

SS SCS SB 271 -- EMERGENCY SERVICES

SPONSOR: Black

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Local Government by a vote of 12 to 1. Voted "Do Pass" by the Standing Committee on Rules-Legislative by a vote of 8 to 0.

This bill modifies provisions related to emergency services.

COUNTY FIRE PROTECTION ORDINANCES (Sections 64.003 and 321.220, RSMo)

This bill prohibits any fire prevention ordinance adopted by any county or fire protection district from imposing regulations or requiring permits with respect to the erection, maintenance, or repair of farm buildings or structures.

ST. LOUIS CITY FIREFIGHTERS' RETIREMENT SYSTEM (Sections 87.140, 87.145, 87.155, 87.260, and 87.350)

This bill specifies that the Board of Trustees of the Firemen's Retirement System of St. Louis will not be prevented from simultaneously acting as the trustees of any other pension plan that provides retirement, disability, and death benefits for firefighters employed by St. Louis City (Section 87.140).

The administration of any other pension plan includes the ability of the Board to establish rules and regulations for the administration of the funds and for the transaction of such other pension plan's business. The Board must maintain separate records of all proceedings of such other pension plan (Sections 87.145 and 87.155).

This bill specifies that the Board of Trustees will have the authority and discretion to invest and reinvest funds of the other pension plan in property of any kind, real or personal. The Board may choose to invest the funds of the Firemen's Retirement System of St. Louis and the funds of the other pension plan in the same investments if the amounts invested and the gains, profits, or losses are accounted for separately. No benefits due from the other pension plan will be paid from the funds of the Firemen's Retirement System (Section 87.260).

The bill provides that no expenses incurred by the Board in the administration of any other pension plan or in the investment of any other pension plan's funds will be paid by the funds of the Firemen's Retirement System (Section 87.350).

These provisions are similar to HB 205.

USE TAXES OF POLITICAL SUBDIVISIONS (Section 144.757)

Currently, any county or municipality may, by a vote of its governing body, impose a local use tax if a local sales tax is imposed. This bill extends this authority to any political subdivision with the ability to impose a sales tax for emergency services.

AMBULANCE DISTRICTS (Sections 190.053, 190.076, 190.109, 190.112, and 190.166)

This bill modifies training requirements for members of an ambulance district board of directors. Board members are required to complete three hours of continuing education for each term of office. Failure to do so will result in immediate disqualification with the office remaining vacant until filled (Section 190.053).

Each ambulance district must arrange for an audit of the district's records and accounts every three years by a certified public accountant. The audit will be made available to the public on the district's website or otherwise freely available by other electronic means (Section 190.076).

The Department of Health and Senior Services, as a part of regulating ground ambulance service licenses, will promulgate rules regarding participation with regional emergency medical services advisory committees and ambulance service administrator qualifications (Section 190.109).

This bill requires ambulance services to report to the Department individuals serving as ambulance service administrators. Each administrator is required to complete at least 40 hours of training regarding the operations and staffing of the ambulance service and two hours of continuing education annually, as specified in the bill (Section 190.112).

The Department can refuse to issue, deny renewal of, or suspend a license required for ground ambulance services or take other corrective actions if the license holder is determined to be financially insolvent, has inadequate personnel to provide basic operations, requires an inordinate amount of mutual aid from neighboring services, has been determined to be criminally liable for actions related to the license or service provided, has been determined to be ineligible for participation in Medicare or MO HealthNet, the ambulance district administrator has failed to meet the required qualifications or training, or if three or more board members have failed to complete required training.

If the Department makes a determination of insolvency or insufficiency of services, then the Department may require the license holder to submit and complete a corrective plan, as specified in the bill.

The Department is required to provide notice of any determination of insolvency or insufficiency of services to other license holders operating in the license holder's vicinity, members of the General Assembly who represent that area, other governing officials, the appropriate regional emergency medical services advisory committee, and the State Advisory Council on Emergency Medical Services.

The Department must immediately engage with other license holders in the area to determine how ground ambulance services may be provided to the affected area during the service disruption. Assisting license holders may be compensated for the assistance as specified in the bill (Section 190.166).

These provisions are similar to HB 640, HB 724, and provisions of HB 943.

STATE ADVISORY COUNCIL ON EMERGENCY MEDICAL SERVICES (Section 190.101)

The bill changes the number of council members from 16 to no more than 23 and updates the criteria for member appointment.

This bill changes the procedure for electing a chairperson by removing the designation of the chairperson by the Governor and instead requiring the council to elect the chairperson or any other officer as deemed necessary.

The bill also removes a provision stating that the regional EMS advisory committees are to serve as resources for identifying potential members of the council.

This provision is similar to HB 313 and a provision of HB 943.

GROUND AMBULANCE SERVICE (Section 190.800)

Currently, ground ambulance services owned and operated by an entity owned and operated by the state of Missouri, including but not limited to any hospital owned or operated by the Board of Curators of the University of Missouri, are exempt from the requirement to pay an ambulance service reimbursement allowance tax. This bill removes this exemption.

SPECIALTY HOSPITAL TRANSFER AGREEMENTS (Section 197.135)

This bill exempts specialty hospitals from certain provisions of state law relating to forensic examinations of victims of sexual assault if that hospital has a policy for the transfer of those individuals to an appropriate hospital with an emergency department

FIRE PROTECTION AND AMBULANCE DISTRICT SALES TAX (Sections 321.552, 321.554, and 321.556)

Currently, upon voter approval, ambulance districts and fire protection districts are authorized to impose a sales tax of up to 0.5% in all every county except for St. Louis, St. Charles, Clay, Platte, and Greene. An ambulance district or fire protection district imposing a sales tax authorized by this section must reduce any property tax levy imposed by the district or political subdivision for the purposes of providing ambulance and fire protection services such that the revenue generated by the property tax levy is offset in an amount equal to 50% of the amount of revenue generated by the sales tax imposed pursuant to this bill.

This bill increases the amount of the sales tax authorization to 1% and repeals statutory language prohibiting ambulance districts and fire protection districts in St. Louis, St. Charles, Clay, Platte, and Greene counties from submitting this tax authorization to voters.

These provisions are similar to HB 1268 and HB 895.

IMMUNITY FROM LIABILITY FOR CIVIL DAMAGES (Section 537.038)

Currently, certain medical professionals, individuals with first aid training, or in cases of suicide attempts, if any other individual renders emergency care or assistance at a scene of an emergency or accident, then the individual is not liable for any civil damages except if damages are caused by gross negligence or willful or wanton acts. This bill expands the liability protections to any person rendering emergency care or assistance.

This provision is similar to HB 738.

PROPONENTS: Supporters say that rural parts of the state don't have enough water pressure to put sprinklers in agricultural structures. Taking patients directly to the appropriate hospital will save time and money because they won't need to be redirected from the nearest hospital if that location isn't equipped to handle that type of emergency. Increased training requirements will improve services. Costs are increasing for ambulance districts while revenue has been flat. Allowing political subdivisions to

collect use tax will not only help alleviate inadequate funding but also level the playing field for local businesses because brick and mortar vendors are already paying sales tax. The University of Missouri Healthcare System would benefit greatly from being able to participate in the ambulance FRA, from which it is currently excluded.

Testifying in person for the bill were Senator Black; Frank Robert Flaspohler, EMS Legal Services, LLC; Arnie C. Dienoff; Ben Travlos; MO-911 Directors Association; MO-APCO; MO-National Emergency Number Association; MO 911 Service Board; University Of Missouri Healthcare; Firefighter Retirement System of St. Louis; MO Association of Career Fire Protection Districts; Missouri Fire Service Alliance; and Missouri Farm Bureau.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill cautioned modifying the online use tax too much, lest the state risk running afoul of court precedent.

Testifying in person on the bill was Missouri Municipal League.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.