

FIRST REGULAR SESSION

HOUSE BILL NO. 340

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BOYKINS, HILGEMANN, JONES, JOHNSON (61), HUBBARD,
EL-AMIN, HOSKINS (Co-sponsors), VILLA, WALTON, DAUS, CARNAHAN AND PARKER.

Read 1st time January 30, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1122L.011

AN ACT

To repeal section 190.100, RSMo, and to enact in lieu thereof one new section relating to use of emergency personnel.

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

Section A. Section 190.100, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 190.100, to read as follows:

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

(1) "Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

(2) "Ambulance", any privately or publicly owned vehicle or craft that is specially designed, constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons who are disabled, handicapped, normally using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

(3) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

(4) "Ambulance service area", a specific geographic area in which an ambulance service has been authorized to operate;

(5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules

- 19 adopted by the department pursuant to sections 190.001 to 190.245;
- 20 (6) "Council", the state advisory council on emergency medical services;
- 21 (7) "Department", the department of health and senior services, state of Missouri;
- 22 (8) "Director", the director of the department of health and senior services or the
23 director's duly authorized representative;
- 24 (9) "Dispatch agency", any person or organization that receives requests for emergency
25 medical services from the public, by telephone or other means, and is responsible for dispatching
26 emergency medical services;
- 27 (10) "Emergency", the sudden and, at the time, unexpected onset of a health condition
28 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,
29 possessing an average knowledge of health and medicine, to believe that the absence of
30 immediate medical care could result in:
- 31 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
32 woman or her unborn child, in significant jeopardy;
- 33 (b) Serious impairment to a bodily function;
- 34 (c) Serious dysfunction of any bodily organ or part;
- 35 (d) Inadequately controlled pain;
- 36 (11) "Emergency medical dispatcher", a person who receives emergency calls from the
37 public and has successfully completed an emergency medical dispatcher course, meeting or
38 exceeding the national curriculum of the United States Department of Transportation and any
39 modifications to such curricula specified by the department through rules adopted pursuant to
40 sections 190.001 to 190.245;
- 41 (12) "Emergency medical response agency", any person that regularly provides a level
42 of care that includes first response, basic life support or advanced life support, exclusive of
43 patient transportation;
- 44 (13) "Emergency medical services for children (EMS-C) system", the arrangement of
45 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
46 medical services required in prevention and management of incidents which occur as a result of
47 a medical emergency or of an injury event, natural disaster or similar situation;
- 48 (14) "Emergency medical services (EMS) system", the arrangement of personnel,
49 facilities and equipment for the effective and coordinated delivery of emergency medical services
50 required in prevention and management of incidents occurring as a result of an illness, injury,
51 natural disaster or similar situation;
- 52 (15) "Emergency medical technician", a person licensed in emergency medical care in
53 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by
54 the department pursuant to sections 190.001 to 190.245;

55 (16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
56 completed a course of instruction in basic life support as prescribed by the department and is
57 licensed by the department in accordance with standards prescribed by sections 190.001 to
58 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

59 (17) "Emergency medical technician-intermediate" or "EMT-I", a person who has
60 successfully completed a course of instruction in certain aspects of advanced life support care
61 as prescribed by the department, and is serving with an emergency medical response agency
62 licensed in any county of the first classification without a charter form of government and with
63 more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand
64 inhabitants, any county with a charter form of government and with more than six hundred
65 thousand but less than seven hundred thousand inhabitants, or any county of the first
66 classification with more than seventy-three thousand seven hundred but less than seventy-three
67 thousand eight hundred inhabitants, **or any city not within a county**, and is licensed by the
68 department in accordance with sections 190.001 to 190.245 and rules and regulations adopted
69 by the department pursuant to sections 190.001 to 190.245;

70 (18) "Emergency medical technician-paramedic" or "EMT-P", a person who has
71 successfully completed a course of instruction in advanced life support care as prescribed by the
72 department and is licensed by the department in accordance with sections 190.001 to 190.245
73 and rules adopted by the department pursuant to sections 190.001 to 190.245;

74 (19) "Emergency services", health care items and services furnished or required to screen
75 and stabilize an emergency which may include, but shall not be limited to, health care services
76 that are provided in a licensed hospital's emergency facility by an appropriate provider or by an
77 ambulance service or emergency medical response agency;

78 (20) "First responder", a person who has successfully completed an emergency first
79 response course meeting or exceeding the national curriculum of the United States Department
80 of Transportation and any modifications to such curricula specified by the department through
81 rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care
82 through employment by or in association with an emergency medical response agency;

83 (21) "Health care facility", a hospital, nursing home, physician's office or other fixed
84 location at which medical and health care services are performed;

85 (22) "Hospital", an establishment as defined in the hospital licensing law, subsection 2
86 of section 197.020, RSMo, or a hospital operated by the state;

87 (23) "Medical control", supervision provided by or under the direction of physicians to
88 providers by written or verbal communications;

89 (24) "Medical direction", medical guidance and supervision provided by a physician to
90 an emergency services provider or emergency medical services system;

91 (25) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated
92 by the ambulance service or emergency medical response agency and who meets criteria
93 specified by the department by rules pursuant to sections 190.001 to 190.245;

94 (26) "Memorandum of understanding", an agreement between an emergency medical
95 response agency or dispatch agency and an ambulance service or services within whose territory
96 the agency operates, in order to coordinate emergency medical services;

97 (27) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
98 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
99 between private or public institutions, homes or cemeteries, and individuals declared dead prior
100 to the time an ambulance is called for assistance;

101 (28) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,
102 any individual, firm, partnership, copartnership, joint venture, association, cooperative
103 organization, corporation, municipal or private, and whether organized for profit or not, state,
104 county, political subdivision, state department, commission, board, bureau or fraternal
105 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
106 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

107 (29) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;

108 (30) "Political subdivision", any municipality, city, county, city not within a county,
109 ambulance district or fire protection district located in this state which provides or has authority
110 to provide ambulance service;

111 (31) "Professional organization", any organized group or association with an ongoing
112 interest regarding emergency medical services. Such groups and associations could include those
113 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
114 communications specialists and instructors. Organizations could also represent the interests of
115 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
116 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
117 control services;

118 (32) "Proof of financial responsibility", proof of ability to respond to damages for
119 liability, on account of accidents occurring subsequent to the effective date of such proof, arising
120 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
121 promulgated by the department, but in no event less than the statutory minimum required for
122 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

123 (33) "Protocol", a predetermined, written medical care guideline, which may include
124 standing orders;

125 (34) "Regional EMS advisory committee", a committee formed within an emergency
126 medical services (EMS) region to advise ambulance services, the state advisory council on EMS

127 and the department;

128 (35) "Specialty care transportation", the transportation of a patient requiring the services
129 of an emergency medical technician-paramedic who has received additional training beyond the
130 training prescribed by the department. Specialty care transportation services shall be defined in
131 writing in the appropriate local protocols for ground and air ambulance services and approved
132 by the local physician medical director. The protocols shall be maintained by the local
133 ambulance service and shall define the additional training required of the emergency medical
134 technician-paramedic;

135 (36) "Stabilize", with respect to an emergency, the provision of such medical treatment
136 as may be necessary to attempt to assure within reasonable medical probability that no material
137 deterioration of an individual's medical condition is likely to result from or occur during
138 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

139 (37) "State advisory council on emergency medical services", a committee formed to
140 advise the department on policy affecting emergency medical service throughout the state;

141 (38) "State EMS medical directors advisory committee", a subcommittee of the state
142 advisory council on emergency medical services formed to advise the state advisory council on
143 emergency medical services and the department on medical issues;

144 (39) "Trauma", an injury to human tissues and organs resulting from the transfer of
145 energy from the environment;

146 (40) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
147 services for major single system or multisystem injuries that potentially require immediate
148 medical or surgical intervention or treatment;

149 (41) "Trauma center", a hospital that is currently designated as such by the department.