

SENATE No. 1265

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 relative to public safety and public health worker protections.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Mayor Martin J. Walsh</i>	<i>One City Hall Square Suite 500 Boston, MA</i>	
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/30/2017</i>
<i>Thomas M. McGee</i>	<i>Third Essex</i>	<i>1/30/2017</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/7/2017</i>

SENATE No. 1265

By Mr. Rush, a petition (accompanied by bill, Senate, No. 1265) of Michael F. Rush, Mayor Martin J. Walsh, Edward F. Copping, Daniel J. Ryan and other members of the General Court for legislation relative to public safety and public health worker protections. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative 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 SECTION 1. Chapter 111 of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by striking section 111C in its entirety and inserting in place thereof
3 the following section:-

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

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

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

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

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

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

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

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

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

49 (2) The district court shall order a blood test or submission of a bodily fluid specimen
50 upon a finding that the first responder has demonstrated a need for such test by a preponderance
51 of the evidence.

52 (e) If a patient is not admitted to a medical facility, a first responder or the department
53 may arrange for the voluntary testing of the patient as soon as possible, or petition the
54 appropriate district court for an order requiring order a blood test or submission of a bodily fluid
55 specimen as described in subsection (d).

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

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