

SECOND REGULAR SESSION

# HOUSE BILL NO. 2125

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BLACK.

Read 1st time March 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5720L.01I

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### AN ACT

To repeal sections 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, and 190.196, RSMo, and to enact in lieu thereof twelve new sections relating to licensure of emergency medical technicians.

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

Section A. Sections 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.172, 190.175, and 190.196, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 190.196, 334.935, 334.938, 334.941, 334.944, 334.947, 334.950, 334.953, 334.956, 334.959, 334.962, and 334.965, to read as follows:

190.196. 1. No employer shall knowingly employ or permit any employee to perform any services for which a license, certificate or other authorization is required by sections [190.001 to 190.245] **sections 334.935 to 334.965, RSMo**, or by rules adopted [pursuant to sections 190.001 to 190.245] **under sections 334.935 to 334.965, RSMo**, unless and until the person so employed possesses all licenses, certificates or authorizations that are required.

2. Any person or entity that employs or supervises a person's activities as a first responder, emergency medical dispatcher, emergency medical technician-basic, emergency medical technician-paramedic, registered nurse or physician shall cooperate with the department's **and the state board of registration for the healing arts'** efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245 **and sections 334.935 to 334.965, RSMo**.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12           3. Any person or entity who employs individuals licensed by the department [pursuant  
13 to sections 190.001 to 190.245] **under sections 334.935 to 334.965, RSMo**, shall report to the  
14 department within seventy-two hours of their having knowledge of any charges filed against a  
15 licensee in their employ for possible criminal action involving the following felony offenses:

- 16           (1) Child abuse or sexual abuse of a child;  
17           (2) Crimes of violence; or  
18           (3) Rape or sexual abuse.

19           4. Any licensee who has charges filed against him or her for the felony offenses in  
20 subsection 3 of this section shall report such an occurrence to the department within seventy-two  
21 hours of the charges being filed **and the department shall forward such report to the state**  
22 **board of registration for the healing arts.**

23           5. The department will monitor these reports for possible licensure action authorized  
24 [pursuant to section 190.165] **under sections 334.935 to 334.965, RSMo.**

**334.935. As used in sections 334.935 to 334.965, the following terms mean:**

- 2           (1) "Board", the sate board of registration for the healing arts;  
3           (2) "Emergency medical technician", a person licensed by the board in emergency  
4 medical care as an EMT-B, EMT-I or EMT-P under sections 334.935 to 334.965;  
5           (3) "Emergency medical technician-basic" or "EMT-B", a person who has  
6 successfully completed a course of instruction in basic life support as prescribed by the  
7 department of health and senior services, and is licensed by the board in accordance with  
8 standards prescribed by sections 334.935 to 334.965 and rules adopted by the board under  
9 sections 334.935 to 334.965;  
10           (4) "Emergency medical technician-intermediate" or "EMT-I", a person who has  
11 successfully completed a course of instruction in certain aspects of advanced life support  
12 care as prescribed by the department of health and senior services and is licensed by the  
13 board in accordance with sections 334.935 to 334.965 and rules and regulations adopted  
14 by the board under sections 334.935 to 334.965;  
15           (5) "Emergency medical technician-paramedic" or "EMT-P", a person who has  
16 successfully completed a course of instruction in advanced life support care as prescribed  
17 by the department of health and senior services and is licensed by the board in accordance  
18 with sections 334.935 to 334.965 and rules adopted by the board under sections 334.935 to  
19 **334.965.**

**334.938. 1. The board shall license applicants who meet the qualifications for**  
2 **emergency medical technicians who apply for licensure and who pay all fees required for**  
3 **licensure.**

4           **2. The board shall:**

5 (1) Prescribe application forms to be furnished to all persons seeking licensure  
6 under sections 334.935 to 334.965;

7 (2) Prepare the form and design of the license to be issued under sections 334.935  
8 to 334.965;

9 (3) Set the fee for licensure of emergency medical technicians and renewal thereof;

10 (4) Keep a record of all its proceedings regarding emergency medical technicians  
11 and of all emergency medical technicians licensed in this state;

12 (5) Annually prepare a roster of the names and addresses of all emergency medical  
13 technicians licensed in this state, copies of which shall be made available upon request to  
14 any person paying the fee therefore;

15 (6) Set the fee for the roster at an amount sufficient to cover the actual cost of  
16 publishing and distributing the roster; and

17 (7) Appoint members of the advisory commission for emergency medical  
18 technicians.

19 3. The board may:

20 (1) Issue subpoenas to compel witnesses to testify or produce evidence in  
21 proceedings to deny, suspend, or revoke a license or licensure;

22 (2) Promulgate rules under chapter 536, RSMo, in order to carry out the provisions  
23 of sections 334.935 to 334.965.

24 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
25 that is created under the authority delegated in this section shall become effective only if  
26 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
27 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
28 and if any of the powers vested with the general assembly under chapter 536, RSMo, to  
29 review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
30 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
31 after August 28, 2006, shall be invalid and void.

334.941. 1. All fees payable under the provisions of sections 334.935 to 334.965  
2 shall be collected by the division of professional registration, which shall transmit them to  
3 the department of revenue for deposit in the state treasury to the credit of the board of  
4 registration for the healing arts fund.

5 2. Upon appropriation by the general assembly, the money in the fund shall be used  
6 to administer the provisions of sections 334.935 to 334.965.

334.944. 1. The board shall, within a reasonable time after receipt of an  
2 application, cause such investigation as it deems necessary to be made of the applicant for

3 an emergency medical technician's license. The board may authorize investigations into  
4 criminal records in other states for any applicant.

5       2. The board shall issue a license to all levels of emergency medical technicians for  
6 a period of two years, if the applicant meets the requirements established under sections  
7 334.935 to 334.965 and the rules adopted by the board under sections 334.935 to 334.965.  
8 The board may promulgate rules relating to the requirements for an emergency medical  
9 technician, including but not limited to:

10       (1) Age requirements;

11       (2) Compliance with the education and training requirements established by the  
12 department of health and senior services;

13       (3) Completion of an appropriate training program through an entity accredited  
14 by the department of health and senior services under section 190.131, RSMo;

15       (4) Continuing education and relicensure requirements; and

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

17       3. Application for all levels of emergency medical technician license shall be made  
18 upon such forms as prescribed by the board in rules adopted under sections 334.935 to  
19 334.965. The application form shall contain such information as the board deems  
20 necessary to make a determination as to whether the emergency medical technician meets  
21 all the requirements of sections 334.935 to 334.965 and rules promulgated thereunder.

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

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

26       (2) Ordered by a physician or set forth in protocols approved by the agency medical  
27 director as provided for under section 190.103, RSMo.

28       5. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
29 that is created under the authority delegated in this section shall become effective only if  
30 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
31 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
32 and if any of the powers vested with the general assembly under chapter 536, RSMo, to  
33 review, to delay the effective date or to disapprove and annul a rule are subsequently held  
34 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
35 after August 28, 2006, shall be invalid and void.

      334.947. It shall be unlawful for any person in this state to hold him or herself out  
2 as an emergency medical technician or provide the services of an emergency medical

3 technician unless such person has first obtained a licensed as provided by sections 334.935  
4 to 334.965.

334.950. 1. Notwithstanding any other provisions of law, the board may grant a  
2 ninety-day temporary emergency medical technician license to all levels of emergency  
3 medical technicians who meet the following:

4 (1) Can demonstrate that they have, or will have, employment requiring an  
5 emergency medical technician license;

6 (2) Are not currently licensed as an emergency medical technician in Missouri or  
7 have been licensed as an emergency medical technician in Missouri and fingerprints need  
8 to be submitted to the Federal Bureau of Investigation to verify the existence or absence  
9 of a criminal history, or they are currently licensed and the license will expire before a  
10 verification can be completed of the existence or absence of a criminal history;

11 (3) Have submitted a complete application upon such forms as prescribed by the  
12 board in rules adopted under sections 334.935 to 334.965;

13 (4) Have not been disciplined under sections 334.935 to 334.965 and rules  
14 promulgated thereunder;

15 (5) Meet all the requirements of rules promulgated under sections 334.935 to  
16 334.965.

17 2. A temporary emergency medical technician license shall only authorize the  
18 licensee to practice while under the immediate supervision of a licensed emergency medical  
19 technician-basic, emergency medical technician-paramedic, registered nurse or physician  
20 who is currently licensed without restrictions to practice in Missouri.

21 3. A temporary emergency medical technician license shall automatically expire  
22 either ninety days from the date of issuance or upon the issuance of a two-year emergency  
23 medical technician license.

334.953. Any licensee allowing a license to lapse may, within two years of the lapse,  
2 request that their license be returned to active status by notifying the board in advance of  
3 such intention, and submitting a complete application upon such forms as prescribed by  
4 the board in rules adopted under sections 334.935 to 334.965. If the licensee meets all the  
5 requirements for relicensure, the board shall issue a new emergency medical technician  
6 license to the licensee.

334.956. The renewal of any license shall require conformance with sections  
2 334.935 to 334.965 and rules adopted by the board thereunder.

334.959. 1. The board may refuse to issue or renew any certificate of registration  
2 or authority, permit or license required under this sections 334.935 to 334.965, for one or  
3 any combination of causes stated in subsection 2 of this section. The board shall notify the

4 applicant in writing of the reasons for the refusal and shall advise the applicant of the  
5 applicant's right to file a complaint with the administrative hearing commission as  
6 provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any  
7 certificate, registration or authority, the board may, at its discretion, issue a license which  
8 is subject to probation, restriction or limitation to an applicant for licensure for any one  
9 or any combination of causes stated in subsection 2 of this section. The board's order of  
10 probation, limitation, or restriction shall contain a statement of the discipline imposed, the  
11 basis therefor, the date such action shall become effective, and a statement that the  
12 applicant has thirty days to request in writing a hearing before the administrative hearing  
13 commission. If the board issues a probationary, limited or restricted license to an applicant  
14 for licensure, either party may file a written petition with the administrative hearing  
15 commission within thirty days of the effective date of the probationary, limited, or  
16 restricted license seeking review of the board's determination. If no written request for a  
17 hearing is received by the administrative hearing commission within the thirty-day period,  
18 the right to seek review of the board's decision shall be considered as waived.

19       2. The board may cause a complaint to be filed with the administrative hearing  
20 commission as provided by chapter 621, RSMo, against any holder of any certificate,  
21 permit or license required by sections 334.935 to 334.965 or any person who has failed to  
22 renew or has surrendered his or her certificate, permit or license for failure to comply with  
23 the provisions of sections 334.935 to 334.965 or any lawful regulations promulgated by the  
24 board to implement such sections. Such regulations shall be limited to the following:

25       (1) Use or unlawful possession of any controlled substance, as defined in chapter  
26 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to  
27 perform the work of any-activity licensed or regulated by sections 334.935 to 334.965;

28       (2) Being finally adjudicated and found guilty, or having entered a plea of guilty  
29 or nolo contendere in a criminal prosecution under the laws of any state or of the United  
30 States for any offense reasonably related to the qualifications, functions or duties of any  
31 activity licensed or regulated under sections 334.935 to 334.965, for any offense an essential  
32 element of which is fraud, dishonesty or an act of violence, or for any offense involving  
33 moral turpitude, whether or not sentence is imposed;

34       (3) Use of fraud, deception, misrepresentation, or bribery in securing any  
35 certificate, permit, or license issued under sections 334.935 to 334.965 or in obtaining  
36 permission to take any examination given or required under sections 334.935 to 334.965;

37       (4) Obtaining or attempting to obtain any fee, charge, or other compensation by  
38 fraud, deception, or misrepresentation;

- 39           (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or  
40 dishonesty in the performance of the functions or duties of any activity licensed or  
41 regulated by sections 334.935 to 334.965;
- 42           (6) Violation of or assisting or enabling any person to violate any provision of  
43 sections 334.935 to 334.965, or of any lawful rule or regulation adopted by the board under  
44 sections 334.935 to 334.965;
- 45           (7) Impersonation of any person holding a certificate, permit, or license or allowing  
46 any person to use his or her certificate, permit, license, or diploma from any school;
- 47           (8) Revocation, suspension, restriction, modification, limitation, reprimand,  
48 warning, censure, probation, or other final disciplinary action against the holder of or  
49 applicant for a license or other right to practice any profession regulated by sections  
50 334.935 to 334.965 by another state, territory, federal agency, or country, whether or not  
51 voluntarily agreed to by the licensee or applicant, including but not limited to the denial  
52 of licensure, surrender of the license, allowing the license to expire or lapse, or  
53 discontinuing or limiting the practice of medicine while subject to an investigation or while  
54 actually under investigation by any licensing authority, medical facility, branch of the  
55 armed forces of the United States of America, insurance company, court, agency of the  
56 state or federal government, or employer;
- 57           (9) For an individual being finally adjudged insane or incompetent by a court of  
58 competent jurisdiction;
- 59           (10) Assisting or enabling any person to practice or offer to practice any activity  
60 licensed or regulated by sections who is not licensed and currently eligible to practice  
61 under sections 334.935 to 334.965;
- 62           (11) Issuance of a certificate, permit or license based upon a material mistake of  
63 fact;
- 64           (12) Violation of any professional trust or confidence;
- 65           (13) Use of any advertisement or solicitation that is false, misleading, or deceptive  
66 to the general public or persons to whom the advertisement or solicitation is primarily  
67 directed;
- 68           (14) Violation of the drug laws or rules and regulations of this state, any other state,  
69 or the federal government;
- 70           (15) Refusal of any applicant or licensee to cooperate with the board during any  
71 investigation;
- 72           (16) Any conduct or practice which is or might be harmful or dangerous to the  
73 mental or physical health of a patient or the public;

74           (17) Repeated negligence in the performance of the functions or duties of any  
75 activity licensed or regulated by sections 334.935 to 334.965.

76           3. After the filing of such complaint before the administrative hearing commission,  
77 the proceedings shall be conducted in accordance with the provisions of chapter 621,  
78 RSMo. Upon a finding by the administrative hearing commission that the grounds  
79 provided in subsection 2 of this section for disciplinary action are met, the board may,  
80 singly or in combination, warn, censure, or place the person named in the complaint on  
81 probation on such terms and conditions as the board deems appropriate for a period not  
82 to exceed ten years, or may suspend the person's license, certificate, or permit for a period  
83 not to exceed three years, or restrict or limit the person's license, certificate, or permit for  
84 an indefinite period of time, or revoke the person's license, certificate, or permit, or  
85 administer a public or private reprimand, or deny the person's application for a license,  
86 or permanently withhold issuance of a license or require the person to submit to the care,  
87 counseling, or treatment of physicians designated by the board at the expense of the  
88 individual to be examined, or require the person to attend such continuing educational  
89 courses and pass such examinations as the board may direct.

90           4. An individual whose license has been revoked shall wait one year from the date  
91 of revocation to apply for relicensure. Relicensure shall be at the discretion of the board  
92 after compliance with all the requirements of sections 334.935 to 334.965 relative to the  
93 licensing of an applicant for the first time. Any individual whose license has been revoked  
94 twice within a ten-year period shall not be eligible for relicensure.

95           5. Any person, organization, association or corporation who reports or provides  
96 information to the board under the provisions of sections 334.935 to 334.965 and who does  
97 so in good faith shall not be subject to an action for civil damages as a result thereof.

98           6. The board may suspend any certificate, permit, or license required under  
99 sections 334.935 to 334.965 simultaneously with the filing of the complaint with the  
100 administrative hearing commission as set forth in subsection 2 of this section if the board  
101 finds that there is an imminent threat to the public health. The notice of suspension shall  
102 include the basis of the suspension and notice of the right to appeal such suspension. The  
103 licensee may appeal the decision to suspend the license, certificate or permit to the board.  
104 The appeal shall be filed within ten days from the date of the filing of the complaint. A  
105 hearing shall be conducted by the board within ten days from the date the appeal is filed.  
106 The suspension shall continue in effect until the conclusion of the proceedings, including  
107 review thereof, unless sooner withdrawn by the board, dissolved by a court of competent  
108 jurisdiction or stayed by the administrative hearing commission.



2       **334.962.** Any person aggrieved by an official action of the board affecting his or her  
3       licensed status under the provisions of sections 334.935 to 334.965, including the refusal to  
4       grant, the revocation, the suspension, or the failure to renew a license, may seek a  
5       determination thereon by the administrative hearing commission under the provisions of  
6       section 621.045, RSMo, and it shall not be a condition to such determination that the  
7       person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure  
      before the board.

2       **334.965. 1.** There is hereby established an "Advisory Commission for Emergency  
3       Medical Technicians" which shall guide, advise and make recommendations to the board.  
4       The commission shall assist the board in carrying out the provisions of sections 334.935 to  
5       334.965.

6       **2.** The commission shall be composed of five members, to be appointed by the  
7       board as follows:

8       (1) One member of the board;

9       (2) One physician duly licensed by the board and board certified in emergency  
10      medicine or have served as a regional medical director as provided for under section  
11      190.103, RSMo for a period of two years preceding his or her appointment;

12      (3) Two licensed emergency medical technicians-paramedics; and

13      (4) One lay member.

14      **3.** Each emergency medical technician-paramedic member shall be a United States  
15      citizen, a resident of this state, and shall be licensed as an emergency medical  
16      technician-paramedic by this state. Each physician member shall be a United States  
17      citizen, a resident of this state, and have an active license to practice medicine in this state.  
18      The lay member shall be a United States citizen and a resident of this state.

19      **4.** All members shall be appointed to serve four year terms, except those first  
20      appointed, of which one shall be appointed for a term of one year, one shall be appointed  
21      for a term of two years, one shall be appointed for a term of three years, and two shall be  
22      appointed for a term of four years. No member shall be appointed for more than two  
23      consecutive four-year terms.

24      **5.** The members of the commission shall serve without compensation except that  
25      each member shall be reimbursed for necessary and actual expenses incurred in the  
26      performance of the member's official duties. The board shall provide all staff for the  
27      commission.

28      **6.** The commission shall hold an open annual meeting at which time it shall elect  
29      from its membership a chair and secretary. The commission may hold such additional  
      meetings as may be required in the performance of its duties; provided that notice of every

30 meeting shall be given to each member at least ten days prior to the date of the meeting.  
31 A quorum of the commission shall consist of a majority of its members.

32 7. The commission shall:

33 (1) Advise the board on all matters pertaining to the licensure of emergency  
34 medical technicians;

35 (2) Review all complaints and/or investigations wherein there is a possible violation  
36 of sections 334.935 to 334.965 or regulations promulgated thereto and made  
37 recommendations to the board for action;

38 (3) Follow the provisions-of the board's administrative practice procedures in  
39 conducting all official duties.

2 [190.142. 1. The department shall, within a reasonable time after receipt  
3 of an application, cause such investigation as it deems necessary to be made of  
4 the applicant for an emergency medical technician's license. The director may  
5 authorize investigations into criminal records in other states for any applicant.

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

12 (1) Age requirements;

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

17 (3) Initial licensure testing requirements;

18 (4) Continuing education and relicensure requirements; and

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

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

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

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

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

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

35           6. Any rule or portion of a rule, as that term is defined in section 536.010,  
36 RSMo, that is created under the authority delegated in this section shall become  
37 effective only if it complies with and is subject to all of the provisions of chapter  
38 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter  
39 536, RSMo, are nonseverable and if any of the powers vested with the general  
40 assembly pursuant to chapter 536, RSMo, to review, to delay the effective date  
41 or to disapprove and annul a rule are subsequently held unconstitutional, then the  
42 grant of rulemaking authority and any rule proposed or adopted after August 28,  
43 2002, shall be invalid and void.]

44

                  [190.143. 1. Notwithstanding any other provisions of law, the  
2 department may grant a ninety-day temporary emergency medical technician  
3 license to all levels of emergency medical technicians who meet the following:

4           (1) Can demonstrate that they have, or will have, employment requiring  
5 an emergency medical technician license;

6           (2) Are not currently licensed as an emergency medical technician in  
7 Missouri or have been licensed as an emergency medical technician in Missouri  
8 and fingerprints need to be submitted to the Federal Bureau of Investigation to  
9 verify the existence or absence of a criminal history, or they are currently licensed  
10 and the license will expire before a verification can be completed of the existence  
11 or absence of a criminal history;

12           (3) Have submitted a complete application upon such forms as prescribed  
13 by the department in rules adopted pursuant to sections 190.001 to 190.245;

14           (4) Have not been disciplined pursuant to sections 190.001 to 190.245  
15 and rules promulgated pursuant to sections 190.001 to 190.245;

16           (5) Meet all the requirements of rules promulgated pursuant to sections  
17 190.001 to 190.245.

18           2. A temporary emergency medical technician license shall only  
19 authorize the license to practice while under the immediate supervision of a  
20 licensed emergency medical technician-basic, emergency medical  
21 technician-paramedic, registered nurse or physician who is currently licensed,  
22 without restrictions, to practice in Missouri.

23           3. A temporary emergency medical technician license shall automatically  
24 expire either ninety days from the date of issuance or upon the issuance of a  
25 five-year emergency medical technician license.]  
26

          [190.146. Any licensee allowing a license to lapse may within two years  
2 of the lapse request that their license be returned to active status by notifying the  
3 department in advance of such intention, and submit a complete application upon  
4 such forms as prescribed by the department in rules adopted pursuant to sections  
5 190.001 to 190.245. If the licensee meets all the requirements for relicensure, the  
6 department shall issue a new emergency medical technician license to the  
7 licensee.]  
8

          [190.160. The renewal of any license shall require conformance with  
2 sections 190.001 to 190.245 and sections 190.525 to 190.537, and rules adopted  
3 by the department pursuant to sections 190.001 to 190.245 and sections 190.525  
4 to 190.537.]  
5

          [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  
4 lawful 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, RSMo.

9           2. The department may cause a complaint to be filed with the  
10 administrative hearing commission as provided by chapter 621, RSMo, against  
11 any holder of any certificate, permit or license required by sections 190.100 to  
12 190.245 or any person who has failed to renew or has surrendered his or her  
13 certificate, permit or license for failure to comply with the provisions of sections

14 190.100 to 190.245 or any lawful regulations promulgated by the department to  
15 implement such sections. Those regulations shall be limited to the following:

16 (1) Use or unlawful possession of any controlled substance, as defined  
17 in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs  
18 a person's ability to perform the work of any activity licensed or regulated by  
19 sections 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  
35 licensed 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  
40 or allowing any person to use his or her certificate, permit, license or diploma  
41 from 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;

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

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

(12) Violation of any professional trust or confidence;

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

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

(15) Refusal of any applicant or licensee to cooperate with the department of health and senior services during any investigation;

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

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

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit.

4. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time. Any individual whose license has been revoked twice within a ten-year period shall not be eligible for relicensure.

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

6. Any person, organization, association or corporation who reports or provides information to the department pursuant to the provisions of sections

190.100 to 190.245 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.

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

[190.171. Any person aggrieved by an official action of the department of health and senior services affecting the licensed status of a person pursuant to the provisions of sections 190.001 to 190.245 and sections 190.525 to 190.537, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department of health and senior services or the department of social services.]

[190.172. Notwithstanding the provisions of subdivision (3) of subsection 3 of section 621.045, RSMo, to the contrary, if no contested case has been filed against the licensee, the agency shall submit a copy of the settlement agreement signed by all of the parties within fifteen days after signature to the administrative hearing commission for determination that the facts agreed to by the parties to the settlement constitute grounds for denying or disciplining the license of the licensee. Any person who is directly harmed by the specific conduct for which the discipline is sought may submit a written impact statement to the administrative hearing commission for consideration in connection with the commission's review of the settlement agreement.]

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2 [190.175. 1. Each ambulance service licensee or emergency medical  
3 response agency licensee shall maintain accurate records, which contain  
4 information concerning the care and, if applicable, the transportation of each  
5 patient.

6 2. Records will be retained by the ambulance service licensees and  
7 emergency medical response agency licensees for five years, readily available for  
8 inspection by the department, notwithstanding transfer, sale or discontinuance of  
9 the ambulance services or business.

10 3. A patient care report, approved by the department, shall be completed  
11 for each ambulance run on which are entered pertinent remarks by the emergency  
12 medical technician, registered nurse or physician and such other items as  
13 specified by rules promulgated by the department.

14 4. A written or electronic patient care document shall be completed and  
15 given to the ambulance service personnel by the health care facility when a  
16 patient is transferred between health care facilities. Such patient care record shall  
17 contain such information pertinent to the continued care of the patient as well as  
18 the health and safety of the ambulance service personnel during the transport.  
19 Nothing in this section shall be construed as to limit the reporting requirements  
20 established in federal law relating to the transfer of patients between health care  
21 facilities.

22 5. Such records shall be available for inspection by the department at any  
reasonable time during business hours.]

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