

SECOND REGULAR SESSION

HOUSE BILL NO. 2125

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

4877H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 190.094, 190.100, 190.105, 190.143, and 190.196, RSMo, and to enact in lieu thereof five new sections relating to emergency medical services.

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

Section A. Sections 190.094, 190.100, 190.105, 190.143, and 190.196, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 190.094, 190.100,
3 190.105, 190.143, and 190.196, to read as follows:

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

2. When transporting a patient, at least one licensed emergency medical technician,
7 registered nurse, **physician assistant**, or physician shall be in attendance with the patient in the
8 patient compartment at all times.

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

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

2 (1) "Advanced emergency medical technician" or "AEMT", a person who has
3 successfully completed a course of instruction in certain aspects of advanced life support care
4 as prescribed by the department and is licensed by the department in accordance with sections

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended
to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

5 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections
6 190.001 to 190.245;

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

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

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

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

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

25 (7) "Council", the state advisory council on emergency medical services;

26 (8) "Department", the department of health and senior services, state of Missouri;

27 (9) "Director", the director of the department of health and senior services or the
28 director's duly authorized representative;

29 (10) "Dispatch agency", any person or organization that receives requests for emergency
30 medical services from the public, by telephone or other means, and is responsible for dispatching
31 emergency medical services;

32 (11) "Emergency", the sudden and, at the time, unexpected onset of a health condition
33 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,
34 possessing an average knowledge of health and medicine, to believe that the absence of
35 immediate medical care could result in:

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

38 (b) Serious impairment to a bodily function;

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

40 (d) Inadequately controlled pain;

41 (12) "Emergency medical dispatcher", a person who receives emergency calls from the
42 public and has successfully completed an emergency medical dispatcher course, meeting or
43 exceeding the national curriculum of the United States Department of Transportation and any
44 modifications to such curricula specified by the department through rules adopted pursuant to
45 sections 190.001 to 190.245;

46 (13) "Emergency medical responder", a person who has successfully completed an
47 emergency first response course meeting or exceeding the national curriculum of the U.S.
48 Department of Transportation and any modifications to such curricula specified by the
49 department through rules adopted under sections 190.001 to 190.245 and who provides
50 emergency medical care through employment by or in association with an emergency medical
51 response agency;

52 (14) "Emergency medical response agency", any person that regularly provides a level
53 of care that includes first response, basic life support or advanced life support, exclusive of
54 patient transportation;

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

59 (16) "Emergency medical services (EMS) system", the arrangement of personnel,
60 facilities and equipment for the effective and coordinated delivery of emergency medical services
61 required in prevention and management of incidents occurring as a result of an illness, injury,
62 natural disaster or similar situation;

63 (17) "Emergency medical technician", a person licensed in emergency medical care in
64 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by
65 the department pursuant to sections 190.001 to 190.245;

66 (18) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
67 completed a course of instruction in basic life support as prescribed by the department and is
68 licensed by the department in accordance with standards prescribed by sections 190.001 to
69 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

70 (19) "Emergency medical technician-community paramedic", "community paramedic",
71 or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is
72 certified by the department in accordance with standards prescribed in section 190.098;

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

77 (21) "Emergency services", health care items and services furnished or required to screen
78 and stabilize an emergency which may include, but shall not be limited to, health care services
79 that are provided in a licensed hospital's emergency facility by an appropriate provider or by an
80 ambulance service or emergency medical response agency;

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

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

85 (24) "Medical control", supervision provided by or under the direction of physicians, or
86 their designated registered nurse, including both online medical control, instructions by radio,
87 telephone, or other means of direct communications, and offline medical control through
88 supervision by treatment protocols, case review, training, and standing orders for treatment;

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

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

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

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

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

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

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

111 (32) "Professional organization", any organized group or association with an ongoing
112 interest regarding emergency medical services. Such groups and associations could include those

113 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
114 communications specialists and instructors. Organizations could also represent the interests of
115 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
116 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
117 control services;

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

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

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

128 (36) "Specialty care transportation", the transportation of a patient requiring the services
129 of an emergency medical technician-paramedic who has received additional training beyond the
130 training prescribed by the department. Specialty care transportation services shall be defined in
131 writing in the appropriate local protocols for ground and air ambulance services and approved
132 by the local physician medical director. The protocols shall be maintained by the local
133 ambulance service and shall define the additional training required of the emergency medical
134 technician-paramedic;

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

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

141 (39) "State EMS medical directors advisory committee", a subcommittee of the state
142 advisory council on emergency medical services formed to advise the state advisory council on
143 emergency medical services and the department on medical issues;

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

148 (41) "STEMI care", includes education and prevention, emergency transport, triage, and
149 acute care and rehabilitative services for STEMI that requires immediate medical or surgical
150 intervention or treatment;

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

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

155 (44) "Stroke care", includes emergency transport, triage, and acute intervention and other
156 acute care services for stroke that potentially require immediate medical or surgical intervention
157 or treatment, and may include education, primary prevention, acute intervention, acute and
158 subacute management, prevention of complications, secondary stroke prevention, and
159 rehabilitative services;

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

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

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

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

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

7 2. No ground ambulance shall be operated for ambulance purposes, and no individual
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless
9 the ground ambulance is under the immediate supervision and direction of a person who is
10 holding a currently valid Missouri license as an emergency medical technician. Nothing in this
11 section shall be construed to mean that a duly registered nurse [or] , a duly licensed physician,
12 **or a duly licensed physician assistant** be required to hold an emergency medical technician's
13 license. **A physician assistant shall be exempt from any mileage requirement.** Each
14 ambulance service is responsible for assuring that any person driving its ambulance is competent
15 in emergency vehicle operations and has a safe driving record. Each ground ambulance shall be
16 staffed with at least two licensed individuals when transporting a patient, except as provided in
17 section 190.094. In emergency situations which require additional medical personnel to assist

18 the patient during transportation, an emergency medical responder, firefighter, or law
19 enforcement personnel with a valid driver's license and prior experience with driving emergency
20 vehicles may drive the ground ambulance provided the ground ambulance service stipulates to
21 this practice in operational policies.

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

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

27 (2) Is operated from a location or headquarters outside of Missouri in order to transport
28 patients who are picked up beyond the limits of Missouri to locations within or outside of
29 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for
30 transportation to locations within Missouri, except as provided in subdivision (1) of this
31 subsection.

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

38 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or
39 regulation not in conflict with such sections by any city not within a county, or at least as strict
40 as such sections by any county, municipality or political subdivision except that no such
41 regulations or ordinances shall be adopted by a political subdivision in a county with a
42 population of over nine hundred thousand inhabitants except by the county's governing body.

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

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

52 8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor
53 vehicle used by an employer for the transportation of such employer's employees whose illness

54 or injury occurs on private property, and not on a public highway or property, nor to any person
55 operating such a motor vehicle.

56 9. A political subdivision that is authorized to operate a licensed ambulance service may
57 establish, operate, maintain and manage its ambulance service, and select and contract with a
58 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
59 service.

60 10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection
61 2 of section 190.109, shall be construed to authorize any municipality or county which is located
62 within an ambulance district or a fire protection district that is authorized to provide ambulance
63 service to promulgate laws, ordinances or regulations related to the provision of ambulance
64 services. This provision shall not apply to any municipality or county which operates an
65 ambulance service established prior to August 28, 1998.

66 11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to
67 authorize any municipality or county which is located within an ambulance district or a fire
68 protection district that is authorized to provide ambulance service to operate an ambulance
69 service without a franchise in an ambulance district or a fire protection district that is authorized
70 to provide ambulance service which has enacted an ordinance making it unlawful to do so. This
71 provision shall not apply to any municipality or county which operates an ambulance service
72 established prior to August 28, 1998.

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

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

81 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of
82 such service shall notify the department of the change in ownership within thirty days of such
83 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the
84 ambulance service to verify compliance with the licensure standards of sections 190.001 to
85 190.245.

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

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

6 (2) Are not currently licensed as an emergency medical technician in Missouri or have
7 been licensed as an emergency medical technician in Missouri and fingerprints need to be
8 submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal
9 history, or they are currently licensed and the license will expire before a verification can be
10 completed of the existence or absence of a criminal history;

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

13 (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules
14 promulgated pursuant to sections 190.001 to 190.245;

15 (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
16 190.245.

17 2. A temporary emergency medical technician license shall only authorize the license to
18 practice while under the immediate supervision of a licensed emergency medical technician,
19 registered nurse, **physician assistant**, or physician who is currently licensed, without restrictions,
20 to practice in Missouri.

21 3. A temporary emergency medical technician license shall automatically expire either
22 ninety days from the date of issuance or upon the issuance of a five-year emergency medical
23 technician license.

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

5 2. Any person or entity that employs or supervises a person's activities as an emergency
6 medical responder, emergency medical dispatcher, emergency medical technician, registered
7 nurse, **physician assistant**, or physician shall cooperate with the department's efforts to monitor
8 and enforce compliance by those individuals subject to the requirements of sections 190.001 to
9 190.245.

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

14 (1) Child abuse or sexual abuse of a child;

15 (2) Crimes of violence; or

16 (3) Rape or sexual abuse.

17 4. Any licensee who has charges filed against him or her for the felony offenses in
18 subsection 3 of this section shall report such an occurrence to the department within seventy-two
19 hours of the charges being filed.

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

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