

SECOND REGULAR SESSION

# HOUSE BILL NO. 1644

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOLAND AND BARRY (Co-sponsors).

Read 1<sup>st</sup> time January 24, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4248L.011

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### AN ACT

To repeal section 383.133, RSMo, and to enact in lieu thereof one new section relating to required disciplinary reports for medical facilities.

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

Section A. Section 383.133, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 383.133, to read as follows:

383.133. 1. Beginning on January 1, 1987, the chief executive officer of any **long-term care facility, hospice, home health agency, assisted living facility**, hospital or ambulatory surgical center, as such term is defined in section 197.200, RSMo, shall report to the appropriate health care professional licensing authority any disciplinary action against any health care professional or the voluntary resignation of any health care professional against whom any complaints or reports have been made which might have led to disciplinary action.

2. All reports required by this section shall be submitted within fifteen days of the final disciplinary action and shall contain, but need not be limited to, the following information:

(1) The name, address and telephone number of the person making the report;

(2) The name, address and telephone number of the person who is the subject of the report;

(3) A brief description of the facts which gave rise to the issuance of the report, including the dates of occurrence deemed to necessitate the filing of the report;

(4) If court action is involved and known to the reporting agent, the identity of the court, including the date of filing and the docket number of the action.

3. Upon request, the licensing authority may furnish a report of any disciplinary action received by it under the provisions of this section to any of the **long-term care facilities, hospices, home health agencies, assisted living facilities**, hospitals or ambulatory surgical

19 centers required to report. Such licensing authority may also furnish, upon request, a report of  
20 disciplinary action taken by the licensing authority to any other administrative or law  
21 enforcement agency acting within the scope of its statutory authority.

22 4. There shall be no liability on the part of, and no cause of action of any nature shall  
23 arise against any health care professional licensing authority or any **long-term care facility,**  
24 **hospice, home health agency, assisted living facility,** hospital or ambulatory surgical center  
25 required to report under this section, or any of their agents or employees for any action taken in  
26 good faith and without malice in carrying out the provisions of this section.

27 5. Neither a report required to be filed under subsection 2 of this section nor the record  
28 of any proceeding shall be used against a health care professional in any other administrative or  
29 judicial proceeding.

30 6. Violation of any provision of this section is an infraction.