

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for House Bill No. 226, Page 1, Section 190.103, Lines 11-12, by  
2 deleting all of said lines and inserting in lieu thereof the following:

3  
4 "be four years. The state EMS medical director shall be elected by the members of the regional EMS medical  
5 director's advisory committee, shall serve a term of four years, and shall seek to coordinate EMS services  
6 between the EMS regions, promote educational efforts for agency medical directors, represent Missouri EMS  
7 nationally in the role of the state EMS medical director, and seek to incorporate the EMS system into the  
8 health care system serving Missouri."; and  
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10 Further amend said section, Page 2, Line 32, by inserting after the words, "Regional EMS medical directors"  
11 the words, "and the state EMS medical director"; and  
12

13 Further amend said bill and section, Page 3, Line 62, by inserting immediately after said section and line the  
14 following:  
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16 "190.142. 1. The department shall, within a reasonable time after receipt of an application, cause  
17 such investigation as it deems necessary to be made of the applicant for an emergency medical technician's  
18 license. The director may authorize investigations into criminal records in other states for any applicant.  
19

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

25 (1) Age requirements;

26 (2) Education and training requirements based on respective ~~[national curricula of the United States~~  
27 ~~Department of Transportation]~~ National Emergency Medical Services Education Standards and any  
28 modification to such curricula specified by the department through rules adopted pursuant to sections  
29 190.001 to 190.245;

30 (3) EMT-P programs must be accredited by the Commission on Accreditation of Allied Health  
31 Education Programs (CAAHEP) or hold Committee on Accreditation of Education Programs for the  
32 Emergency Medical Services Professions (CoAEMSP) letter of review;

33 (4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the  
34 national registry of EMTs or examinations developed and administered by the department of health and  
35 senior services;

36 [(4)] (5) Continuing education and relicensure requirements; and

37 [(5)] (6) Ability to speak, read and write the English language.

38 3. Application for all levels of emergency medical technician license shall be made upon such forms  
39 as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application  
form shall contain such information as the department deems necessary to make a determination as to

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

whether the emergency medical technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

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

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

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

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

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

Further amend said bill and page, Section 190.144, Line 10, by inserting immediately after said section and line the following:

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

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

(2) Who have been authorized by their ground or air ambulance service's administration and medical director under subsection 3 of section 190.103; and

(3) Whose ground or air ambulance service has developed and adopted standardized triage, treatment, and transport protocols under subsection 3 of section 190.103, which address the challenge of treating and transporting behavioral health patients who present a likelihood of serious harm to themselves or others as the term "likelihood of serious harm" is defined under section 632.005 or who are significantly incapacitated by alcohol or drugs

may make a good faith determination that such patients shall be placed in a temporary hold for the sole purposes of transport to the nearest appropriate facility.

2. EMT-Ps who have made a good faith decision for a temporary hold of a patient as authorized by this section shall no longer have to rely on the common law doctrine of implied consent and therefore shall not be civilly liable for a good faith determination made in accordance with this section and shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense if employed at the time of the good faith determination by a governmental employer.

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

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

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

promulgated by the department to implement such sections. Those regulations shall be limited to the following:

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

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

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

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

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

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

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

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

(9) For an individual being finally adjudged insane or incompetent by a 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, confidence, or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;

(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 respond to reasonable department of health and senior services' requests for necessary information to process an application or to determine license status or license eligibility;

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

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

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

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

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

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

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

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the

1 provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds,  
2 provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in  
3 combination, censure or place the person named in the complaint on probation on such terms and conditions  
4 as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to  
5 exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the  
6 contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action  
7 only if it first files the requisite complaint with the administrative hearing commission. The administrative  
8 hearing commission shall hear all relevant evidence on remediation activities of the licensee and shall make a  
9 recommendation to the department of health and senior services as to licensure disposition based on such  
10 evidence.

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

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

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

20 8. The department of health and senior services may suspend any certificate, permit or license  
21 required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the  
22 administrative hearing commission as set forth in subsection 2 of this section, if the department finds that  
23 there is an imminent threat to the public health. The notice of suspension shall include the basis of the  
24 suspension and notice of the right to appeal such suspension. The licensee may appeal the decision to  
25 suspend the license, certificate or permit to the department. The appeal shall be filed within ten days from  
26 the date of the filing of the complaint. A hearing shall be conducted by the department within ten days from  
27 the date the appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings,  
28 including review thereof, unless sooner withdrawn by the department, dissolved by a court of competent  
29 jurisdiction or stayed by the administrative hearing commission."; and  
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31 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.