



Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SS SCS HB 1355

entitled:

AN ACT

To repeal sections 43.505, 43.507, 57.117, 57.450, 84.510, 190.335, 217.015, 217.030, 217.075, 217.655, 217.665, 217.670, 217.690, 217.703, 217.705, 217.720, 217.722, 217.735, 217.750, 217.755, 217.760, 217.762, 217.777, 217.810, 221.050, 221.105, 260.391, 292.606, 302.176, 306.030, 306.126, 414.032, 488.5320, 513.653, 589.303, 595.010, 595.015, 595.020, 595.025, 595.030, 595.035, 595.055, and 595.220, RSMo, and to enact in lieu thereof fifty-four new sections relating to public safety, with penalty provisions.

With SA 1, SA 2, SA 3, SA 4, SA 5, SA 6

In which the concurrence of the House is respectfully requested.

Respectfully,

Adriane D. Crouse

Secretary of the Senate

RECEIVED

MAY 09 2018

CHIEF CLERK

SENATE AMENDMENT NO. 1

Offered by Chappelle-Nadal of 14th

Amend SS/SCS/House Bill No. 1355, Pages 62-63, Section 260.558, Line ,

2 by striking said section and inserting in lieu thereof the
3 following:

4 "260.558. 1. There is hereby created in the state treasury
5 the "Radioactive Waste Investigation Fund". The state treasurer
6 shall be custodian of the fund. In accordance with sections
7 30.170 and 30.180, the state treasurer may approve disbursements.
8 The fund shall be a dedicated fund and, upon appropriation,
9 moneys in the fund shall be used solely by the department of
10 natural resources to investigate concerns of exposure to
11 radioactive waste. Upon written request by a local governing
12 body expressing concerns of radioactive waste contamination in a
13 specified area within its jurisdiction, the department of natural
14 resources shall use moneys in the radioactive waste investigation
15 fund to develop and conduct an investigation, using sound
16 scientific methods, for the specified area of concern. The
17 request by a local governing body shall include a specified area
18 of concern and any supporting documentation related to the
19 concern. The department shall prioritize requests in the order
20 in which they are received, except that the department may give
21 priority to requests that are in close proximity to federally

Offered 5/1/18
adopted "

1 designated sites where radioactive contaminants are known or
2 reasonably expected to exist. The investigation shall be
3 performed by applicable federal or state agencies or by a
4 qualified contractor selected by the department through a
5 competitive bidding process. In conducting an investigation
6 under this section, the department shall work with the applicable
7 government agency or approved contractor, as well as local
8 officials, to develop a sampling and analysis plan to determine
9 if radioactive contaminants in the area of concern exceed federal
10 standards for remedial action due to contamination. Within a
11 residential area, this plan may include dust samples collected
12 inside residential homes only after obtaining permission from the
13 homeowners. The samples shall be analyzed for the isotopes
14 necessary to correlate the samples with the suspected
15 contamination, as described in the sampling and analysis plan.
16 Within forty-five days of receiving the final sampling results,
17 the department shall report the results to the attorney general
18 and the local governing body that requested the investigation and
19 make the finalized report and testing results publicly available
20 on the department's website.

21 2. The transfer to the fund shall not exceed one hundred
22 fifty thousand dollars per fiscal year. Investigation costs
23 expended from this fund shall not exceed one hundred fifty
24 thousand dollars per fiscal year. Any moneys remaining in the
25 fund at the end of the biennium shall revert to the credit of the
26 hazardous waste fund.

27 3. The state treasurer shall invest moneys in the fund in
28 the same manner as other funds are invested. Any interest and
29 moneys earned on such investments shall be credited to the

1 fund.".

2.
1.

SENATE AMENDMENT NO. 2Offered by Hegeman of AndrewAmend SS/SCS/House Bill No. 1355, Page 13, Section 84.510, Line 22,

2 of said page, by inserting immediately after said line the
3 following:

4 "99.848. 1. Notwithstanding subsection 1 of section
5 [99.847] 99.845, any district or county imposing a property tax
6 for the purposes of providing emergency services pursuant to
7 chapter 190 or 321 shall be entitled to reimbursement from the
8 special allocation fund in the amount of at least fifty percent
9 [nor] but not more than one hundred percent of the district's tax
10 increment. This section shall not apply to tax increment
11 financing projects or districts approved prior to August 28,
12 2004.

13 2. Beginning August 28, 2018, an ambulance district board
14 operating under chapter 190, a fire protection district board
15 operating under chapter 321, or the governing body of a county
16 operating a 911 center providing emergency or dispatch services
17 under chapter 190 or chapter 321 shall annually set the
18 reimbursement rate under subsection 1 of this section prior to
19 the time the assessment is paid into the special allocation fund.
20 If the redevelopment plan, area, or project is amended by
21 ordinance or by other means after August 28, 2018, the ambulance
22 or fire protection district board or the governing body of a
23 county operating a 911 center providing emergency or dispatch

Offered 5/1/18
Adopted "

1 services under chapter 190 or chapter 321 shall have the right to
2 recalculate the reimbursement rate under this section.

3 135.090. 1. As used in this section, the following terms
4 mean:

5 (1) "Homestead", the dwelling in Missouri owned by the
6 surviving spouse and not exceeding five acres of land surrounding
7 it as is reasonably necessary for use of the dwelling as a home.
8 As used in this section, "homestead" shall not include any
9 dwelling which is occupied by more than two families;

10 (2) "Public safety officer", any firefighter, police
11 officer, capitol police officer, parole officer, probation
12 officer, correctional employee, water patrol officer, park
13 ranger, conservation officer, commercial motor vehicle
14 enforcement officer, emergency medical technician, emergency
15 medical responder, as defined in section 190.100, first
16 responder, or highway patrolman employed by the state of Missouri
17 or a political subdivision thereof who is killed in the line of
18 duty, unless the death was the result of the officer's own
19 misconduct or abuse of alcohol or drugs;

20 (3) "Surviving spouse", a spouse, who has not remarried, of
21 a public safety officer.

22 2. For all tax years beginning on or after January 1, 2008,
23 a surviving spouse shall be allowed a credit against the tax
24 otherwise due under chapter 143, excluding withholding tax
25 imposed by sections 143.191 to 143.265, in an amount equal to the
26 total amount of the property taxes on the surviving spouse's
27 homestead paid during the tax year for which the credit is
28 claimed. A surviving spouse may claim the credit authorized
29 under this section for each tax year beginning the year of death

1 of the public safety officer spouse until the tax year in which
2 the surviving spouse remarries. No credit shall be allowed for
3 the tax year in which the surviving spouse remarries. If the
4 amount allowable as a credit exceeds the income tax reduced by
5 other credits, then the excess shall be considered an overpayment
6 of the income tax.

7 3. The department of revenue shall promulgate rules to
8 implement the provisions of this section.

9 4. Any rule or portion of a rule, as that term is defined
10 in section 536.010, that is created under the authority delegated
11 in this section shall become effective only if it complies with
12 and is subject to all of the provisions of chapter 536 and, if
13 applicable, section 536.028. This section and chapter 536 are
14 nonseverable and if any of the powers vested with the general
15 assembly pursuant to chapter 536 to review, to delay the
16 effective date, or to disapprove and annul a rule are
17 subsequently held unconstitutional, then the grant of rulemaking
18 authority and any rule proposed or adopted after August 28, 2007,
19 shall be invalid and void.

20 5. Pursuant to section 23.253 of the Missouri sunset act:

21 (1) The program authorized under this section shall expire
22 on December 31, 2019, unless reauthorized by the general
23 assembly; and

24 (2) This section shall terminate on September first of the
25 calendar year immediately following the calendar year in which
26 the program authorized under this section is sunset; and

27 (3) The provisions of this subsection shall not be
28 construed to limit or in any way impair the department's ability
29 to redeem tax credits authorized on or before the date the

1 program authorized under this section expires or a taxpayer's
2 ability to redeem such tax credits.

3 190.094. 1. Any ambulance licensed in this state, when
4 used as an ambulance and staffed with volunteer staff, shall be
5 staffed with a minimum of one emergency medical technician and
6 one other crew member who may be a licensed emergency medical
7 technician, registered nurse, physician, or someone who has a
8 [first] emergency medical responder certification.

9 2. When transporting a patient, at least one licensed
10 emergency medical technician, registered nurse, or physician
11 shall be in attendance with the patient in the patient
12 compartment at all times.

13 3. For purposes of this section, "volunteer" shall mean an
14 individual who performs hours of service without promise,
15 expectation or receipt of compensation for services rendered.
16 Compensation such as a nominal stipend per call to compensate for
17 fuel, uniforms, and training shall not nullify the volunteer
18 status.

19 190.100. As used in sections 190.001 to 190.245, the
20 following words and terms mean:

21 (1) "Advanced emergency medical technician" or "AEMT", a
22 person who has successfully completed a course of instruction in
23 certain aspects of advanced life support care as prescribed by
24 the department and is licensed by the department in accordance
25 with sections 190.001 to 190.245 and rules and regulations
26 adopted by the department pursuant to sections 190.001 to
27 190.245;

28 (2) "Advanced life support (ALS)", an advanced level of
29 care as provided to the adult and pediatric patient such as

1 defined by national curricula, and any modifications to that
2 curricula specified in rules adopted by the department pursuant
3 to sections 190.001 to 190.245;

4 [(2)] (3) "Ambulance", any privately or publicly owned
5 vehicle or craft that is specially designed, constructed or
6 modified, staffed or equipped for, and is intended or used,
7 maintained or operated for the transportation of persons who are
8 sick, injured, wounded or otherwise incapacitated or helpless, or
9 who require the presence of medical equipment being used on such
10 individuals, but the term does not include any motor vehicle
11 specially designed, constructed or converted for the regular
12 transportation of persons who are disabled, handicapped, normally
13 using a wheelchair, or otherwise not acutely ill, or emergency
14 vehicles used within airports;

15 [(3)] (4) "Ambulance service", a person or entity that
16 provides emergency or nonemergency ambulance transportation and
17 services, or both, in compliance with sections 190.001 to
18 190.245, and the rules promulgated by the department pursuant to
19 sections 190.001 to 190.245;

20 [(4)] (5) "Ambulance service area", a specific geographic
21 area in which an ambulance service has been authorized to
22 operate;

23 [(5)] (6) "Basic life support (BLS)", a basic level of
24 care, as provided to the adult and pediatric patient as defined
25 by national curricula, and any modifications to that curricula
26 specified in rules adopted by the department pursuant to sections
27 190.001 to 190.245;

28 [(6)] (7) "Council", the state advisory council on
29 emergency medical services;

1 [(7)] (8) "Department", the department of health and
2 senior services, state of Missouri;

3 [(8)] (9) "Director", the director of the department of
4 health and senior services or the director's duly authorized
5 representative;

6 [(9)] (10) "Dispatch agency", any person or organization
7 that receives requests for emergency medical services from the
8 public, by telephone or other means, and is responsible for
9 dispatching emergency medical services;

10 [(10)] (11) "Emergency", the sudden and, at the time,
11 unexpected onset of a health condition that manifests itself by
12 symptoms of sufficient severity that would lead a prudent
13 layperson, possessing an average knowledge of health and
14 medicine, to believe that the absence of immediate medical care
15 could result in:

16 (a) Placing the person's health, or with respect to a
17 pregnant woman, the health of the woman or her unborn child, in
18 significant jeopardy;

19 (b) Serious impairment to a bodily function;

20 (c) Serious dysfunction of any bodily organ or part;

21 (d) Inadequately controlled pain;

22 [(11)] (12) "Emergency medical dispatcher", a person who
23 receives emergency calls from the public and has successfully
24 completed an emergency medical dispatcher course, meeting or
25 exceeding the national curriculum of the United States Department
26 of Transportation and any modifications to such curricula
27 specified by the department through rules adopted pursuant to
28 sections 190.001 to 190.245;

29 (13) "Emergency medical responder", a person who has

1 successfully completed an emergency first response course meeting
2 or exceeding the national curriculum of the U.S. Department of
3 Transportation and any modifications to such curricula specified
4 by the department through rules adopted under sections 190.001 to
5 190.245 and who provides emergency medical care through
6 employment by or in association with an emergency medical
7 response agency;

8 [(12)] (14) "Emergency medical response agency", any
9 person that regularly provides a level of care that includes
10 first response, basic life support or advanced life support,
11 exclusive of patient transportation;

12 [(13)] (15) "Emergency medical services for children
13 (EMS-C) system", the arrangement of personnel, facilities and
14 equipment for effective and coordinated delivery of pediatric
15 emergency medical services required in prevention and management
16 of incidents which occur as a result of a medical emergency or of
17 an injury event, natural disaster or similar situation;

18 [(14)] (16) "Emergency medical services (EMS) system", the
19 arrangement of personnel, facilities and equipment for the
20 effective and coordinated delivery of emergency medical services
21 required in prevention and management of incidents occurring as a
22 result of an illness, injury, natural disaster or similar
23 situation;

24 [(15)] (17) "Emergency medical technician", a person
25 licensed in emergency medical care in accordance with standards
26 prescribed by sections 190.001 to 190.245, and by rules adopted
27 by the department pursuant to sections 190.001 to 190.245;

28 [(16)] (18) "Emergency medical technician-basic" or
29 "EMT-B", a person who has successfully completed a course of

1 instruction in basic life support as prescribed by the department
2 and is licensed by the department in accordance with standards
3 prescribed by sections 190.001 to 190.245 and rules adopted by
4 the department pursuant to sections 190.001 to 190.245;

5 [(17)] (19) "Emergency medical technician-community
6 paramedic", "community paramedic", or "EMT-CP", a person who is
7 certified as an emergency medical technician-paramedic and is
8 certified by the department in accordance with standards
9 prescribed in section 190.098;

10 [(18) "Emergency medical technician-intermediate" or
11 "EMT-I", a person who has successfully completed a course of
12 instruction in certain aspects of advanced life support care as
13 prescribed by the department and is licensed by the department in
14 accordance with sections 190.001 to 190.245 and rules and
15 regulations adopted by the department pursuant to sections
16 190.001 to 190.245;]

17 [(19)] (20) "Emergency medical technician-paramedic" or
18 "EMT-P", a person who has successfully completed a course of
19 instruction in advanced life support care as prescribed by the
20 department and is licensed by the department in accordance with
21 sections 190.001 to 190.245 and rules adopted by the department
22 pursuant to sections 190.001 to 190.245;

23 [(20)] (21) "Emergency services", health care items and
24 services furnished or required to screen and stabilize an
25 emergency which may include, but shall not be limited to, health
26 care services that are provided in a licensed hospital's
27 emergency facility by an appropriate provider or by an ambulance
28 service or emergency medical response agency;

29 [(21) "First responder", a person who has successfully

1 completed an emergency first response course meeting or exceeding
2 the national curriculum of the United States Department of
3 Transportation and any modifications to such curricula specified
4 by the department through rules adopted pursuant to sections
5 190.001 to 190.245 and who provides emergency medical care
6 through employment by or in association with an emergency medical
7 response agency;]

8 (22) "Health care facility", a hospital, nursing home,
9 physician's office or other fixed location at which medical and
10 health care services are performed;

11 (23) "Hospital", an establishment as defined in the
12 hospital licensing law, subsection 2 of section 197.020, or a
13 hospital operated by the state;

14 (24) "Medical control", supervision provided by or under
15 the direction of physicians [to providers by written or verbal
16 communications], or their designated registered nurse, including
17 both online medical control, instructions by radio, telephone, or
18 other means of direct communications, and offline medical control
19 through supervision by treatment protocols, case review,
20 training, and standing orders for treatment;

21 (25) "Medical direction", medical guidance and supervision
22 provided by a physician to an emergency services provider or
23 emergency medical services system;

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

28 (27) "Memorandum of understanding", an agreement between an
29 emergency medical response agency or dispatch agency and an

1 ambulance service or services within whose territory the agency
2 operates, in order to coordinate emergency medical services;

3 (28) "Patient", an individual who is sick, injured,
4 wounded, diseased, or otherwise incapacitated or helpless, or
5 dead, excluding deceased individuals being transported from or
6 between private or public institutions, homes or cemeteries, and
7 individuals declared dead prior to the time an ambulance is
8 called for assistance;

9 (29) "Person", as used in these definitions and elsewhere
10 in sections 190.001 to 190.245, any individual, firm,
11 partnership, copartnership, joint venture, association,
12 cooperative organization, corporation, municipal or private, and
13 whether organized for profit or not, state, county, political
14 subdivision, state department, commission, board, bureau or
15 fraternal organization, estate, public trust, business or common
16 law trust, receiver, assignee for the benefit of creditors,
17 trustee or trustee in bankruptcy, or any other service user or
18 provider;

19 (30) "Physician", a person licensed as a physician pursuant
20 to chapter 334;

21 (31) "Political subdivision", any municipality, city,
22 county, city not within a county, ambulance district or fire
23 protection district located in this state which provides or has
24 authority to provide ambulance service;

25 (32) "Professional organization", any organized group or
26 association with an ongoing interest regarding emergency medical
27 services. Such groups and associations could include those
28 representing volunteers, labor, management, firefighters,
29 EMT-B's, nurses, EMT-P's, physicians, communications specialists

1 and instructors. Organizations could also represent the
2 interests of ground ambulance services, air ambulance services,
3 fire service organizations, law enforcement, hospitals, trauma
4 centers, communication centers, pediatric services, labor unions
5 and poison control services;

6 (33) "Proof of financial responsibility", proof of ability
7 to respond to damages for liability, on account of accidents
8 occurring subsequent to the effective date of such proof, arising
9 out of the ownership, maintenance or use of a motor vehicle in
10 the financial amount set in rules promulgated by the department,
11 but in no event less than the statutory minimum required for
12 motor vehicles. Proof of financial responsibility shall be used
13 as proof of self-insurance;

14 (34) "Protocol", a predetermined, written medical care
15 guideline, which may include standing orders;

16 (35) "Regional EMS advisory committee", a committee formed
17 within an emergency medical services (EMS) region to advise
18 ambulance services, the state advisory council on EMS and the
19 department;

20 (36) "Specialty care transportation", the transportation of
21 a patient requiring the services of an emergency medical
22 technician-paramedic who has received additional training beyond
23 the training prescribed by the department. Specialty care
24 transportation services shall be defined in writing in the
25 appropriate local protocols for ground and air ambulance services
26 and approved by the local physician medical director. The
27 protocols shall be maintained by the local ambulance service and
28 shall define the additional training required of the emergency
29 medical technician-paramedic;

1 (37) "Stabilize", with respect to an emergency, the
2 provision of such medical treatment as may be necessary to
3 attempt to assure within reasonable medical probability that no
4 material deterioration of an individual's medical condition is
5 likely to result from or occur during ambulance transportation
6 unless the likely benefits of such transportation outweigh the
7 risks;

8 (38) "State advisory council on emergency medical
9 services", a committee formed to advise the department on policy
10 affecting emergency medical service throughout the state;

11 (39) "State EMS medical directors advisory committee", a
12 subcommittee of the state advisory council on emergency medical
13 services formed to advise the state advisory council on emergency
14 medical services and the department on medical issues;

15 (40) "STEMI" or "ST-elevation myocardial infarction", a
16 type of heart attack in which impaired blood flow to the
17 patient's heart muscle is evidenced by ST-segment elevation in
18 electrocardiogram analysis, and as further defined in rules
19 promulgated by the department under sections 190.001 to 190.250;

20 (41) "STEMI care", includes education and prevention,
21 emergency transport, triage, and acute care and rehabilitative
22 services for STEMI that requires immediate medical or surgical
23 intervention or treatment;

24 (42) "STEMI center", a hospital that is currently
25 designated as such by the department to care for patients with
26 ST-segment elevation myocardial infarctions;

27 (43) "Stroke", a condition of impaired blood flow to a
28 patient's brain as defined by the department;

29 (44) "Stroke care", includes emergency transport, triage,

1 and acute intervention and other acute care services for stroke
2 that potentially require immediate medical or surgical
3 intervention or treatment, and may include education, primary
4 prevention, acute intervention, acute and subacute management,
5 prevention of complications, secondary stroke prevention, and
6 rehabilitative services;

7 (45) "Stroke center", a hospital that is currently
8 designated as such by the department;

9 (46) "Trauma", an injury to human tissues and organs
10 resulting from the transfer of energy from the environment;

11 (47) "Trauma care" includes injury prevention, triage,
12 acute care and rehabilitative services for major single system or
13 multisystem injuries that potentially require immediate medical
14 or surgical intervention or treatment;

15 (48) "Trauma center", a hospital that is currently
16 designated as such by the department.

17 190.103. 1. One physician with expertise in emergency
18 medical services from each of the EMS regions shall be elected by
19 that region's EMS medical directors to serve as a regional EMS
20 medical director. The regional EMS medical directors shall
21 constitute the state EMS medical director's advisory committee
22 and shall advise the department and their region's ambulance
23 services on matters relating to medical control and medical
24 direction in accordance with sections 190.001 to 190.245 and
25 rules adopted by the department pursuant to sections 190.001 to
26 190.245. The regional EMS medical director shall serve a term of
27 four years. The southwest, northwest, and Kansas City regional
28 EMS medical directors shall be elected to an initial two-year
29 term. The central, east central, and southeast regional EMS

1 medical directors shall be elected to an initial four-year term.
2 All subsequent terms following the initial terms shall be four
3 years. The state EMS medical director shall be the chair of the
4 state EMS medical director's advisory committee, and shall be
5 elected by the members of the regional EMS medical director's
6 advisory committee, shall serve a term of four years, and shall
7 seek to coordinate EMS services between the EMS regions, promote
8 educational efforts for agency medical directors, represent
9 Missouri EMS nationally in the role of the state EMS medical
10 director, and seek to incorporate the EMS system into the health
11 care system serving Missouri.

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

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

1 orders. Emergency medical technicians shall only perform those
2 medical procedures as directed by treatment protocols approved by
3 the local medical director or when authorized through direct
4 communication with online medical control.

5 4. All ambulance services and emergency medical response
6 agencies that are required to have a medical director shall
7 establish an agreement between the service or agency and their
8 medical director. The agreement will include the roles,
9 responsibilities and authority of the medical director beyond
10 what is granted in accordance with sections 190.001 to 190.245
11 and rules adopted by the department pursuant to sections 190.001
12 to 190.245. The agreement shall also include grievance
13 procedures regarding the emergency medical response agency or
14 ambulance service, personnel and the medical director.

15 5. Regional EMS medical directors and the state EMS medical
16 director elected as provided under subsection 1 of this section
17 shall be considered public officials for purposes of sovereign
18 immunity, official immunity, and the Missouri public duty
19 doctrine defenses.

20 6. The state EMS medical director's advisory committee
21 shall be considered a peer review committee under section
22 537.035.

23 7. Regional EMS medical directors may act to provide online
24 telecommunication medical direction to AEMTs, EMT-Bs, [EMT-Is,]
25 EMT-Ps, and community paramedics and provide offline medical
26 direction per standardized treatment, triage, and transport
27 protocols when EMS personnel, including AEMTs, EMT-Bs, [EMT-Is,]
28 EMT-Ps, and community paramedics, are providing care to special
29 needs patients or at the request of a local EMS agency or medical

1 director.

2 8. When developing treatment protocols for special needs
3 patients, regional EMS medical directors may promulgate such
4 protocols on a regional basis across multiple political
5 subdivisions' jurisdictional boundaries, and such protocols may
6 be used by multiple agencies including, but not limited to,
7 ambulance services, emergency response agencies, and public
8 health departments. Treatment protocols shall include steps to
9 ensure the receiving hospital is informed of the pending arrival
10 of the special needs patient, the condition of the patient, and
11 the treatment instituted.

12 9. Multiple EMS agencies including, but not limited to,
13 ambulance services, emergency response agencies, and public
14 health departments shall take necessary steps to follow the
15 regional EMS protocols established as provided under subsection 8
16 of this section in cases of mass casualty or state-declared
17 disaster incidents.

18 10. When regional EMS medical directors develop and
19 implement treatment protocols for patients or provide online
20 medical direction for patients, such activity shall not be
21 construed as having usurped local medical direction authority in
22 any manner.

23 11. Notwithstanding any other provision of law to the
24 contrary, when regional EMS medical directors are providing
25 either online telecommunication medical direction to AEMTs,
26 EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics, or offline
27 medical direction per standardized EMS treatment, triage, and
28 transport protocols for patients, those medical directions or
29 treatment protocols may include the administration of the

1 patient's own prescription medications.

2 190.105. 1. No person, either as owner, agent or
3 otherwise, shall furnish, operate, conduct, maintain, advertise,
4 or otherwise be engaged in or profess to be engaged in the
5 business or service of the transportation of patients by
6 ambulance in the air, upon the streets, alleys, or any public way
7 or place of the state of Missouri unless such person holds a
8 currently valid license from the department for an ambulance
9 service issued pursuant to the provisions of sections 190.001 to
10 190.245.

11 2. No ground ambulance shall be operated for ambulance
12 purposes, and no individual shall drive, attend or permit it to
13 be operated for such purposes in the state of Missouri unless the
14 ground ambulance is under the immediate supervision and direction
15 of a person who is holding a currently valid Missouri license as
16 an emergency medical technician. Nothing in this section shall
17 be construed to mean that a duly registered nurse or a duly
18 licensed physician be required to hold an emergency medical
19 technician's license. Each ambulance service is responsible for
20 assuring that any person driving its ambulance is competent in
21 emergency vehicle operations and has a safe driving record. Each
22 ground ambulance shall be staffed with at least two licensed
23 individuals when transporting a patient, except as provided in
24 section 190.094. In emergency situations which require
25 additional medical personnel to assist the patient during
26 transportation, [a first] an emergency medical responder,
27 firefighter, or law enforcement personnel with a valid driver's
28 license and prior experience with driving emergency vehicles may
29 drive the ground ambulance provided the ground ambulance service

1 stipulates to this practice in operational policies.

2 3. No license shall be required for an ambulance service,
3 or for the attendant of an ambulance, which:

4 (1) Is rendering assistance in the case of an emergency,
5 major catastrophe or any other unforeseen event or series of
6 events which jeopardizes the ability of the local ambulance
7 service to promptly respond to emergencies; or

8 (2) Is operated from a location or headquarters outside of
9 Missouri in order to transport patients who are picked up beyond
10 the limits of Missouri to locations within or outside of
11 Missouri, but no such outside ambulance shall be used to pick up
12 patients within Missouri for transportation to locations within
13 Missouri, except as provided in subdivision (1) of this
14 subsection.

15 4. The issuance of a license pursuant to the provisions of
16 sections 190.001 to 190.245 shall not be construed so as to
17 authorize any person to provide ambulance services or to operate
18 any ambulances without a franchise in any city not within a
19 county or in a political subdivision in any county with a
20 population of over nine hundred thousand inhabitants, or a
21 franchise, contract or mutual-aid agreement in any other
22 political subdivision which has enacted an ordinance making it
23 unlawful to do so.

24 5. Sections 190.001 to 190.245 shall not preclude the
25 adoption of any law, ordinance or regulation not in conflict with
26 such sections by any city not within a county, or at least as
27 strict as such sections by any county, municipality or political
28 subdivision except that no such regulations or ordinances shall
29 be adopted by a political subdivision in a county with a

1 population of over nine hundred thousand inhabitants except by
2 the county's governing body.

3 6. In a county with a population of over nine hundred
4 thousand inhabitants, the governing body of the county shall set
5 the standards for all ambulance services which shall comply with
6 subsection 5 of this section. All such ambulance services must
7 be licensed by the department. The governing body of such county
8 shall not prohibit a licensed ambulance service from operating in
9 the county, as long as the ambulance service meets county
10 standards.

11 7. An ambulance service or vehicle when operated for the
12 purpose of transporting persons who are sick, injured, or
13 otherwise incapacitated shall not be treated as a common or
14 contract carrier under the jurisdiction of the Missouri division
15 of motor carrier and railroad safety.

16 8. Sections 190.001 to 190.245 shall not apply to, nor be
17 construed to include, any motor vehicle used by an employer for
18 the transportation of such employer's employees whose illness or
19 injury occurs on private property, and not on a public highway or
20 property, nor to any person operating such a motor vehicle.

21 9. A political subdivision that is authorized to operate a
22 licensed ambulance service may establish, operate, maintain and
23 manage its ambulance service, and select and contract with a
24 licensed ambulance service. Any political subdivision may
25 contract with a licensed ambulance service.

26 10. Except as provided in subsections 5 and 6, nothing in
27 section 67.300, or subsection 2 of section 190.109, shall be
28 construed to authorize any municipality or county which is
29 located within an ambulance district or a fire protection

1 district that is authorized to provide ambulance service to
2 promulgate laws, ordinances or regulations related to the
3 provision of ambulance services. This provision shall not apply
4 to any municipality or county which operates an ambulance service
5 established prior to August 28, 1998.

6 11. Nothing in section 67.300 or subsection 2 of section
7 190.109 shall be construed to authorize any municipality or
8 county which is located within an ambulance district or a fire
9 protection district that is authorized to provide ambulance
10 service to operate an ambulance service without a franchise in an
11 ambulance district or a fire protection district that is
12 authorized to provide ambulance service which has enacted an
13 ordinance making it unlawful to do so. This provision shall not
14 apply to any municipality or county which operates an ambulance
15 service established prior to August 28, 1998.

16 12. No provider of ambulance service within the state of
17 Missouri which is licensed by the department to provide such
18 service shall discriminate regarding treatment or transportation
19 of emergency patients on the basis of race, sex, age, color,
20 religion, sexual preference, national origin, ancestry, handicap,
21 medical condition or ability to pay.

22 13. No provision of this section, other than subsections 5,
23 6, 10 and 11 of this section, is intended to limit or supersede
24 the powers given to ambulance districts pursuant to this chapter
25 or to fire protection districts pursuant to chapter 321, or to
26 counties, cities, towns and villages pursuant to chapter 67.

27 14. Upon the sale or transfer of any ground ambulance
28 service ownership, the owner of such service shall notify the
29 department of the change in ownership within thirty days of such

1 sale or transfer. After receipt of such notice, the department
2 shall conduct an inspection of the ambulance service to verify
3 compliance with the licensure standards of sections 190.001 to
4 190.245.

5 190.131. 1. The department shall accredit or certify
6 training entities for [first] emergency medical responders,
7 emergency medical dispatchers, and emergency medical
8 [technicians-basic, emergency medical technicians-intermediate,
9 and emergency medical technicians-paramedic] technicians, for a
10 period of five years, if the applicant meets the requirements
11 established pursuant to sections 190.001 to 190.245.

12 2. Such rules promulgated by the department shall set forth
13 the minimum requirements for entrance criteria, training program
14 curricula, instructors, facilities, equipment, medical oversight,
15 record keeping, and reporting.

16 3. Application for training entity accreditation or
17 certification shall be made upon such forms as prescribed by the
18 department in rules adopted pursuant to sections 190.001 to
19 190.245. The application form shall contain such information as
20 the department deems reasonably necessary to make a determination
21 as to whether the training entity meets all requirements of
22 sections 190.001 to 190.245 and rules promulgated pursuant to
23 sections 190.001 to 190.245.

24 4. Upon receipt of such application for training entity
25 accreditation or certification, the department shall determine
26 whether the training entity, its instructors, facilities,
27 equipment, curricula and medical oversight meet the requirements
28 of sections 190.001 to 190.245 and rules promulgated pursuant to
29 sections 190.001 to 190.245.

1 5. Upon finding these requirements satisfied, the
2 department shall issue a training entity accreditation or
3 certification in accordance with rules promulgated by the
4 department pursuant to sections 190.001 to 190.245.

5 6. Subsequent to the issuance of a training entity
6 accreditation or certification, the department shall cause a
7 periodic review of the training entity to assure continued
8 compliance with the requirements of sections 190.001 to 190.245
9 and all rules promulgated pursuant to sections 190.001 to
10 190.245.

11 7. No person or entity shall hold itself out or provide
12 training required by this section without accreditation or
13 certification by the department.

14 190.142. 1. (1) For applications submitted before the
15 recognition of EMS personnel licensure interstate compact under
16 sections 190.900 to 190.939 takes effect, the department shall,
17 within a reasonable time after receipt of an application, cause
18 such investigation as it deems necessary to be made of the
19 applicant for an emergency medical technician's license.

20 (2) For applications submitted after the recognition of EMS
21 personnel licensure interstate compact under sections 190.900 to
22 190.939 takes effect, an applicant for initial licensure as an
23 emergency medical technician in this state shall submit to a
24 background check by the Missouri state highway patrol and the
25 Federal Bureau of Investigation through a process approved by the
26 department of health and senior services. Such processes may
27 include the use of vendors or systems administered by the
28 Missouri state highway patrol. The department may share the
29 results of such a criminal background check with any emergency

1 services licensing agency in any member state, as that term is
2 defined under section 190.900, of the recognition of EMS
3 personnel licensure interstate compact. The department shall not
4 issue a license until the department receives the results of an
5 applicant's criminal background check from the Missouri state
6 highway patrol and the Federal Bureau of Investigation, but,
7 notwithstanding this subsection, the department may issue a
8 temporary license as provided under section 190.143. Any fees
9 due for a criminal background check shall be paid by the
10 applicant.

11 (3) The director may authorize investigations into criminal
12 records in other states for any applicant.

13 2. The department shall issue a license to all levels of
14 emergency medical technicians, for a period of five years, if the
15 applicant meets the requirements established pursuant to sections
16 190.001 to 190.245 and the rules adopted by the department
17 pursuant to sections 190.001 to 190.245. The department may
18 promulgate rules relating to the requirements for an emergency
19 medical technician including but not limited to:

20 (1) Age requirements;

21 (2) Emergency medical technician and paramedic education
22 and training requirements based on respective [national curricula
23 of the United States Department of Transportation] National
24 Emergency Medical Services Education Standards and any
25 modification to such curricula specified by the department
26 through rules adopted pursuant to sections 190.001 to 190.245;

27 (3) Paramedic accreditation requirements. Paramedic
28 training programs shall be accredited by the Commission on
29 Accreditation of Allied Health Education Program (CAAHEP) or hold

1 a CAAHEP letter of review;

2 (4) Initial licensure testing requirements. Initial EMT-P
3 licensure testing shall be through the national registry of EMTs
4 [or examinations developed and administered by the department of
5 health and senior services];

6 [(4)] (5) Continuing education and relicensure
7 requirements; and

8 [(5)] (6) Ability to speak, read and write the English
9 language.

10 3. Application for all levels of emergency medical
11 technician license shall be made upon such forms as prescribed by
12 the department in rules adopted pursuant to sections 190.001 to
13 190.245. The application form shall contain such information as
14 the department deems necessary to make a determination as to
15 whether the emergency medical technician meets all the
16 requirements of sections 190.001 to 190.245 and rules promulgated
17 pursuant to sections 190.001 to 190.245.

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

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

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

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

28 6. Any rule or portion of a rule, as that term is defined
29 in section 536.010, that is created under the authority delegated

1 in this section shall become effective only if it complies with
2 and is subject to all of the provisions of chapter 536 and, if
3 applicable, section 536.028. This section and chapter 536 are
4 nonseverable and if any of the powers vested with the general
5 assembly pursuant to chapter 536 to review, to delay the
6 effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 2002,
9 shall be invalid and void.

10 190.143. 1. Notwithstanding any other provisions of law,
11 the department may grant a ninety-day temporary emergency medical
12 technician license to all levels of emergency medical technicians
13 who meet the following:

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

16 (2) Are not currently licensed as an emergency medical
17 technician in Missouri or have been licensed as an emergency
18 medical technician in Missouri and fingerprints need to be
19 submitted to the Federal Bureau of Investigation to verify the
20 existence or absence of a criminal history, or they are currently
21 licensed and the license will expire before a verification can be
22 completed of the existence or absence of a criminal history;

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

26 (4) Have not been disciplined pursuant to sections 190.001
27 to 190.245 and rules promulgated pursuant to sections 190.001 to
28 190.245;

29 (5) Meet all the requirements of rules promulgated pursuant

1 to sections 190.001 to 190.245.

2 2. A temporary emergency medical technician license shall
3 only authorize the license to practice while under the immediate
4 supervision of a licensed emergency medical [technician-basic,
5 emergency medical technician-intermediate, emergency medical
6 technician-paramedic] technician, registered nurse, or physician
7 who is currently licensed, without restrictions, to practice in
8 Missouri.

9 3. A temporary emergency medical technician license shall
10 automatically expire either ninety days from the date of issuance
11 or upon the issuance of a five-year emergency medical technician
12 license.

13 190.147. 1. Emergency medical technician paramedics (EMT-
14 Ps):

15 (1) Who have completed a standard crisis intervention
16 training course as endorsed and developed by the state EMS
17 medical director's advisory committee;

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

21 (3) Whose ground or air ambulance service has developed and
22 adopted standardized triage, treatment, and transport protocols
23 under subsection 3 of section 190.103, which address the
24 challenge of treating and transporting behavioral health patients
25 who present a likelihood of serious harm to themselves or others
26 as the term "likelihood of serious harm" is defined under section
27 632.005 or who are significantly incapacitated by alcohol or
28 drugs; provided, that such protocols shall be reviewed and
29 approved by the state EMS medical director's advisory committee

1 and that such protocols shall direct the EMT-P regarding the
2 proper use of patient restraint and coordination with area law
3 enforcement. Patient restraint protocols shall be based upon
4 current applicable national guidelines;
5 may make a good faith determination that such patients shall be
6 placed into a temporary hold for the sole purposes of transport
7 to the nearest appropriate facility; provided, that such
8 determination shall be made in cooperation with at least one
9 other EMT-P or other medical professional involved in the
10 transport. Once in a temporary hold, the patient shall be
11 treated with humane care in a manner that preserves human
12 dignity, consistent with applicable federal regulations and
13 nationally-recognized guidelines regarding the appropriate use of
14 temporary holds and restraints in medical transport.

15 2. In any instance in which a good faith determination for
16 a temporary hold of a patient has been made, such hold shall be
17 made in a clinically appropriate and adequately justified manner,
18 and shall be documented and attested to in writing. The writing
19 shall be retained by the ambulance service and included as part
20 of the patient's medical file.

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

1 4. Any ground or air ambulance service that adopts the
2 authority and protocols provided for by this section shall have a
3 memorandum of understanding with applicable local law enforcement
4 agencies in order to achieve a collaborative and coordinated
5 response to patients displaying symptoms of either a likelihood
6 of serious harm to themselves or others or significant
7 incapacitation by alcohol or drugs, which require a crisis
8 intervention response. The memorandum of understanding shall
9 include, but not be limited to, the following:

10 (1) Administrative oversight, including coordination
11 between ambulance services and law enforcement agencies;

12 (2) Patient restraint techniques and coordination of agency
13 responses to situations in which patient restraint may be
14 required;

15 (3) Field interaction between paramedics and law
16 enforcement, including patient destination and transportation;
17 and

18 (4) Coordination of program quality assurance.

19 5. The physical restraint of a patient by an emergency
20 medical technician under the authority of this section shall be
21 permitted only in order to provide for the safety of bystanders,
22 the patient, or emergency personnel due to an imminent or
23 immediate danger, or upon approval by local medical control
24 through direct communications. Restraint shall also be permitted
25 through cooperation with on-scene law enforcement officers. All
26 incidents involving patient restraint used under the authority of
27 this section shall be reviewed by the ambulance service physician
28 medical director.

29 190.165. 1. The department may refuse to issue or deny

1 renewal of any certificate, permit or license required pursuant
2 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
4 regulations promulgated by the department to implement its
5 provisions as described in subsection 2 of this section. The
6 department shall notify the applicant in writing of the reasons
7 for the refusal and shall advise the applicant of his or her
8 right to file a complaint with the administrative hearing
9 commission as provided by chapter 621.

10 2. The department may cause a complaint to be filed with
11 the administrative hearing commission as provided by chapter 621
12 against any holder of any certificate, permit or license required
13 by sections 190.100 to 190.245 or any person who has failed to
14 renew or has surrendered his or her certificate, permit or
15 license for failure to comply with the provisions of sections
16 190.100 to 190.245 or any lawful regulations promulgated by the
17 department to implement such sections. Those regulations shall
18 be limited to the following:

19 (1) Use or unlawful possession of any controlled substance,
20 as defined in chapter 195, or alcoholic beverage to an extent
21 that such use impairs a person's ability to perform the work of
22 any activity licensed or regulated by sections 190.100 to
23 190.245;

24 (2) Being finally adjudicated and found guilty, or having
25 entered a plea of guilty or nolo contendere, in a criminal
26 prosecution under the laws of any state or of the United States,
27 for any offense reasonably related to the qualifications,
28 functions or duties of any activity licensed or regulated
29 pursuant to sections 190.100 to 190.245, for any offense an

1 essential element of which is fraud, dishonesty or an act of
2 violence, or for any offense involving moral turpitude, whether
3 or not sentence is imposed;

4 (3) Use of fraud, deception, misrepresentation or bribery
5 in securing any certificate, permit or license issued pursuant to
6 sections 190.100 to 190.245 or in obtaining permission to take
7 any examination given or required pursuant to sections 190.100 to
8 190.245;

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

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

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

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

23 (8) Disciplinary action against the holder of a license or
24 other right to practice any activity regulated by sections
25 190.100 to 190.245 granted by another state, territory, federal
26 agency or country upon grounds for which revocation or suspension
27 is authorized in this state;

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

1 (10) Assisting or enabling any person to practice or offer
2 to practice any activity licensed or regulated by sections
3 190.100 to 190.245 who is not licensed and currently eligible to
4 practice pursuant to sections 190.100 to 190.245;

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

7 (12) Violation of any professional trust, confidence, or
8 legally protected privacy rights of a patient by means of an
9 unauthorized or unlawful disclosure;

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

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

15 (15) Refusal of any applicant or licensee to respond to
16 reasonable department of health and senior services' requests for
17 necessary information to process an application or to determine
18 license status or license eligibility;

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

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

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

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

1 (2) Have anyone present whom he or she deems to be
2 necessary or desirable[, except for any holder of any
3 certificate, permit, or license required by sections 190.100 to
4 190.245]; and

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

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

10 4. After the filing of such complaint, the proceedings
11 shall be conducted in accordance with the provisions of chapter
12 621. Upon a finding by the administrative hearing commission
13 that the grounds, provided in subsection 2 of this section, for
14 disciplinary action are met, the department may, singly or in
15 combination, censure or place the person named in the complaint
16 on probation on such terms and conditions as the department deems
17 appropriate for a period not to exceed five years, or may
18 suspend, for a period not to exceed three years, or revoke the
19 license, certificate or permit. Notwithstanding any provision of
20 law to the contrary, the department shall be authorized to impose
21 a suspension or revocation as a disciplinary action only if it
22 first files the requisite complaint with the administrative
23 hearing commission. The administrative hearing commission shall
24 hear all relevant evidence on remediation activities of the
25 licensee and shall make a recommendation to the department of
26 health and senior services as to licensure disposition based on
27 such evidence.

28 5. An individual whose license has been revoked shall wait
29 one year from the date of revocation to apply for relicensure.

1 Relicensure shall be at the discretion of the department after
2 compliance with all the requirements of sections 190.100 to
3 190.245 relative to the licensing of an applicant for the first
4 time. Any individual whose license has been revoked twice within
5 a ten-year period shall not be eligible for relicensure.

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

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

15 8. The department of health and senior services may suspend
16 any certificate, permit or license required pursuant to sections
17 190.100 to 190.245 simultaneously with the filing of the
18 complaint with the administrative hearing commission as set forth
19 in subsection 2 of this section, if the department finds that
20 there is an imminent threat to the public health. The notice of
21 suspension shall include the basis of the suspension and notice
22 of the right to appeal such suspension. The licensee may appeal
23 the decision to suspend the license, certificate or permit to the
24 department. The appeal shall be filed within ten days from the
25 date of the filing of the complaint. A hearing shall be
26 conducted by the department within ten days from the date the
27 appeal is filed. The suspension shall continue in effect until
28 the conclusion of the proceedings, including review thereof,
29 unless sooner withdrawn by the department, dissolved by a court

1 of competent jurisdiction or stayed by the administrative hearing
2 commission.

3 190.173. 1. All complaints, investigatory reports, and
4 information pertaining to any applicant, holder of any
5 certificate, permit, or license, or other individual are
6 confidential and shall only be disclosed upon written consent of
7 the person whose records are involved or to other administrative
8 or law enforcement agencies acting within the scope of their
9 statutory authority. However, no applicant, holder of any
10 certificate, permit, or license, or other individual shall have
11 access to any complaints, investigatory reports, or information
12 concerning an investigation in progress until such time as the
13 investigation has been completed as required by subsection 1 of
14 section 190.248.

15 2. Any information regarding the identity, name, address,
16 license, final disciplinary action taken, currency of the
17 license, permit, or certificate of an applicant for or a person
18 possessing a license, permit, or certificate in accordance with
19 sections 190.100 to 190.245 shall not be confidential.

20 3. Any information regarding the physical address, mailing
21 address, phone number, fax number, or email address of a licensed
22 ambulance service or a certified training entity, including the
23 name of the medical director and organizational contact
24 information, shall not be confidential.

25 4. This section shall not be construed to authorize the
26 release of records, reports, or other information which may be
27 held in department files for any holder of or applicant for any
28 certificate, permit, or license that is subject to other specific
29 state or federal laws concerning their disclosure.

1 5. Nothing in this section shall prohibit the department
2 from releasing aggregate information in accordance with section
3 192.067.

4 190.196. 1. No employer shall knowingly employ or permit
5 any employee to perform any services for which a license,
6 certificate or other authorization is required by sections
7 190.001 to 190.245, or by rules adopted pursuant to sections
8 190.001 to 190.245, unless and until the person so employed
9 possesses all licenses, certificates or authorizations that are
10 required.

11 2. Any person or entity that employs or supervises a
12 person's activities as [a first] an emergency medical responder,
13 emergency medical dispatcher, emergency medical
14 [technician-basic, emergency medical technician-intermediate,
15 emergency medical technician-paramedic] technician, registered
16 nurse, or physician shall cooperate with the department's efforts
17 to monitor and enforce compliance by those individuals subject to
18 the requirements of sections 190.001 to 190.245.

19 3. Any person or entity who employs individuals licensed by
20 the department pursuant to sections 190.001 to 190.245 shall
21 report to the department within seventy-two hours of their having
22 knowledge of any charges filed against a licensee in their employ
23 for possible criminal action involving the following felony
24 offenses:

- 25 (1) Child abuse or sexual abuse of a child;
26 (2) Crimes of violence; or
27 (3) Rape or sexual abuse.

28 4. Any licensee who has charges filed against him or her
29 for the felony offenses in subsection 3 of this section shall

1 report such an occurrence to the department within seventy-two
2 hours of the charges being filed.

3 5. The department will monitor these reports for possible
4 licensure action authorized pursuant to section 190.165.

5 190.246. 1. As used in this section, the following terms
6 shall mean:

7 (1) "Eligible person, firm, organization or other entity",
8 an ambulance service or emergency medical response agency, [a
9 certified first] an emergency medical responder, [emergency
10 medical technical-basic] or an emergency medical
11 [technician-paramedic] technician who is employed by, or an
12 enrolled member, person, firm, organization or entity designated
13 by, rule of the department of health and senior services in
14 consultation with other appropriate agencies. All such eligible
15 persons, firms, organizations or other entities shall be subject
16 to the rules promulgated by the director of the department of
17 health and senior services;

18 (2) "Emergency health care provider":

19 (a) A physician licensed pursuant to chapter 334 with
20 knowledge and experience in the delivery of emergency care; or

21 (b) A hospital licensed pursuant to chapter 197 that
22 provides emergency care.

23 2. Possession and use of epinephrine auto-injector devices
24 shall be limited as follows:

25 (1) No person shall use an epinephrine auto-injector device
26 unless such person has successfully completed a training course
27 in the use of epinephrine auto-injector devices approved by the
28 director of the department of health and senior services.

29 Nothing in this section shall prohibit the use of an epinephrine

1 auto-injector device:

2 (a) By a health care professional licensed or certified by
3 this state who is acting within the scope of his or her practice;
4 or

5 (b) By a person acting pursuant to a lawful prescription;

6 (2) Every person, firm, organization and entity authorized
7 to possess and use epinephrine auto-injector devices pursuant to
8 this section shall use, maintain and dispose of such devices in
9 accordance with the rules of the department;

10 (3) Every use of an epinephrine auto-injector device
11 pursuant to this section shall immediately be reported to the
12 emergency health care provider.

13 3. (1) Use of an epinephrine auto-injector device pursuant
14 to this section shall be considered first aid or emergency
15 treatment for the purpose of any law relating to liability.

16 (2) Purchase, acquisition, possession or use of an
17 epinephrine auto-injector device pursuant to this section shall
18 not constitute the unlawful practice of medicine or the unlawful
19 practice of a profession.

20 (3) Any person otherwise authorized to sell or provide an
21 epinephrine auto-injector device may sell or provide it to a
22 person authorized to possess it pursuant to this section.

23 4. Any person, firm, organization or entity that violates
24 the provisions of this section is guilty of a class B
25 misdemeanor."; and

26 Further amend said bill, page 19, section 190.335, line 16
27 of said page, by inserting immediately after said line the
28 following:

29 "190.900. 1. The "Recognition of EMS Personnel Licensure

1 Interstate Compact" (REPLICA) is hereby enacted into law and
2 entered into with all other jurisdictions legally joining
3 therein, in the form substantially as follows in sections 190.900
4 to 190.939.

5 2. As used in sections 190.900 to 190.939, the following
6 terms mean:

7 (1) "Advanced emergency medical technician" or "AEMT", an
8 individual licensed with cognitive knowledge and a scope of
9 practice that corresponds to that level in the National EMS
10 Education Standards and National EMS Scope of Practice Model;

11 (2) "Adverse action", any administrative, civil, equitable,
12 or criminal action permitted by a state's laws that may be
13 imposed against licensed EMS personnel by a state EMS authority
14 or state court including, but not limited to, actions against an
15 individual's license such as revocation, suspension, probation,
16 consent agreement, monitoring or other limitation, or encumbrance
17 on the individual's practice, letters of reprimand or admonition,
18 fines, criminal convictions, and state court judgments enforcing
19 adverse actions by the state EMS authority;

20 (3) "Certification", the successful verification of entry-
21 level cognitive and psychomotor competency using a reliable,
22 validated, and legally defensible examination;

23 (4) "Commission", the national administrative body of which
24 all states that have enacted the compact are members;

25 (5) "Emergency medical technician" or "EMT", an individual
26 licensed with cognitive knowledge and a scope of practice that
27 corresponds to that level in the National EMS Education Standards
28 and National EMS Scope of Practice Model;

29 (6) "EMS", emergency medical services;

1 (7) "Home state", a member state where an individual is
2 licensed to practice emergency medical services;

3 (8) "License", the authorization by a state for an
4 individual to practice as an EMT, AEMT, paramedic, or a level in
5 between EMT and paramedic;

6 (9) "Medical director", a physician licensed in a member
7 state who is accountable for the care delivered by EMS personnel;

8 (10) "Member state", a state that has enacted this compact;

9 (11) "Paramedic", an individual licensed with cognitive
10 knowledge and a scope of practice that corresponds to that level
11 in the National EMS Education Standards and National EMS Scope of
12 Practice Model;

13 (12) "Privilege to practice", an individual's authority to
14 deliver emergency medical services in remote states as authorized
15 under this compact;

16 (13) "Remote state", a member state in which an individual
17 is not licensed;

18 (14) "Restricted", the outcome of an adverse action that
19 limits a license or the privilege to practice;

20 (15) "Rule", a written statement by the interstate
21 commission promulgated under section 190.930 of this compact that
22 is of general applicability; implements, interprets, or
23 prescribes a policy or provision of the compact; or is an
24 organizational, procedural, or practice requirement of the
25 commission and has the force and effect of statutory law in a
26 member state and includes the amendment, repeal, or suspension of
27 an existing rule;

28 (16) "Scope of practice", defined parameters of various
29 duties or services that may be provided by an individual with

1 specific credentials. Whether regulated by rule, statute, or
2 court decision, it tends to represent the limits of services an
3 individual may perform;

4 (17) "Significant investigatory information":

5 (a) Investigative information that a state EMS authority,
6 after a preliminary inquiry that includes notification and an
7 opportunity to respond if required by state law, has reason to
8 believe, if proven true, would result in the imposition of an
9 adverse action on a license or privilege to practice; or

10 (b) Investigative information that indicates that the
11 individual represents an immediate threat to public health and
12 safety, regardless of whether the individual has been notified
13 and had an opportunity to respond;

14 (18) "State", any state, commonwealth, district, or
15 territory of the United States;

16 (19) "State EMS authority", the board, office, or other
17 agency with the legislative mandate to license EMS personnel.

18 190.903. 1. Any member state in which an individual holds
19 a current license shall be deemed a home state for purposes of
20 this compact.

21 2. Any member state may require an individual to obtain and
22 retain a license to be authorized to practice in the member state
23 under circumstances not authorized by the privilege to practice
24 under the terms of this compact.

25 3. A home state's license authorizes an individual to
26 practice in a remote state under the privilege to practice only
27 if the home state:

28 (1) Currently requires the use of the National Registry of
29 Emergency Medical Technicians (NREMT) examination as a condition

1 of issuing initial licenses at the EMT and paramedic levels;

2 (2) Has a mechanism in place for receiving and
3 investigating complaints about individuals;

4 (3) Notifies the commission, in compliance with the terms
5 herein, of any adverse action or significant investigatory
6 information regarding an individual;

7 (4) No later than five years after activation of the
8 compact, requires a criminal background check of all applicants
9 for initial licensure, including the use of the results of
10 fingerprint or other biometric data checks compliant with the
11 requirements of the Federal Bureau of Investigation, with the
12 exception of federal employees who have suitability determination
13 in accordance with 5 CFR 731.202 and submit documentation of such
14 as promulgated in the rules of the commission; and

15 (5) Complies with the rules of the commission.

16 190.906. 1. Member states shall recognize the privilege to
17 practice of an individual licensed in another member state that
18 is in conformance with section 190.903.

19 2. To exercise the privilege to practice under the terms
20 and provisions of this compact, an individual shall:

21 (1) Be at least eighteen years of age;

22 (2) Possess a current unrestricted license in a member
23 state as an EMT, AEMT, paramedic, or state-recognized and
24 licensed level with a scope of practice and authority between EMT
25 and paramedic; and

26 (3) Practice under the supervision of a medical director.

27 3. An individual providing patient care in a remote state
28 under the privilege to practice shall function within the scope
29 of practice authorized by the home state unless and until

1 modified by an appropriate authority in the remote state, as may
2 be defined in the rules of the commission.

3 4. Except as provided in subsection 3 of this section, an
4 individual practicing in a remote state shall be subject to the
5 remote state's authority and laws. A remote state may, in
6 accordance with due process and that state's laws, restrict,
7 suspend, or revoke an individual's privilege to practice in the
8 remote state and may take any other necessary actions to protect
9 the health and safety of its citizens. If a remote state takes
10 action, it shall promptly notify the home state and the
11 commission.

12 5. If an individual's license in any home state is
13 restricted, suspended, or revoked, the individual shall not be
14 eligible to practice in a remote state under the privilege to
15 practice until the individual's home state license is restored.

16 6. If an individual's privilege to practice in any remote
17 state is restricted, suspended, or revoked, the individual shall
18 not be eligible to practice in any remote state until the
19 individual's privilege to practice is restored.

20 190.909. An individual may practice in a remote state under
21 a privilege to practice only in the performance of the
22 individual's EMS duties as assigned by an appropriate authority,
23 as defined in the rules of the commission, and under the
24 following circumstances:

25 (1) The individual originates a patient transport in a home
26 state and transports the patient to a remote state;

27 (2) The individual originates in the home state and enters
28 a remote state to pick up a patient and provides care and
29 transport of the patient to the home state;

1 (3) The individual enters a remote state to provide patient
2 care or transport within that remote state;

3 (4) The individual enters a remote state to pick up a
4 patient and provides care and transport to a third member state;
5 or

6 (5) Other conditions as determined by rules promulgated by
7 the commission.

8 190.912. Upon a member state's governor's declaration of a
9 state of emergency or disaster that activates the Emergency
10 Management Assistance Compact (EMAC), all relevant terms and
11 provisions of EMAC shall apply, and to the extent any terms or
12 provisions of this compact conflict with EMAC, the terms of EMAC
13 shall prevail with respect to any individual practicing in the
14 remote state in response to such declaration.

15 190.915. 1. Member states shall consider a veteran, active
16 military service member, or member of the National Guard and
17 Reserves separating from an active duty tour, or a spouse
18 thereof, who holds a current, valid, and unrestricted NREMT
19 certification at or above the level of the state license being
20 sought as satisfying the minimum training and examination
21 requirements for such licensure.

22 2. Member states shall expedite the process of licensure
23 applications submitted by veterans, active military service
24 members, or members of the National Guard and Reserves separating
25 from an active duty tour, or their spouses.

26 3. All individuals functioning with a privilege to practice
27 under this section remain subject to the adverse action
28 provisions of section 190.918.

29 190.918. 1. A home state shall have exclusive power to

1 impose adverse action against an individual's license issued by
2 the home state.

3 2. If an individual's license in any home state is
4 restricted, suspended, or revoked, the individual shall not be
5 eligible to practice in a remote state under the privilege to
6 practice until the individual's home state license is restored.

7 (1) All home state adverse action orders shall include a
8 statement that the individual's compact privileges are inactive.
9 The order may allow the individual to practice in remote states
10 with prior written authorization from both the home state and the
11 remote state's EMS authority.

12 (2) An individual currently subject to adverse action in
13 the home state shall not practice in any remote state without
14 prior written authorization from both the home state and remote
15 state's EMS authority.

16 3. A member state shall report adverse actions and any
17 occurrences that the individual's compact privileges are
18 restricted, suspended, or revoked to the commission in accordance
19 with the rules of the commission.

20 4. A remote state may take adverse action on an
21 individual's privilege to practice within that state.

22 5. Any member state may take adverse action against an
23 individual's privilege to practice in that state based on the
24 factual findings of another member state, so long as each state
25 follows its own procedures for imposing such adverse action.

26 6. A home state's EMS authority shall coordinate
27 investigative activities, share information via the coordinated
28 database, and take appropriate action with respect to reported
29 conduct in a remote state as it would if such conduct had

1 occurred within the home state. In such cases, the home state's
2 law shall control in determining the appropriate adverse action.

3 7. Nothing in this compact shall override a member state's
4 decision that participation in an alternative program may be used
5 in lieu of adverse action and that such participation shall
6 remain nonpublic if required by the member state's laws. Member
7 states shall require individuals who enter any alternative
8 programs to agree not to practice in any other member state
9 during the term of the alternative program without prior
10 authorization from such other member state.

11 190.921. A member state's EMS authority, in addition to any
12 other powers granted under state law, is authorized under this
13 compact to:

14 (1) Issue subpoenas for both hearings and investigations
15 that require the attendance and testimony of witnesses and the
16 production of evidence. Subpoenas issued by a member state's EMS
17 authority for the attendance and testimony of witnesses or the
18 production of evidence from another member state shall be
19 enforced in the remote state by any court of competent
20 jurisdiction according to that court's practice and procedure in
21 considering subpoenas issued in its own proceedings. The issuing
22 state's EMS authority shall pay any witness fees, travel
23 expenses, mileage, and other fees required by the service
24 statutes of the state where the witnesses or evidence is located;
25 and

26 (2) Issue cease and desist orders to restrict, suspend, or
27 revoke an individual's privilege to practice in the state.

28 190.924. 1. The compact states hereby create and establish
29 a joint public agency known as the "Interstate Commission for EMS

1 Personnel Practice".

2 (1) The commission is a body politic and an instrumentality
3 of the compact states.

4 (2) Venue is proper and judicial proceedings by or against
5 the commission shall be brought solely and exclusively in a court
6 of competent jurisdiction where the principal office of the
7 commission is located. The commission may waive venue and
8 jurisdictional defenses to the extent it adopts or consents to
9 participate in alternative dispute resolution proceedings.

10 (3) Nothing in this compact shall be construed to be a
11 waiver of sovereign immunity.

12 2. Each member state shall have and be limited to one
13 delegate. The responsible official of the state EMS authority or
14 his or her designee shall be the delegate to this compact for
15 each member state. Any delegate may be removed or suspended from
16 office as provided by the law of the state from which the
17 delegate is appointed. Any vacancy occurring in the commission
18 shall be filled in accordance with the laws of the member state
19 in which the vacancy exists. In the event that more than one
20 board, office, or other agency with the legislative mandate to
21 license EMS personnel at and above the level of EMT exists, the
22 governor of the state shall determine which entity shall be
23 responsible for assigning the delegate.

24 (1) Each delegate shall be entitled to one vote with regard
25 to the promulgation of rules and creation of bylaws, and shall
26 otherwise have an opportunity to participate in the business and
27 affairs of the commission. A delegate shall vote in person or by
28 such other means as provided in the bylaws. The bylaws may
29 provide for delegates' participation in meetings by telephone or

1 other means of communication.

2 (2) The commission shall meet at least once during each
3 calendar year. Additional meetings shall be held as set forth in
4 the bylaws.

5 (3) All meetings shall be open to the public, and public
6 notice of meetings shall be given in the same manner as required
7 under the rulemaking provisions in section 190.930.

8 (4) The commission may convene in a closed, nonpublic
9 meeting if the commission must discuss:

10 (a) Noncompliance of a member state with its obligations
11 under the compact;

12 (b) The employment, compensation, discipline or other
13 personnel matters, practices, or procedures related to specific
14 employees, or other matters related to the commission's internal
15 personnel practices and procedures;

16 (c) Current, threatened, or reasonably anticipated
17 litigation;

18 (d) Negotiation of contracts for the purchase or sale of
19 goods, services, or real estate;

20 (e) Accusing any person of a crime or formally censuring
21 any person;

22 (f) Disclosure of trade secrets or commercial or financial
23 information that is privileged or confidential;

24 (g) Disclosure of information of a personal nature if
25 disclosure would constitute a clearly unwarranted invasion of
26 personal privacy;

27 (h) Disclosure of investigatory records compiled for law
28 enforcement purposes;

29 (i) Disclosure of information related to any investigatory

1 reports prepared by or on behalf of or for use of the commission
2 or other committee charged with responsibility of investigation
3 or determination of compliance issues pursuant to the compact; or

4 (j) Matters specifically exempted from disclosure by
5 federal or member state statute.

6 (5) If a meeting or portion of a meeting is closed under
7 this section, the commission's legal counsel or designee shall
8 certify that the meeting may be closed and shall reference each
9 relevant exempting provision. The commission shall keep minutes
10 that fully and clearly describe all matters discussed in a
11 meeting and shall provide a full and accurate summary of actions
12 taken and the reasons therefor, including a description of the
13 views expressed. All documents considered in connection with an
14 action shall be identified in such minutes. All minutes and
15 documents of a closed meeting shall remain under seal, subject to
16 release by a majority vote of the commission or order of a court
17 of competent jurisdiction.

18 3. The commission shall, by a majority vote of the
19 delegates, prescribe bylaws and rules to govern its conduct as
20 may be necessary or appropriate to carry out the purposes and
21 exercise the powers of the compact including, but not limited to:

22 (1) Establishing the fiscal year of the commission;

23 (2) Providing reasonable standards and procedures:

24 (a) For the establishment and meetings of other committees;

25 and

26 (b) Governing any general or specific delegation of any
27 authority or function of the commission;

28 (3) Providing reasonable procedures for calling and
29 conducting meetings of the commission, ensuring reasonable

1 advance notice of all meetings, and providing an opportunity for
2 attendance of such meetings by interested parties, with
3 enumerated exceptions designed to protect the public's interest,
4 the privacy of individuals, and proprietary information,
5 including trade secrets. The commission may meet in closed
6 session only after a majority of the membership votes to close a
7 meeting in whole or in part. As soon as practicable, the
8 commission shall make public a copy of the vote to close the
9 meeting revealing the vote of each member with no proxy votes
10 allowed;

11 (4) Establishing the titles, duties and authority, and
12 reasonable procedures for the election of the officers of the
13 commission;

14 (5) Providing reasonable standards and procedures for the
15 establishment of the personnel policies and programs of the
16 commission. Notwithstanding any civil service or other similar
17 laws of any member state, the bylaws shall exclusively govern the
18 personnel policies and programs of the commission;

19 (6) Promulgating a code of ethics to address permissible
20 and prohibited activities of commission members and employees;

21 (7) Providing a mechanism for winding up the operations of
22 the commission and the equitable disposition of any surplus funds
23 that may exist after the termination of the compact after the
24 payment or reserving of all of its debts and obligations;

25 (8) The commission shall publish its bylaws and file a copy
26 thereof, and a copy of any amendment thereto, with the
27 appropriate agency or officer in each of the member states, if
28 any;

29 (9) The commission shall maintain its financial records in

1 accordance with the bylaws; and

2 (10) The commission shall meet and take such actions as are
3 consistent with the provisions of this compact and the bylaws.

4 4. The commission shall have the following powers:

5 (1) To promulgate uniform rules to facilitate and
6 coordinate implementation and administration of this compact.
7 The rules shall have the force and effect of law and shall be
8 binding on all member states;

9 (2) To bring and prosecute legal proceedings or actions in
10 the name of the commission; provided that, the standing of any
11 state EMS authority or other regulatory body responsible for EMS
12 personnel licensure to sue or be sued under applicable law shall
13 not be affected;

14 (3) To purchase and maintain insurance and bonds;

15 (4) To borrow, accept, or contract for services of
16 personnel including, but not limited to, employees of a member
17 state;

18 (5) To hire employees, elect or appoint officers, fix
19 compensation, define duties, grant such individuals appropriate
20 authority to carry out the purposes of the compact, and to
21 establish the commission's personnel policies and programs
22 relating to conflicts of interest, qualifications of personnel,
23 and other related personnel matters;

24 (6) To accept any and all appropriate donations and grants
25 of money, equipment, supplies, materials, and services, and to
26 receive, utilize, and dispose of the same; provided that, at all
27 times the commission shall strive to avoid any appearance of
28 impropriety and conflict of interest;

29 (7) To lease, purchase, accept appropriate gifts or

1 donations of, or otherwise to own, hold, improve, or use any
2 property, real, personal, or mixed; provided that, at all times
3 the commission shall strive to avoid any appearance of
4 impropriety;

5 (8) To sell, convey, mortgage, pledge, lease, exchange,
6 abandon, or otherwise dispose of any property, real, personal, or
7 mixed;

8 (9) To establish a budget and make expenditures;

9 (10) To borrow money;

10 (11) To appoint committees, including advisory committees
11 comprised of members, state regulators, state legislators or
12 their representatives, consumer representatives, and such other
13 interested persons as may be designated in this compact and the
14 bylaws;

15 (12) To provide and receive information from, and to
16 cooperate with, law enforcement agencies;

17 (13) To adopt and use an official seal; and

18 (14) To perform such other functions as may be necessary or
19 appropriate to achieve the purposes of this compact consistent
20 with the state regulation of EMS personnel licensure and
21 practice.

22 5. (1) The commission shall pay, or provide for the
23 payment of, the reasonable expenses of its establishment,
24 organization, and ongoing activities.

25 (2) The commission may accept any and all appropriate
26 revenue sources, donations, and grants of money, equipment,
27 supplies, materials, and services.

28 (3) The commission may levy on and collect an annual
29 assessment from each member state or impose fees on other parties

1 to cover the cost of the operations and activities of the
2 commission and its staff, which shall be in a total amount
3 sufficient to cover its annual budget as approved each year for
4 which revenue is not provided by other sources. The aggregate
5 annual assessment amount shall be allocated based upon a formula
6 to be determined by the commission, which shall promulgate a rule
7 binding upon all member states.

8 (4) The commission shall not incur obligations of any kind
9 prior to securing the funds adequate to meet the same; nor shall
10 the commission pledge the credit of any of the member states,
11 except by and with the authority of the member state.

12 (5) The commission shall keep accurate accounts of all
13 receipts and disbursements. The receipts and disbursements of
14 the commission shall be subject to the audit and accounting
15 procedures established under its bylaws. However, all receipts
16 and disbursements of funds handled by the commission shall be
17 audited yearly by a certified or licensed public accountant, and
18 the report of the audit shall be included in and become part of
19 the annual report of the commission.

20 6. (1) The members, officers, executive director,
21 employees, and representatives of the commission shall be immune
22 from suit and liability, either personally or in their official
23 capacity, for any claim, damage to or loss of property, personal
24 injury, or other civil liability caused by or arising out of any
25 actual or alleged act, error, or omission that occurred or that
26 the person against whom the claim is made had a reasonable basis
27 for believing occurred within the scope of commission employment,
28 duties, or responsibilities; provided that, nothing in this
29 subdivision shall be construed to protect any such person from

1 suit or liability for any damage, loss, injury, or liability
2 caused by the intentional, willful, or wanton misconduct of that
3 person.

4 (2) The commission shall defend any member, officer,
5 executive director, employee, or representative of the commission
6 in any civil action seeking to impose liability arising out of
7 any actual or alleged act, error, or omission that occurred
8 within the scope of commission employment, duties, or
9 responsibilities, or that the person against whom the claim is
10 made had a reasonable basis for believing occurred within the
11 scope of commission employment, duties, or responsibilities;
12 provided that, nothing herein shall be construed to prohibit that
13 person from retaining his or her own counsel; and provided
14 further, that the actual or alleged act, error, or omission did
15 not result from that person's intentional, willful, or wanton
16 misconduct.

17 (3) The commission shall indemnify and hold harmless any
18 member, officer, executive director, employee, or representative
19 of the commission for the amount of any settlement or judgment
20 obtained against that person arising out of any actual or alleged
21 act, error, or omission that occurred within the scope of
22 commission employment, duties, or responsibilities, or that such
23 person had a reasonable basis for believing occurred within the
24 scope of commission employment, duties, or responsibilities;
25 provided that, the actual or alleged act, error, or omission did
26 not result from the intentional, willful, or wanton misconduct of
27 the person.

28 190.927. 1. The commission shall provide for the
29 development and maintenance of a coordinated database and

1 reporting system containing licensure, adverse action, and
2 significant investigatory information on all licensed individuals
3 in member states.

4 2. Notwithstanding any other provision of state law to the
5 contrary, a member state shall submit a uniform data set to the
6 coordinated database on all individuals to whom this compact is
7 applicable as required by the rules of the commission, including:

8 (1) Identifying information;

9 (2) Licensure data;

10 (3) Significant investigatory information;

11 (4) Adverse actions against an individual's license;

12 (5) An indicator that an individual's privilege to practice
13 is restricted, suspended, or revoked;

14 (6) Nonconfidential information related to alternative
15 program participation;

16 (7) Any denial of application for licensure and the reasons
17 for such denial; and

18 (8) Other information that may facilitate the
19 administration of this compact, as determined by the rules of the
20 commission.

21 3. The coordinated database administrator shall promptly
22 notify all member states of any adverse action taken against, or
23 significant investigative information on, any individual in a
24 member state.

25 4. Member states contributing information to the
26 coordinated database may designate information that shall not be
27 shared with the public without the express permission of the
28 contributing state.

29 5. Any information submitted to the coordinated database

1 that is subsequently required to be expunged by the laws of the
2 member state contributing the information shall be removed from
3 the coordinated database.

4 190.930. 1. The commission shall exercise its rulemaking
5 powers pursuant to the criteria set forth in this section and the
6 rules adopted thereunder. Rules and amendments shall become
7 binding as of the date specified in each rule or amendment.

8 2. If a majority of the legislatures of the member states
9 rejects a rule by enactment of a statute or resolution in the
10 same manner used to adopt the compact, then such rule shall have
11 no further force and effect in any member state.

12 3. Rules or amendments to the rules shall be adopted at a
13 regular or special meeting of the commission.

14 4. Prior to promulgation and adoption of a final rule or
15 rules by the commission, and at least sixty days in advance of
16 the meeting at which the rule or rules shall be considered and
17 voted upon, the commission shall file a notice of proposed
18 rulemaking:

19 (1) On the website of the commission; and

20 (2) On the website of each member state's EMS authority or
21 the publication in which each state would otherwise publish
22 proposed rules.

23 5. The notice of proposed rulemaking shall include:

24 (1) The proposed time, date, and location of the meeting at
25 which the rule shall be considered and voted upon;

26 (2) The text of the proposed rule or amendment and the
27 reason for the proposed rule;

28 (3) A request for comments on the proposed rule from any
29 interested person; and

1 (4) The manner in which interested parties may submit
2 notice to the commission of their intention to attend the public
3 hearing and any written comments.

4 6. Prior to adoption of a proposed rule, the commission
5 shall allow persons to submit written data, facts, opinions, and
6 arguments that shall be made available to the public.

7 7. The commission shall grant an opportunity for a public
8 hearing before it adopts a rule or amendment if a hearing is
9 requested by:

10 (1) At least twenty-five persons;

11 (2) A governmental subdivision or agency; or

12 (3) An association having at least twenty-five members.

13 8. If a hearing is held on the proposed rule or amendment,
14 the commission shall publish the place, time, and date of the
15 scheduled public hearing.

16 (1) All persons wishing to be heard at the hearing shall
17 notify the executive director of the commission or other
18 designated member in writing of their desire to appear and
19 testify at the hearing not less than five business days before
20 the scheduled date of the hearing.

21 (2) Hearings shall be conducted in a manner providing each
22 person who wishes to comment a fair and reasonable opportunity to
23 comment orally or in writing.

24 (3) No transcript of the hearing is required, unless a
25 written request for a transcript is made, in which case the
26 person requesting the transcript shall bear the cost of producing
27 the transcript. A recording may be made in lieu of a transcript
28 under the same terms and conditions as a transcript. This
29 subdivision shall not preclude the commission from making a

1 transcript or recording of the hearing if it so chooses.

2 (4) Nothing in this section shall be construed as requiring
3 a separate hearing on each rule. Rules may be grouped for the
4 convenience of the commission at hearings required by this
5 section.

6 9. Following the scheduled hearing date, or by the close of
7 business on the scheduled hearing date if the hearing was not
8 held, the commission shall consider all written and oral comments
9 received.

10 10. The commission shall, by majority vote of all members,
11 take final action on the proposed rule and shall determine the
12 effective date of the rule, if any, based on the rulemaking
13 record and the full text of the rule.

14 11. If no written notice of intent to attend the public
15 hearing by interested parties is received, the commission may
16 proceed with promulgation of the proposed rule without a public
17 hearing.

18 12. Upon determination that an emergency exists, the
19 commission may consider and adopt an emergency rule without prior
20 notice, opportunity for comment, or hearing; provided that, the
21 usual rulemaking procedures provided in the compact and in this
22 section shall be retroactively applied to the rule as soon as
23 reasonably possible, in no event later than ninety days after the
24 effective date of the rule. For the purposes of this provision,
25 an emergency rule is one that shall be adopted immediately in
26 order to:

27 (1) Meet an imminent threat to public health, safety, or
28 welfare;

29 (2) Prevent a loss of commission or member state funds;

1 (3) Meet a deadline for the promulgation of an
2 administrative rule that is established by federal law or rule;
3 or

4 (4) Protect public health and safety.

5 13. The commission or an authorized committee of the
6 commission may direct revisions to a previously adopted rule or
7 amendment for purposes of correcting typographical errors, errors
8 in format, errors in consistency, or grammatical errors. Public
9 notice of any revisions shall be posted on the website of the
10 commission. The revision shall be subject to challenge by any
11 person for a period of thirty days after posting. The revision
12 may be challenged only on grounds that the revision results in a
13 material change to a rule. A challenge shall be made in writing
14 and delivered to the chair of the commission prior to the end of
15 the notice period. If no challenge is made, the revision shall
16 take effect without further action. If the revision is
17 challenged, the revision may not take effect without the approval
18 of the commission.

19 190.933. 1. The executive, legislative, and judicial
20 branches of state government in each member state shall enforce
21 this compact and take all actions necessary and appropriate to
22 effectuate the compact's purposes and intent. The provisions of
23 this compact and the rules promulgated hereunder shall have
24 standing as statutory law.

25 2. All courts shall take judicial notice of the compact and
26 the rules in any judicial or administrative proceedings in a
27 member state pertaining to the subject matter of this compact
28 which may affect the powers, responsibilities, or actions of the
29 commission.

1 3. The commission shall be entitled to receive service of
2 process in any such proceeding and shall have standing to
3 intervene in such a proceeding for all purposes. Failure to
4 provide service of process to the commission shall render a
5 judgment or order void as to the commission, this compact, or
6 promulgated rules.

7 4. If the commission determines that a member state has
8 defaulted in the performance of its obligations or
9 responsibilities under this compact or the promulgated rules, the
10 commission shall:

11 (1) Provide written notice to the defaulting state and
12 other member states of the nature of the default, the proposed
13 means of curing the default, or any other action to be taken by
14 the commission; and

15 (2) Provide remedial training and specific technical
16 assistance regarding the default.

17 5. If a state in default fails to cure the default, the
18 defaulting state may be terminated from the compact upon an
19 affirmative vote of a majority of the member states, and all
20 rights, privileges, and benefits conferred by this compact may be
21 terminated on the effective date of termination. A cure of the
22 default does not relieve the offending state of obligations or
23 liabilities incurred during the period of default.

24 6. Termination of membership in the compact shall be
25 imposed only after all other means of securing compliance have
26 been exhausted. Notice of intent to suspend or terminate shall
27 be given by the commission to the governor, the majority and
28 minority leaders of the defaulting state's legislature, and each
29 of the member states.

1 7. A state that has been terminated is responsible for all
2 assessments, obligations, and liabilities incurred through the
3 effective date of termination, including obligations that extend
4 beyond the effective date of termination.

5 8. The commission shall not bear any costs related to a
6 state that is found to be in default or that has been terminated
7 from the compact unless agreed upon in writing between the
8 commission and the defaulting state.

9 9. The defaulting state may appeal the action of the
10 commission by petitioning the United States District Court for
11 the District of Columbia or the federal district where the
12 commission has its principal offices. The prevailing member
13 shall be awarded all costs of such litigation, including
14 reasonable attorney's fees.

15 10. Upon a request by a member state, the commission shall
16 attempt to resolve disputes related to the compact that arise
17 among member states and between member and nonmember states.

18 11. The commission shall promulgate a rule providing for
19 both mediation and binding dispute resolution for disputes as
20 appropriate.

21 12. The commission, in the reasonable exercise of its
22 discretion, shall enforce the provisions and rules of this
23 compact.

24 13. By majority vote, the commission may initiate legal
25 action in the United States District Court for the District of
26 Columbia or the federal district where the commission has its
27 principal offices against a member state in default to enforce
28 compliance with the provisions of the compact and its promulgated
29 rules and bylaws. The relief sought may include both injunctive

1 relief and damages. In the event judicial enforcement is
2 necessary, the prevailing member shall be awarded all costs of
3 such litigation, including reasonable attorney's fees.

4 14. The remedies herein shall not be the exclusive remedies
5 of the commission. The commission may pursue any other remedies
6 available under federal or state law.

7 190.936. 1. The compact shall come into effect on the date
8 on which the compact statute is enacted into law in the tenth
9 member state. The provisions, which become effective at that
10 time, shall be limited to the powers granted to the commission
11 relating to assembly and the promulgation of rules. Thereafter,
12 the commission shall meet and exercise rulemaking powers
13 necessary to the implementation and administration of the
14 compact.

15 2. Any state that joins the compact subsequent to the
16 commission's initial adoption of the rules shall be subject to
17 the rules as they exist on the date on which the compact becomes
18 law in that state. Any rule that has been previously adopted by
19 the commission shall have the full force and effect of law on the
20 day the compact becomes law in that state.

21 3. Any member state may withdraw from this compact by
22 enacting a statute repealing the same.

23 (1) A member state's withdrawal shall not take effect until
24 six months after enactment of the repealing statute.

25 (2) Withdrawal shall not affect the continuing requirement
26 of the withdrawing state's EMS authority to comply with the
27 investigative and adverse action reporting requirements of this
28 act prior to the effective date of withdrawal.

29 4. Nothing contained in this compact shall be construed to

1 invalidate or prevent any EMS personnel licensure agreement or
2 other cooperative arrangement between a member state and a
3 nonmember state that does not conflict with the provisions of
4 this compact.

5 5. This compact may be amended by the member states. No
6 amendment to this compact shall become effective and binding upon
7 any member state until it is enacted into the laws of all member
8 states.

9 190.939. This compact shall be liberally construed so as to
10 effectuate the purposes thereof. If this compact shall be held
11 contrary to the constitution of any member state thereto, the
12 compact shall remain in full force and effect as to the remaining
13 member states. Nothing in this compact supersedes state law or
14 rules related to licensure of EMS agencies.

15 191.630. As used in sections 191.630 and 191.631, the
16 following terms mean:

17 (1) "Communicable disease", acquired immunodeficiency
18 syndrome (AIDS), cutaneous anthrax, hepatitis in any form, human
19 immunodeficiency virus (HIV), measles, meningococcal disease,
20 mumps, pertussis, pneumonic plague, rubella, severe acute
21 respiratory syndrome (SARS-CoV), smallpox, tuberculosis,
22 varicella disease, vaccinia, viral hemorrhagic fevers, and other
23 such diseases as the department may define by rule or regulation;

24 (2) "Communicable disease tests", tests designed for
25 detection of communicable diseases. Rapid testing of the source
26 patient in accordance with the Occupational Safety and Health
27 Administration (OSHA) enforcement of the Centers for Disease
28 Control and Prevention (CDC) guidelines shall be recommended;

29 (3) "Coroner or medical examiner", the same meaning as

defined in chapter 58;

(4) "Department", the Missouri department of health and senior services;

(5) "Designated infection control officer", the person or persons within the entity or agency who are responsible for managing the infection control program and for coordinating efforts surrounding the investigation of an exposure such as:

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

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

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

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

(7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or parenteral contact with blood or

1 other potentially infectious materials that results from the
2 performance of an employee's duties;

3 (8) "Good Samaritan", any person who renders emergency
4 medical assistance or aid within his or her level of training or
5 skill until such time as he or she is relieved of those duties by
6 an emergency care provider;

7 (9) "Hospital", the same meaning as defined in section
8 197.020;

9 (10) "Source patient", any person who is sick or injured
10 and requiring the care or services of a Good Samaritan or
11 emergency care provider, for whose blood or other potentially
12 infectious materials have resulted in exposure."; and

13 Further amend the title and enacting clause accordingly.
14

SENATE AMENDMENT NO. 3Offered by S. F. H. of 1Amend SS/SCS/House Bill No. 1355, Page 80, Section 455.095, Line 2,

2 of said page, by inserting after all of said line the
3 following:

4 "455.560. 1. A prosecuting attorney or circuit attorney
5 may impanel a domestic violence fatality review panel for the
6 county or city not within a county in which he or she serves
7 to investigate the deaths of victims of homicides determined
8 to be related to domestic violence, as the term is defined in
9 section 455.010.

10 2. Members of the panel may include any representative
11 of programs or organizations that provide services and
12 responses to victims of domestic violence within the county or
13 city not within a county. The panel shall include, but shall
14 not be limited to, the following members:

15 (1) The prosecuting or circuit attorney;

16 (2) The coroner or medical examiner for the county or
17 city not within a county;

18 (3) A representative of law enforcement personnel in the
19 county or city not within a county;

20 (4) A provider of public health care services;

Offered 5/1/18
Adopted "

1 (5) A provider of emergency medical services or other
2 medical or health care providers;

3 (6) A representative of any victim assistant unit for
4 the prosecuting or circuit attorney, law enforcement
5 organization, or court of the county or city not within a
6 county;

7 (7) A representative of shelters for victims of domestic
8 violence, as defined in section 455.200, or domestic violence
9 services organizations that provide services for victims
10 within the county or city not within a county; and

11 (8) A representative of rape crisis centers, as defined
12 in section 455.003, that provide sexual assault services for
13 victims within the county or city not within a county.

14 3. A prosecuting or circuit attorney shall organize the
15 panel and shall call the first organizational meeting of the
16 panel. The panel shall elect a chairperson who shall convene
17 the panel to meet to review all deaths of victims of homicides
18 determined to be related to domestic violence.

19 4. The executive officer of any municipality or county
20 may request that a domestic violence fatality review panel be
21 convened in response to any fatality which occurs within the
22 boundaries of the municipality or county.

23 5. Work products of the domestic violence fatality
24 review panel other than the final report required by
25 subsection 6 of this section, including, but not limited to
26 internal memoranda, summaries or minutes of panel meetings,
27 and written, audio recorded, or electronic records and
28 communications, are not public records as defined by

1 subdivision (6) of section 610.010 and are not available for
2 public examination, reproduction, or disclosure, and are not
3 admissible as evidence in any civil, criminal, or
4 administrative proceeding.

5 6. The panel shall issue a final report, which shall be
6 a public record as defined by subdivision (6) of section
7 610.010, of each investigation. The final report shall
8 include the panel's findings and recommendations for enhanced
9 practices, protocols, and collaborations to address domestic
10 violence and prevent homicides, and a copy shall be provided
11 to the governor, the speaker of the house of representatives,
12 the president pro tempore of the senate, the executive
13 leadership of the government of the political subdivision of
14 the state of Missouri in which the panel operates, and the
15 statewide domestic violence coalition, as such is recognized
16 by the United States Department of Justice and the United
17 States Department of Health and Human Services. The final
18 report shall also include a summary."; and

19 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4Offered by Shatz OF 26Amend SS/SCS/House Bill No. 1355, Page 10, Section 57.117, Line 7,

2 of said page, by inserting after the word "state." the following:
3 "The provisions of this section authorizing the appointment of a
4 person as an under sheriff or deputy sheriff who is a bona fide
5 resident of an adjoining state shall not apply to a sheriff of
6 any county with a charter form of government and with more than
7 six hundred thousand but fewer than seven hundred thousand
8 inhabitants."; and

9 Further amend said bill, Page 13, Section 84.510, Line 22 of
10 said page, by inserting after all of said line the following:

11 "87.135. 1. Under such rules and regulations as the board
12 of trustees shall adopt, each member who was a firefighter on and
13 prior to the date of the establishment of the retirement system
14 shall file a detailed statement of all service as a firefighter
15 rendered by him or her prior to that date for which the
16 firefighter claims credit.

17 2. The board of trustees shall fix and determine by proper
18 rules and regulations how much service in any year is equivalent
19 to one year of service, but in no case shall more than one year
20 of service be creditable for all service in one calendar year,
21 nor shall the board of trustees allow credit as service for any

Offered 5/1/18
Adopted 11

1 period of more than one month's duration during which the member
2 was absent without pay.

3 3. Subject to the above restrictions and to such other
4 rules and regulations as the board of trustees may adopt, the
5 board of trustees shall verify the service claims as soon as
6 practicable after the filing of the statement of service.

7 4. Upon verification of the statements of service the board
8 of trustees shall issue prior service certificates, certifying to
9 each member the length of prior service with which the member is
10 credited on the basis of his or her statement of service. So
11 long as the holder of the certificate continues to be a member, a
12 prior service certificate shall be final and conclusive for
13 retirement purposes as to such service, except that any member
14 may, within one year from the date of issuance or modification of
15 the certificate, request the board of trustees to modify or
16 correct the member's prior service certificate, and upon such
17 request or of its own motion the board may correct the
18 certificate. When any firefighter ceases to be a member his or
19 her prior service certificate shall become void. Should he or
20 she again become a member, he or she shall enter the retirement
21 system as a member not entitled to prior service credit except as
22 provided in section 87.215.

23 5. Creditable service at retirement on which the retirement
24 allowance of a member shall be based shall consist of creditable
25 membership service rendered by him or her, and also if the member
26 has a prior service certificate which is in full force and
27 effect, the amount of the service certified on the member's prior
28 service certificate. Service rendered by a firefighter after the
29 operative date and prior to becoming a member shall be included

1 as creditable membership service provided the service was
2 rendered since he or she last became a firefighter.

3 6. The retirement system, with the approval of the board of
4 trustees, may enter into cooperative agreements to transfer
5 creditable service between the retirement system and any other
6 retirement plan established by the state of Missouri or any
7 political subdivision or instrumentality of the state when a
8 member who has been employed in a position covered by one plan is
9 employed in a position covered by another plan. The transfer of
10 creditable service shall be in accordance with the provisions of
11 section 105.691 and the policies and procedures established by
12 the board of trustees."; and

13 Further amend said bill, Page 83, Section 513.653, Line 18
14 of said page, by inserting immediately after said line the
15 following:

16 "559.600. 1. In cases where the board of probation and
17 parole is not required under section 217.750 to provide probation
18 supervision and rehabilitation services for misdemeanor
19 offenders, the circuit and associate circuit judges in a circuit
20 may contract with one or more private entities or other
21 court-approved entity to provide such services. The
22 court-approved entity, including private or other entities, shall
23 act as a misdemeanor probation office in that circuit and shall,
24 pursuant to the terms of the contract, supervise persons placed
25 on probation by the judges for class A, B, C, and D misdemeanor
26 offenses, specifically including persons placed on probation for
27 violations of section 577.023. Nothing in sections 559.600 to
28 559.615 shall be construed to prohibit the board of probation and
29 parole, or the court, from supervising misdemeanor offenders in a

1 circuit where the judges have entered into a contract with a
2 probation entity.

3 2. In all cases, the entity providing such private
4 probation service shall utilize the cutoff concentrations
5 utilized by the department of corrections with regard to drug and
6 alcohol screening for clients assigned to such entity. A drug
7 test is positive if drug presence is at or above the cutoff
8 concentration or negative if no drug is detected or if drug
9 presence is below the cutoff concentration.

10 3. In all cases, the entity providing such private
11 probation service shall not require the clients assigned to such
12 entity to travel in excess of fifty miles in order to attend
13 their regular probation meetings."; and

14 Further amend said bill, Page 106, Section 595.220, Lines
15 15-16 of said page, by striking the words "written or"; and

16 Further amend said bill and section, page 108, line 16 of
17 said page, by inserting immediately after "victim" the following:
18 ", or his or her designee,"; and

19 Further amend said bill and section, page 109, line 4 of
20 said page, by striking the words "written or"; and further amend
21 line 5 of said page, by inserting immediately after "victim" the
22 following: ", or his or her designee,"; and

23 Further amend said bill and section, page 110, line 3 of
24 said page, by inserting immediately after "victim" the following:
25 ", or his or her designee,"; and further amend line 7 of said
26 page, by inserting immediately after "victim" the following: ",
27 or his or her designee,"; and further amend line 10 of said page,
28 by inserting after "9." the following: "The attorney general
29 shall establish protocols and an electronic platform to implement

1 an electronic evidence tracking system that:

2 (1) Identifies, documents, records, and tracks evidentiary
3 collection kits and their components, including individual
4 specimen containers, through their existence from forensic
5 examination, to possession by a law enforcement agency, to
6 testing, to use as evidence in criminal proceedings, and until
7 disposition of such proceedings;

8 (2) Assigns a unique alphanumeric identifier to each
9 respective evidentiary collection kit, and all its respective
10 components, and to each respective person, or his or her
11 designees, who may handle an evidentiary test kit;

12 (3) Links the identifiers of an evidentiary collection kit
13 and its components, which shall be machine-readable indicia;

14 (4) Allows each person, or his or her designees, who is
15 properly credentialed to handle an evidentiary test kit to check
16 the status of an evidentiary test kit or its components and to
17 save a portfolio of identifiers so that the person, or his or her
18 designees may track, obtain reports, and receive updates of the
19 status of evidentiary collection kits or their components; and

20 (5) Allows sexual assault victims or their designees access
21 in order to monitor the current status of their evidentiary test
22 kit.

23 10."; and further amend line 22 of said page, by inserting
24 after all of said line the following:

25 "610.140. 1. Notwithstanding any other provision of law
26 and subject to the provisions of this section, any person may
27 apply to any court in which such person was charged or found
28 guilty of any offenses, violations, or infractions for an order
29 to expunge records of such arrest, plea, trial, or conviction.

1 Subject to the limitations of subsection 12 of this section, a
2 person may apply to have one or more offenses, violations, or
3 infractions expunged if such offense, violation, or infraction
4 occurred within the state of Missouri and was prosecuted under
5 the jurisdiction of a Missouri municipal, associate circuit, or
6 circuit court, so long as such person lists all the offenses,
7 violations, and infractions he or she is seeking to have expunged
8 in the petition and so long as all such offenses, violations, and
9 infractions are not excluded under subsection 2 of this section.
10 If the offenses, violations, or infractions were charged as
11 counts in the same indictment or information or were committed as
12 part of the same course of criminal conduct, the person may
13 include all the related offenses, violations, and infractions in
14 the petition, regardless of the limits of subsection 12 of this
15 section, and the petition shall only count as a petition for
16 expungement of the highest level violation or offense contained
17 in the petition for the purpose of determining future eligibility
18 for expungement.

19 2. The following offenses, violations, and infractions
20 shall not be eligible for expungement under this section:

- 21 (1) Any class A felony offense;
- 22 (2) Any dangerous felony as that term is defined in section
23 556.061;
- 24 (3) Any offense that requires registration as a sex
25 offender;
- 26 (4) Any felony offense where death is an element of the
27 offense;
- 28 (5) Any felony offense of assault; misdemeanor or felony
29 offense of domestic assault; or felony offense of kidnapping;

(6) Any offense listed, or previously listed, in chapter 566 or section 105.454, 105.478, 115.631, 130.028, 188.030, 188.080, 191.677, 194.425, 217.360, 217.385, 334.245, 375.991, 389.653, 455.085, 455.538, 557.035, 565.084, 565.085, 565.086, 565.095, 565.120, 565.130, 565.156, 565.200, 565.214, 566.093, 566.111, 566.115, 568.020, 568.030, 568.032, 568.045, 568.060, 568.065, 568.080, 568.090, 568.175, 569.030, 569.035, 569.040, 569.050, 569.055, 569.060, 569.065, 569.067, 569.072, 569.100, 569.160, 570.025, 570.030, 570.090, 570.100, 570.130, 570.180, 570.223, 570.224, 570.310, 571.020, [571.030,] 571.060, 571.063, 571.070, 571.072, 571.150, 574.070, 574.105, 574.115, 574.120, 574.130, 575.040, 575.095, 575.153, 575.155, 575.157, 575.159, 575.195, 575.200, 575.210, 575.220, 575.230, 575.240, 575.350, 575.353, 577.078, 577.703, 577.706, 578.008, 578.305, 578.310, or 632.520;

(7) Any offense eligible for expungement under section 577.054 or 610.130;

(8) Any intoxication-related traffic or boating offense as defined in section 577.001, or any offense of operating an aircraft with an excessive blood alcohol content or while in an intoxicated condition;

(9) Any ordinance violation that is the substantial equivalent of any offense that is not eligible for expungement under this section; [and]

(10) Any [violations] violation of any state law or county or municipal ordinance regulating the operation of motor vehicles when committed by an individual who has been issued a commercial driver's license or is required to possess a commercial driver's license issued by this state or any other state; and

1 (11) Any offense of section 571.030, except any offense
2 under subdivision (1) of subsection 1 of section 571.030 where
3 the person was convicted or found guilty prior to January 1,
4 2017.

5 3. The petition shall name as defendants all law
6 enforcement agencies, courts, prosecuting or circuit attorneys,
7 municipal prosecuting attorneys, central state repositories of
8 criminal records, or others who the petitioner has reason to
9 believe may possess the records subject to expungement for each
10 of the offenses, violations, and infractions listed in the
11 petition. The court's order of expungement shall not affect any
12 person or entity not named as a defendant in the action.

13 4. The petition shall include the following information:

14 (1) The petitioner's:

15 (a) Full name;

16 (b) Sex;

17 (c) Race;

18 (d) Driver's license number, if applicable; and

19 (e) Current address;

20 (2) Each offense, violation, or infraction for which the
21 petitioner is requesting expungement;

22 (3) The approximate date the petitioner was charged for
23 each offense, violation, or infraction; and

24 (4) The name of the county where the petitioner was charged
25 for each offense, violation, or infraction and if any of the
26 offenses, violations, or infractions occurred in a municipality,
27 the name of the municipality for each offense, violation, or
28 infraction; and

29 (5) The case number and name of the court for each offense.

1 5. The clerk of the court shall give notice of the filing
2 of the petition to the office of the prosecuting attorney,
3 circuit attorney, or municipal prosecuting attorney that
4 prosecuted the offenses, violations, or infractions listed in the
5 petition. If the prosecuting attorney, circuit attorney, or
6 municipal prosecuting attorney objects to the petition for
7 expungement, he or she shall do so in writing within thirty days
8 after receipt of service. Unless otherwise agreed upon by the
9 parties, the court shall hold a hearing within sixty days after
10 any written objection is filed, giving reasonable notice of the
11 hearing to the petitioner. If no objection has been filed within
12 thirty days after receipt of service, the court may set a hearing
13 on the matter and shall give reasonable notice of the hearing to
14 each entity named in the petition. At any hearing, the court may
15 accept evidence and hear testimony on, and may consider, the
16 following criteria for each of the offenses, violations, or
17 infractions listed in the petition for expungement:

18 (1) It has been at least seven years if the offense is a
19 felony, or at least three years if the offense is a misdemeanor,
20 municipal offense, or infraction, from the date the petitioner
21 completed any authorized disposition imposed under section
22 557.011 for each offense, violation, or infraction listed in the
23 petition;

24 (2) The person has not been found guilty of any other
25 misdemeanor or felony, not including violations of the traffic
26 regulations provided under chapters 304 and 307, during the time
27 period specified for the underlying offense, violation, or
28 infraction in subdivision (1) of this subsection;

29 (3) The person has satisfied all obligations relating to

1 any such disposition, including the payment of any fines or
2 restitution;

3 (4) The person does not have charges pending;

4 (5) The petitioner's habits and conduct demonstrate that
5 the petitioner is not a threat to the public safety of the state;
6 and

7 (6) The expungement is consistent with the public welfare
8 and the interests of justice warrant the expungement.

9
10 A pleading by the petitioner that such petitioner meets the
11 requirements of subdivisions (5) and (6) of this subsection shall
12 create a rebuttable presumption that the expungement is warranted
13 so long as the criteria contained in subdivisions (1) to (4) of
14 this subsection are otherwise satisfied. The burden shall shift
15 to the prosecuting attorney, circuit attorney, or municipal
16 prosecuting attorney to rebut the presumption. A victim of an
17 offense, violation, or infraction listed in the petition shall
18 have an opportunity to be heard at any hearing held under this
19 section, and the court may make a determination based solely on
20 such victim's testimony.

21 6. A petition to expunge records related to an arrest for
22 an eligible offense, violation, or infraction may be made in
23 accordance with the provisions of this section to a court of
24 competent jurisdiction in the county where the petitioner was
25 arrested no earlier than three years from the date of arrest;
26 provided that, during such time, the petitioner has not been
27 charged and the petitioner has not been found guilty of any
28 misdemeanor or felony offense.

29 7. If the court determines that such person meets all the

1 criteria set forth in subsection 5 of this section for each of
2 the offenses, violations, or infractions listed in the petition
3 for expungement, the court shall enter an order of expungement.
4 In all cases under this section, the court shall issue an order
5 of expungement or dismissal within six months of the filing of
6 the petition. A copy of the order of expungement shall be
7 provided to the petitioner and each entity possessing records
8 subject to the order, and, upon receipt of the order, each entity
9 shall close any record in its possession relating to any offense,
10 violation, or infraction listed in the petition, in the manner
11 established by section 610.120. The records and files maintained
12 in any administrative or court proceeding in a municipal,
13 associate, or circuit court for any offense, infraction, or
14 violation ordered expunged under this section shall be
15 confidential and only available to the parties or by order of the
16 court for good cause shown. The central repository shall request
17 the Federal Bureau of Investigation to expunge the records from
18 its files.

19 8. The order shall not limit any of the petitioner's rights
20 that were restricted as a collateral consequence of such person's
21 criminal record, and such rights shall be restored upon issuance
22 of the order of expungement. Except as otherwise provided under
23 this section, the effect of such order shall be to restore such
24 person to the status he or she occupied prior to such arrests,
25 pleas, trials, or convictions as if such events had never taken
26 place. No person as to whom such order has been entered shall be
27 held thereafter under any provision of law to be guilty of
28 perjury or otherwise giving a false statement by reason of his or
29 her failure to recite or acknowledge such arrests, pleas, trials,

1 convictions, or expungement in response to an inquiry made of him
2 or her and no such inquiry shall be made for information relating
3 to an expungement, except the petitioner shall disclose the
4 expunged offense, violation, or infraction to any court when
5 asked or upon being charged with any subsequent offense,
6 violation, or infraction. The expunged offense, violation, or
7 infraction may be considered a prior offense in determining a
8 sentence to be imposed for any subsequent offense that the person
9 is found guilty of committing.

10 9. Notwithstanding the provisions of subsection 8 of this
11 section to the contrary, a person granted an expungement shall
12 disclose any expunged offense, violation, or infraction when the
13 disclosure of such information is necessary to complete any
14 application for:

15 (1) A license, certificate, or permit issued by this state
16 to practice such individual's profession;

17 (2) Any license issued under chapter 313 or permit issued
18 under chapter 571;

19 (3) Paid or unpaid employment with an entity licensed under
20 chapter 313, any state-operated lottery, or any emergency
21 services provider, including any law enforcement agency;

22 (4) Employment with any federally insured bank or savings
23 institution or credit union or an affiliate of such institution
24 or credit union for the purposes of compliance with 12 U.S.C.
25 Section 1829 and 12 U.S.C. Section 1785;

26 (5) Employment with any entity engaged in the business of
27 insurance or any insurer for the purpose of complying with 18
28 U.S.C. Section 1033, 18 U.S.C. Section 1034, or other similar law
29 which requires an employer engaged in the business of insurance

1 to exclude applicants with certain criminal convictions from
2 employment; or

3 (6) Employment with any employer that is required to
4 exclude applicants with certain criminal convictions from
5 employment due to federal or state law, including corresponding
6 rules and regulations.

7
8 An employer shall notify an applicant of the requirements under
9 subdivisions (4) to (6) of this subsection. Notwithstanding any
10 provision of law to the contrary, an expunged offense, violation,
11 or infraction shall not be grounds for automatic disqualification
12 of an applicant, but may be a factor for denying employment, or a
13 professional license, certificate, or permit; except that, an
14 offense, violation, or infraction expunged under the provisions
15 of this section may be grounds for automatic disqualification if
16 the application is for employment under subdivisions (4) to (6)
17 of this subsection.

18 10. A person who has been granted an expungement of records
19 pertaining to a misdemeanor or felony offense, an ordinance
20 violation, or an infraction may answer "no" to an employer's
21 inquiry into whether the person has ever been convicted of a
22 crime if, after the granting of the expungement, the person has
23 no public record of a misdemeanor or felony offense, an ordinance
24 violation, or an infraction. The person, however, shall answer
25 such an inquiry affirmatively and disclose his or her criminal
26 convictions, including any offense or violation expunged under
27 this section or similar law, if the employer is required to
28 exclude applicants with certain criminal convictions from
29 employment due to federal or state law, including corresponding

1 rules and regulations.

2 11. If the court determines that the petitioner has not met
3 the criteria for any of the offenses, violations, or infractions
4 listed in the petition for expungement or the petitioner has
5 knowingly provided false information in the petition, the court
6 shall enter an order dismissing the petition. Any person whose
7 petition for expungement has been dismissed by the court for
8 failure to meet the criteria set forth in subsection 5 of this
9 section may not refile another petition until a year has passed
10 since the date of filing for the previous petition.

11 12. A person may be granted more than one expungement under
12 this section provided that during his or her lifetime, the total
13 number of offenses, violations, or infractions for which orders
14 of expungement are granted to the person shall not exceed the
15 following limits:

16 (1) Not more than two misdemeanor offenses or ordinance
17 violations that have an authorized term of imprisonment; and

18 (2) Not more than one felony offense.

19
20 A person may be granted expungement under this section for any
21 number of infractions. Nothing in this section shall prevent the
22 court from maintaining records to ensure that an individual has
23 not exceeded the limitations of this subsection. Nothing in this
24 section shall be construed to limit or impair in any way the
25 subsequent use of any record expunged under this section of any
26 arrests or findings of guilt by a law enforcement agency,
27 criminal justice agency, prosecuting attorney, circuit attorney,
28 or municipal prosecuting attorney, including its use as a prior
29 offense, violation, or infraction.

1 13. The court shall make available a form for pro se
2 petitioners seeking expungement, which shall include the
3 following statement: "I declare under penalty of perjury that
4 the statements made herein are true and correct to the best of my
5 knowledge, information, and belief."

6 14. Nothing in this section shall be construed to limit or
7 restrict the availability of expungement to any person under any
8 other law."; and

9 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 5offered by Sater of BarryAmend SS/SCS/House Bill No. 1355, Page 83, Section 513.653, Line 18,

2 by inserting after all of said line the following:

3 "566.147. 1. Any person who, since July 1, 1979, has been
4 or hereafter has been found guilty of:

5 (1) Violating any of the provisions of this chapter or the
6 provisions of section 568.020, incest; section 568.045,
7 endangering the welfare of a child in the first degree;
8 subsection 2 of section 568.080 as it existed prior to January 1,
9 2017, or section 573.200, use of a child in a sexual performance;
10 section 568.090 as it existed prior to January 1, 2017, or
11 section 573.205, promoting a sexual performance by a child;
12 section 573.023, sexual exploitation of a minor; section 573.025,
13 promoting child pornography in the first degree; section 573.035,
14 promoting child pornography in the second degree; section
15 573.037, possession of child pornography, or section 573.040,
16 furnishing pornographic material to minors; or

17 (2) Any offense in any other jurisdiction which, if
18 committed in this state, would be a violation listed in this
19 section;
20

21 shall not reside within one thousand feet of any public school as

Offered 5/1/18
Adopted "

1 defined in section 160.011, any private school giving instruction
2 in a grade or grades not higher than the twelfth grade, or any
3 child care facility that is licensed under chapter 210, or any
4 child care facility as defined in section 210.201 that is exempt
5 from state licensure but subject to state regulation under
6 section 210.252 and holds itself out to be a child care facility,
7 where the school or facility is in existence at the time the
8 individual begins to reside at the location. Such person shall
9 also not reside within one thousand feet of the property line of
10 the residence of a former victim of such person.

11 2. If such person has already established a residence and a
12 public school, a private school, or child care facility is
13 subsequently built or placed within one thousand feet of such
14 person's residence, or a former victim subsequently resides on
15 property with a property line within one thousand feet of such
16 person's residence, then such person shall, within one week of
17 the opening of such public school, private school, or child care
18 facility, or the former victim residing on the property, notify
19 the county sheriff where such public school, private school, [or]
20 child care facility, or residence of a former victim is located
21 that he or she is now residing within one thousand feet of such
22 public school, private school, [or] child care facility, or
23 property line of the residence of a former victim, and shall
24 provide verifiable proof to the sheriff that he or she resided
25 there prior to the opening of such public school, private school,
26 or child care facility, or the former victim residing on the
27 property.

28 3. For purposes of this section, "resides" means sleeps in
29 a residence, which may include more than one location and may be

1 mobile or transitory.

2 4. For the purposes of the section, one thousand feet shall
3 be measured from the edge of the offender's property nearest the
4 public school, private school, child care facility, or former
5 victim to the nearest edge of the public school, private school,
6 child care facility, or former victim's property.

7 5. Violation of the provisions of subsection 1 of this
8 section is a class E felony except that the second or any
9 subsequent violation is a class B felony. Violation of the
10 provisions of subsection 2 of this section is a class A
11 misdemeanor except that the second or subsequent violation is a
12 class E felony."; and

13 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 6Offered by Khaseed of STSAmend SS/SCS/House Bill No. 1355, Page 10, Section 57.117, Line 7,

2 of said page, by inserting after the word "state." the following:
3 "The provisions of this section authorizing the appointment of a
4 person as an under sheriff or deputy sheriff who is a bona fide
5 resident of an adjoining state shall not apply to a sheriff of
6 any city not within a county."

7

Offered 5/1/18
Adopted "