

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 335
97TH GENERAL ASSEMBLY

1212H.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 94.902, 190.100, 190.165, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.067, 287.243, 321.015, 321.017, and 321.210, RSMo, and to enact in lieu thereof eleven new sections relating to public safety.

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

Section A. Sections 94.902, 190.100, 190.165, 191.630, 191.631, 192.800, 192.802, 192.804, 192.806, 192.808, 287.067, 287.243, 321.015, 321.017, and 321.210, RSMo, are repealed and eleven new sections enacted in lieu thereof, to be known as sections 94.902, 190.098, 190.100, 190.165, 191.630, 191.631, 287.067, 287.243, 321.015, 321.017, and 321.210, to read as follows:

94.902. 1. **(1)** The governing body of **the following cities may impose a sales tax as provided in this section:**

(a) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants[, or] ;

(b) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants[, or] ;

(c) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants[,] ;

(d) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants.

(2) The governing body of any city listed in subdivision (1) of this subsection may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject

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.

15 to taxation under chapter 144. The tax authorized in this section may be imposed in an amount
16 of up to one-half of one percent, and shall be imposed solely for the purpose of improving the
17 public safety for such city, including but not limited to expenditures on equipment, city employee
18 salaries and benefits, and facilities for police, fire and emergency medical providers. The tax
19 authorized in this section shall be in addition to all other sales taxes imposed by law, and shall
20 be stated separately from all other charges and taxes. The order or ordinance imposing a sales
21 tax under this section shall not become effective unless the governing body of the city submits
22 to the voters residing within the city, at a county or state general, primary, or special election, a
23 proposal to authorize the governing body of the city to impose a tax under this section.

24 2. The ballot of submission for the tax authorized in this section shall be in substantially
25 the following form:

26 Shall the city of (city's name) impose a citywide sales tax at
27 a rate of (insert rate of percent) percent for the purpose of improving the public safety of
28 the city?

29 ☐ YES

☐ NO

30

31 If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed
32 to the question, place an "X" in the box opposite "NO". If a majority of the votes cast on the
33 proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance
34 or order and any amendments to the order or ordinance shall become effective on the first day
35 of the second calendar quarter after the director of revenue receives notice of the adoption of the
36 sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon
37 are opposed to the proposal, then the tax shall not become effective unless the proposal is
38 resubmitted under this section to the qualified voters and such proposal is approved by a majority
39 of the qualified voters voting on the proposal. However, in no event shall a proposal under this
40 section be submitted to the voters sooner than twelve months from the date of the last proposal
41 under this section.

42 3. Any sales tax imposed under this section shall be administered, collected, enforced,
43 and operated as required in section 32.087. All sales taxes collected by the director of the
44 department of revenue under this section on behalf of any city, less one percent for cost of
45 collection which shall be deposited in the state's general revenue fund after payment of premiums
46 for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which
47 is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust
48 Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be
49 commingled with any funds of the state. The provisions of section 33.080 to the contrary
50 notwithstanding, money in this fund shall not be transferred and placed to the credit of the

51 general revenue fund. The director shall keep accurate records of the amount of money in the
52 trust fund and which was collected in each city imposing a sales tax under this section, and the
53 records shall be open to the inspection of officers of the city and the public. Not later than the
54 tenth day of each month the director shall distribute all moneys deposited in the trust fund during
55 the preceding month to the city which levied the tax. Such funds shall be deposited with the city
56 treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by
57 an appropriation act to be enacted by the governing body of each such city. Expenditures may
58 be made from the fund for any functions authorized in the ordinance or order adopted by the
59 governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the
60 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
61 special trust fund which are not needed for current expenditures shall be invested in the same
62 manner as other funds are invested. Any interest and moneys earned on such investments shall
63 be credited to the fund.

64 4. The director of the department of revenue may authorize the state treasurer to make
65 refunds from the amounts in the trust fund and credited to any city for erroneous payments and
66 overpayments made, and may redeem dishonored checks and drafts deposited to the credit of
67 such cities. If any city abolishes the tax, the city shall notify the director of the action at least
68 ninety days before the effective date of the repeal, and the director may order retention in the
69 trust fund, for a period of one year, of two percent of the amount collected after receipt of such
70 notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and
71 drafts deposited to the credit of such accounts. After one year has elapsed after the effective date
72 of abolition of the tax in such city, the director shall remit the balance in the account to the city
73 and close the account of that city. The director shall notify each city of each instance of any
74 amount refunded or any check redeemed from receipts due the city.

75 5. The governing body of any city that has adopted the sales tax authorized in this section
76 may submit the question of repeal of the tax to the voters on any date available for elections for
77 the city. The ballot of submission shall be in substantially the following form:

78 Shall (insert the name of the city) repeal the sales tax
79 imposed at a rate of (insert rate of percent) percent for the purpose of improving the public
80 safety of the city?

81 ☐ YES ☐ NO

82

83 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
84 effective on December thirty-first of the calendar year in which such repeal was approved. If a
85 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
86 the repeal, then the sales tax authorized in this section shall remain effective until the question

87 is resubmitted under this section to the qualified voters, and the repeal is approved by a majority
88 of the qualified voters voting on the question.

89 6. Whenever the governing body of any city that has adopted the sales tax authorized in
90 this section receives a petition, signed by ten percent of the registered voters of the city voting
91 in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this
92 section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If
93 a majority of the votes cast on the question by the qualified voters voting thereon are in favor of
94 the repeal, that repeal shall become effective on December thirty-first of the calendar year in
95 which such repeal was approved. If a majority of the votes cast on the question by the qualified
96 voters voting thereon are opposed to the repeal, then the tax shall remain effective until the
97 question is resubmitted under this section to the qualified voters and the repeal is approved by
98 a majority of the qualified voters voting on the question.

99 7. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
100 apply to the tax imposed under this section.

**190.098. 1. In order for a person to be eligible for certification by the department
2 as a community paramedic, an individual shall:**

3 **(1) Be currently certified as a paramedic and have two years of full-time service as**
4 **a paramedic or its part-time equivalent;**

5 **(2) Successfully complete a community paramedic certification program from a**
6 **college, university, or educational institution that has been approved by the department**
7 **or accredited by a national accreditation organization approved by the department; and**

8 **(3) Complete an application form approved by the department.**

9 **2. A community paramedic shall practice in accordance with protocols and**
10 **supervisory standards established by the medical director. A community paramedic may**
11 **provide services of a health care plan if the plan has been developed by the patient's**
12 **primary physician or by an advanced practice registered nurse or a physician assistant and**
13 **there is no duplication of services to the patient from another provider.**

14 **3. Any ambulance service may provide community paramedic services except in**
15 **instances in which another ambulance service is currently providing community paramedic**
16 **services in an ambulance service area, as that term is defined in section 190.100.**

17 **4. A community paramedic is subject to the provisions of sections 190.001 to**
18 **190.245 and rules promulgated under sections 190.001 to 190.245.**

19 **5. No person shall hold himself or herself out as a community paramedic or provide**
20 **the services of a community paramedic unless such person is licensed by the department.**

21 **6. The medical director shall approve the implementation of the community**
22 **paramedic program.**

23 **7. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
24 **created under the authority delegated in this section shall become effective only if it**
25 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
26 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
27 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
28 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
29 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2013,**
30 **shall be invalid and void.**

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

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

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

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

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

17 (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric
18 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-community paramedic", "community**
60 **paramedic", or "EMT-CP", a person who is certified as an emergency medical technician-**
61 **paramedic and is licensed by the department in accordance with standards prescribed in**
62 **section 190.098;**

63 (18) "Emergency medical technician-intermediate" or "EMT-I", a person who has
64 successfully completed a course of instruction in certain aspects of advanced life support care

65 as prescribed by the department and is licensed by the department in accordance with sections
66 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections
67 190.001 to 190.245;

68 [(18)] **(19)** "Emergency medical technician-paramedic" or "EMT-P", a person who has
69 successfully completed a course of instruction in advanced life support care as prescribed by the
70 department and is licensed by the department in accordance with sections 190.001 to 190.245
71 and rules adopted by the department pursuant to sections 190.001 to 190.245;

72 [(19)] **(20)** "Emergency services", health care items and services furnished or required
73 to screen and stabilize an emergency which may include, but shall not be limited to, health care
74 services that are provided in a licensed hospital's emergency facility by an appropriate provider
75 or by an ambulance service or emergency medical response agency;

76 [(20)] **(21)** "First responder", a person who has successfully completed an emergency
77 first response course meeting or exceeding the national curriculum of the United States
78 Department of Transportation and any modifications to such curricula specified by the
79 department through rules adopted pursuant to sections 190.001 to 190.245 and who provides
80 emergency medical care through employment by or in association with an emergency medical
81 response agency;

82 [(21)] **(22)** "Health care facility", a hospital, nursing home, physician's office or other
83 fixed location at which medical and health care services are performed;

84 [(22)] **(23)** "Hospital", an establishment as defined in the hospital licensing law,
85 subsection 2 of section 197.020, or a hospital operated by the state;

86 [(23)] **(24)** "Medical control", supervision provided by or under the direction of
87 physicians to providers by written or verbal communications;

88 [(24)] **(25)** "Medical direction", medical guidance and supervision provided by a
89 physician to an emergency services provider or emergency medical services system;

90 [(25)] **(26)** "Medical director", a physician licensed pursuant to chapter 334 designated
91 by the ambulance service or emergency medical response agency and who meets criteria
92 specified by the department by rules pursuant to sections 190.001 to 190.245;

93 [(26)] **(27)** "Memorandum of understanding", an agreement between an emergency
94 medical response agency or dispatch agency and an ambulance service or services within whose
95 territory the agency operates, in order to coordinate emergency medical services;

96 [(27)] **(28)** "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
97 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
98 between private or public institutions, homes or cemeteries, and individuals declared dead prior
99 to the time an ambulance is called for assistance;

100 [(28)] **(29)** "Person", as used in these definitions and elsewhere in sections 190.001 to
101 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative
102 organization, corporation, municipal or private, and whether organized for profit or not, state,
103 county, political subdivision, state department, commission, board, bureau or fraternal
104 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
105 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

106 [(29)] **(30)** "Physician", a person licensed as a physician pursuant to chapter 334;

107 [(30)] **(31)** "Political subdivision", any municipality, city, county, city not within a
108 county, ambulance district or fire protection district located in this state which provides or has
109 authority to provide ambulance service;

110 [(31)] **(32)** "Professional organization", any organized group or association with an
111 ongoing interest regarding emergency medical services. Such groups and associations could
112 include those representing volunteers, labor, management, firefighters, EMT-B's, nurses,
113 EMT-P's, physicians, communications specialists and instructors. Organizations could also
114 represent the interests of ground ambulance services, air ambulance services, fire service
115 organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric
116 services, labor unions and poison control services;

117 [(32)] **(33)** "Proof of financial responsibility", proof of ability to respond to damages for
118 liability, on account of accidents occurring subsequent to the effective date of such proof, arising
119 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
120 promulgated by the department, but in no event less than the statutory minimum required for
121 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

122 [(33)] **(34)** "Protocol", a predetermined, written medical care guideline, which may
123 include standing orders;

124 [(34)] **(35)** "Regional EMS advisory committee", a committee formed within an
125 emergency medical services (EMS) region to advise ambulance services, the state advisory
126 council on EMS and the department;

127 [(35)] **(36)** "Specialty care transportation", the transportation of a patient requiring the
128 services of an emergency medical technician-paramedic who has received additional training
129 beyond the training prescribed by the department.

130 Specialty care transportation services shall be defined in writing in the appropriate local
131 protocols for ground and air ambulance services and approved by the local physician medical
132 director. The protocols shall be maintained by the local ambulance service and shall define the
133 additional training required of the emergency medical technician-paramedic;

134 [(36)] **(37)** "Stabilize", with respect to an emergency, the provision of such medical
135 treatment as may be necessary to attempt to assure within reasonable medical probability that no

136 material deterioration of an individual's medical condition is likely to result from or occur during
137 ambulance transportation unless the likely benefits of such transportation outweigh the risks;
138 [(37)] (38) "State advisory council on emergency medical services", a committee formed
139 to advise the department on policy affecting emergency medical service throughout the state;
140 [(38)] (39) "State EMS medical directors advisory committee", a subcommittee of the
141 state advisory council on emergency medical services formed to advise the state advisory council
142 on emergency medical services and the department on medical issues;
143 [(39)] (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in
144 which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation
145 in electrocardiogram analysis, and as further defined in rules promulgated by the department
146 under sections 190.001 to 190.250;
147 [(40)] (41) "STEMI care", includes education and prevention, emergency transport,
148 triage, and acute care and rehabilitative services for STEMI that requires immediate medical or
149 surgical intervention or treatment;
150 [(41)] (42) "STEMI center", a hospital that is currently designated as such by the
151 department to care for patients with ST-segment elevation myocardial infarctions;
152 [(42)] (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined
153 by the department;
154 [(43)] (44) "Stroke care", includes emergency transport, triage, and acute intervention
155 and other acute care services for stroke that potentially require immediate medical or surgical
156 intervention or treatment, and may include education, primary prevention, acute intervention,
157 acute and subacute management, prevention of complications, secondary stroke prevention, and
158 rehabilitative services;
159 [(44)] (45) "Stroke center", a hospital that is currently designated as such by the
160 department;
161 [(45)] (46) "Trauma", an injury to human tissues and organs resulting from the transfer
162 of energy from the environment;
163 [(46)] (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
164 services for major single system or multisystem injuries that potentially require immediate
165 medical or surgical intervention or treatment;
166 [(47)] (48) "Trauma center", a hospital that is currently designated as such by the
167 department.

190.165. 1. The department may refuse to issue or deny renewal of any certificate,
2 permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the
3 provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the
4 department to implement its provisions as described in subsection 2 of this section. The

5 department shall notify the applicant in writing of the reasons for the refusal and shall advise the
6 applicant of his or her right to file a complaint with the administrative hearing commission as
7 provided by chapter 621.

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

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

17 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo
18 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
19 offense reasonably related to the qualifications, functions or duties of any activity licensed or
20 regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which
21 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
22 or not sentence is imposed;

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

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

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
29 in the performance of the functions or duties of any activity licensed or regulated by sections
30 190.100 to 190.245;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
32 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to
33 sections 190.100 to 190.245;

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

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

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

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

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

45 (12) Violation of any [professional trust or confidence] **legally protected privacy rights**
46 **of a patient by means of an unauthorized or unlawful disclosure;**

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

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

51 (15) Refusal of any applicant or licensee to [cooperate with the] **respond to reasonable**
52 **department of health and senior [services during any investigation] services' requests for**
53 **necessary information to process an application or to determine license status or license**
54 **eligibility;**

55 (16) Any conduct or practice which is or might be harmful or dangerous to the mental
56 or physical health **or safety** of a patient or the public **as defined by applicable national**
57 **standards;**

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

60 **3. If the department conducts investigations, the department, prior to interviewing**
61 **a licensee who is the subject of the investigation, shall explain to the licensee that he or she**
62 **has the right to:**

63 **(1) Consult legal counsel or have legal counsel present;**

64 **(2) Have anyone present whom he or she deems to be necessary or desirable; and**

65 **(3) Refuse to answer any question or refuse to provide or sign any written**
66 **statement.**

67

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

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

77 **department shall only be authorized to impose a suspension or revocation as a disciplinary**
78 **action if it first files the requisite complaint with the administrative hearing commission.**
79 **The commission shall not be permitted to grant summary judgment in such instances if the**
80 **licensee files an answer contesting the department's intended licensure action.**

81 [4.] 5. An individual whose license has been revoked shall wait one year from the date
82 of revocation to apply for relicensure. Relicensure shall be at the discretion of the department
83 after compliance with all the requirements of sections 190.100 to 190.245 relative to the
84 licensing of an applicant for the first time. Any individual whose license has been revoked twice
85 within a ten-year period shall not be eligible for relicensure.

86 [5.] 6. The department may notify the proper licensing authority of any other state in
87 which the person whose license was suspended or revoked was also licensed of the suspension
88 or revocation.

89 [6.] 7. Any person, organization, association or corporation who reports or provides
90 information to the department pursuant to the provisions of sections 190.100 to 190.245 and who
91 does so in good faith shall not be subject to an action for civil damages as a result thereof.

92 [7.] 8. The department of health and senior services may suspend any certificate, permit
93 or license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the
94 complaint with the administrative hearing commission as set forth in subsection 2 of this section,
95 if the department finds that there is an imminent threat to the public health. The notice of
96 suspension shall include the basis of the suspension and notice of the right to appeal such
97 suspension. The licensee may appeal the decision to suspend the license, certificate or permit
98 to the department. The appeal shall be filed within ten days from the date of the filing of the
99 complaint. A hearing shall be conducted by the department within ten days from the date the
100 appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings,
101 including review thereof, unless sooner withdrawn by the department, dissolved by a court of
102 competent jurisdiction or stayed by the administrative hearing commission.

191.630. As used in sections 191.630 and 191.631, the following terms mean:

2 (1) ["Care provider", a person who is employed as an emergency medical care provider,
3 firefighter, or police officer;

4 (2) Contagious or infectious disease", hepatitis in any form and any other communicable
5 disease as defined in section 192.800, except AIDS or HIV infection as defined in section
6 191.650, determined to be life-threatening to a person exposed to the disease as established by
7 rules adopted by the department, in accordance with guidelines of the Centers for Disease
8 Control and Prevention of the Department of Health and Human Services] **“Communicable**
9 **disease”, acquired immunodeficiency syndrome (AIDS), cutaneous anthrax, hepatitis in**
10 **any form, human immunodeficiency virus (HIV), measles, meningococcal disease, mumps,**

11 **pertussis, pneumonic plague, rubella, severe acute respiratory syndrome (SARS-CoV),**
12 **smallpox, tuberculosis, varicella disease, vaccinia, viral hemorrhagic fevers, and other such**
13 **diseases as the department may define by rule or regulation;**

14 **(2) “Communicable disease tests”, tests designed for detection of communicable**
15 **diseases. Rapid testing of the source patient in line with the Occupational Safety and**
16 **Health Administration (OSHA) enforcement of the Centers for Disease Control and**
17 **Prevention (CDC) guidelines will be recommended;**

18 **(3) “Coroner or medical examiner”, the same meaning as defined in chapter 58;**

19 **[(3)] (4) "Department", the Missouri department of health and senior services;**

20 **[(4)] (5) “Designated infection control officer”, the person or persons within the**
21 **entity or agency who are responsible for managing the infection control program and for**
22 **coordinating efforts surrounding the investigation of an exposure such as:**

23 **(a) Collecting, upon request, facts surrounding possible exposure of an emergency**
24 **care provider or Good Samaritan to a communicable disease;**

25 **(b) Contacting facilities that receive patients or clients of potentially exposed**
26 **emergency care providers or Good Samaritans to ascertain if a determination has been**
27 **made as to whether the patient or client has had a communicable disease and to ascertain**
28 **the results of that determination; and**

29 **(c) Notifying the emergency care provider or Good Samaritan as to whether there**
30 **is reason for concern regarding possible exposure;**

31 **(6) "Emergency [medical] care provider", a person who is serving as a licensed or**
32 **certified person trained to provide emergency and nonemergency medical care as a first**
33 **responder, emergency responder, EMT-B, EMT-I, or EMT-P as defined in section 190.100,**
34 **firefighter, law enforcement officer, sheriff, deputy sheriff, registered nurse, physician,**
35 **medical helicopter pilot, or other certification or licensure levels adopted by rule of the**
36 **department;**

37 **[(5)] (7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or**
38 **parenteral contact with blood or other potentially infectious materials that results from the**
39 **performance of an employee's duties;**

40 **[(6) "HIV", the same meaning as defined in section 191.650;**

41 **(7)] (8) “Good Samaritan”, any person who renders emergency medical assistance**
42 **or aid within his or her level of training or skill until such time as he or she is relieved of**
43 **those duties by an emergency care provider;**

44 **(9) "Hospital", the same meaning as defined in section 197.020;**

45 **(10) “Source patient”, person who is sick or injured and requiring the care or**
46 **services of a Good Samaritan or emergency care provider, for whose blood or other**
47 **potentially infectious materials have resulted in exposure.**

191.631. 1. (1) Notwithstanding any other law to the contrary, if [a] **an emergency care**
2 **provider or a Good Samaritan** sustains an exposure from a person while rendering emergency
3 health care services, the person to whom the **emergency care provider or Good Samaritan** was
4 exposed is deemed to consent to a test to determine if the person has a [contagious or infectious]
5 **communicable** disease and is deemed to consent to notification of the **emergency care provider**
6 **or the Good Samaritan** of the results of the test, upon submission of an exposure report by the
7 **emergency care provider or the Good Samaritan** to the hospital where the person is delivered
8 by the **emergency care provider**.

9 (2) The hospital where the [person] **source patient** is delivered shall conduct the test.
10 The sample and test results shall only be identified by a number and shall not otherwise identify
11 the person tested.

12 (3) A hospital shall have written policies and procedures for notification of [a] **an**
13 **emergency care provider or Good Samaritan** pursuant to this section. **The hospital shall**
14 **include local representation of designated infection control officers during the process to**
15 **develop or review such policies. The policies shall be substantially the same as those in**
16 **place for notification of hospital employees.** The policies and procedures shall include
17 designation of a representative of the **emergency care provider** to whom notification shall be
18 provided and who shall, in turn, notify the **emergency care provider**. The identity of the
19 designated [representative] **local infection control officer** of the **emergency care provider** shall
20 not be disclosed to the [person] **source patient** tested. The designated [representative] **local**
21 **infection control officer** shall inform the hospital of those parties who receive the notification,
22 and following receipt of such information and upon request of the person tested, the hospital
23 shall inform the person of the parties to whom notification was provided.

24 **(4) A coroner and medical examiner shall have written policies and procedures for**
25 **notification of an emergency care provider and Good Samaritan pursuant to this section.**
26 **The coroner or medical examiner shall include local representation of a designated**
27 **infection control officer during the process to develop or review such policies. The policies**
28 **shall be substantially the same as those in place for notification of coroner or medical**
29 **examiner employees. The policies and procedures shall include designation of a**
30 **representative of the emergency care providers to whom notification shall be provided and**
31 **who shall, in turn, notify the emergency care provider. The identity of the designated local**
32 **infection control officer of the emergency care provider shall not be disclosed to the source**
33 **patient tested. The designated local infection control officer shall inform the coroner or**

34 **medical examiner of those parties who receive the notification, and following receipt of**
35 **such information and upon request of the person tested, the coroner or medical examiner**
36 **shall inform the person of the parties to whom notification was provided.**

37 2. If a person tested is diagnosed or confirmed as having a [contagious or infectious]
38 **communicable** disease pursuant to this section, the hospital, **coroner, or medical examiner**
39 shall notify the **emergency** care provider, **Good Samaritan**, or the designated [representative]
40 **local infection control officer** of the **emergency** care provider who shall then notify the care
41 provider.

42 3. The notification to the **emergency** care provider **or the Good Samaritan** shall advise
43 the **emergency** care provider **or the Good Samaritan** of possible exposure to a particular
44 [contagious or infectious] **communicable** disease and recommend that the **emergency** care
45 provider **or Good Samaritan** seek medical attention. The notification shall be provided as soon
46 as is reasonably possible following determination that the individual has a [contagious or
47 infectious] **communicable** disease. The notification shall not include the name of the person
48 tested for the [contagious or infectious] **communicable** disease unless the person consents. If
49 the **emergency** care provider **or Good Samaritan** who sustained an exposure determines the
50 identity of the person diagnosed or confirmed as having a [contagious or infectious]
51 **communicable** disease, the identity of the person shall be confidential information and shall not
52 be disclosed by the **emergency** care provider **or the Good Samaritan** to any other individual
53 unless a specific written release is obtained by the person diagnosed with or confirmed as having
54 a [contagious or infectious] **communicable** disease.

55 4. This section does not require or permit, unless otherwise provided, a hospital to
56 administer a test for the express purpose of determining the presence of a [contagious or
57 infectious] **communicable** disease; except that testing may be performed if the person consents
58 and if the requirements of this section are satisfied.

59 5. This section does not preclude a hospital, **coroner, or medical examiner** from
60 providing notification to [a] **an emergency** care provider **or Good Samaritan** under
61 circumstances in which the hospital's, **coroner's, or medical examiner's** policy provides for
62 notification of the hospital's, **coroner's, or medical examiner's** own employees of exposure to
63 a [contagious or infectious] **communicable** disease that is not life-threatening if the notice does
64 not reveal a patient's name, unless the patient consents.

65 6. A hospital, **coroner, or medical examiner** participating in good faith in complying
66 with the provisions of this section is immune from any liability, civil or criminal, which may
67 otherwise be incurred or imposed.

68 7. A hospital's duty of notification pursuant to this section is not continuing but is limited
69 to diagnosis of a [contagious or infectious] **communicable** disease made in the course of

70 admission, care, and treatment following the rendering of health care services to which
71 notification pursuant to this section applies.

72 8. A hospital, **coroner, or medical examiner** that performs a test in compliance with
73 this section or that fails to perform a test authorized pursuant to this section is immune from any
74 liability, civil or criminal, which may otherwise be incurred or imposed.

75 9. [A hospital has no duty to perform the test authorized.

76 10.] The department shall adopt rules to implement this section. The department may
77 determine by rule the [contagious or infectious] **communicable** diseases for which testing is
78 reasonable and appropriate and which may be administered pursuant to this section. No rule or
79 portion of a rule promulgated under the authority of this section shall become effective unless
80 it has been promulgated pursuant to chapter 536.

81 [11.] **10.** The [employer of a] **agency which employs or sponsors the emergency** care
82 provider who sustained an exposure pursuant to this section shall pay the costs of testing for the
83 person who is the source of the exposure and of the testing of the **emergency** care provider if the
84 exposure was sustained during the course of [employment] **the provider's expected duties.**

85 **11. All emergency care providers shall respond to and treat any patient regardless**
86 **of the status of the patient's HIV or other communicable disease infection.**

87 **12. Ambulance services and emergency medical response agencies licensed under**
88 **chapter 190 shall establish and maintain local policies and provide training regarding**
89 **exposure of personnel to patient blood and body fluids as well as general protection from**
90 **communicable diseases. The training provided and the policies established shall be in**
91 **substantial compliance with the appropriate CDC and OSHA guidelines.**

92 **13. Hospitals, nursing homes, and other medical facilities and practitioners who**
93 **transfer patients known to have a communicable disease or to be subject to an order of**
94 **quarantine or an order of isolation shall notify the emergency care providers who are**
95 **providing the transportation services of the potential risk of exposure to a communicable**
96 **disease, including communicable diseases of a public health threat.**

97 **14. The department shall promulgate regulations regarding all of the following:**

98 (a) **The type of exposure that would prompt notification of the emergency care**
99 **provider or Good Samaritan, which shall cover, at a minimum, methods of potential**
100 **transmission of any diseases designated under P.L. 101-381 or diseases additionally**
101 **identified from the department's list of communicable diseases;**

102 (b) **The process to be used by the emergency care provider, Good Samaritan,**
103 **licensed facility, coroner, medical examiner, and designated infection control officer for the**
104 **reports required by this section, the process to be used to evaluate requests received from**
105 **emergency care providers and Good Samaritans, and for informing emergency care**

106 providers and Good Samaritans as to their obligations to maintain the confidentiality of
107 information received; and

108 (c) The method by which emergency care providers and Good Samaritans shall be
109 provided information and advice in a timely manner related to the risk of infection from
110 communicable diseases as a result of aid or medical care.

287.067. 1. In this chapter the term "occupational disease" is hereby defined to mean,
2 unless a different meaning is clearly indicated by the context, an identifiable disease arising with
3 or without human fault out of and in the course of the employment. Ordinary diseases of life to
4 which the general public is exposed outside of the employment shall not be compensable, except
5 where the diseases follow as an incident of an occupational disease as defined in this section.
6 The disease need not to have been foreseen or expected but after its contraction it must appear
7 to have had its origin in a risk connected with the employment and to have flowed from that
8 source as a rational consequence.

9 2. An injury by occupational disease is compensable only if the occupational exposure
10 was the prevailing factor in causing both the resulting medical condition and disability. The
11 "prevailing factor" is defined to be the primary factor, in relation to any other factor, causing both
12 the resulting medical condition and disability. Ordinary, gradual deterioration, or progressive
13 degeneration of the body caused by aging or by the normal activities of day-to-day living shall
14 not be compensable.

15 3. An injury due to repetitive motion is recognized as an occupational disease for
16 purposes of this chapter. An occupational disease due to repetitive motion is compensable only
17 if the occupational exposure was the prevailing factor in causing both the resulting medical
18 condition and disability. The "prevailing factor" is defined to be the primary factor, in relation
19 to any other factor, causing both the resulting medical condition and disability. Ordinary,
20 gradual deterioration, or progressive degeneration of the body caused by aging or by the normal
21 activities of day-to-day living shall not be compensable.

22 4. "Loss of hearing due to industrial noise" is recognized as an occupational disease for
23 purposes of this chapter and is hereby defined to be a loss of hearing in one or both ears due to
24 prolonged exposure to harmful noise in employment. "Harmful noise" means sound capable of
25 producing occupational deafness.

26 5. "Radiation disability" is recognized as an occupational disease for purposes of this
27 chapter and is hereby defined to be that disability due to radioactive properties or substances or
28 to Roentgen rays (X-rays) or exposure to ionizing radiation caused by any process involving the
29 use of or direct contact with radium or radioactive properties or substances or the use of or direct
30 exposure to Roentgen rays (X-rays) or ionizing radiation.

31 6. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the
32 heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases
33 for the purposes of this chapter and are defined to be disability due to exposure to smoke, gases,
34 carcinogens, inadequate oxygen, of paid firefighters of a paid fire department or paid police
35 officers of a paid police department certified under chapter 590 if a direct causal relationship is
36 established, or psychological stress of firefighters of a paid fire department **or paid peace**
37 **officers of a paid police department certified under chapter 590** if a direct causal relationship
38 is established.

39 7. Any employee who is exposed to and contracts any contagious or communicable
40 disease arising out of and in the course of his or her employment shall be eligible for benefits
41 under this chapter as an occupational disease.

42 8. With regard to occupational disease due to repetitive motion, if the exposure to the
43 repetitive motion which is found to be the cause of the injury is for a period of less than three
44 months and the evidence demonstrates that the exposure to the repetitive motion with the
45 immediate prior employer was the prevailing factor in causing the injury, the prior employer
46 shall be liable for such occupational disease.

 287.243. 1. This section shall be known and may be cited as the "Line of Duty
2 Compensation Act".

3 2. As used in this section, unless otherwise provided, the following words shall mean:

4 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with
5 sections 190.001 to 190.245 and corresponding regulations applicable to air ambulances adopted
6 by the department of health and senior services, division of regulation and licensure, 19 CSR
7 30-40.005, et seq.;

8 (2) "Air ambulance registered professional nurse", a person licensed as a registered
9 professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations
10 adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered
11 professional nursing services as a flight nurse in conjunction with an air ambulance program that
12 is certified in accordance with sections 190.001 to 190.245 and the corresponding regulations
13 applicable to such programs;

14 (3) "Emergency medical technician", a person licensed in emergency medical care in
15 accordance with standards prescribed by sections 190.001 to 190.245 and by rules adopted by
16 the department of health and senior services under sections 190.001 to 190.245;

17 (4) "Firefighter", any person, including a volunteer firefighter, employed by the state or
18 a local governmental entity as an employer defined under subsection 1 of section 287.030, or
19 otherwise serving as a member or officer of a fire department either for the purpose of the
20 prevention or control of fire or the underwater recovery of drowning victims;

21 (5) "Killed in the line of duty", when [a person defined in this section] **any law**
22 **enforcement officer, emergency medical technician, air ambulance pilot, air ambulance**
23 **registered professional nurse, paramedic, or firefighter** loses [one's] **his or her** life as a result
24 of an injury received in the active performance of [his or her duties within the ordinary scope of]
25 **duties in** his or her respective profession [while the individual is on duty and but for the
26 individual's performance, death would have not occurred] , **if the death occurs as a natural and**
27 **probable consequence of the injury or disease caused by the accident or violence of another**
28 **within three hundred weeks from the date the injury was received and if that injury arose**
29 **from violence of another or accidental cause subject to the provisions of this subdivision.**
30 The term excludes death resulting from the willful misconduct or intoxication of the law
31 enforcement officer, emergency medical technician, air ambulance pilot, air ambulance
32 registered professional nurse, **paramedic**, or firefighter. The division of workers' compensation
33 shall have the burden of proving such willful misconduct or intoxication. **For law enforcement**
34 **officers, emergency medical technicians, air ambulance pilots, air ambulance registered**
35 **professional nurses, paramedics, and firefighters, the term shall include the death caused**
36 **as a result of a willful act of violence committed by a person other than the officer,**
37 **emergency medical technician, air ambulance pilot, air ambulance registered professional**
38 **nurse, paramedic, or firefighter, and a relationship exists between the commission of such**
39 **act and the individual's performance of his or her duties as a law enforcement officer,**
40 **emergency medical technician, air ambulance pilot, air ambulance registered professional**
41 **nurse, paramedic, or firefighter, regardless of whether the injury is received while the**
42 **individual is on duty; or the injury is received by a law enforcement officer while he or she**
43 **is attempting to prevent the commission of a criminal act of another person or attempting**
44 **to apprehend an individual suspected of committing a crime, regardless of whether the**
45 **injury is received while the individual is on duty as a law enforcement officer; or the injury**
46 **is received by the individual while traveling to or from his or her employment or during**
47 **any meal break, or other break, which takes place during the period in which the law**
48 **enforcement officer, air ambulance pilot, air ambulance registered professional nurse,**
49 **emergency medical technician, paramedic, or firefighter, is on duty;**

50 (6) "Law enforcement officer", any person employed by the state or a local governmental
51 entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary
52 police officer or in some like position involving the enforcement of the law and protection of the
53 public interest at the risk of that person's life;

54 (7) "Local governmental entity", includes counties, municipalities, townships, board or
55 other political subdivision, cities under special charter, or under the commission form of
56 government, fire protection districts, ambulance districts, and municipal corporations;

57 (8) "State", the state of Missouri and its departments, divisions, boards, bureaus,
58 commissions, authorities, and colleges and universities;

59 (9) "Volunteer firefighter", a person having principal employment other than as a
60 firefighter, but who is carried on the rolls of a regularly constituted fire department either for the
61 purpose of the prevention or control of fire or the underwater recovery of drowning victims, the
62 members of which are under the jurisdiction of the corporate authorities of a city, village,
63 incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual
64 who volunteers assistance without being regularly enrolled as a firefighter.

65 3. (1) A claim for compensation under this section shall be filed by the estate of the
66 deceased with the division of workers' compensation not later than one year from the date of
67 death of a law enforcement officer, emergency medical technician, air ambulance pilot, air
68 ambulance registered professional nurse, or firefighter. If a claim is made within one year of the
69 date of death of a law enforcement officer, emergency medical technician, air ambulance pilot,
70 air ambulance registered professional nurse, or firefighter killed in the line of duty, compensation
71 shall be paid, if the division finds that the claimant is entitled to compensation under this section.

72 (2) The amount of compensation paid to the claimant shall be twenty-five thousand
73 dollars, subject to appropriation, for death occurring on or after June 19, 2009.

74 4. Notwithstanding subsection 3 of this section, no compensation is payable under this
75 section unless a claim is filed within the time specified under this section setting forth:

76 (1) The name, address, and title or designation of the position in which the law
77 enforcement officer, emergency medical technician, air ambulance pilot, air ambulance
78 registered professional nurse, or firefighter was serving at the time of his or her death;

79 (2) The name and address of the claimant;

80 (3) A full, factual account of the circumstances resulting in or the course of events
81 causing the death at issue; and

82 (4) Such other information that is reasonably required by the division.

83 When a claim is filed, the division of workers' compensation shall make an investigation for
84 substantiation of matters set forth in the application.

85 5. The compensation provided for under this section is in addition to, and not exclusive
86 of, any pension rights, death benefits, or other compensation the claimant may otherwise be
87 entitled to by law.

88 6. Neither employers nor workers' compensation insurers shall have subrogation rights
89 against any compensation awarded for claims under this section. Such compensation shall not
90 be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be
91 subject to setoff or counterclaim, or be in any way liable for any debt, except that the division
92 or commission may allow as lien on the compensation, reasonable attorney's fees for services in

93 connection with the proceedings for compensation if the services are found to be necessary.
94 Such fees are subject to regulation as set forth in section 287.260.

95 7. Any person seeking compensation under this section who is aggrieved by the decision
96 of the division of workers' compensation regarding his or her compensation claim, may make
97 application for a hearing as provided in section 287.450. The procedures applicable to the
98 processing of such hearings and determinations shall be those established by this chapter.
99 Decisions of the administrative law judge under this section shall be binding, subject to review
100 by either party under the provisions of section 287.480.

101 8. Pursuant to section 23.253 of the Missouri sunset act:

102 (1) The provisions of the new program authorized under this section shall automatically
103 sunset six years after June 19, 2009, unless reauthorized by an act of the general assembly; and

104 (2) If such program is reauthorized, the program authorized under this section shall
105 automatically sunset twelve years after the effective date of the reauthorization of this section;
106 and

107 (3) This section shall terminate on September first of the calendar year immediately
108 following the calendar year in which the program authorized under this section is sunset.

109 9. The provisions of this section, unless specified, shall not be subject to other provisions
110 of this chapter.

111 10. There is hereby created in the state treasury the "Line of Duty Compensation Fund",
112 which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts,
113 or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve
114 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
115 appropriation, money in the fund shall be used solely for paying claims under this section.
116 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the
117 fund at the end of the biennium shall not revert to the credit of the general revenue fund. The
118 state treasurer shall invest moneys in the fund in the same manner as other funds are invested.
119 Any interest and moneys earned on such investments shall be credited to the fund.

120 11. The division shall promulgate rules to administer this section, including but not
121 limited to the appointment of claims to multiple claimants, record retention, and procedures for
122 information requests. Any rule or portion of a rule, as that term is defined in section 536.010,
123 that is created under the authority delegated in this section shall become effective only if it
124 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
125 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
126 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and
127 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
128 any rule proposed or adopted after June 19, 2009, shall be invalid and void.

321.015. 1. No person holding any lucrative office or employment under this state, or
2 any political subdivision thereof as defined in section 70.120, shall hold the office of fire
3 protection district director under this chapter. When any fire protection district director accepts
4 any office or employment under this state or any political subdivision thereof, his office shall
5 thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as
6 fire protection district director.

7 2. This section shall not apply to:

8 (1) Members of the organized militia, of the reserve corps, public school employees and
9 notaries public[, or to] ;

10 (2) Fire protection districts located wholly within counties of the second, third or fourth
11 [class or] **classification**;

12 (3) **Fire protection districts in counties of the first classification with less than**
13 **eighty-five thousand inhabitants**;

14 (4) **Fire protection districts** located within [first class] counties **of the first**
15 **classification** not adjoining any other [first class] county[, nor shall this section apply to] **of the**
16 **first classification**;

17 (5) **Fire protection districts located within** any county of the first or second [class]
18 **classification** not having more than nine hundred thousand inhabitants which borders any three
19 [first class] counties **of the first classification**; [nor shall this section apply to]

20 (6) **Fire protection districts located within** any [first class] county **of the first**
21 **classification** [without a charter form of government] which adjoins both a [first class] **charter**
22 county [with a charter form of government] **of the first classification** with at least nine hundred
23 thousand inhabitants, and adjoins at least four other counties; **and**

24 (7) **Fire protection districts located within any county of the first classification with**
25 **more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.**

26 3. **For the purposes of this section**, the term "lucrative office or employment" does not
27 include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in
28 an amount not to exceed seventy-five dollars for each day of service, for service rendered to a
29 fire protection district, the state or any political subdivision thereof.

321.017. Notwithstanding the provisions of section 321.015, no employee of any fire
2 protection district or ambulance district shall serve as a member of any fire district or ambulance
3 district board **in the same county where such person is employed** while such person is
4 employed by any fire district or ambulance district, except that an employee of a fire protection
5 district or an ambulance district may serve as a member of a voluntary fire protection district
6 board or a voluntary ambulance district board.

321.210. On the first Tuesday in April after the expiration of at least two full calendar years from the date of the election of the first board of directors, and on the first Tuesday in April every two years thereafter, an election for members of the board of directors shall be held in the district. Nominations shall be filed at the headquarters of the fire protection district in which a majority of the district is located by paying a [ten-dollar] filing fee **up to the amount of a candidate for state representative as set forth under section 115.357** and filing a statement under oath that he possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.

[192.800. As used in this section, the following terms mean:

(1) "Communicable disease", an illness due to an infectious agent or its toxic products and transmitted directly or indirectly to a susceptible host from an infected person, animal or arthropod or through the agency of an intermediate host or a vector or through the inanimate environment;

(2) "Designated officer", an employee of the department or a city or county health officer, or designee, located in or employed by appropriate agencies serving geographical regions and appointed by the director of the department of health and senior services, whose duties consist of:

(a) Collecting, upon request, facts surrounding possible exposure of a first responder or Good Samaritan to a communicable disease or infection;

(b) Contacting facilities that receive patients or clients of potentially exposed first responders or Good Samaritans to ascertain if a determination has been made as to whether the patient or client has had a communicable disease or infection and to ascertain the results of that determination; and

(c) Notifying the first responder or Good Samaritan as to whether or not there is reason for concern regarding possible exposure;

(3) "First responder", any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, ambulance attendants and attendant drivers, emergency medical technicians, mobile emergency medical technicians, emergency medical technician-paramedics, registered nurses or physicians;

(4) "Good Samaritan", any person who renders emergency medical assistance or aid until such time as relieved of these duties by a first responder;

31 (5) "Licensed facility", a facility licensed under chapter 197 or a state
32 medical facility.]
33

[192.802. The department of health and senior services shall ensure that
2 first responders or Good Samaritans are notified if there is reason to believe an
3 exposure has occurred which may present a significant risk of a communicable
4 disease as a result of attending or transporting a patient to a licensed facility. At
5 the request of any first responder, the licensed facility shall notify any such first
6 responder and at the request of any Good Samaritan, the designated officer shall
7 notify such Good Samaritan. Notification will be made as soon as practicable,
8 but not later than forty-eight hours, to the department of health and senior
9 services or a designated officer.]
10

[192.804. 1. First responders or Good Samaritans who attended or
2 transported a patient who believe that they may have received an exposure which
3 may present a significant risk of a communicable disease by a patient may
4 provide a written request concerning the suspected exposure to either the licensed
5 facility that received the patient or the designated officer, detailing the nature of
6 the alleged exposure. The form shall inform the first responder or Good
7 Samaritan, in bold print, of the provisions of subsections 1 and 6 of section
8 191.656 regarding confidentiality and consequences of violation of
9 confidentiality provisions. The first responder or Good Samaritan shall be given
10 a copy of the request form.

11 2. If the licensed facility, designated officer, coroner or medical examiner
12 makes a determination that there was an exposure to a communicable disease, the
13 report to the first responder or Good Samaritan shall provide the name of the
14 communicable disease involved, the date on which the patient was assisted or
15 transported, and any advice or information about the communicable disease as
16 provided by rule by the department of health and senior services and shall, in
17 addition, inform the first responder or the Good Samaritan of the provisions of
18 subsections 1 and 6 of section 191.656 regarding confidentiality and
19 consequences of violation of confidentiality provisions. This section shall not be
20 construed to authorize the disclosure of any identifying information with respect
21 to the patient, first responder or Good Samaritan.]
22

[192.806. 1. The department of health and senior services shall
2 promulgate regulations, pursuant to the provisions of section 192.006 and chapter
3 536, concerning:

4 (1) The type of exposure that would prompt notification of the first
5 responder or Good Samaritan, which shall cover at a minimum, methods of
6 potential transmission of any diseases designated under P.L. 101-381 or diseases
7 additionally identified from the department of health and senior services' list of
8 communicable diseases;

9 (2) The process to be used by the first responder, Good Samaritan,
10 licensed facility, coroner, medical examiner and designated officer for the reports
11 required by this section, the process to be used to evaluate requests received from
12 first responders and Good Samaritans, and for informing first responders and
13 Good Samaritans as to their obligations to maintain the confidentiality of
14 information received;

15 (3) The method by which first responders and Good Samaritans shall be
16 provided information and advice in a timely manner related to the risk of
17 infection from communicable diseases as a result of provision of aid or medical
18 care;

19 (4) The need for employers of first responders to provide training to
20 employees regarding the use of universal precautions.

21 2. All licensed facilities, medical examiners, coroners, first responders
22 and Good Samaritans shall be required to comply with the regulations
23 promulgated pursuant to sections 192.800 to 192.808.]
24

2 [192.808. 1. Sections 192.800 to 192.808 shall not be construed to
3 authorize or require a licensed facility to test any patient for any communicable
4 disease, nor shall mandatory testing of any person be required, except as provided
5 for in sections 191.659, 191.662 and 191.674.

6 2. All emergency response employees are required to respond to and treat
7 any patient regardless of HIV or other communicable disease infection.

8 3. Sections 192.800 to 192.808 shall not be construed to require or permit
9 the department of health and senior services or its designated officers to collect
10 information concerning HIV infection in a form that permits the identity of the
patient to be determined, except as otherwise provided by law.]

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