

SECOND REGULAR SESSION

# HOUSE BILL NO. 2556

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HICKS.

5161H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to health care workers.

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

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be  
2 known as section 191.1350, to read as follows:

**191.1350. 1. No employee or contractor of a licensed or registered health care  
2 facility shall be required to physically engage with a person exhibiting violent tendencies  
3 if there is a reasonable fear that such engagement may result in bodily harm to the  
4 employee or contractor.**

**5 2. No licensed or registered health care facility shall require an employee or  
6 contractor to become certified, or otherwise to participate, in training that limits  
7 physical control or restraint of violent patients to specific holds or positions. No agency  
8 or department of the state or accrediting body shall require a health care facility to  
9 mandate such training of its employees or contractors. Nothing in this subsection shall  
10 be construed to preclude agencies, accrediting bodies, or health care facilities from  
11 prohibiting the use of specific holds or positions, such as choke holds, that could result in  
12 a patient's death unless used to save the life of a victim or to prevent imminent danger of  
13 substantial and irreversible bodily impairment.**

**14 3. No licensed or registered health care facility, or any employee or contractor of  
15 such health care facility, shall, if acting in good faith and without gross negligence, be  
16 held liable for damages arising out of an incident in which a violent patient who poses a  
17 risk of bodily harm to employees, contractors, or bystanders escapes or otherwise flees**

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.

18 from the custody of the facility, provided that such patient is not a minor child and such  
19 patient shall not have been known to the facility and staff as having a diagnosis of  
20 dementia, acute brain injury, acute non-drug-related psychosis, or an intellectual or  
21 developmental disability.

22 4. Any nurse licensed under chapter 335 may terminate without consequence his  
23 or her participation in a patient's care if the nurse is subject to assault or battery, as  
24 such terms are defined in section 455.010, by the patient or an individual acting on  
25 behalf of the patient, provided that the patient or individual is of sound mind or is  
26 intoxicated at the time of the assault or battery. The health care facility shall be  
27 responsible for assigning a new nurse, as needed, to that patient until care is terminated.

28 5. An individual who expresses an intent to harm himself or herself, who is not in  
29 need of emergency medical attention, and who is in the custody of a law enforcement  
30 officer shall be transported first to the nearest appropriate prison or jail for evaluation.  
31 If admission to a hospital is recommended following the evaluation and an inpatient bed  
32 is available at an accepting hospital, the individual may be transported to the accepting  
33 hospital.

34 6. A health care facility that violates the provisions of this section shall be subject  
35 to revocation or suspension of the facility's license or registration. Accrediting bodies  
36 that violate the provisions of this section shall not be recognized as valid accrediting  
37 bodies by any agency or department of this state.

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