

SENATE No. 1339

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>Edward F. Copping</i>	<i>10th Suffolk</i>	<i>1/31/2019</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/1/2019</i>

SENATE No. 1339

By Mr. Rush, a petition (accompanied by bill, Senate, No. 1339) of Michael F. Rush, Edward F. Coppinger and John H. Rogers for legislation relative to public safety and public health worker protections. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1265 OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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 2016 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 the first responder’s professional capacity,
17 attends, assists, or transports a patient to a health care facility licensed under section 51, and who
18 sustains an unprotected exposure capable of transmitting an infectious disease dangerous to the
19 public health, shall immediately, upon arrival at such facility, provide to the admitting agent or
20 other appropriate employee of the said facility a standardized trip form. The department shall
21 prepare and distribute said standardized trip form, which shall include, but 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 as required under section 70. The department shall determine the method by which
36 the response to the trip report is conveyed, and shall assure the patient or, if deceased, the
37 patient's legal representative, or if deceased with no legal representative, next of kin to the
38 patient, is informed of those individuals who have been notified of the patient's disease pursuant
39 to this section, and that the response is directed only to those parties who have sustained an
40 unprotected exposure to 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 or the department has demonstrated a need for such test by
51 a preponderance 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 thereof, 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 effectuate the
64 provisions of this section.