

FIRST REGULAR SESSION

HOUSE BILL NO. 195

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HOPPE.

Pre-filed December 19, 2000, and 1000 copies ordered printed.

ANNE C. WALKER, Chief Clerk

0653L.011

AN ACT

To amend chapter 190, RSMo, relating to emergency services by adding thereto six new sections relating to the regulation of stretcher vans.

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

Section A. Chapter 190, RSMo, is amended by adding thereto six new sections, to be known as sections 190.525, 190.528, 190.531, 190.534, 190.537 and 190.540, to read as follows:

190.525. As used in sections 190.525 to 190.540, the following terms mean:

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

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

(3) "Passenger", an individual needing routine transportation who does not require medical monitoring, aid, care, or treatment during transportation except for self-administered oxygen;

(4) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, and requires medical monitoring or treatment during transport;

(5) "Stretcher van", a vehicle designed and equipped to transport a person in a supine position except that no such vehicle shall be used to provide medical services;

190.528. 1. Any person, firm, corporation, association or governmental entity owning or acting as agent for the owner of any business or service which furnishes, operates, conducts, maintains, advertises, engages in, proposes to engage in, or professes to engage in the business or service of transportation of persons who are confined to stretchers and whose conditions are such that such persons do not need and are not likely to need medical attention during transport shall be licensed by the department of health.

2. The department shall issue service licenses for a period of no more than five

8 years for each service meeting the established criteria.

9 **3. Application for a stretcher van license shall be made upon such forms as**
10 **prescribed by rule by the department. The application form shall contain such**
11 **information as the department deems reasonably necessary to make a determination as to**
12 **whether the stretcher van agency meets all the requirements of sections 190.525 to 190.540.**

190.531. 1. The department may refuse to issue or deny renewal of any license
2 **required pursuant to sections 190.525 to 190.540 for failure to comply with the provisions**
3 **of sections 190.525 to 190.540 or any lawful regulations promulgated by the department**
4 **to implement the provisions of sections 190.525 to 190.540. 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 190.540 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 190.540 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 190.540;**

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 190.540, 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 190.540 or in obtaining permission**
25 **to take any examination given or required pursuant to sections 190.525 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 190.540;**

31 **(6) Violation of, or assisting or enabling any person to violate, any provision of**

32 sections 190.525 to 190.540, or of any lawful rule or regulation adopted by the department
33 pursuant to sections 190.525 to 190.540;

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

56 4. An individual whose license has been revoked shall wait one year from the date
57 of revocation to apply for relicensure. Relicensure shall be at the discretion of the
58 department after compliance with all the requirements of sections 190.525 to 190.540
59 relative to the licensing of an applicant for the first time.

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

63 6. Any person, organization, association or corporation who reports or provides
64 information to the department pursuant to the provisions of sections 190.525 to 190.540
65 and who does so in good faith shall not be subject to an action for civil damages as a result
66 thereof.

67 7. The department of health may suspend any license required pursuant to sections

68 **190.525 to 190.540 simultaneously with the filing of the complaint with the administrative**
69 **hearing commission as set forth in subsection 2 of this section, if the department finds that**
70 **there is an imminent threat to the public health. The notice of suspension shall include the**
71 **basis of the suspension and notice of the right to appeal such suspension. The licensee may**
72 **appeal the decision to suspend the license to the department. The appeal shall be filed**
73 **within ten days from the date of the filing of the complaint. A hearing shall be conducted**
74 **by the department within ten days from the date the appeal is filed. The suspension shall**
75 **continue in effect until the conclusion of the proceedings, including review thereof, unless**
76 **sooner withdrawn by the department, dissolved by a court of competent jurisdiction or**
77 **stayed by the administrative hearing commission.**

190.534. 1. A stretcher van service may transport a passenger when such passenger
2 **needs routine transportation if such person does not require medical monitoring, aid, care**
3 **or treatment during transport.**

4 **2. A stretcher van service shall not transport:**

5 **(1) The acutely ill, wounded or medically unstable;**

6 **(2) A person experiencing an emergency medical condition, an acute medical**
7 **condition, as exacerbation of chronic medical condition, or a sudden illness or injury.**

190.537. 1. A stretcher van shall always be operated with the following, including
2 **but not limited to:**

3 **(1) A two-person crew, each of whom is currently certified to provide basic first aid**
4 **and cardiopulmonary resuscitation;**

5 **(2) The crew shall be properly trained to safely transport passengers on a stretcher;**

6 **(3) Communication devices that allow crew members to immediately contact**
7 **emergency medical services systems must be provided on the vehicle;**

8 **(4) Stretchers and mountings that meet or exceed current manufacturer's KKK-A-**
9 **1822 specifications, or subsequent industry-recognized replacement specifications, at the**
10 **time of manufacture;**

11 **(5) Vehicles specifically designed, manufactured and equipped for use as a stretcher**
12 **van that meet current federal safety standards at the date of vehicle manufacture;**

13 **(6) A basic first aid kit and supplies necessary to provide bloodborne pathogen**
14 **protection, but shall not contain medical equipment;**

15 **(7) When transporting a passenger with self-administered oxygen, appropriate**
16 **securing devices must be provided for the oxygen container to ensure safety of the**
17 **passenger and crew.**

18 **2. The crew of the stretcher van is required to immediately contact the appropriate**
19 **ground service or activate the 911 system if the passenger's medical condition deteriorates.**

20 **3. A stretcher van agency shall provide proof of public liability insurance that**
21 **meets or exceeds the reasonable requirements for stretcher van services as defined by**
22 **department rule.**

190.540. No rule or portion of a rule promulgated under the authority of sections
2 **190.525 to 190.540 shall become effective unless it has been promulgated pursuant to**
3 **chapter 536, RSMo.**