

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1044
99TH GENERAL ASSEMBLY

2109H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.103, 190.142, 190.144, and 190.165, RSMo, and to enact in lieu thereof four new sections relating to emergency medical services.

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

Section A. Sections 190.103, 190.142, 190.144, and 190.165, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 190.103, 190.142, 190.144,
3 and 190.165, to read as follows:

190.103. 1. One physician with expertise in emergency medical services from each of
2 the EMS regions shall be elected by that region's EMS medical directors to serve as a regional
3 EMS medical director. The regional EMS medical directors shall constitute the state EMS
4 medical director's advisory committee and shall advise the department and their region's
5 ambulance services on matters relating to medical control and medical direction in accordance
6 with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections
7 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The
8 southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an
9 initial two-year term. The central, east central, and southeast regional EMS medical directors
10 shall be elected to an initial four-year term. All subsequent terms following the initial terms shall
11 be four years. **The state EMS medical director shall be elected by the members of the**
12 **regional EMS medical director's advisory committee, shall serve a term of four years, and**
13 **shall seek to coordinate EMS services between the EMS regions, promote educational**
14 **efforts for agency medical directors, represent Missouri EMS nationally in the role of the**
15 **state EMS medical director, and seek to incorporate the EMS system into the health care**
16 **system serving Missouri.**

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

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

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

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

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

39 **6. The state EMS medical director's advisory committee shall be considered a peer**
40 **review committee under section 537.035.**

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

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

52 the receiving hospital is informed of the pending arrival of the special needs patient, the
53 condition of the patient, and the treatment instituted.

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

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

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

190.142. 1. The department shall, within a reasonable time after receipt of an
2 application, cause such investigation as it deems necessary to be made of the applicant for an
3 emergency medical technician's license. The director may authorize investigations into criminal
4 records in other states for any applicant.

5 2. The department shall issue a license to all levels of emergency medical technicians,
6 for a period of five years, if the applicant meets the requirements established pursuant to sections
7 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to
8 190.245. The department may promulgate rules relating to the requirements for an emergency
9 medical technician including but not limited to:

10 (1) Age requirements;

11 (2) Education and training requirements based on respective [~~national curricula of the~~
12 ~~United States Department of Transportation~~] **National Emergency Medical Services Education**
13 **Standards** and any modification to such curricula specified by the department through rules
14 adopted pursuant to sections 190.001 to 190.245;

15 (3) **EMT-P programs must be accredited by the Commission on Accreditation of**
16 **Allied Health Education Programs (CAAHEP) or hold Committee on Accreditation of**
17 **Education Programs for the Emergency Medical Services Professions (CoAEMSP) letter**
18 **of review;**

19 (4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be
20 through the national registry of EMTs or examinations developed and administered by the
21 department of health and senior services;

22 ~~[(4)]~~ **(5)** Continuing education and relicensure requirements; and

23 ~~[(5)]~~ **(6)** Ability to speak, read and write the English language.

24 3. Application for all levels of emergency medical technician license shall be made upon
25 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
26 190.245. The application form shall contain such information as the department deems
27 necessary to make a determination as to whether the emergency medical technician meets all the
28 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001
29 to 190.245.

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

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

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

35 5. No person shall hold themselves out as an emergency medical technician or provide
36 the services of an emergency medical technician unless such person is licensed by the
37 department.

38 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
39 under the authority delegated in this section shall become effective only if it complies with and
40 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
41 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
42 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
43 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
44 proposed or adopted after August 28, 2002, shall be invalid and void.

 190.144. **1.** No emergency medical technician licensed under section 190.142 or
2 190.143, if acting in good faith and without gross negligence, shall be liable for:

3 (1) Transporting a person for whom an application for detention for evaluation and
4 treatment has been filed under section 631.115 or 632.305; ~~[or]~~

5 (2) Physically or chemically restraining an at-risk behavioral health patient as that term
6 is defined under section 190.240 if such restraint is to ensure the safety of the patient or
7 technician; **or**

8 **(3) The administration of a patient's personal medication when deemed necessary.**

9 **2. Nothing in this section shall be construed as creating an exception to sovereign**
10 **immunity, official immunity, or the Missouri public duty doctrine defenses.**

 190.165. 1. The department may refuse to issue or deny renewal of any certificate,
2 permit or license required pursuant to sections 190.100 to 190.245 for failure to comply with the
3 provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the

4 department to implement its provisions as described in subsection 2 of this section. The
5 department shall notify the applicant in writing of the reasons for the refusal and shall advise the
6 applicant of his or her right to file a complaint with the administrative hearing commission as
7 provided by chapter 621.

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

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

17 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo
18 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
19 offense reasonably related to the qualifications, functions or duties of any activity licensed or
20 regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which
21 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
22 or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,
24 permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to
25 take any examination given or required pursuant to sections 190.100 to 190.245;

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

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
29 in the performance of the functions or duties of any activity licensed or regulated by sections
30 190.100 to 190.245;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
32 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to
33 sections 190.100 to 190.245;

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

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

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

41 (10) Assisting or enabling any person to practice or offer to practice any activity licensed
42 or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice
43 pursuant to sections 190.100 to 190.245;

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

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

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

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

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

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

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

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

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

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

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

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

68 4. After the filing of such complaint, the proceedings shall be conducted in accordance
69 with the provisions of chapter 621. Upon a finding by the administrative hearing commission
70 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
71 department may, singly or in combination, censure or place the person named in the complaint
72 on probation on such terms and conditions as the department deems appropriate for a period not
73 to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
74 license, certificate or permit. Notwithstanding any provision of law to the contrary, the

75 department shall be authorized to impose a suspension or revocation as a disciplinary action only
76 if it first files the requisite complaint with the administrative hearing commission. **The**
77 **administrative hearing commission shall hear all relevant evidence on remediation**
78 **activities of the licensee and shall make a recommendation to the department of health and**
79 **senior services as to licensure disposition based on such evidence.**

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

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

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

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

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