

State of Arkansas

76th General Assembly

Second Extraordinary Session, 1987

HOUSE BILL 1006

By: Rep. Wimberly, M. Jones, and Barclay

"AN ACT TO PROVIDE FOR THE NOTIFICATION OF FIRE FIGHTERS,  
EMERGENCY MEDICAL TECHNICIANS, POLICE OFFICERS, SHERIFFS AND  
STATE POLICE OFFICERS WHEN THEY HAVE BEEN EXPOSED TO  
INFECTIOUS DISEASES; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. The Legislature of the State of Arkansas finds and declares that by reason of their employment, fire fighters, emergency medical technicians, police officers, sheriffs and state police officers are required to work in the midst of, and are subject to exposure to infectious diseases; that after such exposure fire fighters, emergency medical technicians, police officers, sheriffs and state police officers are not informed of such exposures; that fire fighters, emergency medical technicians, police officers, sheriffs and state police officers so exposed and uninformed of same can potentially and unwittingly expose co-workers, families, and members of the public to infectious diseases. The Legislature of the State of Arkansas further finds and declares that all of the aforementioned conditions exist and arise out of or in the course of such employment.

SECTION 2. The following terms when used in this Act shall have the following meanings herein ascribed:

(a) "Exposure" means any physical contact with the patient or the patient's excretions, secretions or bodily fluids;

(b) "Emergency medical technician" means any person licensed pursuant to the laws of the State of Arkansas to provide emergency medical services;

(c) "Fire department" means service groups (paid or volunteer) that are organized and trained for the prevention and control of loss of life and property from fire or other emergency;

(d) "Fire fighter" means an individual who is assigned to fire fighting activity and is required to respond to alarms and perform emergency action at the location of a fire, hazardous materials or other emergency incident;

(e) "Police or sheriff's departments" means service groups organized by towns, cities or counties for the purpose of enforcing all laws, ordinances and regulations for the preservation of good order and the public welfare;

(f) "Police officers or sheriffs" means individuals employed by police or sheriff's departments who are assigned to enforce all laws, ordinances and regulations and who, as a condition of employment, are required to respond to alarms and perform emergency action at the location of automobile accidents and other incidents involving personal injury either to themselves or others;

(g) "State police officers" means individuals employed by the Arkansas State Police who are assigned to enforce all laws, ordinances and regulations and who, as a condition of employment, are required to respond to alarms and perform emergency action at the location of automobile accidents and other incidents involving personal injury either to themselves or others;

(h) "Infectious disease" means interruption, cessation or disorder of body functions, systems or organs transmissible by association with the sick or their secretions, excretions or body fluids excluding the common cold;

(i) "Licensed facility" means hospital, nursing home, medical clinic, dialysis center, physician's office or the like, as licensed by the State of Arkansas to provide medical care.

SECTION 3. (a) If, while performing his/her official duties, including but not limited to responding to an alarm and performing emergency action at the location of an automobile accident or other incident involving personal injury either to himself/herself or another person, or performing emergency action at the location of a fire, hazardous material or other emergency incident, or while treating or transporting an ill or injured patient to a licensed facility, a fire fighter, emergency medical technician, police officer, sheriff or state police officer comes into contact with a patient who is subsequently or who has previously been diagnosed as having an infectious disease, the licensed facility receiving the patient, the patient's personal physician and any attending physician at the licensed facility shall notify the employer of the individual so exposed of the individual police officer,

sheriff, fire fighter, emergency medical technician or state police officer's exposure to the patient.

b) When the patient has been previously diagnosed as having an infectious disease, the required notification shall be made immediately upon becoming aware of the fire fighter, police officer, sheriff, emergency medical technician or state police officer's exposure to the patient.

(c) When the patient has not been previously diagnosed as having an infectious disease but, subsequent to the exposure, is diagnosed as having an infectious disease, the required notification shall be made immediately upon confirmation of the diagnosis.

(d) Immediate notification pursuant to subsections (b) and (c), above, shall be confirmed in writing within forty-eight (48) hours.

(e) Notification made pursuant to this section shall be conducted in a manner which will protect the confidentiality of the patient and the fire fighter, police officer, sheriff, emergency medical technician or state police officer so exposed.

SECTION 4. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 5. It is hereby found and determined by the General Assembly that law enforcement officers, fire fighters and emergency medical technicians are often exposed to infectious diseases in the course of performing their official duties; that at the present time there is no law requiring notice to be given to such personnel that they have been exposed to an infectious disease; that this Act is designed to correct this situation and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from the date of its passage and approval.

