

SENATE BILL NO. 454

INTRODUCED BY WALKER, JACOBSON, NORMAN, REGAN,
VAUGHN, HARP, HOFMAN, JERGESON, LYNCH

BY REQUEST OF DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES

IN THE SENATE

FEBRUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY.
	FIRST READING.
FEBRUARY 17, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 18, 1989	PRINTING REPORT.
FEBRUARY 20, 1989	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.
FEBRUARY 28, 1989	FIRST READING.
MARCH 14, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 16, 1989	SECOND READING, CONCURRED IN.
MARCH 17, 1989	THIRD READING, CONCURRED IN. AYES, 84; NOES, 11.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 18, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *454*

2 INTRODUCED BY *William Jackson* *Norman Ryan*

3 BY REQUEST OF DEPARTMENT OF HEALTH *Lynda Chabot*

4 AND ENVIRONMENTAL SCIENCES *Jerguson*

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW EMERGENCY
7 SERVICE PERSONNEL EXPOSED TO INFECTIOUS DISEASE DURING
8 TRANSPORT OF PATIENTS TO HEALTH CARE FACILITIES TO BE
9 NOTIFIED OF MEASURES NECESSARY TO PREVENT OR CONTROL THE
10 SPREAD OF THE DISEASE; TO REQUIRE CONFIDENTIALITY; TO
11 PROVIDE A PENALTY FOR A VIOLATION OF CONFIDENTIALITY; TO
12 PROTECT HEALTH SERVICE PERSONNEL FROM LIABILITY FOR GOOD
13 FAITH COMPLIANCE WITH THIS ACT; AND PROVIDING EFFECTIVE
14 DATES."

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16 STATEMENT OF INTENT

17 A statement of intent is required for this bill because
18 [section 4] requires the department of health and
19 environmental sciences to adopt rules defining an
20 unprotected exposure to an infectious disease, specifying
21 which infectious diseases are subject to [this act], and
22 specifying the information concerning infectious diseases
23 that must be included in a report of unprotected exposure.

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



1 NEW SECTION. Section 1. Definitions. As used in [this
2 act], the following definitions apply:

3 (1) "Department" means the department of health and
4 environmental sciences provided for in 2-15-2101.

5 (2) "Health care facility" means a health care
6 facility as defined in 50-5-101.

7 (3) "Infectious disease" means a communicable disease
8 designated by department rule as transmittable through an
9 unprotected exposure.

10 (4) "Patient" means an individual who is sick,
11 injured, wounded, or otherwise incapacitated or helpless.

12 (5) "Unprotected exposure" means exposure of a person
13 to an infectious disease in a manner defined by department
14 rule as likely to allow transmission of the disease,
15 including but not limited to mouth-to-mouth resuscitation
16 and comingling of the blood or body fluids of the person and
17 a patient.

18 NEW SECTION. Section 2. Report of unprotected
19 exposure to disease. (1) A report may be filed, as provided
20 in subsection (2), by a person employed by or acting as a
21 volunteer with a public or private organization that
22 provides emergency services to the public who:

23 (a) includes but is not limited to a law enforcement
24 officer, firefighter, emergency medical technician,
25 corrections officer, or ambulance service attendant; and

(b) in his official capacity with the public or private organization, attends or assists in transporting a patient to a health care facility and believes he has sustained an unprotected exposure.

(2) A person who qualifies in subsection (1) may submit to the health care facility, on a form prescribed by the department, a report of unprotected exposure that contains his name and other information required by the department, including a description of the unprotected exposure.

NEW SECTION. Section 3. Notification of precautions after unprotected exposure to infectious disease. (1) After a patient is transported to a health care facility, a physician shall inform the health care facility if:

(a) the physician determines that the transported patient has an infectious disease;

(b) a report of unprotected exposure to that patient has been filed; and

(c) the physician believes the unprotected exposure is capable of transmitting the infectious disease.

(2) The health care facility shall orally notify within 48 hours after the time of diagnosis and notify in writing within 72 hours after diagnosis the person who filed the report in [section 2] of the disease to which he may have been exposed and the appropriate medical precautions

and treatment that the exposed person needs to take.

NEW SECTION. Section 4. Rulemaking authority. The department shall adopt rules to:

(1) define what constitutes an unprotected exposure to an infectious disease;

(2) specify the infectious diseases subject to [this act];

(3) specify the information about an unprotected exposure that must be included in a report of unprotected exposure; and

(4) specify recommended medical precautions and treatment for each infectious disease subject to [this act].

NEW SECTION. Section 5. Confidentiality -- penalty for violation -- immunity from liability. (1) The names of the person who suffered the unprotected exposure and the person diagnosed as having an infectious disease may not be released to anyone, except as required by department rule concerning reporting of communicable disease or as allowed by Title 50, chapter 16, part 5.

(2) A person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be fined not less than \$500 or more than \$10,000, imprisoned in the county jail not less than 3 months or more than 1 year, or both.

(3) A health care facility, a representative of a

1 health care facility, or a physician may not be held jointly
2 or severably liable for providing the notification required
3 by [section 3] when the notification is made in good faith
4 or for failing to provide the notification if good faith
5 attempts to contact a person filing a report of unprotected
6 exposure are unsuccessful.

7 NEW SECTION. **Section 6.** Codification instruction.
8 [Sections 1 through 5] are intended to be codified as an
9 integral part of Title 50.

10 NEW SECTION. **Section 7.** Effective date. [Section 4]
11 and [this section] are effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 454
INTRODUCED BY *Norman Ryan*
BY REQUEST OF DEPARTMENT OF HEALTH
AND ENVIRONMENTAL SCIENCES *Harold Johnson* *Jerguson*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW EMERGENCY SERVICE PERSONNEL EXPOSED TO INFECTIOUS DISEASE DURING TRANSPORT OF PATIENTS TO HEALTH CARE FACILITIES TO BE NOTIFIED OF MEASURES NECESSARY TO PREVENT OR CONTROL THE SPREAD OF THE DISEASE; TO REQUIRE CONFIDENTIALITY; TO PROVIDE A PENALTY FOR A VIOLATION OF CONFIDENTIALITY; TO PROTECT HEALTH SERVICE PERSONNEL FROM LIABILITY FOR GOOD FAITH COMPLIANCE WITH THIS ACT; AND PROVIDING EFFECTIVE DATES."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 4] requires the department of health and environmental sciences to adopt rules defining an unprotected exposure to an infectious disease, specifying which infectious diseases are subject to [this act], and specifying the information concerning infectious diseases that must be included in a report of unprotected exposure.

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



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(1) "Department" means the department of health and environmental sciences provided for in 2-15-2101.

(2) "Health care facility" means a health care facility as defined in 50-5-101.

(3) "Infectious disease" means a communicable disease designated by department rule as transmittable through an unprotected exposure.

(4) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.

(5) "Unprotected exposure" means exposure of a person to an infectious disease in a manner defined by department rule as likely to allow transmission of the disease, including but not limited to mouth-to-mouth resuscitation and comingling of the blood or body fluids of the person and a patient.

NEW SECTION. **Section 2. Report of unprotected exposure to disease.** (1) A report may be filed, as provided in subsection (2), by a person employed by or acting as a volunteer with a public or private organization that provides emergency services to the public who:

(a) includes but is not limited to a law enforcement officer, firefighter, emergency medical technician, corrections officer, or ambulance service attendant; and

(b) in his official capacity with the public or private organization, attends or assists in transporting a patient to a health care facility and believes he has sustained an unprotected exposure.

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1 health care facility, or a physician may not be held jointly
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 2 INTRODUCED BY *John Jackson Norman Ryan*
 3 BY REQUEST OF DEPARTMENT OF HEALTH *John Jackson*
 4 AND ENVIRONMENTAL SCIENCES *John Jackson*
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(b) in his official capacity with the public or private organization, attends or assists in transporting a patient to a health care facility and believes he has sustained an unprotected exposure.

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB454, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

"An Act to allow emergency service personnel exposed to infectious disease during transport of patients to health care facilities to be notified of measures necessary to prevent or control the spread of the disease; to require confidentiality; to provide a penalty for a violation of confidentiality; to protect health service personnel from liability for good faith compliance with this Act; and providing effective dates."

ASSUMPTIONS:

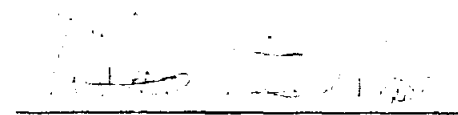
1. Requires written notification to anyone who, in his official capacity with the public or private organization, attends or assists in transporting a patient to a health care facility and believes he has sustained an unprotected exposure to a disease.

FISCAL IMPACT: None



DATE 2/22/89

RAY/SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING



DATE

MIKE WALKER, PRIMARY SPONSOR

Fiscal Note for SB454, as introduced

SB 454

SENATE BILL NO. 454

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