

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 2057

5 By: Representative Reep
6
7

For An Act To Be Entitled

9 AN ACT TO PROTECT EMERGENCY RESPONSE WORKERS; TO
10 PROVIDE FOR EVALUATIONS OF THE MEDICAL RECORDS OF
11 INDIVIDUALS SUSPECTED OF INFECTING AN EMERGENCY
12 RESPONSE WORKER WITH A LIFE-THREATENING DISEASE;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15 TO PROTECT EMERGENCY RESPONSE WORKERS
16 THROUGH EVALUATIONS OF INDIVIDUALS
17 SUSPECTED OF INFECTING AN EMERGENCY
18 RESPONSE WORKER WITH A LIFE-THREATENING
19 DISEASE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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25 SECTION 1. Arkansas Code Title 20, Chapter 13 is amended to add an
26 additional subchapter to read as follows:

27 20-13-1501. Definitions.

28 As used in this subchapter:

29 (1) "Airborne or blood-borne disease" means a potentially life-
30 threatening disease, including without limitation:

31 (A) Tuberculosis;

32 (B) Human immunodeficiency virus (HIV); and

33 (C) Hepatitis B.

34 (2) "Emergency response worker" means:

35 (A) Paramedics;

36 (B) Emergency response employees;



- 1 (C) Fire fighters;
- 2 (D) First response workers;
- 3 (E) Emergency medical technicians;
- 4 (F) Emergency medical services personnel;
- 5 (G) Volunteers making an authorized emergency response;

6 and

7 (H) A person rendering services as a “Good Samaritan”
8 under the “Good Samaritan” law, § 17-95-101;

9 (3) “Health care provider” means any physician, nurse,
10 paramedic, or other person providing medical, nursing, or other health care
11 services of any kind; and

12 (4) “Health care facility” means a hospital, nursing home, blood
13 bank, blood center, sperm bank, or other health care institution.

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15 20-13-1502. Possible exposure of emergency response workers to
16 airborne or blood-borne diseases – Testing.

17 (a) If an emergency response worker reasonably believes that in the
18 course of performing normal, authorized professional job duties, or rendering
19 emergency care as a “Good Samaritan” under the “Good Samaritan” law, § 17-95-
20 101, the emergency response worker may have been exposed to potentially life-
21 threatening airborne or blood-borne disease, the emergency response worker
22 may request in writing an investigation to evaluate the individual who may
23 have exposed the emergency response worker to determine the presence in that
24 individual of an airborne or blood-borne disease.

25 (b)(1) A request under subsection (a) of this section shall be made
26 to the employer of the emergency response worker.

27 (2) On receipt of a request under subdivision (b)(1) of this
28 section, the employer of the emergency response worker shall conduct the
29 evaluation under this subchapter.

30 (c)(1) An evaluation under this subchapter shall examine medical
31 records of the individual who may have exposed the emergency response worker
32 that are held by, including without limitation:

- 33 (A) The Department of Health;
- 34 (B) A health care provider;
- 35 (C) The Department of Correction;
- 36 (D) The Department of Community Correction; or

1 (E) A health care facility.

2 (2) Medical records provided under subdivision (c)(1) of this
3 section shall be used only for the purpose of performing an evaluation under
4 this subchapter and are otherwise confidential.

5 (3) The Department of Health shall reimburse the employer of the
6 emergency response worker for costs related to the evaluation under this
7 subchapter shall be paid whichever conducts an evaluation under this
8 subchapter.

9 (d) An agency, individual, or facility providing assistance or
10 information necessary for completing an evaluation under this subchapter is
11 not subject to civil or criminal liability as a result of providing
12 assistance or information consistent with the rules adopted under this
13 subchapter.

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15 20-13-1503. Rules.

16 The State Board of Health shall adopt rules to implement this
17 subchapter, including without limitation rules:

18 (1) Consistent with federal regulations for a determination of
19 exposure experienced by emergency response workers; and

20 (2) For determining whether an evaluation under this subchapter
21 shall be conducted by the Department of Health or the county medical examiner
22 in the county in which the possible exposure occurred.

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