

SB 126 INTRODUCED BY WALKER, LYBECK, BECK, ET AL.
REQUIRE PHYSICIANS AND ADMINISTRATORS TO REPORT BURN
INJURIES

1/16 INTRODUCED
1/16 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
1/23 HEARING
2/03 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/06 2ND READING PASS MOTION FAILED 22 26
2/06 2ND READING INDEFINITELY POSTPONED 29 19

1 *Senate* BILL NO. *126*
 2 INTRODUCED BY *Walter Lybeck, Kelly, Marvyn, Keenan, Paul, Richard Manning, Bob Barber, Meyer, Selge*
 3 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT
 4 ATTENDING PHYSICIANS OR MEDICAL FACILITY ADMINISTRATORS
 5 IMMEDIATELY REPORT BURN INJURIES TO THE STATE FIRE MARSHAL
 6 IF THE VICTIM SUSTAINED SECOND- OR THIRD-DEGREE BURNS TO 5
 7 PERCENT OF THE BODY OR SUFFERED BURNS TO THE RESPIRATORY
 8 TRACT OR LARYNGEAL EDEMA OR IF THE BURN INJURY CAUSES OR IS
 9 LIKELY TO CAUSE DEATH; AND AMENDING SECTION 50-63-203, MCA."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 50-63-203, MCA, is amended to read:

12 "50-63-203. Reports to be filed with fire marshal. (1)
 13 If it appears that the fire was of suspicious origin or if
 14 there was a loss of human life, the official responsible for
 15 the investigation shall notify the state fire marshal within
 16 24 hours and shall file a written report of the cause with
 17 the state fire marshal within 10 days.

18 (2) If the property was insured, as soon as any
 19 adjustment has been made, a person representing the
 20 insurance company shall notify the state fire marshal of the
 21 amount of adjustment and the apparent cause and
 22 circumstances of the fire on forms furnished by the state
 23 fire marshal.
 24
 25

1 (3) Each official responsible for investigating fires
 2 shall file a fire incident report on each and every fire
 3 with the state fire marshal. Reports shall be on forms and
 4 shall contain information prescribed by the state fire
 5 marshal. These reports shall be sent to the state fire
 6 marshal on a weekly basis.

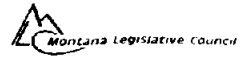
7 (4) Each case of a burn injury or wound, if the victim
 8 sustained second- or third-degree burns to 5% or more of the
 9 body or any burns to the upper respiratory tract or
 10 laryngeal edema due to the inhalation of superheated air,
 11 and each case of a burn injury or wound that causes or is
 12 likely to cause death must be reported immediately to the
 13 state fire marshal. The state fire marshal shall accept the
 14 report and notify the proper investigatory agency. A written
 15 report must also be provided to the department of justice
 16 within 72 hours. The report must be made by:

- 17 (a) the physician attending or treating the case; or
- 18 (b) the manager, administrator, or other person in
- 19 charge whenever such case is treated in a hospital or other
- 20 medical facility."

21 NEW SECTION. Section 2. Extension of authority. Any
 22 existing authority of the department of justice and the
 23 state fire marshal to make rules on the subject of the
 24 provisions of this act is extended to the provisions of this
 25 act.

-End-

INTRODUCED BILL
SB 126



APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 126

INTRODUCED BY WALKER, LYBECK, BECK, HALLIGAN,
MANUEL, KEENAN, POULSEN, MANNING, B. BROWN,
MEYER, STRIZICH, SCHYE, DRISCOLL

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT
ATTENDING PHYSICIANS OR MEDICAL FACILITY ADMINISTRATORS
IMMEDIATELY REPORT BURN INJURIES TO THE STATE FIRE MARSHAL
IF THE VICTIM SUSTAINED SECOND- OR THIRD-DEGREE BURNS TO 5
PERCENT OF THE BODY OR SUFFERED BURNS TO THE RESPIRATORY
TRACT OR LARYNGEAL EDEMA OR IF THE BURN INJURY CAUSES OR IS
LIKELY TO CAUSE DEATH; AND AMENDING SECTION SECTIONS
50-16-311 AND 50-63-203, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-63-203, MCA, is amended to read:

"50-63-203. Reports to be filed with fire marshal. (1)

If it appears that the fire was of suspicious origin or if
there was a loss of human life, the official responsible for
the investigation shall notify the state fire marshal within
24 hours and shall file a written report of the cause with
the state fire marshal within 10 days.

(2) If the property was insured, as soon as any
adjustment has been made, a person representing the
insurance company shall notify the state fire marshal of the

amount of adjustment and the apparent cause and
circumstances of the fire on forms furnished by the state
fire marshal.

(3) Each official responsible for investigating fires
shall file a fire incident report on each and every fire
with the state fire marshal. Reports shall be on forms and
shall contain information prescribed by the state fire
marshal. These reports shall be sent to the state fire
marshal on a weekly basis.

(4) Each case of a burn injury or wound, if the victim
sustained second- or third-degree burns to 5% or more of the
body or any burns to the upper respiratory tract or
laryngeal edema due to the inhalation of superheated air,
and each case of a burn injury or wound that causes or is
likely to cause death must be reported immediately to the
state fire marshal. The state fire marshal shall accept the
report and notify the proper investigatory agency. A written
report must also be provided to the department-of-justice
STATE FIRE MARSHAL within 72 hours. The report must be made
by:

- (a) the physician attending or treating the case; or
- (b) the manager, administrator, or other person in
charge whenever such case is treated in a hospital or other
medical facility."

NEW SECTION. SECTION 2. IMMUNITY FROM LIABILITY. A



1 PERSON WHO ACTS IN GOOD FAITH IN ACCORDANCE WITH THE
 2 PROVISIONS OF 50-63-203 IS NOT LIABLE FOR DAMAGES IN ANY
 3 CIVIL PROCEEDING OR SUBJECT TO PROSECUTION IN ANY CRIMINAL
 4 PROCEEDING THAT MIGHT RESULT FROM THIS ACTION.

5 SECTION 3. SECTION 50-16-311, MCA, IS AMENDED TO READ:

6 "50-16-311. When consent is required to release or
 7 transfer confidential health care information. (1) Except as
 8 provided in subsection (2) or as otherwise specifically
 9 provided by law or the Montana Rules of Civil Procedure,
 10 confidential health care information relating to a person
 11 may not be released or transferred without the written
 12 consent of the person or his authorized representative.

13 (2) Consent is not required for release or transfer of
 14 confidential health care information:

15 (a) to a physician, dentist, or other medical person
 16 for diagnosis or treatment of an individual in a medical or
 17 dental emergency;

18 (b) to a peer review committee if the information
 19 concerns matters within the scope of the licensed
 20 professional practice of the committee members;

21 (c) to qualified persons for the purpose of conducting
 22 scientific research, management audits, financial audits,
 23 program evaluations, or similar studies. However, qualified
 24 persons may not directly or indirectly identify an
 25 individual patient in a research report, audit, or

1 evaluation or disclose a patient's identity in any manner.

2 (d) to a health care provider:

3 (i) as may be reasonably necessary to provide health
 4 care services to the individual about whom the information
 5 relates; or

6 (ii) in the administration of the office, practice, or
 7 operation in connection with the providing of health care
 8 services to the individual about whom the information
 9 relates;

10 (e) to an employer as may be reasonably necessary in
 11 the administration of a group insurance plan or to a
 12 workers' compensation insurer, the division of workers'
 13 compensation, or the workers' compensation judge, as is
 14 necessary in the administration of Title 39, chapters 71 and
 15 72;

16 (f) when a person's insurance coverage obligates more
 17 than one insurer with respect to a claim or benefit;

18 (g) to a state insurance department for the purpose of
 19 reviewing an insurance claim or complaint made to such
 20 department by an insured or his authorized representative or
 21 by a beneficiary or his authorized representative of a
 22 deceased insured;

23 (h) to a law enforcement officer about the general
 24 physical condition of a person being treated in a health
 25 care facility if such person was injured on a public roadway

1 or was injured by the possible criminal act of another;

2 (i) to the state fire marshal in reporting a second-
3 or third-degree burn as provided in 50-63-203; or

4 ~~††~~(j) to the news media about the general physical
5 condition of an injured person being treated in a health
6 care facility, provided the existence of the hospitalization
7 is publicly known.

8 (3) For the purpose of this section, the term "general
9 physical condition" is limited to a description of the
10 condition as "satisfactory", "serious", or "critical".

11 NEW SECTION. Section 4. Extension of authority. Any
12 existing authority of the department of justice and the
13 state fire marshal to make rules on the subject of the
14 provisions of this act is extended to the provisions of this
15 act.

-End-