephone numbers for the principal office of the sponsoring**
17 **agency and each principal or official listed in subdivision (2) of this**
18 **subsection; and**

19 **(5) Such additional information as the department shall require.**
20 **Upon any change in the information required under this subsection, the**
21 **sponsoring organization shall notify the department in writing of such**
22 **change within thirty days of its occurrence.**

23 **2. The sponsoring organization shall file a quarterly voluntary**
24 **services report with the department during the current quarter that**
25 **lists all licensed health care providers who provided voluntary health**
26 **care services during the preceding quarter. The sponsoring**
27 **organization shall maintain on file for five years following the date of**
28 **service additional information, including the date, place, and type of**
29 **services provided.**

30 **3. Each sponsoring organization shall maintain a list of health**
31 **care providers associated with its provision of voluntary health**
32 **services. For each such health care provider, the organization shall**
33 **maintain a copy of a current license, certificate, or statement of**
34 **exemption from licensure or certification, or in the event that the**
35 **health care provider is currently licensed in the state of Missouri, a**
36 **copy of the health care provider's license verification obtained from a**
37 **state-sponsored website, if available.**

38 **4. The sponsoring organization shall maintain such records for**
39 **a period of at least five years following the provision of health care**
40 **services and shall furnish such records upon request to any regulatory**
41 **board of any healing arts profession established under state law.**

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

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

191.1110. 1. (1) No person who is licensed, certified, or
2 authorized by the board of any of the professions of the healing arts or

3 board of nursing and who engages in the voluntary provision of health
4 care services within the limits of the person's license, certificate, or
5 authorization to any patient of a sponsoring organization shall be liable
6 for any civil damages for any act or omission resulting from the
7 rendering of such services, unless the act or omission was the result of
8 such person's gross deviation from the ordinary standard of care or
9 willful misconduct.

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

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

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

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

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

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

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

12 to individuals affected by crisis or disaster;

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

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

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

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

29 2. (1) Any volunteer crisis response team member who
30 participates in a crisis intervention shall not be liable in tort for any
31 personal injuries or infliction of emotional distress of any participant
32 to the crisis intervention that is caused by the act or omission of a
33 crisis response team member during the course of a crisis intervention.

34 (2) No volunteer crisis response team member who participates
35 in a crisis intervention conducted within generally accepted protocols
36 of a registered team, as defined by a nationally recognized accrediting
37 agency, shall be liable for any civil damages for any act or omission
38 resulting from the rendering of such services, unless the act or
39 omission was the result of such person's gross deviation from the
40 ordinary standard of care or willful misconduct.

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

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

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

- 49 **(2) The team member acted outside the scope of assigned duties;**
- 50 **(3) The team member acted without team coordination and**
- 51 **dispatch;**
- 52 **(4) The action involved the commission of a crime;**
- 53 **(5) The action involved sexual harassment, or sexual or physical**
- 54 **abuse;**
- 55 **(6) The actions involved any form of moral turpitude or moral**
- 56 **misconduct within the normally accepted community standards; or**
- 57 **(7) If damages resulted from gross deviation from the ordinary**
- 58 **standard of care of the team member.**

Unofficial ✓

Bill

Copy