SENATE DOCKET, NO. 658 FILED ON: 2/4/2021

# SENATE . . . . . No. 1524

## 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: |
|---|---|
| *Michael F. Rush* | *Norfolk and Suffolk* |

SENATE DOCKET, NO. 658 FILED ON: 2/4/2021

# SENATE . . . . . No. 1524

By Mr. Rush, a petition (accompanied by bill, Senate, No. 1524) of Michael F. Rush for legislation relative to public safety and public health worker protections. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1339* OF 2019-2020.]

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court**
**(2021-2022)**

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:*

SECTION 1. Chapter 111 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by striking section 111C in its entirety and inserting in place thereof the following section:-

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

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

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

"Patient," a person or deceased person being transported to a health care facility by a first responder.

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

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

(c) Any health care facility licensed under section 51 which receives a trip form pursuant to subsection (b) shall, with consent of the patient, or any person duly authorized to confer consent, immediately test the patient to whom the trip form relates for infectious diseases dangerous to the public health. If the health care facility diagnoses the patient as having an infectious disease dangerous to the public health, they shall notify, orally within 48 hours after making such a diagnosis and in writing within 72 hours of such diagnosis, any individual listed on the trip report who has sustained an unprotected exposure which, in the opinion of the health care facility, is capable of transmitting such disease. Such response shall include, but not be

limited to, the appropriate medical precautions and treatments which should be taken by the party who has sustained the unprotected exposure; provided, however, that the identity of the patient suspected of having such disease shall not be released in such response, and shall be kept confidential as required under section 70. The department shall determine the method by which the response to the trip report is conveyed, and shall assure the patient or, if deceased, the patient's legal representative, or if deceased with no legal representative, next of kin to the patient, is informed of those individuals who have been notified of the patient's 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 district court shall order a blood test or submission of a bodily fluid specimen upon a finding that the first responder or the department 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

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

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

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