

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 788**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Health Care Policy March 1, 2007 with recommendation that House Committee Substitute for House Bill No. 788 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

1823L.02C

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**AN ACT**

To repeal section 44.100, RSMo, and section 44.045 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 58, ninety-third general assembly, first regular session, and section 44.045 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular session, and to enact in lieu thereof three new sections relating to public health emergency preparedness.

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

Section A. Section 44.100, RSMo, and section 44.045 as enacted by conference  
2 committee substitute for senate substitute for senate committee substitute for house committee  
3 substitute for house bill no. 58, ninety-third general assembly, first regular session, and section  
4 44.045 as enacted by conference committee substitute for house committee substitute for senate  
5 committee substitute for senate bills nos. 420 & 344, ninety-third general assembly, first regular  
6 session are repealed and three new sections enacted in lieu thereof, to be known as sections  
7 44.045, 44.100, and 44.105, to read as follows:

44.045. 1. [Subject to approval by the state emergency management agency] During an  
2 emergency declared by the governor or general assembly, any health care professional **or**  
3 **organization, whether paid or volunteer, under the request of the state government or any**  
4 **political subdivision of the state that provides health care or other health-related services**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 **in an emergency, including but not limited to physicians, physician assistants, registered**  
6 **and other nurses, certified nursing assistants, or other staff within a health care provider**  
7 **organization, pharmacists, chiropractors, dentists, emergency medical technicians,**  
8 **members of a specialized medical response unit, laboratory technicians, morticians, mental**  
9 **health professionals, licensed professional counselors, licensed psychologists, licensed social**  
10 **workers, hospitals, nursing and boarding care facilities, home health agencies, other long-**  
11 **term care providers, medical and dental clinics, medical laboratories, and ambulance**  
12 **service personnel, dispatch services, and persons not registered as emergency medical**  
13 **technicians but who are affiliated with a medical response unit and dispatched to the scene**  
14 **of an emergency, or licensed ambulance services, licensed, registered, or certified in this state**  
15 **or any state may be deployed to provide care as necessitated by the emergency, including care**  
16 **necessitated by mutual aid agreements between political subdivisions and other public and**  
17 **private entities under section 44.090. During an emergency, health care professionals and**  
18 **organizations shall not be liable for any civil damages or administrative sanctions for acts**  
19 **or omissions, or the failure to exercise the skill and learning of an ordinary careful health**  
20 **care provider in similar circumstances, other than damages due to acts of malice in**  
21 **rendering such care.**

22       2. In a declared state of emergency, the department of health and senior services and the  
23 division of professional registration within the department of [economic development]  
24 **insurance, financial institutions and professional registration** may release otherwise  
25 confidential contact and licensure, registration, or certification information relating to health care  
26 professionals to state, local, and private agencies to facilitate deployment.

2       [44.045. 1. Subject to approval by the state emergency management  
3 agency during an emergency declared by the governor or state legislature, any  
4 health care professional licensed, registered, or certified in this state who  
5 volunteers to be so deployed may be deployed to provide care as necessitated by  
6 the emergency.

7       2. In a declared state of emergency, the department of health and senior  
8 services or the division of professional registration within the department of  
9 economic development may release otherwise confidential contact and licensure,  
10 registration, or certification information relating to health care professionals to  
11 state, local, and private agencies to facilitate deployment.]

44.100. 1. The emergency powers of the governor shall be as follows:

2       (1) The provisions of this section shall be operative only during the existence of a state  
3 of emergency (referred to in this section as "emergency"). The existence of an emergency may  
4 be proclaimed by the governor or by resolution of the legislature, if the governor in his  
5 proclamation, or the legislature in its resolution, finds that a natural or man-made disaster of

6 major proportions has actually occurred within this state, and that the safety and welfare of the  
7 inhabitants of this state require an invocation of the provisions of this section.

8 (2) Any emergency, whether proclaimed by the governor or by the legislature, shall  
9 terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a  
10 resolution terminating such emergency.

11 (3) During the period that the state of emergency exists or continues, the governor shall:

12 (a) Enforce and put into operation all plans, rules and regulations relating to disasters and  
13 emergency management of resources adopted under this law and to assume direct operational  
14 control of all emergency forces and volunteers in the state;

15 (b) Take action and give directions to state and local law enforcement officers and  
16 agencies as may be reasonable and necessary for the purpose of securing compliance with the  
17 provisions of this law and with the orders, rules and regulations made pursuant thereof;

18 (c) Seize, take or requisition to the extent necessary to bring about the most effective  
19 protection of the public:

20 a. Any means of transportation, other than railroads and railroad equipment and fuel, and  
21 all fuel necessary for the propulsion thereof;

22 b. Any communication system or part thereof necessary to the prompt and efficient  
23 functioning of the emergency management of the state;

24 c. All stocks of fuel;

25 d. Facilities for housing, feeding and hospitalization of persons, including buildings and  
26 plants;

27 (d) Control, restrict and regulate by rationing, freezing, use of quotas, prohibitions on  
28 shipments, price fixing, allocation or other means the use, sale or distribution of food, feed, fuel,  
29 clothing and other commodities, materials, goods or services;

30 (e) Prescribe and direct activities in connection with but not limited to use, conservation,  
31 salvage and prevention of waste of materials, services and facilities, including production,  
32 transportation, power and communication facilities, training and supply of labor, utilization of  
33 industrial plants, health and medical care, nutrition, housing, including the use of existing and  
34 private facilities, rehabilitation, education, welfare, child care, recreation, consumer protection  
35 and other essential civil needs;

36 (f) To use or distribute all or any of this property among the inhabitants of the state in  
37 any area adversely affected by a natural or man-made disaster and to account to the state treasurer  
38 for any funds received thereof;

39 (g) To waive or suspend the operation of any statutory requirement or administrative rule  
40 regarding the licensing, certification or issuance of permits evidencing professional, mechanical  
41 or other skills;

42 (h) **To waive or suspend the operation of any statutory requirement or**  
43 **administrative rule prescribing procedures for conducting state business, where strict**  
44 **compliance with such requirements and rules would prevent, hinder, or delay necessary**  
45 **action by the department of health and senior services to respond to a declared emergency**  
46 **or increase the health threat to the population;**

47 (i) In accordance with rules or regulations, to provide that all law enforcement  
48 authorities and other emergency response workers and agencies of other states who may be  
49 within this state at the request of the governor or pursuant to state or local mutual-aid agreements  
50 or compacts shall have the same authority and possess the same powers, duties, rights, privileges  
51 and immunities as are possessed by like law enforcement authorities and emergency response  
52 workers and agencies of this state;

53 [(i)] (j) To perform and exercise such other functions, powers and duties as may be  
54 necessary to promote and secure the safety and protection of the civilian population.

55 2. When any property is seized, taken or requisitioned under this section, the circuit court  
56 of the county in which the property was taken may on the application of the owner thereof or on  
57 the application of the governor in cases where numerous claims may be filed, appoint three  
58 disinterested commissioners in the manner provided by section 523.040, RSMo, to assess the  
59 damages which the owners may have sustained by reason of the appropriation thereof. Upon the  
60 application the amount due because of the seizure of property shall be determined in the manner  
61 provided in chapter 523, RSMo, for the determination of damages in case of the exercise of the  
62 power of eminent domain.

**44.105. 1. In a declared state of emergency, the department of health and senior**  
2 **services may suspend any provision of chapters 195 and 334, RSMo, pertaining to**  
3 **dispensing medications. Persons who dispense medications under this section shall be**  
4 **trained by the department of health and senior services and shall dispense medications**  
5 **under the supervision of a licensed health care provider according to the Strategic National**  
6 **Stockpile Plan.**

7 2. **The department may develop effective citizen involvement to recruit, train, and**  
8 **accept the services of volunteers to supplement the programs administered by the**  
9 **department in dispensing medications to the population in the event of an emergency.**

10 3. **Volunteers recruited, trained, and accepted by the department shall comply with**  
11 **the Strategic National Stockpile Plan in dispensing medications.**

12 4. **The department shall:**

13 (1) **Provide staff as deemed necessary for the effective management and**  
14 **development of volunteer dispensing sites deployed in response to a governor-declared**  
15 **emergency;**

16           **(2) Provide or assure access to professional staff as deemed necessary for the**  
17 **effective training and oversight of volunteers;**

18           **(3) Develop and provide to all volunteers written rules governing the job**  
19 **descriptions, recruitment, screening, training responsibility, utilization, and supervision**  
20 **of volunteers; and**

21           **(4) Educate volunteers to ensure that they understand their duties and**  
22 **responsibilities.**

23           **5. Nonhealth care professional volunteers, whose liability is not otherwise protected**  
24 **by section 44.045, shall be deemed unpaid employees and shall be accorded the protection**  
25 **of the legal expense fund and other provisions of section 105.711, RSMo.**

26           **6. As used in this section, "volunteer" means any person who, of his or her own free**  
27 **will, performs any assigned duties for the department of health and senior services with**  
28 **no monetary or material compensation.**

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