

FIRST REGULAR SESSION

SENATE BILL NO. 67

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0518S.01I

AN ACT

To repeal section 538.228, RSMo, and to enact in lieu thereof one new section relating to the provision of emergency medical treatment.

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

Section A. Section 538.228, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 538.228, to read as follows:

538.228. 1. Any physician licensed under chapter 334 who provides medical treatment to a patient at a city or county health department organized under chapter 192 or chapter 205, a city health department operating under a city charter, a combined city-county health department, or a nonprofit community health center or other nonprofit entity that solely provides free health care services and is qualified as exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, shall not be liable for any civil damages for acts or omissions unless the damages were occasioned by gross negligence or by willful or wanton acts or omissions by such physician in rendering such treatment or unless the physician maintained, at the time of treatment, liability insurance for such treatment, provided that such treatment:

- (1) Shall not include the performance of an abortion; and
 - (2) Is certified in advance of the treatment as being rendered free of charge to the patient, with no compensation from any party or third-party provider, or any attempt to obtain compensation from any third-party provider.
- For purposes of this [section] **subsection**, a physician covered under the state legal expense fund under section 105.711 shall not be construed as maintaining liability insurance coverage under this [section] **subsection**.

2. Any physician licensed under chapter 334 or health care

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 provider who provides emergency medical screening, stabilization,
21 transfer, or other health care services required by the Emergency
22 Medical Treatment and Active Labor Act, 42 U.S.C. Section 1395dd, shall
23 not be liable for any civil damages for any actions or omissions in
24 providing such services, unless it is proven by clear and convincing
25 evidence that the physician or health care provider's actions or
26 omissions constituted gross negligence.

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Unofficial

Bill

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