

SECOND REGULAR SESSION

HOUSE BILL NO. 1977

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WASSON (Sponsor) AND SHIVELY (Co-sponsor).

4826L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 190.133, 190.143, 190.196, 190.246, and 191.630, RSMo, and to enact in lieu thereof five new sections relating to emergency medical technicians, with a penalty provision.

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

Section A. Sections 190.133, 190.143, 190.196, 190.246, and 191.630, RSMo, are
2 repealed and five new sections enacted in lieu thereof, to be known as sections 190.133, 190.143,
3 190.196, 190.246, and 191.630, to read as follows:

190.133. 1. The department shall, within a reasonable time after receipt of an
2 application, cause such investigation as the department deems necessary to be made of the
3 applicant for an emergency medical response agency license.

4 2. The department shall issue a license to any emergency medical response agency which
5 provides advanced life support if the applicant meets the requirements established pursuant to
6 sections 190.001 to 190.245, and the rules adopted by the department pursuant to sections
7 190.001 to 190.245. The department may promulgate rules relating to the requirements for an
8 emergency medical response agency including, but not limited to:

- 9 (1) A licensure period of five years;
10 (2) Medical direction;
11 (3) Records and forms; and
12 (4) Memorandum of understanding with local ambulance services.

13 3. Application for an emergency medical response agency license shall be made upon
14 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
15 190.245. The application form shall contain such information as the department deems

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.

16 necessary to make a determination as to whether the emergency medical response agency meets
17 all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections
18 190.001 to 190.245.

19 4. No person or entity shall hold itself out as an emergency medical response agency that
20 provides advanced life support or provide the services of an emergency medical response agency
21 that provides advanced life support unless such person or entity is licensed by the department.

22 [5. Only emergency medical response agencies, fire departments, and fire protection
23 districts may provide certain ALS services with the services of EMT-Is.

24 6. Emergency medical response agencies functioning with the services of EMT-Is must
25 work in collaboration with an ambulance service providing advanced life support with personnel
26 trained to the emergency medical technician-paramedic level.]

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
19 technician-basic, **emergency medical technician-intermediate**, emergency medical
20 technician-paramedic, registered nurse or physician who is currently licensed, without
21 restrictions, to practice in Missouri.

22 3. A temporary emergency medical technician license shall automatically expire either
23 ninety days from the date of issuance or upon the issuance of a five-year emergency medical
24 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 a first
6 responder, emergency medical dispatcher, emergency medical technician-basic, **emergency**
7 **medical technician-intermediate**, emergency medical technician-paramedic, registered nurse
8 or physician shall cooperate with the department's efforts to monitor and enforce compliance by
9 those individuals subject to the requirements of sections 190.001 to 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.

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

2 (1) "Eligible person, firm, organization or other entity", an ambulance service or
3 emergency medical response agency, a certified first responder, emergency medical
4 technical-basic, **emergency medical technician-intermediate**, or emergency medical
5 technician-paramedic who is employed by, or an enrolled member, person, firm, organization
6 or entity designated by, rule of the department of health and senior services in consultation with
7 other appropriate agencies. All such eligible persons, firms, organizations or other entities shall
8 be subject to the rules promulgated by the director of the department of health and senior
9 services;

10 (2) "Emergency health care provider":

11 (a) A physician licensed pursuant to chapter 334, RSMo, with knowledge and experience
12 in the delivery of emergency care; or

13 (b) A hospital licensed pursuant to chapter 197, RSMo, that provides emergency care.

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

15 (1) No person shall use an epinephrine auto-injector device unless such person has
16 successfully completed a training course in the use of epinephrine auto-injector devices approved
17 by the director of the department of health and senior services. Nothing in this section shall
18 prohibit the use of an epinephrine auto-injector device:

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

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

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

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

27 3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be
28 considered first aid or emergency treatment for the purpose of any law relating to liability.

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

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

34 4. Any person, firm, organization or entity that violates the provisions of this section is
35 guilty of a class B misdemeanor.

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

2 (1) "Care provider", a person who is employed as an emergency medical care provider,
3 firefighter, or police officer;

4 (2) "Contagious or infectious disease", hepatitis in any form and any other communicable
5 disease as defined in section 192.800, RSMo, except AIDS or HIV infection as defined in section
6 191.650, determined to be life-threatening to a person exposed to the disease as established by
7 rules adopted by the department, in accordance with guidelines of the Centers for Disease
8 Control and Prevention of the Department of Health and Human Services;

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

10 (4) "Emergency medical care provider", a licensed or certified person trained to provide
11 emergency and nonemergency medical care as a first responder, EMT-B, **EMT-I**, or EMT-P as
12 defined in section 190.100, RSMo, or other certification or licensure levels adopted by rule of
13 the department;

14 (5) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or
15 parenteral contact with blood or other potentially infectious materials that results from the
16 performance of an employee's duties;

17 (6) "HIV", the same meaning as defined in section 191.650;

18 (7) "Hospital", the same meaning as defined in section 197.020, RSMo.

✓