

House _____ Amendment NO. _____

Offered By

1 AMEND Senate Bill No. 411, Page 4, Section 70.370, Line 128, by inserting immediately after all
2 of said section and line the following:

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

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

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

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

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1 personnel and the medical director.

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

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

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

12 8. When developing treatment protocols for special needs patients, regional EMS medical
13 directors may promulgate such protocols on a regional basis across multiple political subdivisions'
14 jurisdictional boundaries and such protocols may be used by multiple agencies including, but not
15 limited to, ambulance services, emergency response agencies, and public health departments.
16 Treatment protocols shall include steps to ensure the receiving hospital is informed of the pending
17 arrival of the special needs patient, the condition of the patient, and the treatment instituted.

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

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

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

30 190.142. 1. The department shall, within a reasonable time after receipt of an application,
31 cause such investigation as it deems necessary to be made of the applicant for an emergency medical
32 technician's license. The director may authorize investigations into criminal records in other states
33 for any applicant.

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

39 (1) Age requirements;

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

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

47 (4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through
48 the national registry of EMTs or examinations developed and administered by the department of

1 health and senior services;

2 ~~[(4)]~~ (5) Continuing education and relicensure requirements; and

3 ~~[(5)]~~ (6) Ability to speak, read and write the English language.

4 3. Application for all levels of emergency medical technician license shall be made upon
5 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
6 190.245. The application form shall contain such information as the department deems necessary to
7 make a determination as to whether the emergency medical technician meets all the requirements of
8 sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

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

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

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

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

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

22 190.144. 1. No emergency medical technician licensed under section 190.142 or 190.143, if
23 acting in good faith and without gross negligence, shall be liable for:

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

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

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

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

31 190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit
32 or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions
33 of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to
34 implement its provisions as described in subsection 2 of this section. The department shall notify
35 the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her
36 right to file a complaint with the administrative hearing commission as provided by chapter 621.

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

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

46 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo
47 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
48 offense reasonably related to the qualifications, functions or duties of any activity licensed or

1 regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which is
 2 fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether or not
 3 sentence is imposed;

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

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

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

12 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
 13 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to
 14 sections 190.100 to 190.245;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45
 46 The assertion of any right listed in this subsection shall not be deemed by the department to be a
 47 failure to cooperate with any department investigation.

48 4. After the filing of such complaint, the proceedings shall be conducted in accordance with

1 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the
2 grounds, provided in subsection 2 of this section, for disciplinary action are met, the department
3 may, singly or in combination, censure or place the person named in the complaint on probation on
4 such terms and conditions as the department deems appropriate for a period not to exceed five years,
5 or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit.
6 Notwithstanding any provision of law to the contrary, the department shall be authorized to impose
7 a suspension or revocation as a disciplinary action only if it first files the requisite complaint with
8 the administrative hearing commission. The administrative hearing commission shall hear all
9 relevant evidence on remediation activities of the licensee and shall make a recommendation to the
10 department of health and senior services as to licensure disposition based on such evidence.

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

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

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

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

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33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.