

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/HCS/House Bill No. 1682, Page 1, Section Title, Lines 9,

2 of the title, by striking "a certain section" and inserting in  
 3 lieu thereof the following: "certain sections"; and

4 Further amend said bill, page 2, section 9.182, line 18 of  
 5 said page, by inserting immediately after said line the  
 6 following:

7 "44.045. 1. Subject to approval by the state emergency  
 8 management agency during an emergency declared by the governor,  
 9 any health care provider licensed, registered, or certified in  
 10 this state or any state who agrees to be so deployed as provided  
 11 in this section may be deployed to provide care as necessitated  
 12 by the emergency, including care necessitated by mutual aid  
 13 agreements between political subdivisions and other public and  
 14 private entities under section 44.090. During an emergency  
 15 declared by the governor, health care providers deployed by the  
 16 governor or any state agency shall not be liable for any civil  
 17 damages or administrative sanctions for any failure, in the  
 18 delivery of health care necessitated by the emergency during  
 19 deployment, to exercise the skill and learning of an ordinarily  
 20 careful health care provider in similar circumstances, but shall  
 21 be liable for damages due to willful and wanton acts or omissions  
 22 in rendering such care.

23 2. In a declared state of emergency, the department of

1 health and senior services and the division of professional  
2 registration within the department of commerce and insurance may  
3 release otherwise confidential contact and licensure,  
4 registration, or certification information relating to health  
5 care professionals to state, local, and private agencies to  
6 facilitate deployment.

7 3. (1) The limitations on liability for civil damages  
8 provided in subsection 1 of this section shall apply to all  
9 health care providers whether or not under an official deployment  
10 if such health care is rendered in connection with a COVID-19  
11 pandemic. Such limitations on liability for civil damages shall  
12 only apply to acts or omissions that occur during the period of  
13 time in which the governor has declared a state of emergency due  
14 to COVID-19. The limitations on liability in this subsection  
15 shall not extend to medical treatments or procedures, facility  
16 operations, or other services performed that were not related to  
17 COVID-19.

18 (2) For purposes of this subsection, "COVID-19" means the  
19 severe acute respiratory syndrome coronavirus 2.

20 (3) For the purposes of this subsection, "health care  
21 provider" shall include:

22 (a) Any physician, hospital, health maintenance  
23 organization, ambulatory surgical center, long-term care facility  
24 including those licensed under chapter 198, dentist, registered  
25 or licensed practical nurse, optometrist, podiatrist, pharmacist,  
26 chiropractor, professional physical therapist, psychologist,  
27 physician-in-training, and any other person or entity that  
28 provides health care services under the authority of a license or  
29 certificate, and the employer or agent of such person or entity;

1           (b) Any individual, health care system, or other entity  
2 that provides, refers, coordinates, consults upon, or arranges  
3 for the delivery of health care services; and

4           (c) Any individual permitted to provide health care  
5 services in the state due to a declared public health  
6 emergency."; and

7           Further amend said bill, page 82, section B, line 8 of said  
8 page, by inserting immediately after said line the following:

9           "Section C. Because of the COVID-19 pandemic, the repeal  
10 and reenactment of section 44.045 of this act is deemed necessary  
11 for the immediate preservation of the public health, welfare,  
12 peace and safety, and is hereby declared to be an emergency act  
13 within the meaning of the constitution, and the repeal and  
14 reenactment of section 44.045 of this act shall be in full force  
15 and effect upon its passage and approval."; and

16           Further amend the title and enacting clause accordingly.