

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
**HOUSE BILLS NOS. 280, 69,
497 & 689**
91ST GENERAL ASSEMBLY

Reported from the Committee on Local Government and Related Matters, March 15, 2001, with recommendation that the House Committee Substitute for House Bills Nos. 280, 69, 497 & 689 Do Pass.

TED WEDEL, Chief Clerk

0852L.04C

AN ACT

To repeal sections 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.165, 190.175, 190.185, 190.196, 320.091 and 320.094, RSMo 2000, relating to the provision of emergency services, and to enact in lieu thereof twenty-six new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 190.094, 190.100, 190.105, 190.108, 190.109, 190.120, 190.165,
2 190.175, 190.185, 190.196, 320.091 and 320.094, RSMo 2000, are repealed and twenty-six new
3 sections enacted in lieu thereof, to be known as sections 67.2100, 190.051, 190.053, 190.054,
4 190.094, 190.100, 190.105, 190.108, 190.109, 190.111, 190.120, 190.143, 190.165, 190.175,
5 190.185, 190.196, 190.525, 190.528, 190.531, 190.534, 190.537, 320.091, 320.094, 320.097,
6 320.098 and 321.247, to read as follows:

**67.2100. 1. The governing body of any ambulance district or the governing body
2 of any municipality having a municipal ambulance service may impose a sales tax in an
3 amount of up to one-fourth of one percent on all retail sales made in such ambulance
4 district or municipality which are subject to taxation pursuant to the provisions of sections
5 144.010 to 144.525, RSMo. The tax authorized by this section shall be in addition to any
6 and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the
7 provisions of this section shall be effective unless the governing body of the ambulance**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

8 district or municipality submits to the voters of such ambulance district or municipality,
9 at a county or state general, primary or special election, a proposal to authorize the
10 governing body of the ambulance district or municipality to impose a tax.

11 2. The ballot of submission shall contain, but need not be limited to, the following
12 language:

13 Shall (insert name of district or municipality) impose a sales tax of
14(insert rate of tax) for the purpose of providing revenues for the operation of the
15 (insert ambulance district or municipal ambulance services)?

16 YES NO

17

18 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
19 favor of the proposal, then the sales tax authorized in this section shall be in effect. If a
20 majority of the votes cast by the qualified voters voting are opposed to the proposal, then
21 the governing body of the ambulance district or municipality shall not impose the sales tax
22 authorized in this section unless and until the governing body of such ambulance district
23 or municipality resubmits a proposal to authorize the governing body of the ambulance
24 district or municipality to impose the sales tax authorized by this section and such proposal
25 is approved by a majority of the qualified voters voting thereon.

26 3. All revenue received by an ambulance district or municipality from the tax
27 authorized pursuant to the provisions of this section shall be deposited in a special trust
28 fund and shall be used solely for the operation of the ambulance district or the municipal
29 ambulance services.

190.051. 1. Notwithstanding the provisions of sections 190.050 and 190.052 to the
2 contrary, upon a motion by the board of directors in districts where there are six-member
3 boards, and upon approval by the voters in the district, the number of directors may be
4 increased to seven with one board member running district wide, or decreased to five or
5 three board members. The ballot to be used for the approval of the voters to increase or
6 decrease the number of members on the board of directors of the ambulance district shall
7 be substantially in the following form:

8 Shall the number of members of the board of directors of the (Insert name
9 of district) Ambulance District be (increased to seven members/decreased to five
10 members/decreased to three members)?

11 YES NO

12 2. If a majority of the voters voting on a proposition to increase the number of
13 board members to seven vote in favor of the proposition, then at the next election of board
14 members after the voters vote to increase the number of directors, the voters shall select

15 one person to serve in addition to the existing six directors as the member who shall run
16 district wide.

17 3. If a majority of the voters voting on a proposition to decrease the number of
18 board members vote in favor of the proposition, then the county clerk shall redraw the
19 district into the resulting number of subdistricts with equal population bases and hold
20 elections by subdistricts pursuant to section 190.050. Thereafter, members of the board
21 shall be elected to serve terms of three years and until their successors are duly elected and
22 qualified.

23 4. Members of the board of directors in office on the date of an election pursuant
24 to this section to increase or decrease the number of members of the board of directors
25 shall serve the term to which they were elected or appointed and until their successors are
26 elected and qualified.

190.053. 1. Each member of an ambulance district board shall be subject to recall
2 from office by the registered voters of the subdistrict from which he or she was elected.
3 Proceedings may be commenced for the recall of any ambulance district board member by
4 the filing of a notice of intention to circulate a recall petition pursuant to this section and
5 section 190.054.

6 2. Proceedings may not be commenced against any member if, at the time of
7 commencement, that member:

8 (1) Has not held office during his or her current term for a period of more than one
9 hundred eighty days; or

10 (2) Has one hundred eighty days or less remaining in his or her term; or

11 (3) Has had a recall election determined in his or her favor within the current term
12 of office.

13 3. The notice of intention to circulate a recall petition shall be served personally,
14 or by certified mail, on the board member sought to be recalled. A copy thereof shall be
15 filed, along with an affidavit of the time and manner of service, with the election authority,
16 as defined in chapter 115, RSMo. A separate notice shall be filed for each board member
17 sought to be recalled and shall contain all of the following:

18 (1) The name of the board member sought to be recalled;

19 (2) A statement, not exceeding two hundred words in length, of the reasons for the
20 proposed recall;

21 (3) The names and business or residence addresses of at least one and not more
22 than five proponents of the recall.

23 4. Within seven days after the filing of the notice of intention, the board member
24 may file with the election authority a statement, not exceeding two hundred words in

25 length, in answer to the statement of the proponents. If an answer is filed, the board
26 member shall also serve a copy of it, personally or by certified mail, on one of the
27 proponents named in the notice of intention. The statement and answer are intended solely
28 for the information of the voters. No insufficiency in form or substance of such statements
29 shall affect the validity of the election proceedings.

30 **5. Before any signature may be affixed to a recall petition, the petition must bear**
31 **all of the following:**

32 **(1) A request that an election be called to elect a successor to the board member;**

33 **(2) A copy of the notice of intention, including the statement of grounds for recall;**

34 **(3) The answer of the board member sought to be recalled, if any. If the board**
35 **member has not answered, the petition shall so state; and**

36 **(4) A place for each signer to affix his or her signature, printed name and residence**
37 **address, including city or unincorporated community.**

38 **6. Each section of the petition, when submitted to the election authority, shall have**
39 **attached to it an affidavit signed by the circulation of that section, setting forth all of the**
40 **following:**

41 **(1) The printed name of the affiant;**

42 **(2) The residence address of the affiant;**

43 **(3) That the affiant circulated that section and saw the appended signatures be**
44 **written;**

45 **(4) That according to the best information and belief of the affiant, each signature**
46 **is the genuine signature of the person whose name it purports to be;**

47 **(5) That the affiant is a registered voter of the subdistrict of the board member**
48 **sought to be recalled; and**

49 **(6) The dates between which all the signatures to the petition were obtained.**

50 **7. A recall petition shall be filed with the election authority not more than one**
51 **hundred eighty days after the filing of the notice of intention.**

52 **8. The number of qualified signatures required in order to recall a board member**
53 **shall be equal in number to at least twenty-five percent of the number of votes who voted**
54 **in the most recent gubernatorial election in that subdistrict.**

55 **9. Within twenty days from the filing of the recall petition the election authority**
56 **shall determine whether or not the petition was signed by the required number of qualified**
57 **signatures. The election authority shall file with the petition a certificate showing the**
58 **results of the examination. The authority shall give the proponents a copy of the certificate**
59 **upon their request.**

60 **10. If the election authority certifies the petition to be insufficient, it may be**

61 **supplemented within ten days of the date of certificate by filing additional petition sections**
62 **containing all of the information required by this section. Within ten days after the**
63 **supplemental copies are filed, the election authority shall file with it a certificate stating**
64 **whether or not the petition as supplemented is sufficient.**

65 **11. If the certificate shows that the petition as supplemented is insufficient, no**
66 **action shall be taken on it; however, the petition shall remain on file.**

190.054. 1. If the election authority finds the signatures on the petition described
2 **in section 190.053, together with the supplementary petition sections, if any, to be**
3 **sufficient, it shall submit its certificate as to the sufficiency of the petition to the ambulance**
4 **district board prior to its next meeting. The certificate shall contain:**

5 **(1) The name of the member whose recall is sought;**

6 **(2) The number of signatures required by law;**

7 **(3) The total number of signatures on the petition; and**

8 **(4) The number of valid signatures on the petition.**

9 **2. Following the ambulance district board's receipt of the certificate, the election**
10 **authority shall order an election to be held on one of the election days specified in section**
11 **115.123, RSMo. The election shall be held not less than forty-five days nor more than one**
12 **hundred twenty days after the ambulance district board receives the petition. Nominations**
13 **pursuant to this section shall be made by filing a statement of candidacy with the election**
14 **authority.**

15 **3. At any time prior to forty-two days before the election, the member sought to be**
16 **recalled may offer his or her resignation. If his or her resignation is offered, the recall**
17 **question shall be removed from the ballot and the office declared vacant. The member**
18 **who resigned may not fill the vacancy, which shall be filled as provided by law.**

19 **4. The provisions of chapter 115, RSMo, governing the conduct of elections shall**
20 **apply, where appropriate, to recall elections held pursuant to this section. The costs of the**
21 **election shall be paid as provided in chapter 115, RSMo.**

190.094. In any county of the second classification containing part of a city which is
2 **located in four counties and any county bordering said county on the east and south and in any**
3 **county of the third classification with a population of at least eight thousand four hundred but**
4 **less than eight thousand five hundred inhabitants containing part of a lake of nine hundred**
5 **fifty-eight miles of shoreline but less than one thousand miles of shoreline each ambulance, when**
6 **in use as an ambulance, shall be staffed with a minimum of one emergency medical technician**
7 **and one other crew member as set forth in rules adopted by the department. When transporting**
8 **a patient, at least one licensed emergency medical technician, [mobile emergency medical**
9 **technician,] registered nurse or physician shall be in attendance with the patient in the patient**

10 compartment at all times.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

2 (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult
3 and pediatric patient such as defined by national curricula, and any modifications to that curricula
4 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

5 (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially
6 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained
7 or operated for the transportation of persons who are sick, injured, wounded or otherwise
8 incapacitated or helpless, or who require the presence of medical equipment being used on such
9 individuals, but the term does not include any motor vehicle specially designed, constructed or
10 converted for the regular transportation of persons who are disabled, handicapped, normally
11 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

12 (3) "Ambulance service", a person or entity that provides emergency or nonemergency
13 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245,
14 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

15 (4) "Ambulance service area", a specific geographic area in which an ambulance service
16 has been authorized to operate;

17 (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric
18 patient as defined by national curricula, and any modifications to that curricula specified in rules
19 adopted by the department pursuant to sections 190.001 to 190.245;

20 (6) "Council", the state advisory council on emergency medical services;

21 (7) "Department", the department of health, state of Missouri;

22 (8) "Director", the director of the department of health or the director's duly authorized
23 representative;

24 (9) "Dispatch agency", any person or organization that receives requests for emergency
25 medical services from the public, by telephone or other means, and is responsible for dispatching
26 emergency medical services;

27 (10) "Emergency", the sudden and, at the time, unexpected onset of a health condition
28 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,
29 possessing an average knowledge of health and medicine, to believe that the absence of
30 immediate medical care could result in:

31 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
32 woman or her unborn child, in significant jeopardy;

33 (b) Serious impairment to a bodily function;

34 (c) Serious dysfunction of any bodily organ or part;

35 (d) Inadequately controlled pain;

36 (11) "Emergency medical dispatcher", a person who receives emergency calls from the
37 public and has successfully completed an emergency medical dispatcher course, meeting or
38 exceeding the national curriculum of the United States Department of Transportation and any
39 modifications to such curricula specified by the department through rules adopted pursuant to
40 sections 190.001 to 190.245;

41 (12) "Emergency medical response agency", any person that regularly provides a level
42 of care that includes first response, basic life support or advanced life support, exclusive of
43 patient transportation;

44 (13) "Emergency medical services for children (EMS-C) system", the arrangement of
45 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency
46 medical services required in prevention and management of incidents which occur as a result of
47 a medical emergency or of an injury event, natural disaster or similar situation;

48 (14) "Emergency medical services (EMS) system", the arrangement of personnel,
49 facilities and equipment for the effective and coordinated delivery of emergency medical services
50 required in prevention and management of incidents occurring as a result of an illness, injury,
51 natural disaster or similar situation;

52 (15) "Emergency medical technician", a person licensed in emergency medical care in
53 accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by
54 the department pursuant to sections 190.001 to 190.245;

55 (16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully
56 completed a course of instruction in basic life support as prescribed by the department and is
57 licensed by the department in accordance with standards prescribed by sections 190.001 to
58 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;

59 (17) "Emergency medical technician-paramedic" or "EMT-P", a person who has
60 successfully completed a course of instruction in advanced life support care as prescribed by the
61 department and is licensed by the department in accordance with sections 190.001 to 190.245
62 and rules adopted by the department pursuant to sections 190.001 to 190.245;

63 (18) "Emergency services", health care items and services furnished or required to screen
64 and stabilize an emergency which may include, but shall not be limited to, health care services
65 that are provided in a licensed hospital's emergency facility by an appropriate provider or by an
66 ambulance service or emergency medical response agency;

67 (19) "First responder", a person who has successfully completed an emergency first
68 response course meeting or exceeding the national curriculum of the United States Department
69 of Transportation and any modifications to such curricula specified by the department through
70 rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care
71 through employment by or in association with an emergency medical response agency;

72 (20) "Health care facility", a hospital, nursing home, physician's office or other fixed
73 location at which medical and health care services are performed;

74 (21) "Hospital", an establishment as defined in the hospital licensing law, subsection 2
75 of section 197.020, RSMo, or a hospital operated by the state;

76 (22) "Medical control", supervision provided by or under the direction of physicians to
77 providers by written or verbal communications;

78 (23) "Medical direction", medical guidance and supervision provided by a physician to
79 an emergency services provider or emergency medical services system;

80 (24) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated
81 by the ambulance service or emergency medical response agency and who meets criteria
82 specified by the department by rules pursuant to sections 190.001 to 190.245;

83 (25) "Memorandum of understanding", an agreement between an emergency medical
84 response agency or dispatch agency and an ambulance service or services within whose territory
85 the agency operates, in order to coordinate emergency medical services;

86 (26) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
87 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
88 between private or public institutions, homes or cemeteries, and individuals declared dead prior
89 to the time an ambulance is called for assistance;

90 (27) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,
91 any individual, firm, partnership, copartnership, joint venture, association, cooperative
92 organization, corporation, municipal or private, and whether organized for profit or not, state,
93 county, political subdivision, state department, commission, board, bureau or fraternal
94 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
95 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

96 (28) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;

97 (29) "Political subdivision", any municipality, city, county, city not within a county,
98 ambulance district or fire protection district located in this state which provides or has authority
99 to provide ambulance service;

100 (30) "Professional organization", any organized group or association with an ongoing
101 interest regarding emergency medical services. Such groups and associations could include those
102 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
103 communications specialists and instructors. Organizations could also represent the interests of
104 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
105 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
106 control services;

107 (31) **"Proof of financial responsibility", proof of ability to respond to damages for**

108 **liability, on account of accidents occurring subsequent to the effective date of such proof,**
109 **arising out of the ownership, maintenance or use of a motor vehicle in the financial amount**
110 **set in rules promulgated by the department, but in no event less than the statutory**
111 **minimum required for motor vehicles. Proof of financial responsibility shall be used as**
112 **proof of self-insurance;**

113 (32) "Protocol", a predetermined, written medical care guideline, which may include
114 standing orders;

115 [(32)] (33) "Regional EMS advisory committee", a committee formed within an
116 emergency medical services (EMS) region to advise ambulance services, the state advisory
117 council on EMS and the department;

118 [(33)] (34) "Stabilize", with respect to an emergency, the provision of such medical
119 treatment as may be necessary to attempt to assure within reasonable medical probability that no
120 material deterioration of an individual's medical condition is likely to result from or occur during
121 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

122 [(34)] (35) "State advisory council on emergency medical services", a committee formed
123 to advise the department on policy affecting emergency medical service throughout the state;

124 [(35)] (36) "State EMS medical directors advisory committee", a subcommittee of the
125 state advisory council on emergency medical services formed to advise the state advisory council
126 on emergency medical services and the department on medical issues;

127 [(36)] (37) "Trauma", an injury to human tissues and organs resulting from the transfer
128 of energy from the environment;

129 [(37)] (38) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
130 services for major single system or multisystem injuries that potentially require immediate
131 medical or surgical intervention or treatment;

132 [(38)] (39) "Trauma center", a hospital that is currently designated as such by the
133 department.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate,
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business
3 or service of the transportation of patients by ambulance in the air, upon the streets, alleys, or any
4 public way or place of the state of Missouri unless such person holds a currently valid license
5 from the department for an ambulance service issued pursuant to the provisions of sections
6 190.001 to 190.245.

7 2. No ground ambulance shall be operated for ambulance purposes, and no individual
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless
9 the ground ambulance is under the immediate supervision and direction of a person who is
10 holding a currently valid Missouri license as an emergency medical technician [except that].

11 Nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed
12 physician be required to hold an emergency medical technician's license. Each ambulance
13 service is responsible for assuring that any person driving its ambulance is competent in
14 emergency vehicle operations and has a safe driving record. **Each ground ambulance shall be**
15 **staffed with at least two licensed individuals when transporting a patient, except as**
16 **provided in section 190.094.**

17 3. No license shall be required for an ambulance service, or for the attendant of an
18 ambulance, which:

19 (1) Is rendering assistance in the case of an emergency, major catastrophe or any other
20 unforeseen event or series of events which jeopardizes the ability of the local ambulance service
21 to promptly respond to emergencies; or

22 (2) Is operated from a location or headquarters outside of Missouri in order to transport
23 patients who are picked up beyond the limits of Missouri to locations within or outside of
24 Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for
25 transportation to locations within Missouri, except as provided in subdivision (1) of this
26 subsection.

27 4. The issuance of a license under the provisions of sections 190.001 to 190.245 shall
28 not be construed so as to authorize any person to provide ambulance services or to operate any
29 ambulances without a franchise in any city not within a county or in a political subdivision in any
30 county with a population of over nine hundred thousand inhabitants, or a franchise, contract or
31 mutual-aid agreement in any other political subdivision which has enacted an ordinance making
32 it unlawful to do so.

33 5. Sections 190.001 to 190.245 shall not preclude the adoption of any law, ordinance or
34 regulation not in conflict with such sections by any city not within a county, or at least as strict
35 as such sections by any county, municipality or political subdivision except that no such
36 regulations or ordinances shall be adopted by a political subdivision in a county with a
37 population of over nine hundred thousand inhabitants except by the county's governing body.

38 6. In a county with a population of over nine hundred thousand inhabitants, the
39 governing body of the county shall set the standards for all ambulance services which shall
40 comply with subsection 5 of this section. All such ambulance services must be licensed by the
41 department. The governing body of such county shall not prohibit a licensed ambulance service
42 from operating in the county, as long as the ambulance service meets county standards.

43 7. An ambulance service or vehicle when operated for the purpose of transporting
44 persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or
45 contract carrier under the jurisdiction of the Missouri [public service commission] **division of**
46 **motor carrier and railroad safety.**

47 8. Sections 190.001 to 190.245 shall not apply to, nor be construed to include, any motor
48 vehicle used by an employer for the transportation of such employer's employees whose illness
49 or injury occurs on private property, and not on a public highway or property, nor to any person
50 operating such a motor vehicle.

51 9. A political subdivision that is authorized to operate a licensed ambulance service may
52 establish, operate, maintain and manage its ambulance service, and select and contract with a
53 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
54 service.

55 10. Except as provided in subsections 5 and 6, nothing in section 67.300, RSMo, or
56 subsection 2 of section 190.109, shall be construed to authorize any municipality or county
57 which is located within an ambulance district or a fire protection district that is authorized to
58 provide ambulance service to promulgate laws, ordinances or regulations related to the provision
59 of ambulance services. This provision shall not apply to any municipality or county which
60 operates an ambulance service established prior to August 28, 1998.

61 11. Nothing in section 67.300, RSMo, or subsection 2 of section 190.109 shall be
62 construed to authorize any municipality or county which is located within an ambulance district
63 or a fire protection district that is authorized to provide ambulance service to operate an
64 ambulance service without a franchise in an ambulance district or a fire protection district that
65 is authorized to provide ambulance service which has enacted an ordinance making it unlawful
66 to do so. This provision shall not apply to any municipality or county which operates an
67 ambulance service established prior to August 28, 1998.

68 12. No provider of ambulance service within the state of Missouri which is licensed by
69 the department to provide such service shall discriminate regarding treatment or transportation
70 of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national
71 origin, ancestry, handicap, medical condition or ability to pay.

72 13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section,
73 is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter
74 or to fire protection districts pursuant to chapter 321, RSMo, or to counties, cities, towns and
75 villages pursuant to chapter 67, RSMo.

76 **14. Upon the sale or transfer of any ambulance service ownership, the owner of**
77 **such service shall notify the department of the change in ownership within thirty days of**
78 **such sale or transfer. After receipt of such notice, the department shall conduct an**
79 **inspection of the ambulance service to verify compliance with the licensure standards of**
80 **sections 190.100 to 190.245.**

190.108. 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 air ambulance license.

4 2. The department shall have the authority and responsibility to license an air ambulance
5 service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted
6 by the department pursuant to sections 190.001 to 190.245. The department may promulgate
7 rules relating to the requirements for an air ambulance license including, but not limited to:

8 (1) Medical control plans;

9 (2) Medical director qualifications;

10 (3) Air medical staff qualifications;

11 (4) Response and operations standards to assure that the health and safety needs of the
12 public are met;

13 (5) Standards for air medical communications;

14 (6) Criteria for compliance with licensure requirements;

15 (7) Records and forms;

16 (8) Equipment requirements;

17 (9) Five-year license renewal;

18 (10) Quality improvement committees; and

19 (11) Response time, patient care and transportation standards.

20 3. Application for an air ambulance service license shall be made upon such forms as
21 prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The
22 application form shall contain such information as the department deems necessary to make a
23 determination as to whether the air ambulance service meets all the requirements of sections
24 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

25 **4. Upon the sale or transfer of any ambulance service ownership, the owner of such**
26 **service shall notify the department of the change in ownership within thirty days of such**
27 **sale or transfer. After receipt of such notice, the department shall conduct an inspection**
28 **of the ambulance service to verify compliance with the licensure standards of sections**
29 **190.100 to 190.245.**

190.109. 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 a ground ambulance license.

4 2. Any person that owned and operated a licensed ambulance on December 31, 1997,
5 shall receive an ambulance service license from the department, unless suspended, revoked or
6 terminated, for that ambulance service area which was, on December 31, 1997, described and
7 filed with the department as the primary service area for its licensed ambulances on August 28,
8 1998, provided that the person makes application and adheres to the rules and regulations
9 promulgated by the department pursuant to sections 190.001 to 190.245.

10 3. The department shall issue a new ground ambulance service license to an ambulance
11 service that is not currently licensed by the department, or is currently licensed by the department
12 and is seeking to expand its ambulance service area, except as provided in subsection 4 of this
13 section, to be valid for a period of five years, unless suspended, revoked or terminated, when the
14 director finds that the applicant meets the requirements of ambulance service licensure
15 established pursuant to sections 190.100 to 190.245 and the rules adopted by the department
16 pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service
17 license, an ambulance service shall submit to the department a letter of endorsement from each
18 ambulance district or fire protection district that is authorized to provide ambulance service, or
19 from each municipality not within an ambulance district or fire protection district that is
20 authorized to provide ambulance service, in which the ambulance service proposes to operate.
21 If an ambulance service proposes to operate in unincorporated portions of a county not within
22 an ambulance district or fire protection district that is authorized to provide ambulance service,
23 in order to be considered for a new ambulance service license, the ambulance service shall
24 submit to the department a letter of endorsement from the county. Any letter of endorsement
25 **required pursuant to this section** shall verify that the political subdivision has conducted a
26 public hearing regarding the endorsement and that the governing body of the political subdivision
27 has adopted a resolution approving the endorsement. **The letter of endorsement shall**
28 **affirmatively state that the proposed ambulance service:**

29 **(1) Will provide a benefit to public health that outweighs the associated costs;**

30 **(2) Will maintain or enhance the public's access to ambulance services;**

31 **(3) Will maintain or improve the public health and promote the continued**
32 **development of the regional emergency medical service system;**

33 **(4) Has demonstrated the appropriate expertise in the operation of ambulance**
34 **services; and**

35 **(5) Has demonstrated the financial resources necessary for the operation of the**
36 **proposed ambulance service.**

37 4. A contract between a political subdivision and a licensed ambulance service for the
38 provision of ambulance services for that political subdivision shall expand, without further action
39 by the department, the ambulance service area of the licensed ambulance service to include the
40 jurisdictional boundaries of the political subdivision. The termination of the aforementioned
41 contract shall result in a reduction of the licensed ambulance service's ambulance service area
42 by removing the geographic area of the political subdivision from its ambulance service area.

43 5. The department shall renew a ground ambulance service license if the applicant meets
44 the requirements established pursuant to sections 190.001 to 190.245, and the rules adopted by
45 the department pursuant to sections 190.001 to 190.245.

46 6. The department shall promulgate rules relating to the requirements for a ground
47 ambulance service license including, but not limited to:

- 48 (1) Vehicle design, specification, operation and maintenance standards;
- 49 (2) Equipment requirements;
- 50 (3) Staffing requirements;
- 51 (4) Five-year license renewal;
- 52 (5) Records and forms;
- 53 (6) Medical control plans;
- 54 (7) Medical director qualifications;
- 55 (8) Standards for medical communications;
- 56 (9) Memorandums of understanding with emergency medical response agencies that
57 provide advanced life support;
- 58 (10) Quality improvement committees; and
- 59 (11) Response time, patient care and transportation standards.

60 7. Application for a ground ambulance service license shall be made upon such forms
61 as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The
62 application form shall contain such information as the department deems necessary to make a
63 determination as to whether the ground ambulance service meets all the requirements of sections
64 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

**190.111. 1. Notwithstanding any other provisions of law, the department may grant
2 a temporary ambulance service license to the Firefighter's Association of Missouri to
3 operate an ambulance service at the annual Missouri state fair provided that they meet the
4 following requirements:**

5 **(1) Have submitted a complete application upon such forms as prescribed by the
6 department in rules adopted pursuant to sections 190.001 to 190.245;**

7 **(2) Have not been disciplined pursuant to sections 190.001 to 190.245 and the rules
8 promulgated thereunder; and**

9 **(3) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
10 190.245.**

11 **2. This temporary ambulance service license shall only authorize the licensee to
12 provide ambulance service under the temporary requirements established by the
13 department in the geographic area established by the department.**

14 **3. This temporary ambulance service license shall have an expiration date, as
15 determined by the department.**

190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001
2 to 190.245, nor shall such license be valid after issuance, nor shall any ambulance be operated

3 in Missouri unless there is at all times in force and effect insurance coverage [issued by an
4 insurance company] **or proof of financial responsibility with adequate reserves maintained**
5 for each and every ambulance owned or operated by or for the applicant or licensee[, or unless
6 any city not within a county which owns or operates the license has at all times sufficient
7 self-insurance coverage] to provide for the payment of damages in an amount as prescribed in
8 regulation:

9 (1) For injury to or death of individuals in accidents resulting from any cause for which
10 the owner of [said] **such** vehicle would be liable on account of liability imposed on him **or her**
11 by law, regardless of whether the ambulance was being driven by the owner or the owner's agent;
12 and

13 (2) For the loss of or damage to the property of another, including personal property,
14 under like circumstances.

15 2. The insurance policy[, or in the case of a self-insured city not within a county, proof
16 of self-insurance,] **or proof of financial responsibility** shall be submitted by all licensees
17 required to provide such insurance pursuant to sections 190.001 to 190.245. The insurance
18 policy, or proof of the existence of [self-insurance of a city not within a county,] **financial**
19 **responsibility**, shall be submitted to the director, in such form as the director may specify, for
20 the director's approval prior to the issuance of each ambulance service license.

21 3. Every insurance policy **or proof of financial responsibility document** required by
22 the provisions of this section shall contain [or in the case of a self-insured city not within a
23 county shall have] proof of a provision for a continuing liability thereunder to the full amount
24 thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be
25 affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked
26 the insurance company or self-insured [city not within a county] **licensee or entity** will not be
27 relieved from liability on account of nonpayment of premium, failure to renew license at the end
28 of the year, or any act or omission of the named assured. Such policy of insurance or
29 self-insurance shall be further conditioned for the payment of any judgments up to the limits of
30 [said] **such** policy, recovered against any person other than the owner, the owner's agent or
31 employee, who may operate the same with the consent of the owner.

32 4. Every insurance policy or self-insured [city not within a county] **licensee or entity** as
33 required by the provisions of this section shall extend for the period to be covered by the license
34 applied for and the insurer shall be obligated to give not less than thirty days' written notice to
35 the director and to the insured before any cancellation or termination thereof earlier than its
36 expiration date, and the cancellation or other termination of any such policy shall automatically
37 revoke and terminate the licenses issued for the ambulance service covered by such policy unless
38 covered by another insurance policy in compliance with sections 190.001 to 190.245.

190.143. 1. Notwithstanding any other provisions of law, the department may grant
2 a 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
5 emergency medical technician license;

6 (2) Are not currently licensed as an emergency medical technician in Missouri and
7 fingerprints need to be submitted to the Federal Bureau of Investigation to verify the
8 existence or absence of a criminal history, or they are currently licensed and the license will
9 expire before a verification can be completed of the existence or absence of a criminal
10 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 top 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
18 licensee to practice while under the immediate supervision of a licensed emergency medical
19 technician-basic, emergency medical technician-paramedic, registered nurse or physician
20 who is currently licensed, without restrictions, to practice in Missouri.

21 3. A temporary emergency medical technician license shall automatically expire
22 either ninety days from the date of issuance or upon the issuance of a five-year emergency
23 medical technician license.

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 [this act] sections 190.100 to 190.245 or any lawful regulations promulgated by
4 the 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, RSMo.

8 2. The department may cause a complaint to be filed with the administrative hearing
9 commission as provided by chapter 621, RSMo, against any holder of any certificate, permit or
10 license 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 RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the
16 work 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 or confidence;
- 46 (13) Use of any advertisement or solicitation which is false, misleading or deceptive to
47 the general public or persons to whom the advertisement or solicitation is primarily directed;
- 48 (14) Violation of the drug laws or rules and regulations of this state, any other state or
49 the federal government[.];

50 **(15) Refusal of any applicant or licensee to cooperate with the department of health**
51 **during any investigation;**

52 **(16) Any conduct or practice which is or might be harmful or dangerous to the**
53 **mental or physical health of a patient or the public;**

54 **(17) Gross negligence or repeated negligence in the performance of the functions**
55 **or duties of any activity licensed by this chapter.**

56 3. After the filing of such complaint, the proceedings shall be conducted in accordance
57 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing
58 commission that the grounds, provided in subsection 2 of this section, for disciplinary action are
59 met, the department may, singly or in combination, censure or place the person named in the
60 complaint on probation on such terms and conditions as the department deems appropriate for
61 a period not to exceed five years, or may suspend, for a period not to exceed three years, or
62 revoke the license, certificate or permit.

63 4. An individual whose license has been revoked shall wait one year from the date of
64 revocation to apply for relicensure. Relicensure shall be at the discretion of the department after
65 compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of
66 an applicant for the first time. **Any individual whose license has been revoked twice within**
67 **a ten-year period shall not be eligible for relicensure.**

68 5. The department may notify the proper licensing authority of any other state in which
69 the person whose license was suspended or revoked was also licensed of the suspension or
70 revocation.

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

74 7. The department of health may suspend any certificate, permit or license required
75 pursuant to sections 190.100 to 190.245 simultaneously with the filing of the complaint with the
76 administrative hearing commission as set forth in subsection 2 of this section, if the department
77 finds that there is an imminent threat to the public health. The notice of suspension shall include
78 the basis of the suspension and notice of the right to appeal such suspension. The licensee may
79 appeal the decision to suspend the license, certificate or permit to the department. The appeal
80 shall be filed within ten days from the date of the filing of the complaint. A hearing shall be
81 conducted by the department within ten days from the date the appeal is filed. The suspension
82 shall continue in effect until the conclusion of the proceedings, including review thereof, unless
83 sooner withdrawn by the department, dissolved by a court of competent jurisdiction or stayed by
84 the administrative hearing commission.

190.175. 1. Each ambulance service licensee or emergency medical response agency

2 licensee shall maintain accurate records, which contain information concerning the care and, if
3 applicable, the transportation of each patient.

4 2. Records will be retained by the ambulance service licensees and emergency medical
5 response agency licensees for five years, readily available for inspection by the department,
6 notwithstanding transfer, sale or discontinuance of the ambulance services or business.

7 3. [An ambulance] **A patient care** report, approved by the department, shall be
8 completed for each ambulance run on which are entered pertinent remarks by the emergency
9 medical technician, **registered nurse or physician** and such other items as specified by rules
10 promulgated by the department.

11 **4. A written or electronic patient care document shall be completed and given to**
12 **the ambulance service personnel by the health care facility when a patient is transferred**
13 **between health care facilities. Such patient care record shall contain such information**
14 **pertinent to the continued care of the patient as well as the health and safety of the**
15 **ambulance service personnel during the transport. Nothing in this section shall be**
16 **construed as to limit the reporting requirements established in federal law relating to the**
17 **transfer of patients between health care facilities.**

18 [4.] **5.** Such records shall be available for inspection by the department at any reasonable
19 time during business hours.

190.185. The department shall adopt, amend, promulgate, and enforce such rules,
2 regulations and standards with respect to the provisions of this chapter as may be designed to
3 further the accomplishment of the purpose of this law in promoting state-of-the-art emergency
4 medical services in the interest of public health, safety and welfare. When promulgating such
5 rules and regulations, the department shall consider the recommendations of the state advisory
6 council on emergency medical services. No rule or portion of a rule promulgated pursuant to the
7 authority of sections 190.001 to 190.245, **or sections 190.525 to 190.537**, shall become effective
8 unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

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 [or], emergency medical dispatcher, **EMT-basic, EMT-paramedic, registered nurse**
7 **or physician** shall cooperate with the department's efforts to monitor and enforce compliance
8 by those individuals subject to the requirements of sections 190.001 to 190.245.

9 **3. Any person or entity who employs individuals licensed by the department**
10 **pursuant to sections 190.001 to 190.245 shall report to the department within seventy-two**

11 hours of their having actual knowledge of any charges filed against a licensee in their
12 employ for possible criminal action involving the following felony offenses:

13 (1) Child abuse or sexual abuse of a child;

14 (2) Crimes of violence; or

15 (3) Rape or sexual abuse.

16 4. Any licensee who has charges filed against him or her for the felony offenses in
17 subsection 3 of this section shall report such an occurrence to the department within
18 seventy-two hours of the charges being filed.

19 5. The department will monitor these reports for possible licensure action
20 authorized pursuant to section 190.165.

190.525. As used in sections 190.525 to 190.537, the following terms mean:

2 (1) "Department", the department of health;

3 (2) "Director", the director of the department of health or the director's duly
4 authorized representative;

5 (3) "Passenger", an individual needing transportation in a supine position who
6 does not require medical monitoring, observation, aid, care or treatment during
7 transportation, with the exception of self-administered oxygen as ordered by a physician
8 during transportation;

9 (4) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
10 incapacitated or helpless, and who may require medical monitoring, medical observation,
11 aid, care or treatment during transportation, with the exception of self-administered
12 oxygen as ordered by a physician;

13 (5) "Person", any individual, firm, partnership, copartnership, joint venture,
14 association, cooperative organization, corporation, municipal or private, and whether
15 organized for profit or not, state, county, political subdivision, state department,
16 commission, board, bureau or fraternal organization, estate, public trust, business or
17 common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in
18 bankruptcy, or any other service user or provider;

19 (6) "Stretcher van", any vehicle other than an ambulance designed and equipped
20 to transport passengers in a supine position. No such vehicle shall be used to provide
21 medical services;

22 (7) "Stretcher van service", any person or agency that provides stretcher van
23 transportation to passengers who are confined to stretchers and whose conditions are such
24 that they do not need and are not likely to need medical attention during transportation.

190.528. 1. No person, either as owner, agent or otherwise, shall furnish, operate,
2 conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the

3 **business or service of the transportation of passengers by stretcher van upon the streets,**
4 **alleys, or any public way or place of the state of Missouri unless such person holds a**
5 **currently valid license from the department for a stretcher van service issued pursuant to**
6 **the provision of section 190.525 to 190.537 notwithstanding any provisions of chapter 390**
7 **or 622, RSMo, to the contrary.**

8 **2. Subsection 1 of this section shall not preclude any political subdivision that is**
9 **authorized to operate a licensed ambulance service from adopting any law, ordinance or**
10 **regulation governing the operation of stretcher vans that is at least as strict as the**
11 **minimum state standards, except that no such regulations or ordinances shall be adopted**
12 **by a political subdivision in a county with a population of over nine hundred thousand**
13 **inhabitants except by the county's governing body and no such regulations or ordinances**
14 **shall prohibit stretcher van services that were legally picking up passengers within a**
15 **political subdivision prior to January 1, 2001, from continuing to operate within that**
16 **political subdivision and no political subdivision which did not regulate or prohibit**
17 **stretcher van services as of January 1, 2001, shall implement unreasonable regulations or**
18 **ordinances to prevent the establishment and operation of such services.**

19 **3. In a county with a population of over nine hundred thousand inhabitants, the**
20 **governing body of the county shall set reasonable standards for all stretcher van services**
21 **which shall comply with subsection 2 of this section. All such stretcher van services must**
22 **be licensed by the department. The governing body of such county shall not prohibit a**
23 **licensed stretcher van service from operating in the county, as long as the stretcher van**
24 **service meets county standards.**

25 **4. Nothing shall preclude the enforcement of any laws, ordinances or regulations**
26 **of any political subdivision authorized to operate a licensed ambulance service that were**
27 **in effect prior to August 28, 2001.**

28 **5. Stretcher van services may transport passengers.**

29 **6. A stretcher van shall be staffed by at least two individuals when transporting**
30 **passengers.**

31 **7. The crew of the stretcher van is required to immediately contact the appropriate**
32 **ground ambulance service if a passenger's condition deteriorates.**

33 **8. Stretcher van services shall not transport patients, persons currently admitted**
34 **to a hospital or persons being transported to a hospital for admission or emergency**
35 **treatment.**

36 **9. The department of health shall promulgate regulations, including but not limited**
37 **to adequate insurance, on-board equipment, vehicle staffing, vehicle maintenance, vehicle**
38 **specifications, vehicle communications, passenger safety and records and reports.**

39 **10. The department of health shall issue service licenses for a period of no more**
40 **than five years for each service meeting the established rules.**

41 **11. Application for a stretcher van license shall be made upon such forms as**
42 **prescribed by the department in rules adopted pursuant to sections 190.525 to 190.537.**
43 **The application form shall contain such information as the department deems necessary**
44 **to make a determination as to whether the stretcher van agency meets all the requirements**
45 **of sections 190.525 to 190.537 and rules promulgated pursuant to sections 190.525 to**
46 **190.537. The department shall conduct an inspection of the stretcher van service to verify**
47 **compliance with the licensure standards of sections 190.525 to 190.537.**

48 **12. Upon the sale or transfer of any stretcher van service ownership, the owner of**
49 **the stretcher van service shall notify the department of the change in ownership within**
50 **thirty days. The department shall conduct an inspection of the stretcher van service to**
51 **verify compliance with the licensure standards of sections 190.525 to 190.537.**

52 **13. Ambulance services licensed pursuant to this chapter or any rules promulgated**
53 **by the department of health pursuant to this chapter may provide stretcher van and wheel**
54 **chair transportation services pursuant to sections 190.525 to 190.537.**

190.531. 1. The department may refuse to issue or deny renewal of any license
2 **required pursuant to sections 190.525 to 190.537 for failure to comply with the provisions**
3 **of sections 190.525 to 190.537 or any lawful regulations promulgated by the department**
4 **to implement the provisions of sections 190.525 to 190.537. The department shall notify**
5 **the applicant in writing of the reasons for the refusal and shall advise the applicant of his**
6 **or her right to file a complaint with the administrative hearing commission as provided by**
7 **chapter 621, RSMo.**

8 **2. The department may cause a complaint to be filed with the administrative**
9 **hearing commission as provided by chapter 621, RSMo, against any holder of any license**
10 **required by sections 190.525 to 190.537 or any person who has failed to renew or has**
11 **surrendered his or her license for failure to comply with the provisions of sections 190.525**
12 **to 190.537 or any lawful regulations promulgated by the department to implement such**
13 **sections. Those regulations shall be limited to the following:**

14 **(1) Use or unlawful possession of any controlled substance, as defined in chapter**
15 **195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to**
16 **perform the work of any activity licensed or regulated by sections 190.525 to 190.537;**

17 **(2) Being finally adjudicated and found guilty, or having entered a plea of guilty**
18 **or nolo contendere, in a criminal prosecution pursuant to the laws of any state or of the**
19 **United States, for any offense reasonably related to the qualifications, functions or duties**
20 **of any activity licensed or regulated pursuant to sections 190.525 to 190.537, for any offense**

21 an essential element of which is fraud, dishonesty or an act of violence, or for any offense
22 involving moral turpitude, whether 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 190.525 to 190.537 or in obtaining permission
25 to take any examination given or required pursuant to sections 190.537 to 190.540;

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

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or
29 dishonesty in the performance of the functions or duties of any activity licensed or
30 regulated by sections 190.525 to 190.537;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of
32 sections 190.525 to 190.537, or of any lawful rule or regulation adopted by the department
33 pursuant to sections 190.525 to 190.537;

34 (7) Impersonation of any person holding a license or allowing any person to use his
35 or her license;

36 (8) Disciplinary action against the holder of a license or other right to practice any
37 activity regulated by sections 190.525 to 190.537 granted by another state, territory, federal
38 agency or country upon grounds for which revocation or suspension is authorized in this
39 state;

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

42 (10) Issuance of a license based upon a material mistake of fact;

43 (11) Violation of any professional trust or confidence;

44 (12) Use of any advertisement or solicitation which is false, misleading or deceptive
45 to the general public or persons to whom the advertisement or solicitation is primarily
46 directed;

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

49 (14) Refusal of any applicant or licensee, to cooperate with the department of health
50 during any investigation;

51 (15) Any conduct or practice which is or might be harmful or dangerous to the
52 mental or physical health of a patient or the public;

53 (16) Gross negligence or repeated negligence in the performance of the functions
54 or duties of any activity licensed by this chapter.

55 3. After the filing of such complaint, the proceedings shall be conducted in
56 accordance with the provisions of chapter 621, RSMo. Upon a finding by the

57 administrative hearing commission that the grounds, as provided in subsection 2 of this
58 section, for disciplinary action are met, the department may, singly or in combination,
59 censure or place the person named in the complaint on probation on such terms and
60 conditions as the department deems appropriate for a period not to exceed five years, or
61 may suspend, for a period not to exceed three years, or revoke the license.

62 4. An individual whose license has been revoked shall wait one year from the date
63 of revocation to apply for relicensure. Relicensure shall be at the discretion of the
64 department after compliance with all the requirements of sections 190.525 to 190.537
65 relative to the licensing of an applicant for the first time.

66 5. The department may notify the proper licensing authority of any other state in
67 which the person whose license was suspended or revoked was also licensed, of the
68 suspension or revocation.

69 6. Any person, organization, association or corporation who reports or provides
70 information to the department pursuant to the provisions of sections 190.525 to 190.537
71 and who does so in good faith and without negligence shall not be subject to an action for
72 civil damages as a result thereof.

73 7. The department of health may suspend any license required pursuant to sections
74 190.525 to 190.537 simultaneously with the filing of the complaint with the administrative
75 hearing commission as set forth in subsection 2 of this section, if the department finds that
76 there is an imminent threat to the public health. The notice of suspension shall include the
77 basis of the suspension and notice of the right to appeal such suspension. The licensee may
78 appeal the decision to suspend the license to the department. The appeal shall be filed
79 within ten days from the date of the filing of the complaint. A hearing shall be conducted
80 by the department within ten days from the date the appeal is filed. The suspension shall
81 continue in effect until the conclusion of the proceedings, including review thereof, unless
82 sooner withdrawn by the department, dissolved by a court of competent jurisdiction or
83 stayed by the administrative hearing commission.

2 190.534. 1. Any person violating, or failing to comply with, the provisions of section
190.525 to 190.537 is guilty of a class B misdemeanor.

3 2. Each day that any violation of, or failure to comply with, sections 190.525 to
4 190.537 is committed or permitted to continue shall constitute a separate and distinct
5 offense, and shall be punishable as a separate offense pursuant to this section; but the court
6 may, in appropriate cases, stay the cumulation of penalties.

7 3. The attorney general shall have concurrent jurisdiction with any and all
8 prosecuting attorneys to prosecute persons in violation of sections 190.525 to 190.537, and
9 the attorney general or prosecuting attorney may institute injunctive proceedings against

10 **any person operating in violation of sections 190.525 to 190.537.**

2 **190.537. No rule or portion of a rule promulgated under the authority of sections**
3 **190.525 to 190.537 shall become effective unless it has been promulgated pursuant to**
4 **chapter 536, RSMo.**

5 320.091. There shall be no cause of action against any fire protection district, volunteer
6 fire protection association, or any fire department of any political subdivision which donates
7 [used personal protection] equipment [and] **used to suppress fire or** fire protection clothing to
8 another department, association or district if **the following conditions are met:**

9 (1) Such equipment is approved by the state fire marshal or [his] **the state fire marshal's**
10 designee;

11 (2) **Motor vehicles so donated must pass a safety inspection by the Missouri state**
12 **highway patrol;**

13 (3) **The receiving agency demonstrates to the state fire marshal's office that the**
14 **equipment received works properly; and**

15 (4) **The donor agency informs the receiving agency in writing of any defects in the**
16 **equipment about which it knows.**

17

18 This immunity shall apply only to causes of action directly related to the equipment mentioned
19 [herein] **in this section.**

20 320.094. 1. The state treasurer shall annually transfer an amount prescribed in
21 subsection 2 of this section out of the state revenues derived from premium taxes levied on
22 insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by
23 the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, in a fund
24 hereby created in the state treasury, to be known as the "Fire Education Fund". Any interest
25 earned from investment of moneys in the fund shall be credited to the fund. The state treasurer
26 shall administer the fund, and the moneys in such fund shall be used solely as prescribed in this
27 section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in
28 the fire education fund at the end of any biennium shall not be transferred to the credit of the
29 general revenue fund.

30 2. Beginning July 1, [1998, three] **2002, five-tenths of one** percent of the amount of
31 premium taxes collected in the immediately preceding fiscal year pursuant to sections 148.310
32 to 148.461, RSMo, which are deposited in the general revenue fund [that exceeds the amount of
33 premium taxes which were deposited in the general revenue fund in the 1997 fiscal year] shall
34 be transferred from the general revenue fund to the credit of the fire education fund. [At the end
35 of each fiscal year, the commissioner of administration shall determine the amount transferred
36 to the credit of the fire education fund in each fiscal year by computing the premium taxes

18 deposited in the general revenue fund in the prior fiscal year and comparing such amount to the
19 amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year.] An
20 amount equal to [three] **five-tenths of one** percent [of the increase computed pursuant to this
21 section] shall be transferred by the state treasurer to the credit of the fire education fund;
22 however, such transfer in any fiscal year shall not exceed one million five hundred thousand
23 dollars; **provided, however, that each fiscal year fifty-five percent of the money transferred**
24 **to the fire education fund shall be utilized for fire education. Twenty-five percent of the**
25 **money transferred shall be deposited into the fire district equipment fund, a subaccount**
26 **of the fire education fund pursuant to section 320.097.**

27 3. There is hereby established a special trust fund, to be known as the "Missouri Fire
28 Education Trust Fund", which shall consist of all moneys transferred to the fund from the fire
29 education fund pursuant to this subsection and any earnings resulting from the investment of
30 moneys in the fund. Each fiscal year, an amount equal to [forty] **twenty** percent of the moneys
31 transferred to the fire education fund shall be transferred by the state treasurer to the credit of the
32 Missouri fire education trust fund. The fund shall be administered by a board of trustees,
33 consisting of the state treasurer, two members of the senate appointed by the president pro tem
34 of the senate, two members of the house of representatives appointed by the speaker of the house,
35 and two members appointed by the governor with the advice and consent of the senate. Any
36 member appointed due to such person's membership in the senate or house of representatives
37 shall serve only as long as such person holds the office referenced in this section. The state
38 treasurer shall invest moneys in the fund in a manner as provided by law. Subject to
39 appropriations, moneys in the fund shall be used solely for the purposes described in this section,
40 but such appropriations shall be made only if the board recommends to the general assembly that
41 such moneys are needed in that fiscal year to adequately fund the activities described in this
42 section. Moneys shall accumulate in the trust fund until the earnings from investment of moneys
43 in the fund can adequately support the activities described in this section, as determined by the
44 board. At such time, the board may recommend that the general assembly adjust or eliminate
45 the funding mechanism described in this section. Notwithstanding the provisions of section
46 33.080, RSMo, to the contrary, moneys in the Missouri fire education trust fund at the end of any
47 biennium shall not be transferred to the credit of the general revenue fund.

48 4. The moneys in the fire education fund, after any distribution pursuant to subsection
49 3 of this section, shall be distributed to the University of Missouri Fire & Rescue Training
50 Institute and the institute shall use the moneys received under this subsection to coordinate
51 education needs in cooperation with community colleges, colleges, regional training facilities,
52 and universities of this state and shall provide training and continuing education to firefighters
53 in this state relating to fire department operations and the personal safety of firefighters while

54 performing fire department activities. Programs and activities funded under this subsection must
55 be approved by the Missouri fire education commission established in subsection 5 of this
56 section. These funds shall primarily be used to provide field education throughout the state, with
57 not more than two percent of funds under this subsection expended on administrative costs.

58 5. There is established the "Missouri Fire Education Commission", to be domiciled in
59 the division of fire safety within the department of public safety. The commission shall be
60 composed of five members appointed by the governor with the advice and consent of the senate,
61 consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one
62 full-time firefighter employed by a [recognized] fire department or fire protection district, one
63 firefighter training officer, one person serving as the chief of a volunteer fire protection
64 association, and one chief fire officer from a [recognized] fire department or fire protection
65 district. No more than three members appointed by the governor shall be of the same political
66 party. The terms of office for the members appointed by the governor shall be four years and
67 until their successors are selected and qualified, except that, of those first appointed, two shall
68 have a term of four years, two shall have a term of three years and one shall have a term of two
69 years. There is no limitation on the number of terms an appointed member may serve. The
70 governor may appoint a member for the remaining portion of the unexpired term created by a
71 vacancy. The governor may remove any appointed member for cause. The members shall at
72 their initial meeting select a chairman. All members of the commission shall serve without
73 compensation for their duties, but shall be reimbursed for necessary travel and other expenses
74 incurred in the performance of their official duties. The commission shall meet at least quarterly
75 at the call of the chairman and shall review and determine appropriate programs and activities
76 for which funds may be expended under subsection 4 of this section.

**320.097. 1. There is hereby established, as a subaccount of the fire education fund
2 as established in subsection 1 of section 320.094, the "Fire District Equipment Fund",
3 which shall be maintained and accounted for separately, and which shall consist of all
4 moneys transferred pursuant to subsection 2 of section 320.094 and moneys from all lawful
5 public and private sources. Moneys in the subaccount shall be used to provide funds to fire
6 departments with less than ten thousand dollars in revenue per year, fire protection
7 districts with less than ten thousand dollars in revenue per year and volunteer fire
8 protection associations serving an area having a population of less than ten thousand.
9 Moneys in the subaccount may be used only for purposes authorized by the Missouri fire
10 education commission and the Missouri division of fire safety.**

11 **2. The fire education commission shall annually prepare an intended use plan for
12 the funds available in the subaccount.**

13 **3. The division of fire safety with approval by the fire education commission may**

14 make direct grants to aid in funding equipment of any fire department with less than ten
15 thousand dollars in revenue per year, any fire protection district with less than ten
16 thousand dollars in revenue per year or any volunteer fire protection association serving
17 a population of less than ten thousand. The grants may be made to supplement funds from
18 loan proceeds or other private or public sources. Grants may be used to match federal
19 matching grant programs.

320.098. 1. Fire departments with less than ten thousand dollars in revenue per
2 year, fire protection districts with less than ten thousand dollars in revenue per year or
3 volunteer fire protection associations serving an area having a population of less than ten
4 thousand shall first apply with the division of fire safety for a grant pursuant to section
5 320.097. The division of fire safety shall make the necessary rules and regulations for the
6 consideration and processing of all grant requests, which shall generally conform to those
7 used by federal grant and loan agencies, which rules shall be filed in the office of the
8 secretary of state. The division of fire safety shall adopt rules necessary to implement the
9 grant program established pursuant to section 320.097. No rule or portion of a rule
10 promulgated pursuant to this section shall become effective unless it has been promulgated
11 pursuant to chapter 536, RSMo. Such rules shall contain, but shall not be limited to the
12 following criteria:

13 (1) The type of equipment requested by the fire department, fire protection district
14 or volunteer fire protection association;

15 (2) The urgency and importance of such equipment to a district or association;

16 (3) The cost of the equipment requested by the fire department, fire protection
17 district or volunteer fire protection association;

18 (4) The financial resources of the fire department, fire protection district or
19 volunteer fire protection association;

20 (5) Require the fire department, fire protection district or volunteer fire protection
21 association to use the most currently adopted fire incident report system when reporting
22 to the state fire marshal's office;

23 (6) Require the adoption and implementation of a minimum basic firefighter
24 training approved by the state fire marshal's office by fire departments, fire protection
25 districts or volunteer fire protection associations; and

26 (7) Require fire departments, fire protection districts or volunteer fire protection
27 associations to keep basic firefighter training records for auditing purposes.

28 2. All grant determinations made by the division of fire safety shall be final.

29 3. In order to qualify for training, education or grant money pursuant to sections
30 320.094 and 320.097, all fire departments, fire protection districts or volunteer fire

31 protection associations must comply with the provisions of section 320.271.

321.247. 1. The governing body of any fire protection district, which provides
2 emergency services pursuant to chapter 190, RSMo, or chapter 321, RSMo, to a
3 redevelopment project in a redevelopment area as these terms are defined in section 99.805,
4 RSMo, may impose a sales tax in an amount up to one-half of one percent on all retail sales
5 made in such fire protection district which is subject to taxation pursuant to sections
6 144.010 to 144.525, RSMo, provided that such sales tax is accompanied by a property tax
7 reduction as described in this section for each year in which the sales tax is imposed. The
8 tax authorized by this section shall be in addition to any and all other sales taxes provided
9 by law, except that:

10 (1) No sales tax imposed pursuant to this section shall take effect unless the
11 governing body of the fire protection district submits to the voters of such fire protection
12 district, at a municipal, county or state general, primary or special election, a proposal to
13 authorize the governing body of the fire protection district to impose a tax and reduce
14 property taxes pursuant to this section; and

15 (2) No governing body defined in this subsection, if such governing body has not
16 imposed a sales tax for fire protection prior to August 28, 2000, shall impose any new sales
17 tax for fire protection other than the sales tax provided in this section.

18 2. The ballot of submission shall contain, but need not be limited to, the following
19 language:

20 "Shall (insert name of district) impose a sales tax of (insert amount) for
21 the purpose of providing revenues for the operation of the (insert name of fire protection
22 district) and shall the total property tax levy on properties in the (insert name of fire
23 protection district) be reduced annually by an amount equal to one-half of the total amount
24 of sales tax revenue collected from this sales tax in the same tax year?"

25 YES NO

26
27 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in
28 favor of the proposal, then the sales tax and the corresponding property tax reduction shall
29 be in effect on the first day of January of the year after the passage of the question.

30
31 If a majority of the votes cast by the qualified voters voting are opposed to the proposal,
32 then the governing body of the fire protection district or municipality shall have no power
33 to impose the sales tax and reduce the property tax as authorized in this section unless and
34 until the governing body of the fire protection district or municipality resubmits a proposal
35 to authorize the governing body of the fire protection district or municipality to impose the

36 sales tax and reduce the property tax pursuant to this section and such proposal is
37 approved by a majority of the qualified voters voting thereon.

38 **3. In each calendar year in which a sales tax is imposed pursuant to this section, the**
39 **governing body of the fire protection district shall, with the assistance of the department**
40 **of revenue, determine the amount of sales tax collected pursuant to this section in the fire**
41 **protection district in the preceding calendar year; except that, in the first year in which**
42 **any sales tax is collected pursuant to this section, the governing body of the fire protection**
43 **district, with the assistance of the department of revenue may, for purposes of this**
44 **subsection, estimate the amount of sales tax which would have been collected pursuant to**
45 **this section in the preceding year based on sales tax revenues from the preceding year in**
46 **the fire protection district. The governing body of the fire protection district shall, after**
47 **determining the amount of money necessary to be raised by taxation to provide revenue**
48 **for the fire protection district reduce its levy of ad valorem taxes in the fire protection**
49 **district in an amount sufficient to decrease the ad valorem taxes to be collected to provide**
50 **revenue for the fire protection district by an amount equal to fifty percent of the sales tax**
51 **revenue collected pursuant to this section in the tax year for which the ad valorem taxes**
52 **are being levied.**

53 **4. All revenue received by a fire protection district from the tax authorized**
54 **pursuant to this section shall be deposited in a special trust fund and shall be used solely**
55 **for the operation of the fire protection district.**

56 **5. All sales taxes collected by the director of revenue pursuant to this section on**
57 **behalf of any fire protection district, less one percent for cost of collection which shall be**
58 **deposited in the state's general revenue fund after payment of premiums for surety bonds**
59 **as provided in section 32.087, RSMo, shall be deposited in the fire protection sales tax trust**
60 **fund created in section 321.242 and shall be administered pursuant to subsections 4 to 6**
61 **of section 321.242.**