

SECOND REGULAR SESSION

HOUSE BILL NO. 2246

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor) AND BRUNS (Co-sponsor).

5173L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.060, 190.092, and 190.528, RSMo, and to enact in lieu thereof three new sections relating to use of automated external defibrillators.

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

Section A. Sections 190.060, 190.092, and 190.528, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 190.060, 190.092, and 190.528, to read as follows:

190.060. 1. An ambulance district shall have the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;

(3) To operate, maintain and manage the ambulance service, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the operation, management or use of the ambulance service;

(4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;

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.

17 (5) To borrow money and to issue bonds, notes, certificates, or other evidences of
18 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to
19 compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise
20 provided by the Constitution of the state of Missouri;

21 (6) To employ or enter into contracts for the employment of any person, firm, or
22 corporation, and for professional services, necessary or desirable for the accomplishment of the
23 objects of the district or the proper administration, management, protection or control of its
24 property;

25 (7) To maintain the ambulance service for the benefit of the inhabitants of the area
26 comprising the district regardless of race, creed or color, and to adopt such reasonable rules and
27 regulations as may be necessary to render the highest quality of emergency medical care; to
28 exclude from the use of the ambulance service all persons who willfully disregard any of the
29 rules and regulations so established; to extend the privileges and use of the ambulance service
30 to persons residing outside the area of the district upon such terms and conditions as the board
31 of directors prescribes by its rules and regulations;

32 (8) To provide for health, accident, disability and pension benefits for the salaried
33 members of its organized ambulance district and such other benefits for the members' spouses
34 and minor children, through either, or both, a contributory or noncontributory plan. The type and
35 amount of such benefits shall be determined by the board of directors of the ambulance district
36 within the level of available revenue of the pension program and other available revenue of the
37 district. If an employee contributory plan is adopted, then at least one voting member of the
38 board of trustees shall be a member of the ambulance district elected by the contributing
39 members. The board of trustees shall not be the same as the board of directors;

40 (9) To purchase insurance indemnifying the district and its employees, officers,
41 volunteers and directors against liability in rendering services incidental to the furnishing of
42 ambulance services. Purchase of insurance pursuant to this section is not intended to waive
43 sovereign immunity, official immunity or the Missouri public duty doctrine defenses; and

44 (10) To provide for life insurance, accident, sickness, health, disability, annuity, length
45 of service, pension, retirement and other employee-type fringe benefits, subject to the provisions
46 of section 70.615, RSMo, for the volunteer members of any organized ambulance district and
47 such other benefits for their spouses and eligible unemancipated children, either through a
48 contributory or noncontributory plan, or both. For purposes of this section, "eligible
49 unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured
50 who is domiciled with the insured, who is less than twenty-three years of age, who is not
51 married, not employed on a full-time basis, not maintaining a separate residence except for
52 full-time students in an accredited school or institution of higher learning, and who is dependent

53 on parents or guardians for at least fifty percent of his or her support. The type and amount of
54 such benefits shall be determined by the board of directors of the ambulance district within
55 available revenues of the district, including the pension program of the district. The provision
56 and receipt of such benefits shall not make the recipient an employee of the district. Directors
57 who are also volunteer members may receive such benefits while serving as a director of the
58 district.

59 2. The use of any ambulance service of a district shall be subject to the reasonable
60 regulation and control of the district and upon such reasonable terms and conditions as shall be
61 established by its board of directors.

62 3. A regulatory ordinance of a district adopted pursuant to any provision of this section
63 may provide for a suspension or revocation of any rights or privileges within the control of the
64 district for a violation of any regulatory ordinance.

65 4. Nothing in this section or in other provisions of sections 190.001 to 190.245 shall be
66 construed to authorize the district or board to establish or enforce any regulation or rule in
67 respect to the operation or maintenance of the ambulance service within its jurisdiction which
68 is in conflict with any federal or state law or regulation applicable to the same subject matter.

69 5. After August 28, 1998, the board of directors of an ambulance district that proposes
70 to contract for the total management and operation of the ambulance service, when that
71 ambulance district has not previously contracted out for said service, shall hold a public hearing
72 within a thirty-day period and shall make a finding that the proposed contract to manage and
73 operate the ambulance service will:

74 (1) Provide benefits to the public health that outweigh the associated costs;

75 (2) Maintain or enhance public access to ambulance service;

76 (3) Maintain or improve the public health and promote the continued development of
77 the regional emergency medical services system.

78 6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this
79 section and after a sixty-day period, the ambulance district may enter into the proposed contract,
80 however said contract shall not be implemented for at least thirty days.

81 (2) The provisions of subsection 5 of this section shall not apply to contracts which were
82 executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the
83 signing of a new contract with an ambulance service provider for services that were previously
84 contracted out.

85 **7. All ambulance districts authorized to adopt laws, ordinances, or regulations**
86 **regarding basic life support ambulances shall require such ambulances to be equipped**
87 **with an automated external defibrillator and be staffed by at least one individual trained**
88 **in the use of an automated external defibrillator.**

190.092. 1. This section shall be known and may be cited as the "Public Access to Automated External Defibrillator Act".

2. A person or entity who acquires an automated external defibrillator shall ensure that:

(1) Expected defibrillator users receive training by the American Red Cross or American Heart Association in cardiopulmonary resuscitation and the use of automated external defibrillators, or an equivalent nationally recognized course in defibrillator use and cardiopulmonary resuscitation;

(2) The defibrillator is maintained and tested according to the manufacturer's operational guidelines;

(3) Any person who renders emergency care or treatment on a person in cardiac arrest by using an automated external defibrillator activates the emergency medical services system as soon as possible; and

(4) Any person or entity that owns an automated external defibrillator that is for use outside of a health care facility shall have a physician review and approve the clinical protocol for the use of the defibrillator, review and advise regarding the training and skill maintenance of the intended users of the defibrillator and assure proper review of all situations when the defibrillator is used to render emergency care.

3. Any person or entity who acquires an automated external defibrillator shall notify the emergency communications district or the ambulance dispatch center of the primary provider of emergency medical services where the automated external defibrillator is to be located.

4. Any person who gratuitously and in good faith renders emergency care by use of or provision of an automated external defibrillator shall not be held liable for any civil damages as a result of such care or treatment, unless the person acts in a willful and wanton or reckless manner in providing the care, advice, or assistance. The person or entity who provides appropriate training to the person using an automated external defibrillator, the person or entity responsible for the site where the automated external defibrillator is located, the person or entity that owns the automated external defibrillator, the person or entity that provided clinical protocol for automated external defibrillator sites or programs, and the licensed physician who reviews and approves the clinical protocol shall likewise not be held liable for civil damages resulting from the use of an automated external defibrillator. Nothing in this section shall affect any claims brought pursuant to chapter 537 or 538, RSMo.

5. All basic life support ambulances and stretcher vans operated in the state of Missouri shall be equipped with an automated external defibrillator and be staffed by at least one individual trained in the use of an automated external defibrillator.

6. The provisions of this section shall apply in all counties within the state and any city not within a county.

190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of passengers by stretcher van upon the streets, alleys, or any public way or place of the state of Missouri unless such person holds a currently valid license from the department for a stretcher van service issued pursuant to the provisions of sections 190.525 to 190.537 notwithstanding any provisions of chapter 390 or 622, RSMo, to the contrary.

2. Subsection 1 of this section shall not preclude any political subdivision that is authorized to operate a licensed ambulance service from adopting any law, ordinance or regulation governing the operation of stretcher vans that is at least as strict as the minimum state standards, and no such regulations or ordinances shall prohibit stretcher van services that were legally picking up passengers within a political subdivision prior to January 1, 2002, from continuing to operate within that political subdivision and no political subdivision which did not regulate or prohibit stretcher van services as of January 1, 2002, shall implement unreasonable regulations or ordinances to prevent the establishment and operation of such services.

3. In any county with a charter form of government and with more than one million inhabitants, the governing body of the county shall set reasonable standards for all stretcher van services which shall comply with subsection 2 of this section. All such stretcher van services must be licensed by the department. The governing body of such county shall not prohibit a licensed stretcher van service from operating in the county, as long as the stretcher van service meets county standards.

4. Nothing shall preclude the enforcement of any laws, ordinances or regulations of any political subdivision authorized to operate a licensed ambulance service that were in effect prior to August 28, 2001.

5. Stretcher van services may transport passengers.

6. (1) A stretcher van shall be staffed by at least two individuals when transporting passengers.

(2) All stretcher vans shall be equipped with an automated external defibrillator and shall be staffed by at least one individual who is trained in the use of an automated external defibrillator.

(3) Any political subdivision that is authorized to operate a licensed ambulance service shall adopt a law, ordinance or regulation for stretcher vans that is at least as strict as the minimum requirements in subdivision (2) of this subsection regarding automated external defibrillators.

7. The crew of the stretcher van is required to immediately contact the appropriate ground ambulance service if a passenger's condition deteriorates.

37 8. Stretcher van services shall not transport patients, persons currently admitted to a
38 hospital or persons being transported to a hospital for admission or emergency treatment.

39 9. The department of health and senior services shall promulgate regulations, including
40 but not limited to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance,
41 vehicle specifications, vehicle communications, passenger safety and records and reports.

42 10. The department of health and senior services shall issue service licenses for a period
43 of no more than five years for each service meeting the established rules.

44 11. Application for a stretcher van license shall be made upon such forms as prescribed
45 by the department in rules adopted pursuant to sections 190.525 to 190.537. The application
46 form shall contain such information as the department deems necessary to make a determination
47 as to whether the stretcher van agency meets all the requirements of sections 190.525 to 190.537
48 and rules promulgated pursuant to sections 190.525 to 190.537. The department shall conduct
49 an inspection of the stretcher van service to verify compliance with the licensure standards of
50 sections 190.525 to 190.537.

51 12. Upon the sale or transfer of any stretcher van service ownership, the owner of the
52 stretcher van service shall notify the department of the change in ownership within thirty days
53 prior to the sale or transfer. The department shall conduct an inspection of the stretcher van
54 service to verify compliance with the licensure standards of sections 190.525 to 190.537.

55 13. Ambulance services licensed pursuant to this chapter or any rules promulgated by
56 the department of health and senior services pursuant to this chapter may provide stretcher van
57 and wheelchair transportation services pursuant to sections 190.525 to 190.537.

58 14. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
59 is created under the authority delegated in this section shall become effective only if it complies
60 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
61 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
62 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
63 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
64 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
65 invalid and void.

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