

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 226, Page 1, Section 190.103, Lines 11-  
2 12, by deleting all of said lines and inserting in lieu thereof the words "be four years."; and

3  
4 Further amend said bill and section, Page 2, Line 36, by inserting immediately after the number  
5 "537.035" the following:

6  
7 "and regional EMS medical directors shall be eligible to participate in the Missouri Patient  
8 Safety Organization as provided under the Patient Safety and Quality Improvement Act of 2005, 42  
9 U.S.C. Section 299, et seq., as amended"; and

10  
11 Further amend said bill, page, and section, Line 40, by deleting the words "EMT-Ps, and" and  
12 inserting in lieu thereof "or EMT-Ps"; and

13  
14 Further amend said bill, page, and section, Lines 47-49, by deleting all of said lines and inserting in  
15 lieu thereof "agencies, and public health departments."; and

16  
17 Further amend said bill and section, Page 3, Line 55, by inserting immediately after the second  
18 instance of the word "for" the word "such"; and

19  
20 Further amend said bill and page, Section 190.144, Lines 1-10, by deleting all of said section and  
21 lines and inserting in lieu thereof the following:

22  
23 "190.147. 1. Emergency medical technician paramedics (EMT-Ps):

24 (1) Who have completed at least forty hours of the standard crisis intervention training  
25 course as endorsed and developed by the National Alliance on Mental Illness or a course of training  
26 that the ground or air ambulance service's medical director has determined to be academically  
27 equivalent thereto;

28 (2) Who have been authorized by their ground or air ambulance service's administration and  
29 medical director under subsection 3 of section 190.103; and

30 (3) Whose ground or air ambulance service has developed and adopted standardized triage,  
31 treatment, and transport protocols under subsection 3 of section 190.103, which address the  
32 challenge of treating and transporting behavioral health patients who present a likelihood of serious  
33 harm to themselves or others as the term "likelihood of serious harm" is defined under section  
34 632.005 or who are significantly incapacitated by alcohol or drugs

35  
36 may make a good faith determination that such patients shall be placed in a temporary hold for the

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1 sole purposes of transport to the nearest appropriate facility.

2 2. EMT-Ps who have made a good faith decision for a temporary hold of a patient as  
3 authorized by this section shall no longer have to rely on the common law doctrine of implied  
4 consent and therefore shall not be civilly liable for a good faith determination made in accordance  
5 with this section and shall not have waived any sovereign immunity defense, official immunity  
6 defense, or Missouri public duty doctrine defense if employed at the time of the good faith  
7 determination by a governmental employer.

8 3. Any ground or air ambulance service that adopts the authority and protocols provided for  
9 by this section shall have a memorandum of understanding with applicable local law enforcement  
10 agencies in order to achieve a collaborative and coordinated response to patients displaying  
11 symptoms of either a likelihood of serious harm to themselves or others or significant incapacitation  
12 by alcohol or drugs, which require a crisis intervention response.

13 190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit  
14 or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions  
15 of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to  
16 implement its provisions as described in subsection 2 of this section. The department shall notify  
17 the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her  
18 right to file a complaint with the administrative hearing commission as provided by chapter 621.

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

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

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

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

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

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

42 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
43 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to  
44 sections 190.100 to 190.245;

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

47 (8) Disciplinary action against the holder of a license or other right to practice any activity  
48 regulated by sections 190.100 to 190.245 granted by another state, territory, federal agency or

1 country upon grounds for which revocation or suspension is authorized in this state;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 4. After the filing of such complaint, the proceedings shall be conducted in accordance with  
30 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the  
31 grounds, provided in subsection 2 of this section, for disciplinary action are met, the department  
32 may, singly or in combination, censure or place the person named in the complaint on probation on  
33 such terms and conditions as the department deems appropriate for a period not to exceed five years,  
34 or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit.  
35 Notwithstanding any provision of law to the contrary, the department shall be authorized to impose  
36 a suspension or revocation as a disciplinary action only if it first files the requisite complaint with  
37 the administrative hearing commission. The administrative hearing commission shall hear all  
38 relevant evidence on remediation activities of the licensee and shall make a recommendation to the  
39 department of health and senior services as to licensure disposition based on such evidence.

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

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

47 7. Any person, organization, association or corporation who reports or provides information  
48 to the department pursuant to the provisions of sections 190.100 to 190.245 and who does so in

1 good faith shall not be subject to an action for civil damages as a result thereof.

2 8. The department of health and senior services may suspend any certificate, permit or  
3 license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the  
4 complaint with the administrative hearing commission as set forth in subsection 2 of this section, if  
5 the department finds that there is an imminent threat to the public health. The notice of suspension  
6 shall include the basis of the suspension and notice of the right to appeal such suspension. The  
7 licensee may appeal the decision to suspend the license, certificate or permit to the department. The  
8 appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be  
9 conducted by the department within ten days from the date the appeal is filed. The suspension shall  
10 continue in effect until the conclusion of the proceedings, including review thereof, unless sooner  
11 withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by the  
12 administrative hearing commission."; and

13  
14 Further amend said bill by amending the title, enacting clause, and intersectional references  
15 accordingly.