

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 11,
2 Section 190.100, Line 181, by inserting the following after all of said line:

3
4 "190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical
5 Services" which shall consist of sixteen members, one of which shall be a resident of a city not
6 within a county. The members of the council shall be appointed by the governor with the advice
7 and consent of the senate and shall serve terms of four years. The governor shall designate one of
8 the members as chairperson. The chairperson may appoint subcommittees that include noncouncil
9 members.

10 2. The state EMS medical directors advisory committee and the regional EMS advisory
11 committees will be recognized as subcommittees of the state advisory council on emergency
12 medical services.

13 3. The council shall have geographical representation and representation from appropriate
14 areas of expertise in emergency medical services including volunteers, professional organizations
15 involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians,
16 ambulance service administrators, hospital administrators and other health care providers concerned
17 with emergency medical services. The regional EMS advisory committees shall serve as a resource
18 for the identification of potential members of the state advisory council on emergency medical
19 services.

20 4. The members of the council and subcommittees shall serve without compensation except
21 that members of the council shall, subject to appropriations, be reimbursed for reasonable travel
22 expenses and meeting expenses related to the functions of the council.

23 5. The purpose of the council is to make recommendations to the governor, the general
24 assembly, and the department on policies, plans, procedures and proposed regulations on how to
25 improve the statewide emergency medical services system. The council shall advise the governor,
26 the general assembly, and the department on all aspects of the emergency medical services system.

27 6. (1) There is hereby established a standing subcommittee of the State Advisory Council
28 on Emergency Medical Services (SAC) to monitor the implementation of the recognition of the
29 EMS personnel licensure interstate compact (REPLICA), the interstate commission for EMS
30 personnel practice, and the involvement of the state of Missouri. The subcommittee of SAC shall
31 meet at least biannually and receive reports from the Missouri delegate to the interstate commission
32 for EMS personnel practice. The subcommittee shall consist of at least seven members appointed
33 by the chair of SAC, to include at least two members as recommended by the Missouri State
34 Council of Firefighters and one member as recommended by the Missouri Association of Fire
35 Chiefs. The subcommittee may submit, as determined by the subcommittee, reports and
36 recommendations to SAC, the Missouri department of health and senior services, the Missouri

Action Taken _____ Date _____

1 general assembly, and the governor regarding the participation of Missouri with the recognition of
 2 the EMS personnel licensure interstate compact.

3 (2) The subcommittee of SAC shall formally request a public hearing for any rule proposed
 4 by the interstate commission for EMS personnel practice in accordance with with subsection 7 of
 5 334.1530. The hearing request shall include the request that the hearing be presented live via the
 6 internet. The Missouri delegate to the interstate commission for EMS personnel practice shall be
 7 responsible for ensuring that all hearings, notices of, and related rulemaking communications as
 8 required by the compact be communicated to SAC and EMS personnel via the provisions of
 9 subsections 4, 5, 6, and 8 of section 334.1530.

10 (3) The Missouri department of health and senior services shall not establish or increase fees
 11 for Missouri EMS personnel licensure in accordance with chapter 190 for the purpose of creating
 12 the funds necessary for payment of an annual assessment as cited in subdivision (3) of subsection 5
 13 of section 334.1524."; and

14
 15 Further amend said bill, Page 46, Section 320.202, Line 33, by inserting the following after all of
 16 said section and line:

17
 18 "334.1524. 1. The compact states hereby create and establish a joint public agency known
 19 as the "Interstate Commission for EMS Personnel Practice".

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

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

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

26 2. Each member state shall have and be limited to one delegate. The responsible official of
 27 the state EMS authority or his or her designee shall be the delegate to this compact for each member
 28 state. Any delegate may be removed or suspended from office as provided by the law of the state
 29 from which the delegate is appointed. Any vacancy occurring in the commission shall be filled in
 30 accordance with the laws of the member state in which the vacancy exists. In the event that more
 31 than one board, office, or other agency with the legislative mandate to license EMS personnel at and
 32 above the level of EMT exists, the governor of the state will determine which entity will be
 33 responsible for assigning the delegate.

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

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

41 (3) All meetings shall be open to the public, and public notice of meetings shall be given in
 42 the same manner as required under the rulemaking provisions in section 334.1530.

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

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

46 (b) The employment, compensation, discipline or other personnel matters, practices, or
 47 procedures related to specific employees, or other matters related to the commission's internal
 48 personnel practices and procedures;

- 1 (c) Current, threatened, or reasonably anticipated litigation;
- 2 (d) Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- 3 (e) Accusing any person of a crime or formally censuring any person;
- 4 (f) Disclosure of trade secrets or commercial or financial information that is privileged or
- 5 confidential;
- 6 (g) Disclosure of information of a personal nature if disclosure would constitute a clearly
- 7 unwarranted invasion of personal privacy;
- 8 (h) Disclosure of investigatory records compiled for law enforcement purposes;
- 9 (i) Disclosure of information related to any investigatory reports prepared by or on behalf of
- 10 or for use of the commission or other committee charged with responsibility of investigation or
- 11 determination of compliance issues pursuant to the compact; or
- 12 (j) Matters specifically exempted from disclosure by federal or member state statute.
- 13 (5) If a meeting or portion of a meeting is closed under this section, the commission's legal
- 14 counsel or designee shall certify that the meeting may be closed and shall reference each relevant
- 15 exempting provision. The commission shall keep minutes that fully and clearly describe all matters
- 16 discussed in a meeting and shall provide a full and accurate summary of actions taken and the
- 17 reasons therefor, including a description of the views expressed. All documents considered in
- 18 connection with an action shall be identified in such minutes. All minutes and documents of a
- 19 closed meeting shall remain under seal, subject to release by a majority vote of the commission or
- 20 order of a court of competent jurisdiction.
- 21 3. The commission shall, by a majority vote of the delegates, prescribe bylaws and rules to
- 22 govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the
- 23 powers of the compact including, but not limited to:
- 24 (1) Establishing the fiscal year of the commission;
- 25 (2) Providing reasonable standards and procedures:
- 26 (a) For the establishment and meetings of other committees; and
- 27 (b) Governing any general or specific delegation of any authority or function of the
- 28 commission;
- 29 (3) Providing reasonable procedures for calling and conducting meetings of the
- 30 commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for
- 31 attendance of such meetings by interested parties, with enumerated exceptions designed to protect
- 32 the public's interest, the privacy of individuals, and proprietary information, including trade secrets.
- 33 The commission may meet in closed session only after a majority of the membership votes to close
- 34 a meeting in whole or in part. As soon as practicable, the commission shall make public a copy of
- 35 the vote to close the meeting revealing the vote of each member with no proxy votes allowed;
- 36 (4) Establishing the titles, duties and authority, and reasonable procedures for the election of
- 37 the officers of the commission;
- 38 (5) Providing reasonable standards and procedures for the establishment of the personnel
- 39 policies and programs of the commission. Notwithstanding any civil service or other similar laws
- 40 of any member state, the bylaws shall exclusively govern the personnel policies and programs of the
- 41 commission;
- 42 (6) Promulgating a code of ethics to address permissible and prohibited activities of
- 43 commission members and employees;
- 44 (7) Providing a mechanism for winding up the operations of the commission and the
- 45 equitable disposition of any surplus funds that may exist after the termination of the compact after
- 46 the payment or reserving of all of its debts and obligations;
- 47 (8) The commission shall publish its bylaws and file a copy thereof, and a copy of any
- 48 amendment thereto, with the appropriate agency or officer in each of the member states, if any;

1 (9) The commission shall maintain its financial records in accordance with the bylaws; and
2 (10) The commission shall meet and take such actions as are consistent with the provisions
3 of this compact and the bylaws.

4 4. The commission shall have the following powers:

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

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

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

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

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

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

21 (7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold,
22 improve, or use any property, real, personal, or mixed; provided that, at all times the commission
23 shall strive to avoid any appearance of impropriety;

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

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

27 (10) To borrow money;

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

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

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

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

37 5. (1) The commission shall pay, or provide for the payment of, the reasonable expenses of
38 its establishment, organization, and ongoing activities.

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

41 (3) The commission may levy on and collect an annual assessment from each member state
42 or impose fees on other parties to cover the cost of the operations and activities of the commission
43 and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each
44 year for which revenue is not provided by other sources. The aggregate annual assessment amount
45 shall be allocated based upon a formula to be determined by the commission, which shall
46 promulgate a rule binding upon all member states but Missouri shall not be assessed more than ten
47 thousand dollars annually calculated and shall not include an annual increase equivalent to the
48 Consumer Price Index for All Urban Consumers (CPI-Urban). Missouri shall not authorize an

1 annual assessment above this level.

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

5 (5) The commission shall keep accurate accounts of all receipts and disbursements. The
6 receipts and disbursements of the commission shall be subject to the audit and accounting
7 procedures established under its bylaws. However, all receipts and disbursements of funds handled
8 by the commission shall be audited yearly by a certified or licensed public accountant, and the
9 report of the audit shall be included in and become part of the annual report of the commission.

10 6. (1) The members, officers, executive director, employees, and representatives of the
11 commission shall be immune from suit and liability, either personally or in their official capacity,
12 for any claim, damage to or loss of property, personal injury, or other civil liability caused by or
13 arising out of any actual or alleged act, error, or omission that occurred or that the person against
14 whom the claim is made had a reasonable basis for believing occurred within the scope of
15 commission employment, duties, or responsibilities; provided that, nothing in this subdivision shall
16 be construed to protect any such person from suit or liability for any damage, loss, injury, or
17 liability caused by the intentional, willful, or wanton misconduct of that person.

18 (2) The commission shall defend any member, officer, executive director, employee, or
19 representative of the commission in any civil action seeking to impose liability arising out of any
20 actual or alleged act, error, or omission that occurred within the scope of commission employment,
21 duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis
22 for believing occurred within the scope of commission employment, duties, or responsibilities;
23 provided that, nothing herein shall be construed to prohibit that person from retaining his or her own
24 counsel; and provided further, that the actual or alleged act, error, or omission did not result from
25 that person's intentional, willful, or wanton misconduct.

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

33 334.1539. 1. This compact shall be liberally construed so as to effectuate the purposes
34 thereof. If this compact shall be held contrary to the constitution of any member state thereto, the
35 compact shall remain in full force and effect as to the remaining member states. Nothing in this
36 compact supersedes state law or rules related to licensure of EMS agencies.

37 2. The State Emergency Medical Services Advisory Council (SAC) shall review decisions
38 of the interstate commission for emergency medical services personnel practice established under
39 this compact and, upon approval by the commission of any action that will have the result of
40 increasing the cost to the state of membership in the compact, SAC may recommend to the Missouri
41 general assembly that they withdraw from the compact."; and

42
43 Further amend said bill by amending the title, enacting clause, and intersectional references
44 accordingly.