

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 868, Page 4, Section 190.103, Line 30, by inserting immediately after said  
2 line the following:

3  
4 "190.144. No emergency medical technician licensed under section 190.142 or 190.143, if  
5 acting in good faith and without gross negligence, shall be liable for:

6 (1) Transporting a person for whom an application for detention for evaluation and treatment  
7 has been filed under section 631.115 or 632.305; or

8 (2) Physically or chemically restraining an at-risk behavioral health patient as that term is  
9 defined under section 190.240 if such restraint is to ensure the safety of the patient or technician.";  
10 and

11  
12 Further amend said bill, Page 6, Section 190.173, Line 15, by inserting immediately after said line  
13 the following:

14  
15 "190.240. 1. Any hospital licensed under chapter 197 or any nursing home facility licensed  
16 under chapter 198 shall have policies and procedures that require the hospital or facility to give  
17 advance notification to emergency medical services personnel prior to the transportation of any  
18 at-risk behavioral health patient. The hospital or facility shall take appropriate measures to ensure  
19 the safe and effective transport of the patient.

20 2. Any emergency medical services personnel licensed under this chapter who conducts  
21 interfacility transfers of at-risk behavioral health patients may be properly trained as determined by  
22 the ambulance services and emergency medical response agency medical director, established under  
23 section 190.103, with regard to proper restraining procedures and nonmedical management  
24 techniques, such as verbal de-escalation techniques, to handle such patients before their  
25 transportation.

26 3. Any physician treating an at-risk behavioral patient in an emergency situation who, after  
27 assessing the patient, determines that there is a reasonable cause to believe there is a likelihood that  
28 the patient may cause an imminent serious harm to himself, herself, or others unless the patient is  
29 immediately transported to another appropriate facility may place the patient on a temporary  
30 involuntary hold for a period of time necessary to effectuate the patient's transport. During the  
31 transport, the emergency medical services personnel may rely on the physician's hold order as a basis  
32 for implied consent to treat and transport the patient and shall not be liable for any claims of  
33 negligence, false imprisonment, or invasion of privacy based on such temporary hold, treatment, or  
34 transport of the patient.

35 4. Nothing in this section shall be construed to limit the patient's rights under the federal  
36 Mental Health Patient's Bill of Rights under 42 U.S.C. Section 9501(1)(A) and (F).

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           5. For the purposes of this section, “at-risk behavioral health patient” shall mean any patient  
2 who displays violent, homicidal, or suicidal ideation or behavior.”; and  
3  
4 Further amend said bill by amending the title, enacting clause, and intersectional references  
5 accordingly.