

FIRST REGULAR SESSION

SENATE BILL NO. 292

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Read 1st time January 18, 1999, and 1,000 copies ordered printed.

S1449.011

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 197, RSMo, by adding thereto one new section relating to health care facilities.

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

Section A. Chapter 197, RSMo, is amended by adding thereto one new section, to be known as section 197.760, to read as follows:

197.760. 1. Any agent or employee of a health care facility pursuant to this chapter who knows or has reasonable cause to believe that the quality of care of a patient, patient safety, or the health care facility's safety is in jeopardy shall make an oral or written report of the problem to the health care facility, and may also send it to the department of health, the division of aging, or to any appropriate private, public, state, or federal agency.

2. Any individual in an administrative or supervisory capacity at the health care facility who receives a report pursuant to subsection 1 of this section shall investigate the problem, take appropriate action, and provide a response to the individual reporting the problem within seven working days.

3. No health care facility licensed pursuant to this chapter shall by policy, contract, procedure, or other formal or informal means subject to reprisal, or directly or indirectly use, or threaten to use, any authority or influence, in any manner whatsoever, which tends to discourage, restrain, suppress, prevent, interfere with, coerce, or discriminate against any agent or employee who in good faith reports, discloses, divulges, or otherwise brings to the attention of the health care facility the circumstances or facts to form the basis of a report pursuant to subsection 1 or 2 of this section. No health care facility shall require any agent or employee to give notice prior to making a report, disclosure, or divulgence pursuant to subsection 1

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or 2 of this section.

4. All reports, investigations, and action taken subject to this chapter shall be conducted in a manner that protects and maintains the confidentiality of patients and personnel and preserves the integrity of data, information, and medical records.

5. All health care facilities licensed pursuant to this chapter shall, as a condition of licensure, abide by the terms of this section.

6. No agent or employee of a health care facility shall file a report pursuant to subsection 1 or 2 of this section in bad faith and any agent or employee shall have a reasonable basis for filing a report.

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