

HOUSE No. 3467

The Commonwealth of Massachusetts

PRESENTED BY:

Nick Collins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relating to public safety and public health worker protections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nick Collins</i>	<i>4th Suffolk</i>	<i>1/16/2015</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>8/9/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>8/9/2019</i>

HOUSE No. 3467

By Mr. Collins of Boston, a petition (accompanied by bill, House, No. 3467) of Nick Collins, Brian M. Ashe and Michael O. Moore for legislation to further protect certain public safety and health workers from diseases. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act relating to public safety and public health worker protections.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 111 of the General Laws is hereby amended by striking section 111C and
2 inserting in place thereof the following section:-

3 Section 111C. (a) As used in this section the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “First responder”, a police officer, fire fighter, emergency medical technician, corrections
6 officer, ambulance operator or attendant, or other comparable public safety position.

7 “Infectious diseases dangerous to the public health” , shall be defined by department
8 regulations, which shall be promulgated pursuant to this section.

9 “Patient”, a person or deceased person being transported to a health care facility by a first
10 responder.

11 “Unprotected exposure capable of transmitting an infectious disease dangerous to the
12 public health”, shall be defined in regulations promulgated by the department and shall include,
13 but not be limited to, instances of direct mouth-to-mouth resuscitation, or the co-mingling of the
14 blood of the patient and the person who has transported the patient to the health care facility.

15 (b) Any first responder who, while acting in his professional capacity, attends, assists, or
16 transports a patient to a health care facility licensed under section 51, and who sustains an
17 unprotected exposure capable of transmitting an infectious disease dangerous to the public
18 health, shall immediately, upon arrival at such facility, provide to the admitting agent or other
19 appropriate employee of the said facility a standardized trip form. The department shall prepare
20 and distribute said standardized trip form, which shall include, but need not be limited to the
21 names and contact information of persons who believe they have had such unprotected exposure,
22 and the manner in which such exposure occurred.

23 (c) Any health care facility licensed under section 51 which receives a trip form pursuant
24 to subsection (b) shall, with the patient’s consent, immediately test the patient to whom the trip
25 form relates for infectious diseases dangerous to the public health. If the health care facility
26 diagnoses the patient as having an infectious disease dangerous to the public health, they shall
27 notify orally within 48 hours after making such a diagnosis, and in writing within 72 hours of
28 such diagnosis, any individual listed on the trip report who has sustained an unprotected
29 exposure which, in the opinion of the health care facility is capable of transmitting such disease.
30 Such response shall include, but not be limited to, the appropriate medical precautions and
31 treatments which should be taken by the party who has sustained the unprotected exposure;
32 provided, however, that the identity of the patient suspected of having such disease shall not be
33 released in such response, and shall be kept confidential in accordance with the provisions of

section 70. The department shall determine the method by which the response to the trip report is conveyed, and shall assure the patient or deceased person's legal representative or next of kin, if there is no legal representative is informed of those individuals who have been notified of his disease pursuant to this section, and that the response is directed only to those parties who have sustained an unprotected exposure to an infectious disease.

(d) (1) If a patient refuses to provide a blood or bodily fluid specimen for the purposes of testing for the presence of an infectious disease dangerous to the public health, the facility shall immediately notify the exposed first responder. Such notice shall not include the patient's name or any personally identifiable information, but shall include a patient number by which the facility can identify the patient. The first responder or the department may petition the district court having jurisdiction of the patient's residence, or the facility to which the patient was transported, for an order requiring that the patient provide a blood or bodily fluid specimen by filing a complaint with that court.

(2) The petition shall be accompanied by an affidavit attesting that: (i) the first responder sustained an unprotected exposure capable of transmitting an infectious disease dangerous to the public health; and (ii) the first responder has reason to believe that an identifiable patient may have an infectious disease dangerous to the public health. The district court shall order a blood test or submission of a bodily fluid specimen upon a finding that the first responder has demonstrated a need for such test by a preponderance of the evidence.

(e) If a patient is not admitted to a medical facility, a first responder or the department may arrange for the voluntary testing of the patient as soon as possible, or petition the

55 appropriate district court for an order requiring order a blood test or submission of a bodily fluid
56 specimen as described in subsection (d).

57 (f) Notwithstanding the provisions of any general law or special law to the contrary, no
58 hospital, or agent, employee, administrator, doctor, official or other representative of said
59 reporting institution shall be held jointly or severally liable either as an institution, or personally,
60 for reporting or testing pursuant to the requirements of this section, if such reporting and testing
61 were conducted in good faith. All such parties, provided they have operated in good faith, shall
62 otherwise be afforded total immunity from civil or criminal liability as a result of fulfilling the
63 provisions of this section or the regulations promulgated in accordance with this section.

64 (g) The department of public health may issue rules and regulations to implement the
65 provisions of this section.