

CHAPTER 106

(HB 467)

AN ACT relating to statewide notification systems.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "department" means the Department for Public Health.*
- (2) *The Department for Public Health shall establish and implement a plan for achieving continuous quality improvement in the quality of care provided under a statewide system for stroke response and treatment. In implementing the plan, the department shall:*
 - (a) *Maintain a statewide stroke database to compile information and statistics on stroke care as follows:*
 1. *The database shall align with the stroke consensus metrics developed and approved by the American Heart Association, the American Stroke Association, the Centers for Disease Control and Prevention, and the Joint Commission;*
 2. *The department shall utilize the "Get With The Guidelines-Stroke" quality improvement program maintained by the American Heart Association and the American Stroke Association or another nationally recognized program that utilizes a data set platform with patient confidentiality standards no less secure than the statewide stroke database established in this paragraph;*
 3. *Require primary stroke centers as established in KRS 216B.0425 to report to the database each case of stroke seen at the facility. The data shall be reported in a format consistent with nationally recognized guidelines on the treatment of individuals within the state with confirmed cases of stroke;*
 - (b) *To the extent possible, coordinate with national voluntary health organizations involved in stroke quality improvement to avoid duplication and redundancy;*
 - (c) *Encourage the sharing of information and data among health care providers on methods to improve the quality of care of stroke patients in the state;*
 - (d) *Facilitate communication about data trends and treatment developments among health care professionals involved in the care of individuals with stroke;*
 - (e) *Require the application of evidence-based treatment guidelines for the transition of stroke patients upon discharge from a hospital following acute treatment to community based care provided in a hospital outpatient, physician office, or ambulatory clinic setting;*
 - (f) *Establish a data oversight process and a plan for achieving continuous quality improvement in the quality of care provided under the statewide system for stroke response and treatment which shall include:*
 1. *Analysis of the data included in the stroke database;*
 2. *Identification of potential interventions to improve stroke care in specific geographic regions of the state; and*
 3. *Recommendations to the department and the Kentucky General Assembly for improvement in the delivery of stroke care in the state.*
- (3) *All data reported under paragraph (a) of subsection (2) of this section shall be made available to the department and all government agencies or contractors of government agencies which are responsible for the management and administration of emergency medical services throughout the state.*
- (4) *On June 1, 2013, and annually on June 1 thereafter, the department shall provide a report of its data and any related findings and recommendations to the Governor and to the Legislative Research Commission. The report also shall be made available on the department's Web site.*
- (5) *Nothing in this section shall be construed to require the disclosure of confidential information or data in violation of the Federal Health Insurance Portability and Accountability Act of 1996.*

➔Section 2. KRS 39F.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) **"Developmental disability" has the same meaning as in KRS 387.510.**
- (2) "General rescue squad" means a rescue squad which performs one (1) or more of the following functions as a stated mission of the organization:
 - (a) Light duty rescue;
 - (b) Extrication of persons from vehicles;
 - (c) Water rescue and recovery operations not utilizing divers;
 - (d) Search for lost, trapped, or missing persons not utilizing dogs;
 - (e) Low angle rescue and recovery operations; and
 - (f) High angle rescue and recovery operations.
- ~~(3)~~~~(2)~~ "Impaired **person**~~adult~~" means a person~~[age eighteen (18) years of age or older]~~ who has a **known or reported**:
 - (a) **Developmental disability, including but not limited to autism, or traumatic brain injury**~~[verified mental or cognitive impairment]~~ and whose disappearance poses a credible threat to the health or safety of the person, as determined by **the Department of Kentucky State Police or** a local law enforcement agency; **or**
 - (b) **Physical, mental, or cognitive impairment or organic brain disorder, including but not limited to Alzheimer's disease, and whose disappearance poses a credible threat to the health or safety of the person, as determined by the Department of Kentucky State Police or a local law enforcement agency.**
- ~~(4)~~~~(3)~~ "Reports and notification" means the reporting and notification of any search and rescue mission to the appropriate agency or person in the manner as specified by this chapter.
- ~~(5)~~~~(4)~~ "Rescue" means gaining access, rendering appropriate care, and transporting of a person or persons by whatever means, to a safe environment for appropriate care.
- ~~(6)~~~~(5)~~ "Rescue squad" means any organization which engages in the search for lost persons, rescue of persons, rescue of persons who are trapped or who are in need of rescue services, search for and recovery of drowned persons, or any other rescue related activity. "Rescue squad" shall not include the rescue of persons from a fire by a fire department, the extrication of persons from a vehicle or other activities which an emergency medical technician, emergency medical technician first responder, or paramedic is authorized to perform pursuant to applicable statutes and administrative regulations, if the activities are performed by a person for an ambulance service or in the role of a first responder. If these activities are performed other than as a first responder or in the role of an ambulance service and are involved in rescue operations, they come within the purview of activities of a rescue squad.
- ~~(7)~~~~(6)~~ "Search" means the process of looking for a person or persons whose location is not precisely known, and who may be in distress.
- ~~(8)~~~~(7)~~ "Search and rescue" ("SAR") means the process of looking for a lost, missing, or overdue person or persons who may be in distress, and rendering care with the use of appropriately trained and adequately equipped personnel.
- ~~(9)~~~~(8)~~ "Search and rescue mission" includes, but is not limited to, searching for a missing or lost person or persons, cave rescue, high angle or rough terrain rescue, urban search and rescue, dive rescue and recovery of drowning victims, inland water search, rescue, and recovery. "Search and rescue" may also include any mission permitted pursuant to this chapter. A "search and rescue mission" does not include mine rescue missions under the jurisdiction of the Department for Natural Resources pursuant to KRS Chapter 351.
- ~~(10)~~~~(9)~~ "Specialized rescue squad" means a rescue squad which performs one (1) or more of the following functions as the primary or sole mission of the organization:
 - (a) Cave rescue;
 - (b) Search utilizing dogs for lost, trapped or missing persons;

- (c) Search for lost, trapped or missing persons, aircraft, or vehicles, utilizing aircraft, but does not apply to licensed air ambulances, active or reserve military organizations, the National Guard, or the Civil Air Patrol; and
- (d) Water rescue and recovery operations utilizing divers.

(11) **"Traumatic brain injury" has the same meaning as in KRS 211.470.**

~~(12)~~~~(10)~~ "Victim recovery" means the search for and the removal to the jurisdiction of the coroner of the remains of a person known or believed to be dead. If the person is found alive, it includes rescue of the person.

➔Section 3. KRS 39F.020 is amended to read as follows:

- (1) Rescue squads may be formed and duly authorized to perform in the public interest. Authorization to operate within a jurisdiction may be granted by the chief elected official of each urban-county government, charter county government, county, or city which the squad proposes to serve. Rescue squads shall have a formal affiliation with the local disaster and emergency services organization. The statement of affiliation shall be renewed annually.
- (2) Except as provided in KRS 39F.040, a rescue squad shall be composed of at least twelve (12) active members and shall maintain at least one (1) vehicle dedicated to rescue service. Squads may operate in conjunction with a fire division, or may operate as a separate unit.
- (3) Each rescue squad shall develop and maintain bylaws and written procedures to specify, at a minimum, election or appointment, succession, and term of officers; financial accounting; property accountability; and rules of notification and response to emergencies.
- (4) Rescue squads shall contribute to public safety and welfare by performing functions which may include but not be limited to: removal of victims trapped in vehicles or structures; search for lost or missing persons or missing impaired *persons*~~[adults]~~, except those sought for criminal acts; first aid; emergency evacuation; recovery of drowning victims; recovery of any corpse if not accessible by ambulance or hearses and if so authorized by the coroner; and traffic control at an accident scene when requested by law enforcement authorities. Rescue squads organized for the purpose of searching for lost or missing *persons which are searching for an* impaired *person*~~[adults]~~ shall work in cooperation with local media outlets to notify the public that an impaired *person*~~[adult]~~ is lost or missing. Rescue squads shall not engage in law enforcement activities other than traffic control.
- (5) The division shall administer funds appropriated for rescue equipment and training and the division shall promulgate administrative regulations to be applied to all rescue squads that apply for financial assistance.

➔Section 4. KRS 39F.180 is amended to read as follows:

- (1) All 911 centers and dispatch centers, law enforcement agencies, law enforcement dispatchers, fire departments, rescue squads, emergency medical service agencies, and emergency management agencies shall report the information required to be reported by administrative regulation, for all reports of persons missing, lost, or overdue, if a search for the lost person has lasted for more than two (2) hours to:
 - (a) The local emergency management director; and
 - (b) The local search and rescue coordinator for the jurisdiction in which the person is reported missing.
- (2) (a) Any search for a missing minor, as that term is defined in KRS 2.015, shall be **immediately** reported to the Department of Kentucky State Police by the person or organization to whom the missing minor is reported.
- (b) ***A search for an impaired person as defined in subsection (3)(a) of Section 1 of this Act shall immediately be reported as a Golden Alert D to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search.***
- (c) A search for ***an impaired***~~[a]~~ ***person as defined in subsection (3)(b) of Section 2 of this Act***~~[who is known or reported to have an organic brain disorder, including but not limited to Alzheimer's disease,]~~ shall immediately be reported as a Golden Alert to the local emergency management director, local search and rescue coordinator if different from the local emergency manager, local media outlets, and the duty officer of the Division of Emergency Management by the person managing the search or by the organization conducting the search. The provisions of this section do not apply to any licensed long-

term health care provider conducting a search for a missing resident until the provider requests a search by a person or organization specified in subsection (1) of this section.

~~(d)(c)~~ The making of this report does not relieve the person or organization from the duty to make other notifications and reports required in this section.

- (3) Any search and rescue mission which has lasted four (4) hours without the subject being located shall be immediately reported to the duty officer of the Division of Emergency Management by telephone or radio.
- (4) The results of each lost, missing, or overdue person report or search mission required to be reported under subsections (1) to (3) of this section shall be reported to the division and the local director on forms provided by the division and containing the information required by administrative regulation. The report shall be filed within twenty (20) days after:
 - (a) The search and rescue mission is discontinued; or
 - (b) The victim has not been found and a decision is made to keep the case open or continue searching on a limited basis, whichever occurs earlier.
- (5) Each agency required to notify a local emergency management director or the division of a report of a missing person, or a search mission pursuant to this section shall develop a written standard operating procedure for handling and reporting requests to search for missing, lost, or overdue persons. This standard operating procedure shall be a public record.
- (6) The contents of reports, information to be conveyed upon notification, and other matters relating to the administration of this section and the securing of information required hereby shall be specified by the division by administrative regulations.
- (7) There is no requirement in Kentucky to delay the search for or rescue of any lost, missing, or overdue person. Any person who is reported lost, missing, or overdue, adult or child, may be searched for immediately by any emergency management, fire, law enforcement, emergency medical services, search and rescue, rescue squad, or other similar organization to which a missing or overdue person is reported. No public safety answering point, emergency dispatch center, or 911 center shall delay any call reporting a person lost, overdue, or missing to the organization specified in the county search and rescue annex of the county emergency management plan as responsible for searching for lost, missing, or overdue persons.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 39F IS CREATED TO READ AS FOLLOWS:

- (1) *Each basic search and rescue course offered by or under the authority of the Division of Emergency Management shall contain not less than thirty (30) minutes of instruction in the behavioral characteristics of lost persons with a traumatic brain injury or developmental disability and the proper care of lost persons with a traumatic brain injury or developmental disability, including but not limited to autism.*
- (2) *Each search and rescue management course offered by or under the authority of the Division of Emergency Management shall contain not less than one (1) hour of instruction in the behavioral characteristics of lost persons with a traumatic brain injury or developmental disability and the proper care of lost persons with a traumatic brain injury or developmental disability, including but not limited to autism.*
- (3) *The Division of Emergency Management shall seek recommendations regarding the curricula for basic search and rescue training and search and rescue management training sessions from organizations with a history of and demonstrable experience serving or advocating on behalf of individuals with autism, intellectual and developmental disabilities, or traumatic brain injuries.*
- (4) *The time allotted for the subjects required by this section for each course and the content for each course shall be specified by administrative regulations promulgated by the Division of Emergency Management.*

➔Section 6. Sections 2 through 5 of this Act shall be known as the "Chase McMurray Act."

Signed by Governor April 11, 2012.