

SENATE BILL NO. 101

INTRODUCED BY E. FRANKLIN

BY REQUEST OF THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE STATUTES CONCERNING EXPOSURE OF EMERGENCY SERVICES PROVIDERS TO INFECTIOUS DISEASES; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO ADOPT RULES CONCERNING NOTIFICATION AND RECORDKEEPING; AMENDING SECTIONS 50-16-701, 50-16-702, 50-16-703, 50-16-704, 50-16-705, AND 50-16-711, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 50-16-701, MCA, is amended to read:

"50-16-701. Definitions. As used in this part, the following definitions apply:

(1) "Airborne infectious disease" means an infectious disease transmitted from person to person by an aerosol, including but not limited to infectious tuberculosis.

(2) "Department" means the department of public health and human services provided for in 2-15-2201.

(3) "Designated officer" means the emergency services organization's representative and the alternate whose names are on record with the department as the persons responsible for notifying ~~the~~ an emergency services provider of exposure.

(4) "Emergency services organization" means a public or private organization that provides emergency services to the public.

~~(4)(5)~~ (5) "Emergency services provider" means a person employed by or acting as a volunteer with ~~a public or private organization that provides an~~ an emergency services to the public organization, including but not limited to a law enforcement officer, firefighter, emergency medical technician, paramedic, corrections officer, or ambulance service attendant.

~~(5)(6)~~ (6) "Exposure" means the subjecting of a person to a risk of transmission of an infectious disease through the commingling of the blood or bodily fluids of the person and a patient or in another manner as defined by department rule.

~~(6)(7)~~ (7) "Health care facility" has the meaning provided in 50-5-101 and includes a public health center

1 as defined in 7-34-2102.

2 ~~(7)(8)~~ "Infectious disease" means ~~a communicable disease transmittable through an exposure, including~~
 3 ~~the diseases of human immunodeficiency virus infection, hepatitis B, hepatitis C, hepatitis D, communicable~~
 4 ~~pulmonary tuberculosis, meningococcal meningitis, and any other diseases that may be~~ disease capable of being
 5 transmitted through an exposure that has been designated by department rule.

6 ~~(8)(9)~~ "Infectious disease control officer" means the person designated by the health care facility as the
 7 person who is responsible for notifying the emergency services provider's designated officer and the department
 8 of an infectious disease as provided for in this ~~chapter~~ part and by rule.

9 ~~(9)(10)~~ "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated or
 10 helpless."
 11

12 **Section 2.** Section 50-16-702, MCA, is amended to read:

13 **"50-16-702. Notification of exposure to infectious disease -- report of exposure to disease.** (1) (a)

14 If an emergency services provider acting in an official capacity attends a patient prior to or during transport or
 15 assists in transporting a patient to a health care facility and the emergency services provider has had an
 16 exposure, the emergency services provider may request the designated officer to submit the ~~required~~
 17 required by department rule to the health care facility on the emergency services provider's behalf. The form must
 18 be provided for in rules adopted by the department and must include the emergency services provider's name
 19 and other information required by the department, including a description of the exposure. ~~A~~ The designated
 20 officer shall submit the completed form ~~verifying that there was an exposure to the health care facility receiving~~
 21 the patient as soon as possible after the request for submission by the emergency services provider. Submission
 22 of the form to the health care facility is an indication that the emergency services provider was exposed and a
 23 verification that the designated officer and the emergency services provider believe that the emergency services
 24 provider was exposed.

25 (b) If the exposure described on the form occurred in a manner that may allow infection by HIV, as
 26 defined in 50-16-1003, by a mode of transmission recognized by the centers for disease control and prevention,
 27 then submission of the form to the health care facility constitutes a request to the patient's physician to seek
 28 consent for performance of an HIV-related test pursuant to 50-16-1007(10).

29 (c) Upon receipt of ~~a request~~ the report of exposure from a designated officer, the health care facility
 30 shall notify the designated officer in writing:

1 ~~(i) whether or not the patient was infected with an infectious disease;~~

2 ~~(ii) whether or not a determination has been made; and~~

3 ~~(iii) the name of the disease and the date of transport if the patient was infected.~~

4 ~~(d) The designated officer shall then notify the emergency services provider.~~ whether or not a
5 determination has been made that the patient has or does not have an infectious disease. If a determination has
6 been made and the patient has been found:

7 (i) to have an infectious disease, the information required by 50-16-703 must be provided by the health
8 care facility;

9 (ii) to not have an infectious disease, the date on which the patient was transported to the health care
10 facility must be provided by the health care facility.

11 (2) If a health care facility receiving a patient determines that the patient has an airborne infectious
12 disease, the health care facility shall, within 48 hours after the determination was made, notify the designated
13 officer and the department ~~within 48 hours after the determination has been made~~ of that fact. The notice to the
14 department must include the name of the emergency services organization that transported the patient to the
15 health care facility. The department shall, within 24 hours after receiving the notice, notify the designated officer
16 of the emergency services provider who transported the patient.

17 (3) A designated officer who receives the notification from a health care facility required by 50-16-703(2)
18 or by subsection (1)(c) of this section shall immediately provide the information contained in the notification to
19 the emergency services provider for whom the report of exposure was filed or who was exposed to a patient with
20 an airborne infectious disease."

21
22 **Section 3.** Section 50-16-703, MCA, is amended to read:

23 **"50-16-703. Notification of precautions after exposure to infectious disease.** (1) After a patient is
24 transported to a health care facility, ~~a physician shall inform the health care facility within 24 hours and~~ if the a
25 physician determines that the transported patient has an infectious disease, the physician shall inform the
26 infectious disease control officer of the health care facility of the determination within 24 hours after the
27 determination is made.

28 (2) ~~The~~ IF IT IS DETERMINED THAT THE INFECTIOUS DISEASE IS AIRBORNE OR A REPORT OF EXPOSURE WAS FILED
29 CONCERNING THE PATIENT UNDER 50-16-702, THE health care facility shall ~~orally notify~~ provide the notification
30 required by subsection (3) orally within 48 hours after the time of diagnosis and ~~notify~~ in writing within 72 hours

1 after diagnosis to the designated officer of the ~~each~~ emergency services provider who attended organization
 2 known to the health care facility to have provided emergency services to the patient prior to or during transport
 3 or who transported the patient with the infectious disease transportation to the health care facility.

4 (3) The notification must state the disease to which the emergency services provider was exposed ~~and,~~
 5 the appropriate medical precautions and treatment that the exposed person needs to take, the date on which the
 6 patient was transported to the health care facility, and the time that the patient arrived at the facility."

7
 8 **Section 4.** Section 50-16-704, MCA, is amended to read:

9 **"50-16-704. Confidentiality -- penalty for violation -- immunity from liability.** (1) The ~~names~~ name
 10 of the person ~~who suffered the exposure and the person~~ diagnosed as having an infectious disease may not be
 11 released to anyone, including the emergency services provider who was exposed, nor may the name of the
 12 emergency services provider who was exposed be released to anyone other than the emergency services
 13 provider, except as required by this part, by department rule concerning reporting of communicable disease, or
 14 as allowed by Title 50, chapter 16, part 5.

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

18 (3) A health care facility, a representative of a health care facility, a physician, or the designated officer
 19 of an emergency services provider's organization may not be held jointly or severally liable for providing the
 20 notification required by 50-16-703 when the notification is made in good faith or for failing to provide the
 21 notification if good faith attempts to contact an exposed person of exposure are unsuccessful."
 22

23 **Section 5.** Section 50-16-705, MCA, is amended to read:

24 **"50-16-705. Rulemaking authority.** The department shall adopt rules to:

- 25 (1) define what constitutes an exposure to an infectious disease;
 26 (2) specify the infectious diseases subject to this part;
 27 (3) specify the information about an exposure that must be included in a report of exposure; ~~and~~
 28 (4) specify recommended medical precautions and treatment for each infectious disease subject to this
 29 part; and
 30 (5) specify recordkeeping and reporting requirements necessary to ensure compliance with the

1 notification requirements of this part."

2

3 **Section 6.** Section 50-16-711, MCA, is amended to read:

4 **"50-16-711. Health care facility and emergency services organization responsibilities for tracking**
5 **exposure to infectious disease.** (1) The health care facility and the emergency services organization shall
6 develop internal procedures for implementing the provisions of this ~~chapter part~~ and department rules.

7 (2) The health care facility ~~shall~~ must have available at all times a person to receive the form provided
8 for in 50-16-702 containing a report of exposure to infectious disease.

9 (3) The health care facility shall designate an infectious disease control officer and an alternate who will
10 be responsible for maintaining the required records and notifying designated officers in accordance with the
11 provisions of this ~~chapter part~~ and the rules promulgated under this ~~chapter part~~ and shall provide the names of
12 the designated officer and the alternate to the department.

13 (4) The emergency services organization shall name a designated officer and an alternate and shall
14 provide their names to the department."

15

16 NEW SECTION. **Section 7. Effective dates.** (1) [Section 5 and this section] are effective on passage
17 and approval.

18 (2) [Sections 1 through 4 and 6] are effective October 1, 1999.

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