

FIRST REGULAR SESSION

HOUSE BILL NO. 1044

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LAUER.

2109H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.103, 190.165, and 190.339, RSMo, and to enact in lieu thereof four new sections relating to emergency medical services.

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

Section A. Sections 190.103, 190.165, and 190.339, RSMo, are repealed and four new
2 sections enacted in lieu thereof, to be known as sections 190.103, 190.147, 190.165, and
3 190.339, to read as follows:

190.103. 1. One physician with expertise in emergency medical services from each of
2 the EMS regions shall be elected by that region's EMS medical directors to serve as a regional
3 EMS medical director. The regional EMS medical directors shall constitute the state EMS
4 medical director's advisory committee and shall advise the department and their region's
5 ambulance services on matters relating to medical control and medical direction in accordance
6 with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections
7 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The
8 southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an
9 initial two-year term. The central, east central, and southeast regional EMS medical directors
10 shall be elected to an initial four-year term. All subsequent terms following the initial terms shall
11 be four years.

12 2. A medical director is required for all ambulance services and emergency medical
13 response agencies that provide: advanced life support services; basic life support services
14 utilizing medications or providing assistance with patients' medications; or basic life support
15 services performing invasive procedures including invasive airway procedures. The medical
16 director shall provide medical direction to these services and agencies in these instances.

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 3. The medical director, in cooperation with the ambulance service or emergency
18 medical response agency administrator, shall have the responsibility and the authority to ensure
19 that the personnel working under their supervision are able to provide care meeting established
20 standards of care with consideration for state and national standards as well as local area needs
21 and resources. The medical director, in cooperation with the ambulance service or emergency
22 medical response agency administrator, shall establish and develop triage, treatment and
23 transport protocols, which may include authorization for standing orders.

24 4. All ambulance services and emergency medical response agencies that are required
25 to have a medical director shall establish an agreement between the service or agency and their
26 medical director. The agreement will include the roles, responsibilities and authority of the
27 medical director beyond what is granted in accordance with sections 190.001 to 190.245 and
28 rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall
29 also include grievance procedures regarding the emergency medical response agency or
30 ambulance service, personnel and the medical director.

31 **5. Regional EMS medical directors elected as provided under subsection 1 of this**
32 **section shall be considered public officials for purposes of sovereign immunity, official**
33 **immunity, and the Missouri public duty doctrine defenses.**

34 **6. The state EMS medical director's advisory committee shall be considered a peer**
35 **review committee under section 537.035 and regional EMS medical directors shall be**
36 **eligible to participate in the Missouri Patient Safety Organization as provided under the**
37 **Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. Section 299, et seq., as**
38 **amended.**

39 **7. Regional EMS medical directors may act to provide online telecommunication**
40 **medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community paramedics and provide**
41 **offline medical direction per standardized treatment, triage, and transport protocols when**
42 **EMS personnel, including EMT-Bs, EMT-Is, EMT-Ps, and community paramedics, are**
43 **providing care to special needs patients or at the request of a local EMS agency or medical**
44 **director.**

45 **8. When developing treatment protocols for special needs patients, regional EMS**
46 **medical directors may promulgate such protocols on a regional basis across multiple**
47 **political subdivisions' jurisdictional boundaries and such protocols may be used by**
48 **multiple agencies including, but not limited to, ambulance services, emergency response**
49 **agencies, and public health departments.**

50 **9. Multiple EMS agencies including, but not limited to, ambulance services,**
51 **emergency response agencies, and public health departments shall take necessary steps to**

52 follow the regional EMS protocols established as provided under subsection 8 of this
53 section in cases of mass casualty or state-declared disaster incidents.

54 **10. When regional EMS medical directors develop and implement treatment**
55 **protocols for patients or provide online medical direction for such patients, such activity**
56 **shall not be construed as having usurped local medical direction authority in any manner.**

57 **11. Notwithstanding any other provision of law, when regional EMS medical**
58 **directors are providing either online telecommunication medical direction to EMT-Bs,**
59 **EMT-Is, EMT-Ps, and community paramedics, or offline medical direction per**
60 **standardized EMS treatment, triage, and transport protocols for patients, those medical**
61 **directions or treatment protocols may include the administration of the patient's own**
62 **prescription medications.**

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

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

6 **(2) Been authorized by their ground or air ambulance service's administration and**
7 **medical director under subsection 3 of section 190.103; and**

8 **(3) Whose ground or air ambulance service has developed and adopted**
9 **standardized triage, treatment, and transport protocols under subsection 3 of section**
10 **190.103 that address the challenge of treating and transporting behavioral health patients**
11 **who present a likelihood of serious harm to themselves or others, as the term "likelihood**
12 **of serious harm" is defined under section 632.005, or who are significantly incapacitated**
13 **by alcohol or drugs;**

14

15 **may make a good faith determination that such patients shall be placed into a temporary**
16 **hold for the sole purpose of transport to the nearest appropriate facility.**

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

23 **3. Any ground or air ambulance service that adopts the authority and protocols**
24 **provided for by this section shall have a memorandum of understanding with applicable**
25 **local law enforcement agencies in order to achieve a collaborative and coordinated**

26 **response to patients displaying symptoms of either a likelihood of serious harm to**
27 **themselves or others or significant incapacitation by alcohol or drugs, which require a**
28 **crisis intervention response.**

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

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

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

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

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

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

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

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

68 4. After the filing of such complaint, the proceedings shall be conducted in accordance
69 with the provisions of chapter 621. Upon a finding by the administrative hearing commission

70 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
71 department may, singly or in combination, censure or place the person named in the complaint
72 on probation on such terms and conditions as the department deems appropriate for a period not
73 to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
74 license, certificate or permit. Notwithstanding any provision of law to the contrary, the
75 department shall be authorized to impose a suspension or revocation as a disciplinary action only
76 if it first files the requisite complaint with the administrative hearing commission. **The**
77 **administrative hearing commission shall hear all relevant evidence on remediation**
78 **activities of the licensee and shall make a recommendation to the department of health and**
79 **senior services as to licensure disposition based on such evidence.**

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

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

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

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

190.339. 1. The powers and duties of the emergency services board shall include, but
2 not be limited to:

3 (1) Planning a 911 system and dispatching system;

4 (2) Coordinating and supervising the implementation, upgrading or maintenance of the
5 system, including the establishment of equipment specifications and coding systems;

6 (3) Receiving money from any county sales tax authorized to be levied pursuant to
7 section 190.335 and authorizing disbursements from such moneys collected;

8 (4) Hiring any staff necessary for the implementation, upgrade or operation of the
9 system.

10 2. Except for emergency services 911 boards in existence prior to August 25, 2010, and
11 operating under the authority of subsection 11 of section 190.335, the board shall be a body
12 corporate and a political subdivision of the state and shall be known as the " _____ Emergency
13 Services Board".

14 3. The administrative control and management of the moneys from any county sales tax
15 authorized to be levied pursuant to section 190.335 and the administrative control and
16 management of the central dispatching of emergency services shall rest solely with the board,
17 and the board shall employ all necessary personnel, affix their compensation and provide suitable
18 quarters and equipment for the operation of the central dispatching of emergency services from
19 the funds available for this purpose.

20 4. The board may contract to provide services relating in whole or in part to central
21 dispatching of emergency services and for such purpose may expend the tax funds or other funds.

22 5. The board shall elect a vice chairman, treasurer, secretary and such other officers as
23 it deems necessary. Before taking office, the treasurer shall furnish a surety bond in an amount
24 to be determined and in a form to be approved by the board for the faithful performance of the
25 treasurer's duties and faithful accounting of all moneys that may come into the treasurer's hands.
26 The treasurer shall enter into the surety bond with a surety company authorized to do business
27 in Missouri, and the cost of such bond shall be paid by the board of directors.

28 6. The board may accept any gift of property or money for the use and benefit of the
29 central dispatching of emergency services, and the board is authorized to sell or exchange any
30 such property which it believes would be to the benefit of the service so long as the proceeds are
31 used exclusively for central dispatching of emergency services. The board shall have exclusive
32 control of all gifts, property or money it may accept; of all interest of other proceeds which may
33 accrue from the investment of such gifts or money or from the sale of such property; of all tax
34 revenues collected by the county on behalf of the central dispatching of emergency services; and
35 of all other funds granted, appropriated or loaned to it by the federal government, the state or its
36 political subdivisions so long as such resources are used solely to benefit the central dispatching
37 of emergency services.

38 7. Any board member may, following notice and an opportunity to be heard, be removed
39 from any office by a majority vote of the other members of the board for any of the following
40 reasons:

41 (1) Failure to attend five consecutive meetings, without good cause;

42 (2) Conduct prejudicial to the good order and efficient operation of the central
43 dispatching of emergency services; or

44 (3) Neglect of duty.

45 8. The chairperson of the board shall preside at such removal hearing, unless the
46 chairperson is the person sought to be removed, in which case the hearing shall be presided over
47 by another member elected by a majority vote of the other board members. All interested parties
48 may present testimony and arguments at such hearing, and the witnesses shall be sworn in by
49 oath or affirmation before testifying. Any interested party may, at his or her own expense, record
50 the proceedings.

51 9. Vacancies on the board occasioned by removals, resignations or otherwise shall be
52 filled by the remaining members of the board. The appointee or appointees shall act until the
53 next election at which a director or directors are elected to serve the remainder of the unexpired
54 term.

55 10. Individual board members shall not be eligible for employment by the board within
56 twelve months of termination of service as a member of the board.

57 11. No person shall be employed by the board who is related within the fourth degree
58 by blood or by marriage to any member of the board.

59 **12. The board shall possess all of the powers delineated in section 190.327,**
60 **including those necessary, incidental, or appropriate to carry out any express power.**

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