

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for House Bill No. 452,
2 Page 2, Line 37, by deleting all of said line and inserting in lieu thereof the following:

3
4 "remain in force.

5 Section 1. Where health care services are to be provided by a non-employee, to qualify for
6 any immunity provided under section 538.210, the health care provider shall provide the patient
7 with notice of the following via informed written consent acknowledged by the patient or their
8 representative in a document separate from any other form setting forth legal or financial
9 responsibilities that includes the following language:

10
11 [HEALTH CARE PROVIDER'S NAME] DOES NOT ACCEPT LEGAL
12 RESPONSIBILITY FOR PERSONAL INJURIES OR DEATHS CAUSED BY THE
13 FAILURE TO USE THAT DEGREE OF SKILL AND LEARNING ORDINARILY USED
14 UNDER THE SAME OR SIMILAR CIRCUMSTANCES BY MEMBERS OF A MEDICAL
15 PROVIDER'S PROFESSION BY ANY PERSON NOT DIRECTLY COMPENSATED BY
16 THIS INSTITUTION.

17
18 IF ANY PERSON NOT DIRECTLY COMPENSATED BY [HEALTH CARE
19 PROVIDER'S NAME] CAUSES DEATH OR INJURY TO YOU AS A RESULT OF
20 THEIR FAILURE TO USE THAT DEGREE OF SKILL AND LEARNING ORDINARY
21 USED UNDER THE SAME OR SIMILAR CIRCUMSTANCES BY MEMBERS OF THAT
22 PERSON'S PROFESSION, [HEALTH CARE PROVIDER'S NAME] IS IMMUNE FROM
23 ANY ACTION FOR DAMAGES THAT WOULD OTHERWISE ARISE OUT OF SUCH
24 FAILURE.

25
26 In addition to these paragraphs, the notice shall set forth a list of the types of providers who are
27 generally not employees of the health care provider, including but not limited to physicians. In the
28 event a patient is not communicative and a representative for them is unavailable, the health care
29 provider may satisfy this requirement for such patients by the posting of this notice in a prominent
30 place within the public areas of the health care provider's facility.

31 Section 2. In addition to other requirements, no health care provider may assert the
32 immunities provided in section 538.210 in the absence of an enforceable contract between the health
33 care provider asserting the immunity and person who is not an employee of such health care

Action Taken _____ Date _____

1 provider that includes a provision whereby the health care provider affirmatively disclaims any legal
2 responsibility under the common law doctrine of respondeat superior or any other legal theory for
3 any personal injury or death claim arising out of the person's failure to use that degree of skill and
4 learning ordinarily used under the same or similar circumstances by members of the person's
5 profession."; and"; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.

9
10 THIS AMENDS 1145H02.04H