

FIRST REGULAR SESSION

SENATE BILL NO. 418

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time February 14, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1769S.01I

AN ACT

To repeal sections 99.848, 190.103, 190.131, 190.142, 190.165, and 190.339, RSMo, and to enact in lieu thereof seven new sections relating to emergency medical services.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 99.848, 190.103, 190.131, 190.142, 190.165, and 190.339, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 99.848, 190.103, 190.131, 190.142, 190.147, 190.165, and 190.339, to read as follows:

99.848. 1. Notwithstanding subsection 1 of section 99.847, any district **or 911 center** providing emergency **or dispatch** services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment.

2. **An ambulance district board, as defined in chapter 190, a fire protection district board, as defined in chapter 321, or an emergency telephone service 911 board, as defined in chapter 190, shall set the reimbursement rate prior to the time the assessment is paid into the special allocation fund. If the redevelopment plan, area, or project is amended by ordinance, or by other means, the board reserves the right to recalculate the base year and the refund amount provided under this section.**

3. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

190.103. 1. One physician with expertise in emergency medical services

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

2 from each of the EMS regions shall be elected by that region's EMS medical
3 directors to serve as a regional EMS medical director. The regional EMS medical
4 directors shall constitute the state EMS medical director's advisory committee
5 and shall advise the department and their region's ambulance services on matters
6 relating to medical control and medical direction in accordance with sections
7 190.001 to 190.245 and rules adopted by the department pursuant to sections
8 190.001 to 190.245. The regional EMS medical director shall serve a term of four
9 years. The southwest, northwest, and Kansas City regional EMS medical
10 directors shall be elected to an initial two-year term. The central, east central,
11 and southeast regional EMS medical directors shall be elected to an initial
12 four-year term. All subsequent terms following the initial terms shall be four
13 years.

14 2. A medical director is required for all ambulance services and emergency
15 medical response agencies that provide: advanced life support services; basic life
16 support services utilizing medications or providing assistance with patients'
17 medications; or basic life support services performing invasive procedures
18 including invasive airway procedures. The medical director shall provide medical
19 direction to these services and agencies in these instances.

20 3. The medical director, in cooperation with the ambulance service or
21 emergency medical response agency administrator, shall have the responsibility
22 and the authority to ensure that the personnel working under their supervision
23 are able to provide care meeting established standards of care with consideration
24 for state and national standards as well as local area needs and resources. The
25 medical director, in cooperation with the ambulance service or emergency medical
26 response agency administrator, shall establish and develop triage, treatment and
27 transport protocols, which may include authorization for standing orders.

28 4. All ambulance services and emergency medical response agencies that
29 are required to have a medical director shall establish an agreement between the
30 service or agency and their medical director. The agreement will include the
31 roles, responsibilities and authority of the medical director beyond what is
32 granted in accordance with sections 190.001 to 190.245 and rules adopted by the
33 department pursuant to sections 190.001 to 190.245. The agreement shall also
34 include grievance procedures regarding the emergency medical response agency
35 or ambulance service, personnel and the medical director.

36 **5. Regional EMS medical directors elected as provided under**
37 **subsection 1 of this section shall be considered public officials for**

38 purposes of sovereign immunity, official immunity, and the Missouri
39 public duty doctrine defenses.

40 6. The state EMS medical director's advisory committee shall be
41 considered a peer review committee under section 537.035 and regional
42 EMS medical directors shall be eligible to participate in the Missouri
43 Patient Safety Organization as provided under the Patient Safety and
44 Quality Improvement Act of 2005, 42 U.S.C. Section 299, et seq., as
45 amended.

46 7. Regional EMS medical directors may act to provide online
47 telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps, and
48 community paramedics and provide offline medical direction per
49 standardized treatment, triage, and transport protocols when EMS
50 personnel, including EMT-Bs, EMT-Is, or EMT-Ps community
51 paramedics, are providing care to special needs patients or at the
52 request of a local EMS agency or medical director.

53 8. When developing treatment protocols for special needs
54 patients, regional EMS medical directors may promulgate such
55 protocols on a regional basis across multiple political subdivisions'
56 jurisdictional boundaries and such protocols may be used by multiple
57 agencies including, but not limited to, ambulance services, emergency
58 response agencies, and public health departments.

59 9. Multiple EMS agencies including, but not limited to,
60 ambulance services, emergency response agencies, and public health
61 departments shall take necessary steps to follow the regional EMS
62 protocols established as provided under subsection 8 of this section in
63 cases of mass casualty or state-declared disaster incidents.

64 10. When regional EMS medical directors develop and implement
65 treatment protocols for patients or provide online medical direction for
66 such patients, such activity shall not be construed as having usurped
67 local medical direction authority in any manner.

68 11. Notwithstanding any other provision of law, when regional
69 EMS medical directors are providing either online telecommunication
70 medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community
71 paramedics, or offline medical direction per standardized EMS
72 treatment, triage, and transport protocols for patients, those medical
73 directions or treatment protocols may include the administration of the
74 patient's own prescription medications.

190.131. 1. The department shall accredit or certify training entities for
2 first responders, emergency medical dispatchers, emergency medical
3 technicians-basic, emergency medical technicians-intermediate, and emergency
4 medical technicians-paramedic, for a period of five years, if the applicant meets
5 the requirements established pursuant to sections 190.001 to 190.245.

6 2. Such rules promulgated by the department shall set forth the minimum
7 requirements for entrance criteria, training program curricula, instructors,
8 facilities, equipment, medical oversight, record keeping, and reporting. **The**
9 **training program curricula shall include curriculum on the risks**
10 **associated with autism, and other intellectual and developmental**
11 **disabilities, and shall provide instruction on the appropriate**
12 **recognition and response techniques concerning such disabilities.**

13 3. Application for training entity accreditation or certification shall be
14 made upon such forms as prescribed by the department in rules adopted pursuant
15 to sections 190.001 to 190.245. The application form shall contain such
16 information as the department deems reasonably necessary to make a
17 determination as to whether the training entity meets all requirements of
18 sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001
19 to 190.245.

20 4. Upon receipt of such application for training entity accreditation or
21 certification, the department shall determine whether the training entity, its
22 instructors, facilities, equipment, curricula and medical oversight meet the
23 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to
24 sections 190.001 to 190.245.

25 5. Upon finding these requirements satisfied, the department shall issue
26 a training entity accreditation or certification in accordance with rules
27 promulgated by the department pursuant to sections 190.001 to 190.245.

28 6. Subsequent to the issuance of a training entity accreditation or
29 certification, the department shall cause a periodic review of the training entity
30 to assure continued compliance with the requirements of sections 190.001 to
31 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

32 7. No person or entity shall hold itself out or provide training required by
33 this section without accreditation or certification by the department.

190.142. 1. The department shall, within a reasonable time after receipt
2 of an application, cause such investigation as it deems necessary to be made of
3 the applicant for an emergency medical technician's license. The director may

4 authorize investigations into criminal records in other states for any applicant.

5 2. The department shall issue a license to all levels of emergency medical
6 technicians, for a period of five years, if the applicant meets the requirements
7 established pursuant to sections 190.001 to 190.245 and the rules adopted by the
8 department pursuant to sections 190.001 to 190.245. The department may
9 promulgate rules relating to the requirements for an emergency medical
10 technician including but not limited to:

11 (1) Age requirements;

12 (2) Education and training requirements based on respective national
13 curricula of the United States Department of Transportation and any modification
14 to such curricula specified by the department through rules adopted pursuant to
15 sections 190.001 to 190.245;

16 (3) Initial licensure testing requirements. Initial EMT-P licensure testing
17 shall be through the national registry of EMTs or examinations developed and
18 administered by the department of health and senior services;

19 (4) Continuing education and relicensure requirements; and

20 (5) Ability to speak, read and write the English language.

21 3. Application for all levels of emergency medical technician license shall
22 be made upon such forms as prescribed by the department in rules adopted
23 pursuant to sections 190.001 to 190.245. The application form shall contain such
24 information as the department deems necessary to make a determination as to
25 whether the emergency medical technician meets all the requirements of sections
26 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to
27 190.245.

28 4. All levels of emergency medical technicians may perform only that
29 patient care which is:

30 (1) Consistent with the training, education and experience of the
31 particular emergency medical technician; and

32 (2) Ordered by a physician or set forth in protocols approved by the
33 medical director.

34 5. No person shall hold themselves out as an emergency medical
35 technician or provide the services of an emergency medical technician unless such
36 person is licensed by the department.

37 6. **Prior to licensure by the department, each emergency medical**
38 **technician shall be required to satisfactorily complete, as determined**
39 **by the department, training on the risks associated with autism and**

40 other intellectual and developmental disabilities and the appropriate
41 recognition and response techniques concerning such
42 disabilities. Every emergency medical technician licensed by the
43 department prior to August 28, 2017, shall satisfactorily complete the
44 training described in this subsection by August 28, 2020.

45 7. Any rule or portion of a rule, as that term is defined in section 536.010,
46 that is created under the authority delegated in this section shall become effective
47 only if it complies with and is subject to all of the provisions of chapter 536 and,
48 if applicable, section 536.028. This section and chapter 536 are nonseverable and
49 if any of the powers vested with the general assembly pursuant to chapter 536 to
50 review, to delay the effective date, or to disapprove and annul a rule are
51 subsequently held unconstitutional, then the grant of rulemaking authority and
52 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.147. 1. Emergency medical technician paramedics (EMT-Ps)

2 who have:

3 (1) Completed at least forty hours of the standard crisis
4 intervention training course as endorsed and developed by the National
5 Alliance on Mental Illness or a course of training that the ground or air
6 ambulance service's medical director has determined to be
7 academically equivalent thereto;

8 (2) Been authorized by their ground or air ambulance service's
9 administration and medical director under subsection 3 of section
10 190.103; and

11 (3) Whose ground or air ambulance service has developed and
12 adopted standardized triage, treatment, and transport protocols under
13 subsection 3 of section 190.103, which address the challenge of treating
14 and transporting behavioral health patients who present a likelihood
15 of serious harm to themselves or others as the term "likelihood of
16 serious harm" is defined under section 632.005 or who are significantly
17 incapacitated by alcohol or drugs;
18 may make a good faith determination that such patients shall be placed
19 into a temporary hold for the sole purposes of transport to the nearest
20 appropriate facility.

21 2. EMT-Ps who have made a good faith decision for a temporary
22 hold of a patient as authorized by this section shall no longer have to
23 rely on the common law doctrine of implied consent and therefore shall
24 not be civilly liable for a good faith determination made in accordance

25 with this section and shall not have waived any sovereign immunity
26 defense, official immunity defense, or Missouri public duty doctrine
27 defense if employed at the time of the good faith determination by a
28 governmental employer.

29 3. Any ground or air ambulance service that adopts the authority
30 and protocols provided for by this section shall have a memorandum of
31 understanding with applicable local law enforcement agencies in order
32 to achieve a collaborative and coordinated response to patients
33 displaying symptoms of either a likelihood of serious harm to
34 themselves or others or significant incapacitation by alcohol or drugs,
35 which require a crisis intervention response.

190.165. 1. The department may refuse to issue or deny renewal of any
2 certificate, permit or license required pursuant to sections 190.100 to 190.245 for
3 failure to comply with the provisions of sections 190.100 to 190.245 or any lawful
4 regulations promulgated by the department to implement its provisions as
5 described in subsection 2 of this section. The department shall notify the
6 applicant in writing of the reasons for the refusal and shall advise the applicant
7 of his or her right to file a complaint with the administrative hearing commission
8 as provided by chapter 621.

9 2. The department may cause a complaint to be filed with the
10 administrative hearing commission as provided by chapter 621 against any holder
11 of any certificate, permit or license required by sections 190.100 to 190.245 or any
12 person who has failed to renew or has surrendered his or her certificate, permit
13 or license for failure to comply with the provisions of sections 190.100 to 190.245
14 or any lawful regulations promulgated by the department to implement such
15 sections. Those regulations shall be limited to the following:

16 (1) Use or unlawful possession of any controlled substance, as defined in
17 chapter 195, or alcoholic beverage to an extent that such use impairs a person's
18 ability to perform the work of any activity licensed or regulated by sections
19 190.100 to 190.245;

20 (2) Being finally adjudicated and found guilty, or having entered a plea
21 of guilty or nolo contendere, in a criminal prosecution under the laws of any state
22 or of the United States, for any offense reasonably related to the qualifications,
23 functions or duties of any activity licensed or regulated pursuant to sections
24 190.100 to 190.245, for any offense an essential element of which is fraud,
25 dishonesty or an act of violence, or for any offense involving moral turpitude,

26 whether or not sentence is imposed;

27 (3) Use of fraud, deception, misrepresentation or bribery in securing any
28 certificate, permit or license issued pursuant to sections 190.100 to 190.245 or in
29 obtaining permission to take any examination given or required pursuant to
30 sections 190.100 to 190.245;

31 (4) Obtaining or attempting to obtain any fee, charge, tuition or other
32 compensation by fraud, deception or misrepresentation;

33 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation
34 or dishonesty in the performance of the functions or duties of any activity licensed
35 or regulated by sections 190.100 to 190.245;

36 (6) Violation of, or assisting or enabling any person to violate, any
37 provision of sections 190.100 to 190.245, or of any lawful rule or regulation
38 adopted by the department pursuant to sections 190.100 to 190.245;

39 (7) Impersonation of any person holding a certificate, permit or license or
40 allowing any person to use his or her certificate, permit, license or diploma from
41 any school;

42 (8) Disciplinary action against the holder of a license or other right to
43 practice any activity regulated by sections 190.100 to 190.245 granted by another
44 state, territory, federal agency or country upon grounds for which revocation or
45 suspension is authorized in this state;

46 (9) For an individual being finally adjudged insane or incompetent by a
47 court of competent jurisdiction;

48 (10) Assisting or enabling any person to practice or offer to practice any
49 activity licensed or regulated by sections 190.100 to 190.245 who is not licensed
50 and currently eligible to practice pursuant to sections 190.100 to 190.245;

51 (11) Issuance of a certificate, permit or license based upon a material
52 mistake of fact;

53 (12) Violation of any professional trust, confidence, or legally protected
54 privacy rights of a patient by means of an unauthorized or unlawful disclosure;

55 (13) Use of any advertisement or solicitation which is false, misleading or
56 deceptive to the general public or persons to whom the advertisement or
57 solicitation is primarily directed;

58 (14) Violation of the drug laws or rules and regulations of this state, any
59 other state or the federal government;

60 (15) Refusal of any applicant or licensee to respond to reasonable
61 department of health and senior services' requests for necessary information to

62 process an application or to determine license status or license eligibility;

63 (16) Any conduct or practice which is or might be harmful or dangerous
64 to the mental or physical health or safety of a patient or the public;

65 (17) Repeated acts of negligence or recklessness in the performance of the
66 functions or duties of any activity licensed or regulated by sections 190.100 to
67 190.245.

68 3. If the department conducts investigations, the department, prior to
69 interviewing a licensee who is the subject of the investigation, shall explain to the
70 licensee that he or she has the right to:

71 (1) Consult legal counsel or have legal counsel present;

72 (2) Have anyone present whom he or she deems to be necessary or
73 desirable[, except for any holder of any certificate, permit, or license required by
74 sections 190.100 to 190.245]; and

75 (3) Refuse to answer any question or refuse to provide or sign any written
76 statement.

77 The assertion of any right listed in this subsection shall not be deemed by the
78 department to be a failure to cooperate with any department investigation.

79 4. After the filing of such complaint, the proceedings shall be conducted
80 in accordance with the provisions of chapter 621. Upon a finding by the
81 administrative hearing commission that the grounds, provided in subsection 2 of
82 this section, for disciplinary action are met, the department may, singly or in
83 combination, censure or place the person named in the complaint on probation on
84 such terms and conditions as the department deems appropriate for a period not
85 to exceed five years, or may suspend, for a period not to exceed three years, or
86 revoke the license, certificate or permit. Notwithstanding any provision of law
87 to the contrary, the department shall be authorized to impose a suspension or
88 revocation as a disciplinary action only if it first files the requisite complaint with
89 the administrative hearing commission. **The administrative hearing**
90 **commission shall hear all relevant evidence on remediation activities**
91 **of the licensee and shall make a recommendation to the department of**
92 **health and senior services as to licensure disposition based on such**
93 **evidence.**

94 5. An individual whose license has been revoked shall wait one year from
95 the date of revocation to apply for relicensure. Relicensure shall be at the
96 discretion of the department after compliance with all the requirements of
97 sections 190.100 to 190.245 relative to the licensing of an applicant for the first

98 time. Any individual whose license has been revoked twice within a ten-year
99 period shall not be eligible for relicensure.

100 6. The department may notify the proper licensing authority of any other
101 state in which the person whose license was suspended or revoked was also
102 licensed of the suspension or revocation.

103 7. Any person, organization, association or corporation who reports or
104 provides information to the department pursuant to the provisions of sections
105 190.100 to 190.245 and who does so in good faith shall not be subject to an action
106 for civil damages as a result thereof.

107 8. The department of health and senior services may suspend any
108 certificate, permit or license required pursuant to sections 190.100 to 190.245
109 simultaneously with the filing of the complaint with the administrative hearing
110 commission as set forth in subsection 2 of this section, if the department finds
111 that there is an imminent threat to the public health. The notice of suspension
112 shall include the basis of the suspension and notice of the right to appeal such
113 suspension. The licensee may appeal the decision to suspend the license,
114 certificate or permit to the department. The appeal shall be filed within ten days
115 from the date of the filing of the complaint. A hearing shall be conducted by the
116 department within ten days from the date the appeal is filed. The suspension
117 shall continue in effect until the conclusion of the proceedings, including review
118 thereof, unless sooner withdrawn by the department, dissolved by a court of
119 competent jurisdiction or stayed by the administrative hearing commission.

190.339. 1. The powers and duties of the emergency services board shall
2 include, but not be limited to:

3 (1) Planning a 911 system and dispatching system;

4 (2) Coordinating and supervising the implementation, upgrading or
5 maintenance of the system, including the establishment of equipment
6 specifications and coding systems;

7 (3) Receiving money from any county sales tax authorized to be levied
8 pursuant to section 190.335 and authorizing disbursements from such moneys
9 collected;

10 (4) Hiring any staff necessary for the implementation, upgrade or
11 operation of the system.

12 2. Except for emergency services 911 boards in existence prior to August
13 25, 2010, and operating under the authority of subsection 11 of section 190.335,
14 the board shall be a body corporate and a political subdivision of the state and

15 shall be known as the "_____ Emergency Services Board".

16 3. The administrative control and management of the moneys from any
17 county sales tax authorized to be levied pursuant to section 190.335 and the
18 administrative control and management of the central dispatching of emergency
19 services shall rest solely with the board, and the board shall employ all necessary
20 personnel, affix their compensation and provide suitable quarters and equipment
21 for the operation of the central dispatching of emergency services from the funds
22 available for this purpose.

23 4. The board may contract to provide services relating in whole or in part
24 to central dispatching of emergency services and for such purpose may expend the
25 tax funds or other funds.

26 5. The board shall elect a vice chairman, treasurer, secretary and such
27 other officers as it deems necessary. Before taking office, the treasurer shall
28 furnish a surety bond in an amount to be determined and in a form to be
29 approved by the board for the faithful performance of the treasurer's duties and
30 faithful accounting of all moneys that may come into the treasurer's hands. The
31 treasurer shall enter into the surety bond with a surety company authorized to
32 do business in Missouri, and the cost of such bond shall be paid by the board of
33 directors.

34 6. The board may accept any gift of property or money for the use and
35 benefit of the central dispatching of emergency services, and the board is
36 authorized to sell or exchange any such property which it believes would be to the
37 benefit of the service so long as the proceeds are used exclusively for central
38 dispatching of emergency services. The board shall have exclusive control of all
39 gifts, property or money it may accept; of all interest of other proceeds which may
40 accrue from the investment of such gifts or money or from the sale of such
41 property; of all tax revenues collected by the county on behalf of the central
42 dispatching of emergency services; and of all other funds granted, appropriated
43 or loaned to it by the federal government, the state or its political subdivisions
44 so long as such resources are used solely to benefit the central dispatching of
45 emergency services.

46 7. Any board member may, following notice and an opportunity to be
47 heard, be removed from any office by a majority vote of the other members of the
48 board for any of the following reasons:

- 49 (1) Failure to attend five consecutive meetings, without good cause;
50 (2) Conduct prejudicial to the good order and efficient operation of the

51 central dispatching of emergency services; or

52 (3) Neglect of duty.

53 8. The chairperson of the board shall preside at such removal hearing,
54 unless the chairperson is the person sought to be removed, in which case the
55 hearing shall be presided over by another member elected by a majority vote of
56 the other board members. All interested parties may present testimony and
57 arguments at such hearing, and the witnesses shall be sworn in by oath or
58 affirmation before testifying. Any interested party may, at his or her own
59 expense, record the proceedings.

60 9. Vacancies on the board occasioned by removals, resignations or
61 otherwise shall be filled by the remaining members of the board. The appointee
62 or appointees shall act until the next election at which a director or directors are
63 elected to serve the remainder of the unexpired term.

64 10. Individual board members shall not be eligible for employment by the
65 board within twelve months of termination of service as a member of the board.

66 11. No person shall be employed by the board who is related within the
67 fourth degree by blood or by marriage to any member of the board.

68 **12. The board shall possess all of the powers delineated in**
69 **section 190.327, including those necessary, incidental, or appropriate**
70 **to carry out any express power.**

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