

SECOND REGULAR SESSION

HOUSE BILL NO. 2164

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HADEN.

4808H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 190.173, RSMo, and to enact in lieu thereof two new sections relating to data on emergency medical services, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 190.173, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 190.173 and 190.177, to read as follows:

190.173. 1. All complaints, investigatory reports, and information pertaining to any applicant, holder of any certificate, permit, or license, or other individual are confidential and shall only be disclosed upon written consent of the person whose records are involved or to other administrative or law enforcement agencies acting within the scope of their statutory authority. However, no applicant, holder of any certificate, permit, or license, or other individual shall have access to any complaints, investigatory reports, or information concerning an investigation in progress until such time as the investigation has been completed as required by subsection 1 of section 190.248.

2. Any information regarding the identity, name, address, license, final disciplinary action taken, currency of the license, permit, or certificate of an applicant for or a person possessing a license, permit, or certificate in accordance with sections 190.100 to 190.245 shall not be confidential.

3. Any information regarding the physical address, mailing address, phone number, fax number, or email address of a licensed ambulance service or a certified training entity, including the name of the medical director and organizational contact information, shall not be confidential.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 4. This section shall not be construed to authorize the release of records, reports, or
18 other information which may be held in department files for any holder of or applicant for any
19 certificate, permit, or license that is subject to other specific state or federal laws concerning
20 their disclosure.

21 5. Nothing in this section shall prohibit the department from releasing aggregate
22 information **regarding complaints, investigatory reports, and information pertaining to**
23 **any personal licenses** in accordance with section 192.067.

190.177. 1. As used in this section, the following terms mean:

2 **(1) "Department", the department of health and senior services;**

3 **(2) "EMS", emergency medical services;**

4 **(3) "University", the University of Missouri School of Medicine.**

5 **2. For purposes of conducting epidemiological studies to be used in promoting**
6 **and safeguarding the health of the citizens of this state, the department shall collaborate**
7 **with the university regarding the analysis of data collected from ambulance services and**
8 **emergency medical response agencies in accordance with section 190.176. The**
9 **provisions of this section shall also apply to the collection, analysis, and disclosure of**
10 **EMS data.**

11 **3. The department and the university shall maintain the confidentiality of all**
12 **personal health information abstracted by or reported to the department. Medical**
13 **information secured under the provisions of subsection 2 of this section shall be released**
14 **by the department to the university in accordance with formal agreements between the**
15 **department and the university. The university and the department may share de-**
16 **identified data with other public health authorities, health researchers, local emergency**
17 **medical response agencies, EMS regions, EMS medical directors, and other legitimate**
18 **research entities if they abide by the confidentiality restrictions required by state and**
19 **federal law.**

20 **4. The department, through the university, may use the EMS data to collaborate**
21 **with other pertinent databases for the purposes of quality improvement of the provision**
22 **of emergency medical services, research, and general reporting to EMS regions, state**
23 **agencies, medical directors, and local emergency medical response agencies.**

24 **5. Local emergency medical response agencies shall be provided access to the**
25 **data they have submitted from the department and the university without the need for a**
26 **request made in accordance with chapter 610 or the federal Freedom of Information**
27 **Act, 5 U.S.C. Section 552, as amended.**

28 **6. No individual or organization providing information to the department in**
29 **accordance with this section shall be deemed to be or be held liable, either civilly or**

30 **criminally, for divulging confidential information unless such individual or organization**
31 **acted in bad faith or with malicious purpose.**

32 **7. Any department employee, public health authority, university employee, or**
33 **coinvestigator of a study who knowingly releases information that violates the**
34 **provisions of this section shall be guilty of a class A misdemeanor and, upon**
35 **conviction, shall be punished as provided by law.**

✓