

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1295**  
**101ST GENERAL ASSEMBLY**

2598H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 173.260, 190.001, 190.060, 190.098, 190.100, 190.101, 190.103, 190.104, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.173, 190.176, 190.180, 190.185, 190.190, 190.196, 190.200, 190.241, 190.243, 190.245, 190.248, and 287.243, RSMo, and to enact in lieu thereof thirty-two new sections relating to time-critical diagnosis, with penalty provisions.

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

Section A. Sections 173.260, 190.001, 190.060, 190.098, 190.100, 190.101, 190.103, 190.104, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.173, 190.176, 190.180, 190.185, 190.190, 190.196, 190.200, 190.241, 190.243, 190.245, 190.248, and 287.243, RSMo, are repealed and thirty-two new sections enacted in lieu thereof, to be known as sections 173.260, 190.001, 190.060, 190.098, 190.100, 190.101, 190.103, 190.104, 190.105, 190.108, 190.109, 190.120, 190.131, 190.133, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.173, 190.176, 190.180, 190.185, 190.190, 190.196, 190.200, 190.241, 190.243, 190.248, 190.257, and 287.243, to read as follows:

173.260. 1. As used in this section, unless the context clearly requires otherwise, the following terms mean:

(1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with sections 190.001 to ~~190.245~~ **190.243** and corresponding regulations applicable to air ambulances adopted by the department of health and senior services;

(2) "Air ambulance registered professional nurse", a person licensed as a registered professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

8 adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered  
9 professional nursing services as a flight nurse in conjunction with an air ambulance program that  
10 is certified in accordance with sections 190.001 to [~~190.245~~] **190.243** and the corresponding  
11 regulations applicable to such programs;

12 (3) "Air ambulance registered respiratory therapist", a person licensed as a registered  
13 respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding  
14 regulations adopted by the state board for respiratory care, who provides respiratory therapy  
15 services in conjunction with an air ambulance program that is certified in accordance with  
16 sections 190.001 to [~~190.245~~] **190.243** and corresponding regulations applicable to such  
17 programs;

18 (4) "Board", the coordinating board for higher education;

19 (5) "Eligible child", the natural, adopted or stepchild of a public safety officer or  
20 employee, as defined in this section, who is less than twenty-four years of age and who is a  
21 dependent of a public safety officer or employee or was a dependent at the time of death or  
22 permanent and total disability of a public safety officer or employee;

23 (6) "Emergency medical technician", a person licensed in emergency medical care in  
24 accordance with standards prescribed by sections 190.001 to [~~190.245~~] **190.243** and by rules  
25 adopted by the department of health and senior services under sections 190.001 to [~~190.245~~]  
26 **190.243**;

27 (7) "Employee", any full-time employee of the department of transportation engaged in  
28 the construction or maintenance of the state's highways, roads and bridges;

29 (8) "Flight crew member", an individual engaged in flight responsibilities with an air  
30 ambulance licensed in accordance with sections 190.001 to [~~190.245~~] **190.243** and corresponding  
31 regulations applicable to such programs;

32 (9) "Grant", the public safety officer or employee survivor grant as established by this  
33 section;

34 (10) "Institution of postsecondary education", any approved public or private institution  
35 as defined in section 173.205;

36 (11) "Line of duty", any action of a public safety officer, whose primary function is crime  
37 control or reduction, enforcement of the criminal law, or suppression of fires, is authorized or  
38 obligated by law, rule, regulation or condition of employment or service to perform;

39 (12) "Public safety officer", any firefighter, uniformed employee of the office of the state  
40 fire marshal, emergency medical technician, police officer, capitol police officer, parole officer,  
41 probation officer, state correctional employee, water safety officer, park ranger, conservation  
42 officer or highway patrolman employed by the state of Missouri or a political subdivision thereof  
43 who is killed or permanently and totally disabled in the line of duty or any emergency medical

44 technician, air ambulance pilot, air ambulance registered professional nurse, air ambulance  
45 registered respiratory therapist, or flight crew member who is killed or permanently and totally  
46 disabled in the line of duty;

47 (13) "Permanent and total disability", a disability which renders a person unable to  
48 engage in any gainful work;

49 (14) "Spouse", the husband, wife, widow or widower of a public safety officer or  
50 employee at the time of death or permanent and total disability of such public safety officer;

51 (15) "Tuition", any tuition or incidental fee or both charged by an institution of  
52 postsecondary education, as defined in this section, for attendance at that institution by a student  
53 as a resident of this state.

54 2. Within the limits of the amounts appropriated therefor, the coordinating board for  
55 higher education shall provide, as defined in this section, a grant for either of the following to  
56 attend an institution of postsecondary education:

57 (1) An eligible child of a public safety officer or employee killed or permanently and  
58 totally disabled in the line of duty; or

59 (2) A spouse of a public safety officer killed or permanently and totally disabled in the  
60 line of duty.

61 3. An eligible child or spouse may receive a grant under this section only so long as the  
62 child or spouse is enrolled in a program leading to a certificate, or an associate or baccalaureate  
63 degree. In no event shall a child or spouse receive a grant beyond the completion of the first  
64 baccalaureate degree or, in the case of a child, age twenty-four years, except that the child may  
65 receive a grant through the completion of the semester or similar grading period in which the  
66 child reaches his twenty-fourth year. No child or spouse shall receive more than one hundred  
67 percent of tuition when combined with similar funds made available to such child or spouse.

68 4. The coordinating board for higher education shall:

69 (1) Promulgate all necessary rules and regulations for the implementation of this section;

70 (2) Determine minimum standards of performance in order for a child or spouse to  
71 remain eligible to receive a grant under this program;

72 (3) Make available on behalf of an eligible child or spouse an amount toward the child's  
73 or spouse's tuition which is equal to the grant to which the child or spouse is entitled under the  
74 provisions of this section;

75 (4) Provide the forms and determine the procedures necessary for an eligible child or  
76 spouse to apply for and receive a grant under this program.

77 5. An eligible child or spouse who is enrolled or has been accepted for enrollment as an  
78 undergraduate postsecondary student at an approved institution of postsecondary education shall  
79 receive a grant in an amount not to exceed the least of the following:

80 (1) The actual tuition, as defined in this section, charged at an approved institution where  
81 the child or spouse is enrolled or accepted for enrollment; or

82 (2) The amount of tuition charged a Missouri resident at the University of Missouri for  
83 attendance as a full-time student, as defined in section 173.205.

84 6. An eligible child or spouse who is a recipient of a grant may transfer from one  
85 approved public or private institution of postsecondary education to another without losing his  
86 entitlement under this section. The board shall make necessary adjustments in the amount of the  
87 grant. If a grant recipient at anytime withdraws from the institution of postsecondary education  
88 so that under the rules and regulations of that institution he is entitled to a refund of any tuition,  
89 fees, or other charges, the institution shall pay the portion of the refund to which he is entitled  
90 attributable to the grant for that semester or similar grading period to the board.

91 7. If an eligible child or spouse is granted financial assistance under any other student  
92 aid program, public or private, the full amount of such aid shall be reported to the board by the  
93 institution and the eligible child or spouse.

94 8. Nothing in this section shall be construed as a promise or guarantee that a person will  
95 be admitted to an institution of postsecondary education or to a particular institution of  
96 postsecondary education, will be allowed to continue to attend an institution of postsecondary  
97 education after having been admitted, or will be graduated from an institution of postsecondary  
98 education.

99 9. A public safety officer who is permanently and totally disabled shall be eligible for  
100 a grant pursuant to the provisions of this section.

101 10. An eligible child of a public safety officer or employee, spouse of a public safety  
102 officer or public safety officer shall cease to be eligible for a grant pursuant to this section when  
103 such public safety officer or employee is no longer permanently and totally disabled.

190.001. Sections 190.001 to [~~190.245~~] **190.243** shall be known and may be cited as the  
2 "Comprehensive Emergency Medical Services Systems Act".

190.060. 1. An ambulance district shall have the following governmental powers, and  
2 all other powers incidental, necessary, convenient or desirable to carry out and effectuate the  
3 express powers:

4 (1) To establish and maintain an ambulance service within its corporate limits, and to  
5 acquire for, develop, expand, extend and improve such service;

6 (2) To acquire land in fee simple, rights in land and easements upon, over or across land  
7 and leasehold interests in land and tangible and intangible personal property used or useful for  
8 the location, establishment, maintenance, development, expansion, extension or improvement  
9 of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease,  
10 use or adverse possession;

11 (3) To operate, maintain and manage the ambulance service, and to make and enter into  
12 contracts for the use, operation or management of and to provide rules and regulations for the  
13 operation, management or use of the ambulance service;

14 (4) To fix, charge and collect reasonable fees and compensation for the use of the  
15 ambulance service according to the rules and regulations prescribed by the board from time to  
16 time;

17 (5) To borrow money and to issue bonds, notes, certificates, or other evidences of  
18 indebtedness for the purpose of accomplishing any of its corporate purposes, subject to  
19 compliance with any condition or limitation set forth in sections 190.001 to 190.090 or otherwise  
20 provided by the Constitution of the state of Missouri;

21 (6) To employ or enter into contracts for the employment of any person, firm, or  
22 corporation, and for professional services, necessary or desirable for the accomplishment of the  
23 objects of the district or the proper administration, management, protection or control of its  
24 property;

25 (7) To maintain the ambulance service for the benefit of the inhabitants of the area  
26 comprising the district regardless of race, creed or color, and to adopt such reasonable rules and  
27 regulations as may be necessary to render the highest quality of emergency medical care; to  
28 exclude from the use of the ambulance service all persons who willfully disregard any of the  
29 rules and regulations so established; to extend the privileges and use of the ambulance service  
30 to persons residing outside the area of the district upon such terms and conditions as the board  
31 of directors prescribes by its rules and regulations;

32 (8) To provide for health, accident, disability and pension benefits for the salaried  
33 members of its organized ambulance district and such other benefits for the members' spouses  
34 and minor children, through either, or both, a contributory or noncontributory plan. The type and  
35 amount of such benefits shall be determined by the board of directors of the ambulance district  
36 within the level of available revenue of the pension program and other available revenue of the  
37 district. If an employee contributory plan is adopted, then at least one voting member of the  
38 board of trustees shall be a member of the ambulance district elected by the contributing  
39 members. The board of trustees shall not be the same as the board of directors;

40 (9) To purchase insurance indemnifying the district and its employees, officers,  
41 volunteers and directors against liability in rendering services incidental to the furnishing of  
42 ambulance services. Purchase of insurance pursuant to this section is not intended to waive  
43 sovereign immunity, official immunity or the Missouri public duty doctrine defenses; and

44 (10) To provide for life insurance, accident, sickness, health, disability, annuity, length  
45 of service, pension, retirement and other employee-type fringe benefits, subject to the provisions  
46 of section 70.615, for the volunteer members of any organized ambulance district and such other

47 benefits for their spouses and eligible unemancipated children, either through a contributory or  
48 noncontributory plan, or both. For purposes of this section, "eligible unemancipated child"  
49 means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled  
50 with the insured, who is less than twenty-three years of age, who is not married, not employed  
51 on a full-time basis, not maintaining a separate residence except for full-time students in an  
52 accredited school or institution of higher learning, and who is dependent on parents or guardians  
53 for at least fifty percent of his or her support. The type and amount of such benefits shall be  
54 determined by the board of directors of the ambulance district within available revenues of the  
55 district, including the pension program of the district. The provision and receipt of such benefits  
56 shall not make the recipient an employee of the district. Directors who are also volunteer  
57 members may receive such benefits while serving as a director of the district.

58 2. The use of any ambulance service of a district shall be subject to the reasonable  
59 regulation and control of the district and upon such reasonable terms and conditions as shall be  
60 established by its board of directors.

61 3. A regulatory ordinance of a district adopted pursuant to any provision of this section  
62 may provide for a suspension or revocation of any rights or privileges within the control of the  
63 district for a violation of any regulatory ordinance.

64 4. Nothing in this section or in other provisions of sections 190.001 to ~~[190.245]~~ **190.243**  
65 shall be construed to authorize the district or board to establish or enforce any regulation or rule  
66 in respect to the operation or maintenance of the ambulance service within its jurisdiction which  
67 is in conflict with any federal or state law or regulation applicable to the same subject matter.

68 5. After August 28, 1998, the board of directors of an ambulance district that proposes  
69 to contract for the total management and operation of the ambulance service, when that  
70 ambulance district has not previously contracted out for said service, shall hold a public hearing  
71 within a thirty-day period and shall make a finding that the proposed contract to manage and  
72 operate the ambulance service will:

73 (1) Provide benefits to the public health that outweigh the associated costs;

74 (2) Maintain or enhance public access to ambulance service;

75 (3) Maintain or improve the public health and promote the continued development of  
76 the regional emergency medical services system.

77 6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this  
78 section and after a sixty-day period, the ambulance district may enter into the proposed contract,  
79 however said contract shall not be implemented for at least thirty days.

80 (2) The provisions of subsection 5 of this section shall not apply to contracts which were  
81 executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the

82 signing of a new contract with an ambulance service provider for services that were previously  
83 contracted out.

84 7. All ambulance districts authorized to adopt laws, ordinances, or regulations regarding  
85 basic life support ambulances shall require such ambulances to be equipped with an automated  
86 external defibrillator and be staffed by at least one individual trained in the use of an automated  
87 external defibrillator.

88 8. The ambulance district may adopt procedures for conducting fingerprint background  
89 checks on current and prospective employees, contractors, and volunteers. The ambulance  
90 district may submit applicant fingerprints to the Missouri state highway patrol, Missouri criminal  
91 records repository, for the purpose of checking the person's criminal history. The fingerprints  
92 shall be used to search the Missouri criminal records repository and shall be submitted to the  
93 Federal Bureau of Investigation to be used for searching the federal criminal history files. The  
94 fingerprints shall be submitted on forms and in the manner prescribed by the Missouri state  
95 highway patrol. Fees shall be as set forth in section 43.530.

190.098. 1. In order for a person to be eligible for certification by the department as a  
2 community paramedic, an individual shall:

3 (1) Be currently certified as a paramedic;

4 (2) Successfully complete or have successfully completed a community paramedic  
5 certification program from a college, university, or educational institution that has been approved  
6 by the department or accredited by a national accreditation organization approved by the  
7 department; and

8 (3) Complete an application form approved by the department.

9 2. A community paramedic shall practice in accordance with protocols and supervisory  
10 standards established by the medical director. A community paramedic shall provide services  
11 of a health care plan if the plan has been developed by the patient's physician or by an advanced  
12 practice registered nurse through a collaborative practice arrangement with a physician or a  
13 physician assistant through a collaborative practice arrangement with a physician and there is no  
14 duplication of services to the patient from another provider.

15 3. Any ambulance service shall enter into a written contract to provide community  
16 paramedic services in another ambulance service area, as that term is defined in section 190.100.  
17 The contract that is agreed upon may be for an indefinite period of time, as long as it includes  
18 at least a sixty-day cancellation notice by either ambulance service.

19 4. A community paramedic is subject to the provisions of sections 190.001 to ~~[190.245]~~  
20 **190.243** and rules promulgated under sections 190.001 to ~~[190.245]~~ **190.243**.

21 5. No person shall hold himself or herself out as a community paramedic or provide the  
22 services of a community paramedic unless such person is certified by the department.

23           6. The medical director shall approve the implementation of the community paramedic  
24 program.

25           7. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
26 under the authority delegated in this section shall become effective only if it complies with and  
27 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
28 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
29 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
30 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
31 proposed or adopted after August 28, 2013, shall be invalid and void.

          190.100. As used in sections 190.001 to [~~190.245~~] **190.257**, the following words and  
2 terms mean:

3           (1) "Advanced emergency medical technician" or "AEMT", a person who has  
4 successfully completed a course of instruction in certain aspects of advanced life support care  
5 as prescribed by the department and is licensed by the department in accordance with sections  
6 190.001 to [~~190.245~~] **190.243** and rules and regulations adopted by the department pursuant to  
7 sections 190.001 to [~~190.245~~] **190.243**;

8           (2) "Advanced life support (ALS)", an advanced level of care as provided to the adult  
9 and pediatric patient such as defined by national curricula, and any modifications to that curricula  
10 specified in rules adopted by the department pursuant to sections 190.001 to [~~190.245~~] **190.243**;

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

18           (4) "Ambulance service", a person or entity that provides emergency or nonemergency  
19 ambulance transportation and services, or both, in compliance with sections 190.001 to [~~190.245~~]  
20 **190.243**, and the rules promulgated by the department pursuant to sections 190.001 to [~~190.245~~]  
21 **190.243**;

22           (5) "Ambulance service area", a specific geographic area in which an ambulance service  
23 has been authorized to operate;

24           (6) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric  
25 patient as defined by national curricula, and any modifications to that curricula specified in rules  
26 adopted by the department pursuant to sections 190.001 to [~~190.245~~] **190.243**;

27           (7) "Council", the state advisory council on emergency medical services;

- 28 (8) "Department", the department of health and senior services, state of Missouri;
- 29 (9) "Director", the director of the department of health and senior services or the  
30 director's duly authorized representative;
- 31 (10) "Dispatch agency", any person or organization that receives requests for emergency  
32 medical services from the public, by telephone or other means, and is responsible for dispatching  
33 emergency medical services;
- 34 (11) "Emergency", the sudden and, at the time, unexpected onset of a health condition  
35 that manifests itself by symptoms of sufficient severity that would lead a prudent layperson,  
36 possessing an average knowledge of health and medicine, to believe that the absence of  
37 immediate medical care could result in:
- 38 (a) Placing the person's health, or with respect to a pregnant woman, the health of the  
39 woman or her unborn child, in significant jeopardy;
- 40 (b) Serious impairment to a bodily function;
- 41 (c) Serious dysfunction of any bodily organ or part;
- 42 (d) Inadequately controlled pain;
- 43 (12) "Emergency medical dispatcher", a person who receives emergency calls from the  
44 public and has successfully completed an emergency medical dispatcher course, meeting or  
45 exceeding the national curriculum of the United States Department of Transportation and any  
46 modifications to such curricula specified by the department through rules adopted pursuant to  
47 sections 190.001 to ~~[190.245]~~ **190.243**;
- 48 (13) "Emergency medical responder", a person who has successfully completed an  
49 emergency first response course meeting or exceeding the national curriculum of the U.S.  
50 Department of Transportation and any modifications to such curricula specified by the  
51 department through rules adopted under sections 190.001 to ~~[190.245]~~ **190.243** and who  
52 provides emergency medical care through employment by or in association with an emergency  
53 medical response agency;
- 54 (14) "Emergency medical response agency", any person that regularly provides a level  
55 of care that includes first response, basic life support or advanced life support, exclusive of  
56 patient transportation;
- 57 (15) "Emergency medical services for children (EMS-C) system", the arrangement of  
58 personnel, facilities and equipment for effective and coordinated delivery of pediatric emergency  
59 medical services required in prevention and management of incidents which occur as a result of  
60 a medical emergency or of an injury event, natural disaster or similar situation;
- 61 (16) "Emergency medical services (EMS) system", the arrangement of personnel,  
62 facilities and equipment for the effective and coordinated delivery of emergency medical services

63 required in prevention and management of incidents occurring as a result of an illness, injury,  
64 natural disaster or similar situation;

65 (17) "Emergency medical technician", a person licensed in emergency medical care in  
66 accordance with standards prescribed by sections 190.001 to [~~190.245~~] **190.243**, and by rules  
67 adopted by the department pursuant to sections 190.001 to [~~190.245~~] **190.243**;

68 (18) "Emergency medical technician-basic" or "EMT-B", a person who has successfully  
69 completed a course of instruction in basic life support as prescribed by the department and is  
70 licensed by the department in accordance with standards prescribed by sections 190.001 to  
71 [~~190.245~~] **190.243** and rules adopted by the department pursuant to sections 190.001 to  
72 [~~190.245~~] **190.243**;

73 (19) "Emergency medical technician-community paramedic", "community paramedic",  
74 or "EMT-CP", a person who is certified as an emergency medical technician-paramedic and is  
75 certified by the department in accordance with standards prescribed in section 190.098;

76 (20) "Emergency medical technician-paramedic" or "EMT-P", a person who has  
77 successfully completed a course of instruction in advanced life support care as prescribed by the  
78 department and is licensed by the department in accordance with sections 190.001 to [~~190.245~~]  
79 **190.243** and rules adopted by the department pursuant to sections 190.001 to [~~190.245~~] **190.243**;

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

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

86 (23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2  
87 of section 197.020, or a hospital operated by the state;

88 (24) "Medical control", supervision provided by or under the direction of physicians, or  
89 their designated registered nurse, including both online medical control, instructions by radio,  
90 telephone, or other means of direct communications, and offline medical control through  
91 supervision by treatment protocols, case review, training, and standing orders for treatment;

92 (25) "Medical direction", medical guidance and supervision provided by a physician to  
93 an emergency services provider or emergency medical services system;

94 (26) "Medical director", a physician licensed pursuant to chapter 334 designated by the  
95 ambulance service or emergency medical response agency and who meets criteria specified by  
96 the department by rules pursuant to sections 190.001 to [~~190.245~~] **190.243**;

97 (27) "Memorandum of understanding", an agreement between an emergency medical  
98 response agency or dispatch agency and an ambulance service or services within whose territory  
99 the agency operates, in order to coordinate emergency medical services;

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

104 (29) "Person", as used in these definitions and elsewhere in sections 190.001 to  
105 ~~[190.245]~~ **190.243**, any individual, firm, partnership, copartnership, joint venture, association,  
106 cooperative organization, corporation, municipal or private, and whether organized for profit or  
107 not, state, county, political subdivision, state department, commission, board, bureau or fraternal  
108 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit  
109 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

110 (30) "Physician", a person licensed as a physician pursuant to chapter 334;

111 (31) "Political subdivision", any municipality, city, county, city not within a county,  
112 ambulance district or fire protection district located in this state which provides or has authority  
113 to provide ambulance service;

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

121 (33) "Proof of financial responsibility", proof of ability to respond to damages for  
122 liability, on account of accidents occurring subsequent to the effective date of such proof, arising  
123 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules  
124 promulgated by the department, but in no event less than the statutory minimum required for  
125 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

126 (34) "Protocol", a predetermined, written medical care guideline, which may include  
127 standing orders;

128 (35) "Regional EMS advisory committee", a committee formed within an emergency  
129 medical services (EMS) region to advise ambulance services, the state advisory council on EMS  
130 and the department;

131 (36) "Specialty care transportation", the transportation of a patient requiring the services  
132 of an emergency medical technician-paramedic who has received additional training beyond the

133 training prescribed by the department. Specialty care transportation services shall be defined in  
134 writing in the appropriate local protocols for ground and air ambulance services and approved  
135 by the local physician medical director. The protocols shall be maintained by the local  
136 ambulance service and shall define the additional training required of the emergency medical  
137 technician-paramedic;

138 (37) "Stabilize", with respect to an emergency, the provision of such medical treatment  
139 as may be necessary to attempt to assure within reasonable medical probability that no material  
140 deterioration of an individual's medical condition is likely to result from or occur during  
141 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

142 (38) "State advisory council on emergency medical services", a committee formed to  
143 advise the department on policy affecting emergency medical service throughout the state;

144 (39) "State EMS medical directors advisory committee", a subcommittee of the state  
145 advisory council on emergency medical services formed to advise the state advisory council on  
146 emergency medical services and the department on medical issues;

147 (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which  
148 impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in  
149 electrocardiogram analysis, and as further defined in rules promulgated by the department under  
150 sections 190.001 to 190.250;

151 (41) "STEMI care", includes education and prevention, emergency transport, triage, and  
152 acute care and rehabilitative services for STEMI that requires immediate medical or surgical  
153 intervention or treatment;

154 (42) "STEMI center", a hospital that is currently designated as such by the department  
155 to care for patients with ST-segment elevation myocardial infarctions;

156 (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the  
157 department;

158 (44) "Stroke care", includes emergency transport, triage, and acute intervention and other  
159 acute care services for stroke that potentially require immediate medical or surgical intervention  
160 or treatment, and may include education, primary prevention, acute intervention, acute and  
161 subacute management, prevention of complications, secondary stroke prevention, and  
162 rehabilitative services;

163 (45) "Stroke center", a hospital that is currently designated as such by the department;

164 (46) **"Time-critical diagnosis", trauma care, stroke care, and STEMI care**  
165 **occurring either outside of a hospital or in a center designated under section 190.241;**

166 (47) **"Time-critical diagnosis advisory committee", a committee formed under**  
167 **section 190.257 to advise the department on policies impacting trauma, stroke, and STEMI**

168 **center designations; regulations on trauma care, stroke care, and STEMI care; and the**  
169 **transport of trauma, stroke, and STEMI patients;**

170 (48) "Trauma", an injury to human tissues and organs resulting from the transfer of  
171 energy from the environment;

172 [(47)] (49) "Trauma care" includes injury prevention, triage, acute care and rehabilitative  
173 services for major single system or multisystem **trauma** injuries that potentially require  
174 immediate medical or surgical intervention or treatment;

175 [(48)] (50) "Trauma center", a hospital that is currently designated as such by the  
176 department.

190.101. 1. There is hereby established a "State Advisory Council on Emergency  
2 Medical Services" which shall consist of sixteen members, one of which shall be a resident of  
3 a city not within a county. The members of the council shall be appointed by the governor with  
4 the advice and consent of the senate and shall serve terms of four years. The governor shall  
5 designate one of the members as chairperson. The chairperson may appoint subcommittees that  
6 include noncouncil members.

7 2. The state EMS medical directors advisory committee and the regional EMS advisory  
8 committees will be recognized as subcommittees of the state advisory council on emergency  
9 medical services.

10 3. The council shall have geographical representation and representation from  
11 appropriate areas of expertise in emergency medical services including volunteers, professional  
12 organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters,  
13 physicians, ambulance service administrators, hospital administrators and other health care  
14 providers concerned with emergency medical services. The regional EMS advisory committees  
15 shall serve as a resource for the identification of potential members of the state advisory council  
16 on emergency medical services.

17 4. **The state EMS medical director, as described under section 190.103, shall serve**  
18 **as an ex officio member of the council.**

19 5. The members of the council and subcommittees shall serve without compensation  
20 except that members of the council shall, subject to appropriations, be reimbursed for reasonable  
21 travel expenses and meeting expenses related to the functions of the council.

22 [5-] 6. The purpose of the council is to make recommendations to the governor, the  
23 general assembly, and the department on policies, plans, procedures and proposed regulations  
24 on how to improve the statewide emergency medical services system. The council shall advise  
25 the governor, the general assembly, and the department on all aspects of the emergency medical  
26 services system.

27           ~~[6.]~~ 7. (1) There is hereby established a standing subcommittee of the council to monitor  
28 the implementation of the recognition of the EMS personnel licensure interstate compact under  
29 sections 190.900 to 190.939, the interstate commission for EMS personnel practice, and the  
30 involvement of the state of Missouri. The subcommittee shall meet at least biannually and  
31 receive reports from the Missouri delegate to the interstate commission for EMS personnel  
32 practice. The subcommittee shall consist of at least seven members appointed by the chair of the  
33 council, to include at least two members as recommended by the Missouri state council of  
34 firefighters and one member as recommended by the Missouri Association of Fire Chiefs. The  
35 subcommittee may submit reports and recommendations to the council, the department of health  
36 and senior services, the general assembly, and the governor regarding the participation of  
37 Missouri with the recognition of the EMS personnel licensure interstate compact.

38           (2) The subcommittee shall formally request a public hearing for any rule proposed by  
39 the interstate commission for EMS personnel practice in accordance with subsection 7 of section  
40 190.930. The hearing request shall include the request that the hearing be presented live through  
41 the internet. The Missouri delegate to the interstate commission for EMS personnel practice  
42 shall be responsible for ensuring that all hearings, notices of, and related rulemaking  
43 communications as required by the compact be communicated to the council and emergency  
44 medical services personnel under the provisions of subsections 4, 5, 6, and 8 of section 190.930.

45           (3) The department of health and senior services shall not establish or increase fees for  
46 Missouri emergency medical services personnel licensure in accordance with this chapter for the  
47 purpose of creating the funds necessary for payment of an annual assessment under subdivision  
48 (3) of subsection 5 of section 190.924.

49           **8. The council shall consult with the time-critical diagnosis advisory committee, as**  
50 **described under section 190.257, regarding time-critical diagnosis.**

190.103. 1. One physician with expertise in emergency medical services from each of  
2 the EMS regions shall be elected by that region's EMS medical directors to serve as a regional  
3 EMS medical director. The regional EMS medical directors shall constitute the state EMS  
4 medical director's advisory committee and shall advise the department and their region's  
5 ambulance services on matters relating to medical control and medical direction in accordance  
6 with sections 190.001 to ~~[190.245]~~ **190.243** and rules adopted by the department pursuant to  
7 sections 190.001 to ~~[190.245]~~ **190.243**. The regional EMS medical director shall serve a term  
8 of four years. The southwest, northwest, and Kansas City regional EMS medical directors shall  
9 be elected to an initial two-year term. The central, east central, and southeast regional EMS  
10 medical directors shall be elected to an initial four-year term. All subsequent terms following  
11 the initial terms shall be four years. The state EMS medical director shall be the chair of the state  
12 EMS medical director's advisory committee, and shall be elected by the members of the regional

13 EMS medical director's advisory committee, shall serve a term of four years, and shall seek to  
14 coordinate EMS services between the EMS regions, promote educational efforts for agency  
15 medical directors, represent Missouri EMS nationally in the role of the state EMS medical  
16 director, and seek to incorporate the EMS system into the health care system serving Missouri.

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

22 3. The medical director, in cooperation with the ambulance service or emergency  
23 medical response agency administrator, shall have the responsibility and the authority to ensure  
24 that the personnel working under their supervision are able to provide care meeting established  
25 standards of care with consideration for state and national standards as well as local area needs  
26 and resources. The medical director, in cooperation with the ambulance service or emergency  
27 medical response agency administrator, shall establish and develop triage, treatment and  
28 transport protocols, which may include authorization for standing orders. Emergency medical  
29 technicians shall only perform those medical procedures as directed by treatment protocols  
30 approved by the local medical director or when authorized through direct communication with  
31 online medical control.

32 4. All ambulance services and emergency medical response agencies that are required  
33 to have a medical director shall establish an agreement between the service or agency and their  
34 medical director. The agreement will include the roles, responsibilities and authority of the  
35 medical director beyond what is granted in accordance with sections 190.001 to [~~190.245~~]  
36 **190.243** and rules adopted by the department pursuant to sections 190.001 to [~~190.245~~] **190.243**.  
37 The agreement shall also include grievance procedures regarding the emergency medical  
38 response agency or ambulance service, personnel and the medical director.

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

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

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

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

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

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

63           **11. The state EMS medical directors advisory committee shall review and make**  
64 **recommendations regarding all proposed community and regional time-critical diagnosis**  
65 **plans.**

66           **12.** Notwithstanding any other provision of law to the contrary, when regional EMS  
67 medical directors are providing either online telecommunication medical direction to AEMTs,  
68 EMT-Bs, EMT-Ps, and community paramedics, or offline medical direction per standardized  
69 EMS treatment, triage, and transport protocols for patients, those medical directions or treatment  
70 protocols may include the administration of the patient's own prescription medications.

190.104. 1. The department is authorized to establish a program to improve the quality  
2 of emergency care for pediatric patients throughout the state and to implement a comprehensive  
3 pediatric emergency medical services system in accordance with standards prescribed by sections  
4 190.001 to ~~[190.245]~~ **190.243** and rules adopted by the department pursuant to sections 190.001  
5 to ~~[190.245]~~ **190.243**.

6           2. The department is authorized to receive contributions, grants, donations or funds from  
7 any private entity to be expended for the program authorized pursuant to this section.

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]~~ **190.243**.

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. Nothing in this  
11 section shall be construed to mean that a duly registered nurse, a duly licensed physician, or a  
12 duly licensed physician assistant be required to hold an emergency medical technician's license.  
13 When a physician assistant is in attendance with a patient on an ambulance, the physician  
14 assistant shall be exempt from any mileage limitations in any collaborative practice arrangement  
15 prescribed under law. Each ambulance service is responsible for assuring that any person driving  
16 its ambulance is competent in emergency vehicle operations and has a safe driving record. Each  
17 ground ambulance shall be staffed with at least two licensed individuals when transporting a  
18 patient, except as provided in section 190.094. In emergency situations which require additional  
19 medical personnel to assist the patient during transportation, an emergency medical responder,  
20 firefighter, or law enforcement personnel with a valid driver's license and prior experience with  
21 driving emergency vehicles may drive the ground ambulance provided the ground ambulance  
22 service stipulates to this practice in operational policies.

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

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

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

33           4. The issuance of a license pursuant to the provisions of sections 190.001 to [~~190.245~~]  
34 **190.243** shall not be construed so as to authorize any person to provide ambulance services or  
35 to operate any ambulances without a franchise in any city not within a county or in a political  
36 subdivision in any county with a population of over nine hundred thousand inhabitants, or a  
37 franchise, contract or mutual-aid agreement in any other political subdivision which has enacted  
38 an ordinance making it unlawful to do so.

39           5. Sections 190.001 to [~~190.245~~] **190.243** shall not preclude the adoption of any law,  
40 ordinance or regulation not in conflict with such sections by any city not within a county, or at  
41 least as strict as such sections by any county, municipality or political subdivision except that no

42 such regulations or ordinances shall be adopted by a political subdivision in a county with a  
43 population of over nine hundred thousand inhabitants except by the county's governing body.

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

49 7. An ambulance service or vehicle when operated for the purpose of transporting  
50 persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or  
51 contract carrier under the jurisdiction of the Missouri division of motor carrier and railroad  
52 safety.

53 8. Sections 190.001 to ~~[190.245]~~ **190.243** shall not apply to, nor be construed to include,  
54 any motor vehicle used by an employer for the transportation of such employer's employees  
55 whose illness or injury occurs on private property, and not on a public highway or property, nor  
56 to any person operating such a motor vehicle.

57 9. A political subdivision that is authorized to operate a licensed ambulance service may  
58 establish, operate, maintain and manage its ambulance service, and select and contract with a  
59 licensed ambulance service. Any political subdivision may contract with a licensed ambulance  
60 service.

61 10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection  
62 2 of section 190.109, shall be construed to authorize any municipality or county which is located  
63 within an ambulance district or a fire protection district that is authorized to provide ambulance  
64 service to promulgate laws, ordinances or regulations related to the provision of ambulance  
65 services. This provision shall not apply to any municipality or county which operates an  
66 ambulance service established prior to August 28, 1998.

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

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

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

82 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of  
83 such service shall notify the department of the change in ownership within thirty days of such  
84 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the  
85 ambulance service to verify compliance with the licensure standards of sections 190.001 to  
86 ~~190.245~~ **190.243**.

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~~ **190.243**, and in accordance with rules  
6 adopted by the department pursuant to sections 190.001 to ~~190.245~~ **190.243**. The department  
7 may promulgate rules relating to the requirements for an air ambulance license including, but not  
8 limited to:

- 9 (1) Medical control plans;
- 10 (2) Medical director qualifications;
- 11 (3) Air medical staff qualifications;
- 12 (4) Response and operations standards to assure that the health and safety needs of the  
13 public are met;
- 14 (5) Standards for air medical communications;
- 15 (6) Criteria for compliance with licensure requirements;
- 16 (7) Records and forms;
- 17 (8) Equipment requirements;
- 18 (9) Five-year license renewal;
- 19 (10) Quality improvement committees; and
- 20 (11) Response time, patient care and transportation standards.

21 3. Application for an air ambulance service license shall be made upon such forms as  
22 prescribed by the department in rules adopted pursuant to sections 190.001 to ~~190.245~~ **190.243**.  
23 The application form shall contain such information as the department deems necessary to make  
24 a determination as to whether the air ambulance service meets all the requirements of sections  
25 190.001 to ~~190.245~~ **190.243** and rules promulgated pursuant to sections 190.001 to ~~190.245~~  
26 **190.243**.

27           4. Upon the sale or transfer of any air ambulance service ownership, the owner of such  
28 service shall notify the department of the change in ownership within thirty days of such sale or  
29 transfer. After receipt of such notice, the department shall conduct an inspection of the  
30 ambulance service to verify compliance with the licensure standards of sections 190.001 to  
31 ~~[190.245]~~ **190.243**.

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]~~ **190.243**.

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]~~ **190.243** and the rules adopted by the  
16 department pursuant to sections 190.001 to ~~[190.245]~~ **190.243**. In order to be considered for a  
17 new ambulance service license, an ambulance service shall submit to the department a letter of  
18 endorsement from each ambulance district or fire protection district that is authorized to provide  
19 ambulance service, or from each municipality not within an ambulance district or fire protection  
20 district that is authorized to provide ambulance service, in which the ambulance service proposes  
21 to operate. If an ambulance service proposes to operate in unincorporated portions of a county  
22 not within an ambulance district or fire protection district that is authorized to provide ambulance  
23 service, in order to be considered for a new ambulance service license, the ambulance service  
24 shall submit to the department a letter of endorsement from the county. Any letter of  
25 endorsement required pursuant to this section shall verify that the political subdivision has  
26 conducted a public hearing regarding the endorsement and that the governing body of the  
27 political subdivision has adopted a resolution approving the endorsement. The letter of  
28 endorsement shall 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 development  
32 of the regional emergency medical service system;

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

35 (5) Has demonstrated the financial resources necessary for the operation of the proposed  
36 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 except that licensed ambulance service providers may provide ambulance services as are needed  
44 at and around the state fair grounds for protection of attendees at the state fair.

45 5. The department shall renew a ground ambulance service license if the applicant meets  
46 the requirements established pursuant to sections 190.001 to [~~190.245~~] **190.243**, and the rules  
47 adopted by the department pursuant to sections 190.001 to [~~190.245~~] **190.243**.

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

50 (1) Vehicle design, specification, operation and maintenance standards;

51 (2) Equipment requirements;

52 (3) Staffing requirements;

53 (4) Five-year license renewal;

54 (5) Records and forms;

55 (6) Medical control plans;

56 (7) Medical director qualifications;

57 (8) Standards for medical communications;

58 (9) Memorandums of understanding with emergency medical response agencies that  
59 provide advanced life support;

60 (10) Quality improvement committees; and

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

62 7. Application for a ground ambulance service license shall be made upon such forms  
63 as prescribed by the department in rules adopted pursuant to sections 190.001 to [~~190.245~~]  
64 **190.243**. The application form shall contain such information as the department deems  
65 necessary to make a determination as to whether the ground ambulance service meets all the

66 requirements of sections 190.001 to [~~190.245~~] **190.243** and rules promulgated pursuant to  
67 sections 190.001 to [~~190.245~~] **190.243**.

190.120. 1. No ambulance service license shall be issued pursuant to sections 190.001  
2 to [~~190.245~~] **190.243**, nor shall such license be valid after issuance, nor shall any ambulance be  
3 operated in Missouri unless there is at all times in force and effect insurance coverage or proof  
4 of financial responsibility with adequate reserves maintained for each and every ambulance  
5 owned or operated by or for the applicant or licensee to provide for the payment of damages in  
6 an amount as prescribed in regulation:

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

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

12 2. The insurance policy or proof of financial responsibility shall be submitted by all  
13 licensees required to provide such insurance pursuant to sections 190.001 to [~~190.245~~] **190.243**.  
14 The insurance policy, or proof of the existence of financial responsibility, shall be submitted to  
15 the director, in such form as the director may specify, for the director's approval prior to the  
16 issuance of each ambulance service license.

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

27 4. Every insurance policy or self-insured licensee or entity as required by the provisions  
28 of this section shall extend for the period to be covered by the license applied for and the insurer  
29 shall be obligated to give not less than thirty days' written notice to the director and to the insured  
30 before any cancellation or termination thereof earlier than its expiration date, and the cancellation  
31 or other termination of any such policy shall automatically revoke and terminate the licenses  
32 issued for the ambulance service covered by such policy unless covered by another insurance  
33 policy in compliance with sections 190.001 to [~~190.245~~] **190.243**.

190.131. 1. The department shall accredit or certify training entities for emergency  
2 medical responders, emergency medical dispatchers, and emergency medical technicians, for a  
3 period of five years, if the applicant meets the requirements established pursuant to sections  
4 190.001 to ~~[190.245]~~ **190.243**.

5 2. Such rules promulgated by the department shall set forth the minimum requirements  
6 for entrance criteria, training program curricula, instructors, facilities, equipment, medical  
7 oversight, record keeping, and reporting.

8 3. Application for training entity accreditation or certification shall be made upon such  
9 forms as prescribed by the department in rules adopted pursuant to sections 190.001 to ~~[190.245]~~  
10 **190.243**. The application form shall contain such information as the department deems  
11 reasonably necessary to make a determination as to whether the training entity meets all  
12 requirements of sections 190.001 to ~~[190.245]~~ **190.243** and rules promulgated pursuant to  
13 sections 190.001 to ~~[190.245]~~ **190.243**.

14 4. Upon receipt of such application for training entity accreditation or certification, the  
15 department shall determine whether the training entity, its instructors, facilities, equipment,  
16 curricula and medical oversight meet the requirements of sections 190.001 to ~~[190.245]~~ **190.243**  
17 and rules promulgated pursuant to sections 190.001 to ~~[190.245]~~ **190.243**.

18 5. Upon finding these requirements satisfied, the department shall issue a training entity  
19 accreditation or certification in accordance with rules promulgated by the department pursuant  
20 to sections 190.001 to ~~[190.245]~~ **190.243**.

21 6. Subsequent to the issuance of a training entity accreditation or certification, the  
22 department shall cause a periodic review of the training entity to assure continued compliance  
23 with the requirements of sections 190.001 to ~~[190.245]~~ **190.243** and all rules promulgated  
24 pursuant to sections 190.001 to ~~[190.245]~~ **190.243**.

25 7. No person or entity shall hold itself out or provide training required by this section  
26 without accreditation or certification by the department.

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

4 2. The department shall issue a license to any emergency medical response agency which  
5 provides advanced life support if the applicant meets the requirements established pursuant to  
6 sections 190.001 to ~~[190.245]~~ **190.243**, and the rules adopted by the department pursuant to  
7 sections 190.001 to ~~[190.245]~~ **190.243**. The department may promulgate rules relating to the  
8 requirements for an emergency medical response agency including, but not limited to:

- 9 (1) A licensure period of five years;  
10 (2) Medical direction;

11 (3) Records and forms; and

12 (4) Memorandum of understanding with local ambulance services.

13 3. Application for an emergency medical response agency license shall be made upon  
14 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to  
15 ~~[190.245]~~ **190.243**. The application form shall contain such information as the department  
16 deems necessary to make a determination as to whether the emergency medical response agency  
17 meets all the requirements of sections 190.001 to ~~[190.245]~~ **190.243** and rules promulgated  
18 pursuant to sections 190.001 to ~~[190.245]~~ **190.243**.

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

190.142. 1. (1) For applications submitted before the recognition of EMS personnel  
2 licensure interstate compact under sections 190.900 to 190.939 takes effect, the department shall,  
3 within a reasonable time after receipt of an application, cause such investigation as it deems  
4 necessary to be made of the applicant for an emergency medical technician's license.

5 (2) For applications submitted after the recognition of EMS personnel licensure interstate  
6 compact under sections 190.900 to 190.939 takes effect, an applicant for initial licensure as an  
7 emergency medical technician in this state shall submit to a background check by the Missouri  
8 state highway patrol and the Federal Bureau of Investigation through a process approved by the  
9 department of health and senior services. Such processes may include the use of vendors or  
10 systems administered by the Missouri state highway patrol. The department may share the  
11 results of such a criminal background check with any emergency services licensing agency in any  
12 member state, as that term is defined under section 190.900, in recognition of the EMS personnel  
13 licensure interstate compact. The department shall not issue a license until the department  
14 receives the results of an applicant's criminal background check from the Missouri state highway  
15 patrol and the Federal Bureau of Investigation, but, notwithstanding this subsection, the  
16 department may issue a temporary license as provided under section 190.143. Any fees due for  
17 a criminal background check shall be paid by the applicant.

18 (3) The director may authorize investigations into criminal records in other states for any  
19 applicant.

20 2. The department shall issue a license to all levels of emergency medical technicians,  
21 for a period of five years, if the applicant meets the requirements established pursuant to sections  
22 190.001 to ~~[190.245]~~ **190.243** and the rules adopted by the department pursuant to sections  
23 190.001 to ~~[190.245]~~ **190.243**. The department may promulgate rules relating to the  
24 requirements for an emergency medical technician including but not limited to:

25 (1) Age requirements;

26 (2) Emergency medical technician and paramedic education and training requirements  
27 based on respective National Emergency Medical Services Education Standards and any  
28 modification to such curricula specified by the department through rules adopted pursuant to  
29 sections 190.001 to ~~190.245~~ **190.243**;

30 (3) Paramedic accreditation requirements. Paramedic training programs shall be  
31 accredited by the Commission on Accreditation of Allied Health Education Programs  
32 (CAAHEP) or hold a CAAHEP letter of review;

33 (4) Initial licensure testing requirements. Initial EMT-P licensure testing shall be  
34 through the national registry of EMTs;

35 (5) Continuing education and relicensure requirements; and

36 (6) Ability to speak, read and write the English language.

37 3. Application for all levels of emergency medical technician license shall be made upon  
38 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to  
39 ~~190.245~~ **190.243**. The application form shall contain such information as the department  
40 deems necessary to make a determination as to whether the emergency medical technician meets  
41 all the requirements of sections 190.001 to ~~190.245~~ **190.243** and rules promulgated pursuant  
42 to sections 190.001 to ~~190.245~~ **190.243**.

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

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

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

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

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

190.143. 1. Notwithstanding any other provisions of law, the department may grant a  
2 ninety-day temporary emergency medical technician license to all levels of emergency medical  
3 technicians who meet the following:

4 (1) Can demonstrate that they have, or will have, employment requiring an emergency  
5 medical technician license;

6 (2) Are not currently licensed as an emergency medical technician in Missouri or have  
7 been licensed as an emergency medical technician in Missouri and fingerprints need to be  
8 submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal  
9 history, or they are currently licensed and the license will expire before a verification can be  
10 completed of the existence or absence of a criminal history;

11 (3) Have submitted a complete application upon such forms as prescribed by the  
12 department in rules adopted pursuant to sections 190.001 to ~~[190.245]~~ **190.243**;

13 (4) Have not been disciplined pursuant to sections 190.001 to ~~[190.245]~~ **190.243** and  
14 rules promulgated pursuant to sections 190.001 to ~~[190.245]~~ **190.243**;

15 (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to  
16 ~~[190.245]~~ **190.243**.

17 2. A temporary emergency medical technician license shall only authorize the ~~[license]~~  
18 **licensee** to practice while under the immediate supervision of a licensed emergency medical  
19 technician, registered nurse, physician assistant, or physician who is currently licensed, without  
20 restrictions, to practice in Missouri.

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

190.146. Any licensee allowing a license to lapse may within two years of the lapse  
2 request that their license be returned to active status by notifying the department in advance of  
3 such intention, and submit a complete application upon such forms as prescribed by the  
4 department in rules adopted pursuant to sections 190.001 to ~~[190.245]~~ **190.243**. If the licensee  
5 meets all the requirements for relicensure, the department shall issue a new emergency medical  
6 technician license to the licensee.

190.160. The renewal of any license shall require conformance with sections 190.001  
2 to ~~[190.245]~~ **190.243** and sections 190.525 to 190.537, and rules adopted by the department  
3 pursuant to sections 190.001 to ~~[190.245]~~ **190.243** and sections 190.525 to 190.537.

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]~~ **190.243** for failure to  
3 comply with the provisions of sections 190.100 to ~~[190.245]~~ **190.243** or any lawful regulations  
4 promulgated by the department to implement its provisions as described in subsection 2 of this  
5 section. The department shall notify the applicant in writing of the reasons for the refusal and  
6 shall advise the applicant of his or her right to file a complaint with the administrative hearing  
7 commission as provided by chapter 621.

8           2. The department may cause a complaint to be filed with the administrative hearing  
9 commission as provided by chapter 621 against any holder of any certificate, permit or license  
10 required by sections 190.100 to [~~190.245~~] **190.243** 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~~] **190.243** or any lawful regulations promulgated by the department  
13 to 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 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work  
16 of any activity licensed or regulated by sections 190.100 to [~~190.245~~] **190.243**;

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~~] **190.243**, for any offense an essential element  
21 of which is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude,  
22 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 190.100 to [~~190.245~~] **190.243** or in obtaining  
25 permission to take any examination given or required pursuant to sections 190.100 to [~~190.245~~]  
26 **190.243**;

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

29           (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
30 in the performance of the functions or duties of any activity licensed or regulated by sections  
31 190.100 to [~~190.245~~] **190.243**;

32           (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
33 190.100 to [~~190.245~~] **190.243**, or of any lawful rule or regulation adopted by the department  
34 pursuant to sections 190.100 to [~~190.245~~] **190.243**;

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

37           (8) Disciplinary action against the holder of a license or other right to practice any  
38 activity regulated by sections 190.100 to [~~190.245~~] **190.243** granted by another state, territory,  
39 federal agency or country upon grounds for which revocation or suspension is authorized in this  
40 state;

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

43 (10) Assisting or enabling any person to practice or offer to practice any activity licensed  
44 or regulated by sections 190.100 to ~~[190.245]~~ **190.243** who is not licensed and currently eligible  
45 to practice pursuant to sections 190.100 to ~~[190.245]~~ **190.243**;

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

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

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

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

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

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

58 (17) Repeated acts of negligence or recklessness in the performance of the functions or  
59 duties of any activity licensed or regulated by sections 190.100 to ~~[190.245]~~ **190.243**.

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

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

64 (2) Have anyone present whom he or she deems to be necessary or desirable; and

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

66

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

69 4. After the filing of such complaint, the proceedings shall be conducted in accordance  
70 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
71 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
72 department may, singly or in combination, censure or place the person named in the complaint  
73 on probation on such terms and conditions as the department deems appropriate for a period not  
74 to exceed five years, or may suspend, for a period not to exceed three years, or revoke the  
75 license, certificate or permit. Notwithstanding any provision of law to the contrary, the  
76 department shall be authorized to impose a suspension or revocation as a disciplinary action only  
77 if it first files the requisite complaint with the administrative hearing commission. The  
78 administrative hearing commission shall hear all relevant evidence on remediation activities of

79 the licensee and shall make a recommendation to the department of health and senior services  
80 as to licensure disposition based on such evidence.

81 5. An individual whose license has been revoked shall wait one year from the date of  
82 revocation to apply for relicensure. Relicensure shall be at the discretion of the department after  
83 compliance with all the requirements of sections 190.100 to [~~190.245~~] **190.243** relative to the  
84 licensing of an applicant for the first time. Any individual whose license has been revoked twice  
85 within a ten-year period shall not be eligible for relicensure.

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

89 7. Any person, organization, association or corporation who reports or provides  
90 information to the department pursuant to the provisions of sections 190.100 to [~~190.245~~]  
91 **190.243** and who does so in good faith shall not be subject to an action for civil damages as a  
92 result thereof.

93 8. The department of health and senior services may suspend any certificate, permit or  
94 license required pursuant to sections 190.100 to [~~190.245~~] **190.243** simultaneously with the filing  
95 of the complaint with the administrative hearing commission as set forth in subsection 2 of this  
96 section, if the department finds that there is an imminent threat to the public health. The notice  
97 of suspension shall include the basis of the suspension and notice of the right to appeal such  
98 suspension. The licensee may appeal the decision to suspend the license, certificate or permit  
99 to the department. The appeal shall be filed within ten days from the date of the filing of the  
100 complaint. A hearing shall be conducted by the department within ten days from the date the  
101 appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings,  
102 including review thereof, unless sooner withdrawn by the department, dissolved by a court of  
103 competent jurisdiction or stayed by the administrative hearing commission.

190.171. Any person aggrieved by an official action of the department of health and  
2 senior services affecting the licensed status of a person pursuant to the provisions of sections  
3 190.001 to [~~190.245~~] **190.243** and sections 190.525 to 190.537, including the refusal to grant,  
4 the grant, the revocation, the suspension, or the failure to renew a license, may seek a  
5 determination thereon by the administrative hearing commission pursuant to the provisions of  
6 section 621.045, and it shall not be a condition to such determination that the person aggrieved  
7 seek a reconsideration, a rehearing, or exhaust any other procedure within the department of  
8 health and senior services or the department of social services.

190.173. 1. All complaints, investigatory reports, and information pertaining to any  
2 applicant, holder of any certificate, permit, or license, or other individual are confidential and  
3 shall only be disclosed upon written consent of the person whose records are involved or to other

4 administrative or law enforcement agencies acting within the scope of their statutory authority.  
 5 However, no applicant, holder of any certificate, permit, or license, or other individual shall have  
 6 access to any complaints, investigatory reports, or information concerning an investigation in  
 7 progress until such time as the investigation has been completed as required by subsection 1 of  
 8 section 190.248.

9         2. Any information regarding the identity, name, address, license, final disciplinary  
 10 action taken, currency of the license, permit, or certificate of an applicant for or a person  
 11 possessing a license, permit, or certificate in accordance with sections 190.100 to ~~[190.245]~~  
 12 **190.243** shall not be confidential.

13         3. Any information regarding the physical address, mailing address, phone number, fax  
 14 number, or email address of a licensed ambulance service or a certified training entity, including  
 15 the name of the medical director and organizational contact information, shall not be  
 16 confidential.

17         4. This section shall not be construed to authorize the release of records, reports, or other  
 18 information which may be held in department files for any holder of or applicant for any  
 19 certificate, permit, or license that is subject to other specific state or federal laws concerning their  
 20 disclosure.

21         5. Nothing in this section shall prohibit the department from releasing aggregate  
 22 information in accordance with section 192.067.

190.176. 1. The department shall develop and administer a uniform data collection  
 2 system on all ambulance runs and injured patients, pursuant to rules promulgated by the  
 3 department for the purpose of injury etiology, patient care outcome, injury and disease  
 4 prevention and research purposes. The department shall not require disclosure by hospitals of  
 5 data elements pursuant to this section unless those data elements are required by a federal agency  
 6 or were submitted to the department as of January 1, 1998, pursuant to:

7             (1) Departmental regulation of trauma centers; or

8             (2) ~~[The Missouri brain and spinal cord injury registry established by sections 192.735~~  
 9 ~~to 192.745; or~~

10            ~~—(3)]~~ Abstracts of inpatient hospital data; or

11            ~~[(4)]~~ (3) If such data elements are requested by a lawful subpoena or subpoena duces  
 12 tecum.

13         2. All information and documents in any civil action, otherwise discoverable, may be  
 14 obtained from any person or entity providing information pursuant to the provisions of sections  
 15 190.001 to ~~[190.245]~~ **190.243**.

190.180. 1. Any person violating, or failing to comply with, the provisions of sections  
 2 190.001 to ~~[190.245]~~ **190.243** is guilty of a class B misdemeanor.

3           2. Each day that any violation of, or failure to comply with, sections 190.001 to  
4 ~~[190.245]~~ **190.243** is committed or permitted to continue shall constitute a separate and distinct  
5 offense and shall be punishable as such hereunder; but the court may, in appropriate cases, stay  
6 the cumulation of penalties.

7           3. The attorney general of Missouri shall have concurrent jurisdiction with any and all  
8 prosecuting attorneys to prosecute persons in violation of sections 190.001 to ~~[190.245]~~ **190.243**,  
9 and the attorney general or prosecuting attorney may institute injunctive proceedings against any  
10 person operating in violation of sections 190.001 to ~~[190.245]~~ **190.243**.

11           4. The prosecuting attorney for the county in which the violation of a political  
12 subdivision's law, ordinance or regulation relating to the provision of ambulance services occurs  
13 may prosecute such violations in the circuit court of that county. The legal officer or attorney  
14 for the political subdivision may be appointed by the prosecuting attorney as special assistant  
15 prosecuting attorney for the prosecution of any such violation.

16           5. A person, acting as owner, agent or otherwise, who holds a valid license for an  
17 ambulance service, shall not, incident to such person's business or service of transporting  
18 patients, violate any applicable law, ordinance or regulation of any political subdivision by  
19 providing ambulance services or operating any ambulances without a franchise, contract or  
20 mutual-aid agreement in such political subdivision, or by violating any such franchise, contract  
21 or mutual-aid agreement by any political subdivision which has enacted ordinances making it  
22 unlawful to do so. If the department receives official written notification by a political  
23 subdivision that an ambulance service has been adjudicated and found to be in violation of any  
24 applicable law or ordinance, such ambulance service shall be subject to licensure action by the  
25 department.

26           6. No provision of this section is intended to limit or supersede a political subdivision's  
27 right to enforce any law, ordinance, regulation, franchise, contract or mutual-aid agreement.

28           7. The provisions of subsections 4, 5 and 6 of this section shall not apply to a city not  
29 within a county and any county with a population of over nine hundred thousand inhabitants and  
30 any licensed ambulance service when operating in a city not within a county.

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. Any rule or portion of a rule promulgated pursuant to  
7 the authority of sections 190.001 to ~~[190.245]~~ **190.243** or sections 190.525 to 190.537 shall  
8 become effective only if it complies with and is subject to all of the provisions of chapter 536

9 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
10 the powers vested with the general assembly pursuant to chapter 536 to review, to delay the  
11 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
12 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be  
13 invalid and void.

190.190. 1. All ambulance vehicles or aircraft that have or are qualified to have a valid  
2 license issued by the department on the day that sections 190.001 to [~~190.245~~] **190.243** take  
3 effect will have their ambulance vehicle or aircraft license expiration date extended to a date that  
4 is one year after the effective date of sections 190.001 to [~~190.245~~] **190.243**.

5 2. All ambulance services shall have until August 28, 1999, to comply with the  
6 provisions of sections 190.001 to [~~190.245~~] **190.243** and rules developed pursuant to sections  
7 190.001 to [~~190.245~~] **190.243**. Pursuant to sections 190.001 to [~~190.245~~] **190.243** the  
8 department may adjust the initial period of licensure, from one year to five years, of any  
9 ambulance service licensed pursuant to sections 190.001 to [~~190.245~~] **190.243**, to equalize the  
10 number of licenses that may be renewed during each year of any five-year licensure period.

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~~] **190.243**, or by rules adopted pursuant to sections 190.001 to [~~190.245~~] **190.243**,  
4 unless and until the person so employed possesses all licenses, certificates or authorizations that  
5 are required.

6 2. Any person or entity that employs or supervises a person's activities as an emergency  
7 medical responder, emergency medical dispatcher, emergency medical technician, registered  
8 nurse, physician assistant, or physician shall cooperate with the department's efforts to monitor  
9 and enforce compliance by those individuals subject to the requirements of sections 190.001 to  
10 [~~190.245~~] **190.243**.

11 3. Any person or entity who employs individuals licensed by the department pursuant  
12 to sections 190.001 to [~~190.245~~] **190.243** shall report to the department within seventy-two hours  
13 of their having knowledge of any charges filed against a licensee in their employ for possible  
14 criminal action involving the following felony offenses:

- 15 (1) Child abuse or sexual abuse of a child;
- 16 (2) Crimes of violence; or
- 17 (3) Rape or sexual abuse.

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

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

          190.200. 1. The department of health and senior services in cooperation with **hospitals**  
2 **and** local and regional EMS systems and agencies may provide public and professional  
3 information and education programs related to emergency medical services systems including  
4 trauma, STEMI, and stroke systems and emergency medical care and treatment. The department  
5 of health and senior services may also provide public information and education programs for  
6 informing residents of and visitors to the state of the availability and proper use of emergency  
7 medical services, **of the designation a hospital may receive as a trauma center, STEMI**  
8 **center, or stroke center**, of the value and nature of programs to involve citizens in the  
9 administering of prehospital emergency care, including cardiopulmonary resuscitation, and of  
10 the availability of training programs in emergency care for members of the general public.

11           2. The department shall, for **trauma care**, STEMI care, and stroke care, respectively:

12           (1) Compile [~~and~~] , assess, **and make publicly available** peer-reviewed and  
13 evidence-based clinical research and guidelines that provide or support recommended treatment  
14 standards **and that have been recommended by the time-critical diagnosis advisory**  
15 **committee**;

16           (2) Assess the capacity of the emergency medical services system and hospitals to deliver  
17 recommended treatments in a timely fashion;

18           (3) Use the research, guidelines, and assessment to promulgate rules establishing  
19 protocols for transporting **trauma patients to a trauma center**, STEMI patients to a STEMI  
20 center, or stroke patients to a stroke center. Such transport protocols shall direct patients to  
21 **trauma centers**, STEMI centers, and stroke centers under section 190.243 based on the centers'  
22 capacities to deliver recommended acute care treatments within time limits suggested by clinical  
23 research;

24           (4) Define regions within the state for purposes of coordinating the delivery of **trauma**  
25 **care**, STEMI care, and stroke care, respectively;

26           (5) Promote the development of regional or community-based plans for transporting  
27 **trauma**, STEMI, or stroke patients via ground or air ambulance to **trauma centers**, STEMI  
28 centers, or stroke centers, respectively, in accordance with section 190.243; and

29           (6) Establish procedures for the submission of community-based or regional plans for  
30 department approval.

31           3. A community-based or regional plan **for the transport of trauma, STEMI, and**  
32 **stroke patients** shall be submitted to the department for approval. Such plan shall be based on  
33 the clinical research and guidelines and assessment of capacity described in subsection [4] 2 of  
34 this section and shall include a mechanism for evaluating its effect on medical outcomes. Upon

35 approval of a plan, the department shall waive the requirements of rules promulgated under  
36 sections 190.100 to ~~[190.245]~~ **190.243** that are inconsistent with the community-based or  
37 regional plan. A community-based or regional plan shall be developed by ~~[or in consultation~~  
38 ~~with]~~ the representatives of hospitals, physicians, and emergency medical services providers in  
39 the community or region.

190.241. 1. **Except as provided for in subsection 4 of this section**, the department  
2 shall designate a hospital as an adult, pediatric or adult and pediatric trauma center when a  
3 hospital, upon proper application submitted by the hospital and site review, has been found by  
4 the department to meet the applicable level of trauma center criteria for designation in  
5 accordance with rules adopted by the department as prescribed by section 190.185. **Site review**  
6 **may occur on-site or by any reasonable means of communication, or by any combination**  
7 **thereof.** Such rules shall include designation as a trauma center without site review if such  
8 hospital is verified by a national verifying or designating body at the level which corresponds to  
9 a level approved in rule. **In developing trauma center designation criteria, the department**  
10 **shall use, as it deems practicable, peer-reviewed and evidence-based clinical research and**  
11 **guidelines including, but not limited to, the most recent guidelines of the American College**  
12 **of Surgeons.**

13 2. Except as provided for in subsection ~~[5]~~ **4** of this section, the department shall  
14 designate a hospital as a STEMI or stroke center when such hospital, upon proper application  
15 and site review, has been found by the department to meet the applicable level of STEMI or  
16 stroke center criteria for designation in accordance with rules adopted by the department as  
17 prescribed by section 190.185. **Site review may occur on-site or by any reasonable means**  
18 **of communication, or by any combination thereof.** In developing STEMI center and stroke  
19 center designation criteria, the department shall use, as it deems practicable, ~~[appropriate]~~  
20 peer-reviewed ~~[or]~~ **and** evidence-based **clinical** research ~~[on such topics]~~ **and guidelines**  
21 including, but not limited to, the most recent guidelines of the American College of Cardiology  
22 ~~[and]~~ , **the American Heart Association** ~~[for STEMI centers, or the Joint Commission's Primary~~  
23 ~~Stroke Center Certification program criteria for stroke centers, or Primary and Comprehensive~~  
24 ~~Stroke Center Recommendations as published by]~~ , **or the American Stroke Association.** Such  
25 rules shall include designation as a STEMI center **or stroke center** without site review if such  
26 hospital is certified by a national body.

27 3. The department of health and senior services shall, not less than once every ~~[five]~~  
28 **three** years, conduct ~~[an on-site]~~ **a site** review of every trauma, STEMI, and stroke center  
29 through appropriate department personnel or a qualified contractor, with the exception of  
30 **trauma centers, STEMI centers, and** stroke centers designated pursuant to subsection ~~[5]~~ **4** of  
31 this section; however, this provision is not intended to limit the department's ability to conduct

32 a complaint investigation pursuant to subdivision (3) of subsection 2 of section 197.080 of any  
33 trauma, STEMI, or stroke center. ~~[On-site]~~ Site reviews shall be coordinated for the different  
34 types of centers to the extent practicable with hospital licensure inspections conducted under  
35 chapter 197. No person shall be a qualified contractor for purposes of this subsection who has  
36 a substantial conflict of interest in the operation of any trauma, STEMI, or stroke center under  
37 review. The department may deny, place on probation, suspend or revoke such designation in  
38 any case in which it has ~~[reasonable cause to believe that]~~ **determined** there has been a  
39 substantial failure to comply with the provisions of this chapter or any rules or regulations  
40 promulgated pursuant to this chapter. **Centers that are placed on probationary status shall**  
41 **be required to demonstrate compliance with the provisions of this chapter and any rules**  
42 **or regulations promulgated under this chapter within twelve months of the date of the**  
43 **receipt of the notice of probationary status, unless otherwise provided by a settlement**  
44 **agreement with a duration of a maximum of eighteen months between the department and**  
45 **the designated center.** If the department of health and senior services has ~~[reasonable cause to~~  
46 ~~believe]~~ **determined** that a hospital is not in compliance with such provisions or regulations, it  
47 may conduct additional announced or unannounced site reviews of the hospital to verify  
48 compliance. If a trauma, STEMI, or stroke center fails two consecutive ~~[on-site]~~ **site** reviews  
49 because of substantial noncompliance with standards prescribed by sections 190.001 to ~~[190.245]~~  
50 **190.243** or rules adopted by the department pursuant to sections 190.001 to ~~[190.245]~~ **190.243**,  
51 its center designation shall be revoked.

52 4. (1) Instead of applying for **trauma, STEMI, or stroke** center designation under  
53 subsection **1 or 2** of this section, a hospital may apply for **trauma, STEMI, or stroke** center  
54 designation under this subsection. Upon receipt of an application ~~[from a hospital]~~ on a form  
55 prescribed by the department, the department shall designate such hospital[  
56

~~(1) A level I STEMI center if such hospital has been certified as a Joint Commission  
57 comprehensive cardiac center or another department-approved nationally recognized  
58 organization that provides comparable STEMI center accreditation; or~~

~~(2) A level II STEMI center if such hospital has been accredited as a Mission: Lifeline  
60 STEMI receiving center by the American Heart Association accreditation process or another  
61 department-approved nationally recognized organization that provides STEMI receiving center  
62 accreditation.~~

~~5. Instead of applying for stroke center designation pursuant to the provisions of  
64 subsection 2 of this section, a hospital may apply for stroke center designation pursuant to this  
65 subsection. Upon receipt of an application from a hospital on a form prescribed by the  
66 department, the department shall designate such hospital:~~

67 ~~—— (1) A level I stroke center if such hospital has been certified as a comprehensive stroke~~  
 68 ~~center by the Joint Commission or any other certifying organization designated by the department~~  
 69 ~~when such certification is in accordance with the American Heart Association/American Stroke~~  
 70 ~~Association guidelines;~~

71 ~~—— (2) A level II stroke center if such hospital has been certified as a primary stroke center~~  
 72 ~~by the Joint Commission or any other certifying organization designated by the department when~~  
 73 ~~such certification is in accordance with the American Heart Association/American Stroke~~  
 74 ~~Association guidelines; or~~

75 ~~—— (3) A level III stroke center if such hospital has been certified as an acute stroke-ready~~  
 76 ~~hospital by the Joint Commission or any other certifying organization designated by the~~  
 77 ~~department when such certification is in accordance with the American Heart~~  
 78 ~~Association/American Stroke Association guidelines] at a state level that corresponds to a~~  
 79 **similar national designation as set forth in rules promulgated by the department. The rules**  
 80 **shall be based on standards of nationally recognized organizations and the**  
 81 **recommendations of the time-critical diagnosis advisory committee.**

82 (2) Except as provided by subsection [6] 5 of this section, the department shall not  
 83 require compliance with any additional standards for establishing or renewing **trauma, STEMI,**  
 84 **or stroke designations.** The designation shall continue if such hospital remains certified **or**  
 85 **verified.** The department may remove a hospital's designation as a **trauma center, STEMI**  
 86 **center, or stroke center** if the hospital requests removal of the designation or the department  
 87 determines that the certificate [~~recognizing~~] **or verification that qualified** the hospital [~~as a~~  
 88 ~~stroke center~~] **for the designation under this subsection** has been suspended or revoked. Any  
 89 decision made by the department to withdraw its designation of a [~~stroke~~] center pursuant to this  
 90 subsection that is based on the revocation or suspension of a certification **or verification** by a  
 91 certifying **or verifying** organization shall not be subject to judicial review. The department shall  
 92 report to the certifying **or verifying** organization any complaint it receives related to the [~~stroke~~]  
 93 center [~~certification of a stroke center~~] designated pursuant to this subsection. The department  
 94 shall also advise the complainant which organization certified **or verified** the [~~stroke~~] center and  
 95 provide the necessary contact information should the complainant wish to pursue a complaint  
 96 with the certifying **or verifying** organization.

97 [6.] 5. Any hospital receiving designation as a **trauma center, STEMI center, or stroke**  
 98 **center** pursuant to subsection [5] 4 of this section shall:

99 (1) [~~Annually and~~] Within thirty days of any changes **or receipt of a certificate or**  
 100 **verification,** submit to the department proof of [~~stroke~~] certification **or verification** and the  
 101 names and contact information of the **center's** medical director and the program manager [~~of the~~  
 102 ~~stroke center~~]; **and**

- 103           (2) ~~[Submit to the department a copy of the certifying organization's final stroke~~  
104 ~~certification survey results within thirty days of receiving such results;~~  
105 ~~——(3) Submit every four years an application on a form prescribed by the department for~~  
106 ~~stroke center review and designation;~~  
107 ~~——(4) Participate in the emergency medical services regional system of stroke care in its~~  
108 ~~respective emergency medical services region as defined in rules promulgated by the department;~~  
109 ~~——(5) Participate in local and regional emergency medical services systems [by reviewing~~  
110 ~~and sharing outcome data and] for purposes of providing training [and] , sharing clinical~~  
111 ~~educational resources, and collaborating on improving patient outcomes.~~

112

113 Any hospital receiving designation as a level III stroke center pursuant to subsection ~~[5]~~ 4 of this  
114 section shall have a formal agreement with a level I or level II stroke center for physician  
115 consultative services for evaluation of stroke patients for thrombolytic therapy and the care of  
116 the patient post-thrombolytic therapy.

117           ~~[7-]~~ 6. Hospitals designated as a **trauma center**, **STEMI center**, or stroke center by the  
118 department~~[, including those designated pursuant to subsection 5 of this section,]~~ shall submit  
119 data ~~[to meet the data submission requirements specified by rules promulgated by the~~  
120 ~~department. Such submission of data may be done]~~ by **one of** the following methods:

- 121           (1) Entering hospital data ~~[directly]~~ into a state registry ~~[by direct data entry]; or~~  
122           (2) ~~[Downloading hospital data from a nationally recognized registry or data bank and~~  
123 ~~importing the data files into a state registry; or~~  
124 ~~——(3) Authorizing a nationally recognized registry or data bank to disclose or grant access~~  
125 ~~to the department facility-specific data held by the]~~ **Entering hospital data into a national**  
126 **registry or data bank. A hospital submitting data pursuant to this subdivision [(2) or (3) of this**  
127 **subsection]** shall not be required to collect and submit any additional **trauma, STEMI, or stroke**  
128 **center data elements. No hospital submitting data to a national data registry or data bank**  
129 **under this subdivision shall withhold authorization for the department to access such data**  
130 **through such national data registry or data bank. Nothing in this subdivision shall be**  
131 **construed as requiring duplicative data entry by a hospital that is otherwise complying**  
132 **with the provisions of this subsection. Failure of the department to obtain access to data**  
133 **submitted to a national data registry or data bank shall not be construed as hospital**  
134 **noncompliance under this subsection.**

135           ~~[8-]~~ 7. When collecting and analyzing data pursuant to the provisions of this section, the  
136 department shall comply with the following requirements:

- 137           (1) Names of any health care professionals, as defined in section 376.1350, shall not be  
138 subject to disclosure;

139 (2) The data shall not be disclosed in a manner that permits the identification of an  
140 individual patient or encounter;

141 (3) The data shall be used for the evaluation and improvement of hospital and emergency  
142 medical services' trauma, stroke, and STEMI care; **and**

143 (4) ~~[The data collection system shall be capable of accepting file transfers of data entered~~  
144 ~~into any national recognized trauma, stroke, or STEMI registry or data bank to fulfill trauma,~~  
145 ~~stroke, or STEMI certification reporting requirements; and~~

146 ~~————(5)]~~ **Trauma, STEMI, and stroke center data elements shall conform to [nationally**  
147 ~~recognized performance measures, such as the American Heart Association's Get With the~~  
148 ~~Guidelines]~~ **national registry or data bank data elements**, and include published detailed  
149 measure specifications, data coding instructions, and patient population inclusion and exclusion  
150 criteria to ensure data reliability and validity.

151 ~~[9. The board of registration for the healing arts shall have sole authority to establish~~  
152 ~~education requirements for physicians who practice in an emergency department of a facility~~  
153 ~~designated as a trauma, STEMI, or stroke center by the department under this section. The~~  
154 ~~department shall deem such education requirements promulgated by the board of registration for~~  
155 ~~the healing arts sufficient to meet the standards for designations under this section.~~

156 ~~————10.]~~ **8. The department shall not have authority to establish additional education**  
157 **requirements for emergency medicine board-certified or board-eligible physicians who are**  
158 **participating in the American Board of Emergency Medicine (ABEM) or American**  
159 **Osteopathic Board of Emergency Medicine (AOBEM) maintenance of certification process**  
160 **and are practicing in the emergency department of a facility designated as a trauma center,**  
161 **STEMI center, or stroke center by the department under this section. The department**  
162 **shall deem the education requirements promulgated by ABEM or AOBEM to meet the**  
163 **standards for designations under this section. Education requirements for non-ABEM or**  
164 **non-AOBEM certified physicians, nurses, and other providers who provide care at a**  
165 **facility designated as a trauma center, STEMI center, or stroke center by the department**  
166 **under this section shall mirror but not exceed those established by national designating or**  
167 **verifying bodies of trauma centers, STEMI centers, or stroke centers.**

168 **9.** The department of health and senior services may establish appropriate fees to offset  
169 **only** the costs of trauma, STEMI, and stroke center ~~[reviews]~~ **surveys.**

170 ~~[11.]~~ **10.** No hospital shall hold itself out to the public as a STEMI center, stroke center,  
171 adult trauma center, pediatric trauma center, or an adult and pediatric trauma center unless it is  
172 designated as such by the department of health and senior services.

173 ~~[12.]~~ **11.** Any person aggrieved by an action of the department of health and senior  
174 services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter,

175 including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew  
176 a designation, may seek a determination thereon by the administrative hearing commission under  
177 chapter 621. It shall not be a condition to such determination that the person aggrieved seek a  
178 reconsideration, a rehearing, or exhaust any other procedure within the department.

179 **12. Failure of a hospital to provide all medical records and quality improvement**  
180 **documentation necessary for the department to implement the provisions of sections**  
181 **190.241 to 190.243 shall result in the revocation of the hospital's designation as a trauma**  
182 **center, STEMI center, or stroke center. Any medical records obtained by the department**  
183 **shall be used only for purposes of implementing the provisions of sections 190.241 to**  
184 **190.243, and the names of hospitals, physicians, and patients shall not be released by the**  
185 **department or members of review teams.**

190.243. 1. Severely injured patients shall be transported to a trauma center. Patients  
2 who suffer a STEMI, as defined in section 190.100, shall be transported to a STEMI center.  
3 Patients who suffer a stroke, as defined in section 190.100, shall be transported to a stroke center.

4 2. A physician, **physician assistant**, or registered nurse authorized by a physician who  
5 has established verbal communication with ambulance personnel shall instruct the ambulance  
6 personnel to transport a severely ill or injured patient to the closest hospital or designated trauma,  
7 STEMI, or stroke center, as determined according to estimated transport time whether by ground  
8 ambulance or air ambulance, in accordance with transport protocol approved by the medical  
9 director and the department of health and senior services, even when the hospital is located  
10 outside of the ambulance service's primary service area. When initial transport from the scene  
11 of illness or injury to a trauma, STEMI, or stroke center would be prolonged, the STEMI, stroke,  
12 or severely injured patient may be transported to the nearest appropriate facility for stabilization  
13 prior to transport to a trauma, STEMI, or stroke center.

14 3. Transport of the STEMI, stroke, or severely injured patient shall be governed by  
15 principles of timely and medically appropriate care; consideration of reimbursement mechanisms  
16 shall not supersede those principles.

17 4. Patients who do not meet the criteria for direct transport to a trauma, STEMI, or stroke  
18 center shall be transported to and cared for at the hospital of their choice so long as such  
19 ambulance service is not in violation of local protocols.

190.248. 1. All investigations conducted in response to allegations of violations of  
2 sections 190.001 to [~~190.245~~] **190.243** shall be completed within six months of receipt of the  
3 allegation.

4 2. In the course of an investigation the department shall have access to all records  
5 directly related to the alleged violations from persons or entities licensed pursuant to this chapter  
6 or chapter 197 or 198.

7           3. Any department investigations that involve other administrative or law enforcement  
8 agencies shall be completed within six months of notification and final determination by such  
9 administrative or law enforcement agencies.

**190.257. 1. There is hereby established the "Time-Critical Diagnosis Advisory  
2 Committee", to be designated by the director for the purpose of advising and making  
3 recommendations to the department on:**

4           **(1) Improvement of public and professional education related to time-critical  
5 diagnosis;**

6           **(2) Engagement in cooperative research endeavors;**

7           **(3) Development of standards, protocols, and policies related to time-critical  
8 diagnosis, including recommendations for state regulations; and**

9           **(4) Evaluation of community and regional time-critical diagnosis plans, including  
10 recommendations for changes.**

11           **2. The members of the committee shall serve without compensation, except that the  
12 department shall budget for reasonable travel expenses and meeting expenses related to  
13 the functions of the committee.**

14           **3. The director shall appoint sixteen members to the committee from applications  
15 submitted for appointment, with the membership to be composed of the following:**

16           **(1) Six members, one from each EMS region, who are active participants providing  
17 emergency medical services, with at least:**

18           **(a) One member who is a physician serving as a regional EMS medical director;**

19           **(b) One member who serves on an air ambulance service;**

20           **(c) One member who resides in an urban area; and**

21           **(d) One member who resides in a rural area; and**

22           **(2) Ten members who represent hospitals, with at least:**

23           **(a) One member who is employed by a level I or level II trauma center;**

24           **(b) One member who is employed by a level I or level II STEMI center;**

25           **(c) One member who is employed by a level I or level II stroke center;**

26           **(d) One member who is employed by a rural or critical access hospital; and**

27           **(e) Three physicians, with one physician certified by the American Board of  
28 Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine  
29 (AOBEM) and two physicians employed in time-critical diagnosis specialties at a level I or  
30 level II trauma center, STEMI center, or stroke center.**

31           **4. In addition to the sixteen appointees, the state EMS medical director shall serve  
32 as an ex officio member of the committee.**

33           **5. The director shall make a reasonable effort to ensure that the members**  
34 **representing hospitals have geographical representation from each district of the state**  
35 **designated by a statewide nonprofit membership association of hospitals.**

36           **6. Members appointed by the director shall be appointed for three-year terms.**  
37 **Initial appointments shall include extended terms in order to establish a rotation to ensure**  
38 **that only approximately one-third of the appointees will have their term expire in any**  
39 **given year. An appointee wishing to continue in his or her role on the committee shall**  
40 **resubmit an application as required by this section.**

41           **7. The committee shall consult with the state advisory council on emergency**  
42 **medical services, as described in section 190.101, regarding issues involving emergency**  
43 **medical services.**

          287.243. 1. This section shall be known and may be cited as the "Line of Duty  
2 Compensation Act".

3           2. As used in this section, unless otherwise provided, the following words shall mean:

4           (1) "Air ambulance pilot", a person certified as an air ambulance pilot in accordance with  
5 sections 190.001 to [~~190.245~~] **190.243** and corresponding regulations applicable to air  
6 ambulances adopted by the department of health and senior services;

7           (2) "Air ambulance registered professional nurse", a person licensed as a registered  
8 professional nurse in accordance with sections 335.011 to 335.096 and corresponding regulations  
9 adopted by the state board of nursing, 20 CSR 2200-4, et seq., who provides registered  
10 professional nursing services as a flight nurse in conjunction with an air ambulance program that  
11 is certified in accordance with sections 190.001 to [~~190.245~~] **190.243** and the corresponding  
12 regulations applicable to such programs;

13           (3) "Air ambulance registered respiratory therapist", a person licensed as a registered  
14 respiratory therapist in accordance with sections 334.800 to 334.930 and corresponding  
15 regulations adopted by the state board for respiratory care, who provides respiratory therapy  
16 services in conjunction with an air ambulance program that is certified in accordance with  
17 sections 190.001 to [~~190.245~~] **190.243** and corresponding regulations applicable to such  
18 programs;

19           (4) "Child", any natural, illegitimate, adopted, or posthumous child or stepchild of a  
20 deceased public safety officer who, at the time of the public safety officer's fatality is:

21           (a) Eighteen years of age or under;

22           (b) Over eighteen years of age and a student, as defined in 5 U.S.C. Section 8101; or

23           (c) Over eighteen years of age and incapable of self-support because of physical or  
24 mental disability;

25 (5) "Emergency medical technician", a person licensed in emergency medical care in  
26 accordance with standards prescribed by sections 190.001 to [~~190.245~~] **190.243** and by rules  
27 adopted by the department of health and senior services under sections 190.001 to [~~190.245~~]  
28 **190.243**;

29 (6) "Firefighter", any person, including a volunteer firefighter, employed by the state or  
30 a local governmental entity as an employer defined under subsection 1 of section 287.030, or  
31 otherwise serving as a member or officer of a fire department either for the purpose of the  
32 prevention or control of fire or the underwater recovery of drowning victims;

33 (7) "Flight crew member", an individual engaged in flight responsibilities with an air  
34 ambulance licensed in accordance with sections 190.001 to [~~190.245~~] **190.243** and corresponding  
35 regulations applicable to such programs;

36 (8) "Killed in the line of duty", when any person defined in this section loses his or her  
37 life when:

38 (a) Death is caused by an accident or the willful act of violence of another;

39 (b) The public safety officer is in the active performance of his or her duties in his or her  
40 respective profession and there is a relationship between the accident or commission of the act  
41 of violence and the performance of the duty, even if the individual is off duty; the public safety  
42 officer is traveling to or from employment; or the public safety officer is taking any meal break  
43 or other break which takes place while that individual is on duty;

44 (c) Death is the natural and probable consequence of the injury; and

45 (d) Death occurs within three hundred weeks from the date the injury was received.

46

47 The term excludes death resulting from the willful misconduct or intoxication of the public  
48 safety officer. The division of workers' compensation shall have the burden of proving such  
49 willful misconduct or intoxication;

50 (9) "Law enforcement officer", any person employed by the state or a local governmental  
51 entity as a police officer, peace officer certified under chapter 590, or serving as an auxiliary  
52 police officer or in some like position involving the enforcement of the law and protection of the  
53 public interest at the risk of that person's life;

54 (10) "Local governmental entity", includes counties, municipalities, townships, board  
55 or other political subdivision, cities under special charter, or under the commission form of  
56 government, fire protection districts, ambulance districts, and municipal corporations;

57 (11) "Public safety officer", any law enforcement officer, firefighter, uniformed  
58 employee of the office of the state fire marshal, emergency medical technician, police officer,  
59 capitol police officer, parole officer, probation officer, state correctional employee, water safety  
60 officer, park ranger, conservation officer, or highway patrolman employed by the state of

61 Missouri or a political subdivision thereof who is killed in the line of duty or any emergency  
62 medical technician, air ambulance pilot, air ambulance registered professional nurse, air  
63 ambulance registered respiratory therapist, or flight crew member who is killed in the line of  
64 duty;

65 (12) "State", the state of Missouri and its departments, divisions, boards, bureaus,  
66 commissions, authorities, and colleges and universities;

67 (13) "Volunteer firefighter", a person having principal employment other than as a  
68 firefighter, but who is carried on the rolls of a regularly constituted fire department either for the  
69 purpose of the prevention or control of fire or the underwater recovery of drowning victims, the  
70 members of which are under the jurisdiction of the corporate authorities of a city, village,  
71 incorporated town, or fire protection district. Volunteer firefighter shall not mean an individual  
72 who volunteers assistance without being regularly enrolled as a firefighter.

73 3. (1) A claim for compensation under this section shall be filed by survivors of the  
74 deceased with the division of workers' compensation not later than one year from the date of  
75 death of a public safety officer. If a claim is made within one year of the date of death of a public  
76 safety officer killed in the line of duty, compensation shall be paid, if the division finds that the  
77 claimant is entitled to compensation under this section.

78 (2) The amount of compensation paid to the claimant shall be twenty-five thousand  
79 dollars, subject to appropriation, for death occurring on or after June 19, 2009.

80 4. Any compensation awarded under the provisions of this section shall be distributed  
81 as follows:

82 (1) To the surviving spouse of the public safety officer if there is no child who survived  
83 the public safety officer;

84 (2) Fifty percent to the surviving child, or children, in equal shares, and fifty percent to  
85 the surviving spouse if there is at least one child who survived the public safety officer, and a  
86 surviving spouse of the public safety officer;

87 (3) To the surviving child, or children, in equal shares, if there is no surviving spouse  
88 of the public safety officer;

89 (4) If there is no surviving spouse of the public safety officer and no surviving child:

90 (a) To the surviving individual, or individuals, in shares per the designation or,  
91 otherwise, in equal shares, designated by the public safety officer to receive benefits under this  
92 subsection in the most recently executed designation of beneficiary of the public safety officer  
93 on file at the time of death with the public safety agency, organization, or unit; or

94 (b) To the surviving individual, or individuals, in equal shares, designated by the public  
95 safety officer to receive benefits under the most recently executed life insurance policy of the

96 public safety officer on file at the time of death with the public safety agency, organization, or  
97 unit if there is no individual qualifying under paragraph (a) **of this subdivision;**

98 (5) To the surviving parent, or parents, in equal shares, of the public safety officer if  
99 there is no individual qualifying under subdivision (1), (2), (3), or (4) of this subsection; or

100 (6) To the surviving individual, or individuals, in equal shares, who would qualify under  
101 the definition of the term "child" but for age if there is no individual qualifying under subdivision  
102 (1), (2), (3), (4), or (5) of this subsection.

103 5. Notwithstanding subsection 3 of this section, no compensation is payable under this  
104 section unless a claim is filed within the time specified under this section setting forth:

105 (1) The name, address, and title or designation of the position in which the public safety  
106 officer was serving at the time of his or her death;

107 (2) The name and address of the claimant;

108 (3) A full, factual account of the circumstances resulting in or the course of events  
109 causing the death at issue; and

110 (4) Such other information that is reasonably required by the division.

111

112 When a claim is filed, the division of workers' compensation shall make an investigation for  
113 substantiation of matters set forth in the application.

114 6. The compensation provided for under this section is in addition to, and not exclusive  
115 of, any pension rights, death benefits, or other compensation the claimant may otherwise be  
116 entitled to by law.

117 7. Neither employers nor workers' compensation insurers shall have subrogation rights  
118 against any compensation awarded for claims under this section. Such compensation shall not  
119 be assignable, shall be exempt from attachment, garnishment, and execution, and shall not be  
120 subject to setoff or counterclaim, or be in any way liable for any debt, except that the division  
121 or commission may allow as lien on the compensation, reasonable attorney's fees for services in  
122 connection with the proceedings for compensation if the services are found to be necessary.  
123 Such fees are subject to regulation as set forth in section 287.260.

124 8. Any person seeking compensation under this section who is aggrieved by the decision  
125 of the division of workers' compensation regarding his or her compensation claim, may make  
126 application for a hearing as provided in section 287.450. The procedures applicable to the  
127 processing of such hearings and determinations shall be those established by this chapter.  
128 Decisions of the administrative law judge under this section shall be binding, subject to review  
129 by either party under the provisions of section 287.480.

130 9. Pursuant to section 23.253 of the Missouri sunset act:

131 (1) The provisions of the new program authorized under this section shall automatically  
132 sunset six years after June 19, 2019, unless reauthorized by an act of the general assembly; and

133 (2) If such program is reauthorized, the program authorized under this section shall  
134 automatically sunset twelve years after the effective date of the reauthorization of this section;  
135 and

136 (3) This section shall terminate on September first of the calendar year immediately  
137 following the calendar year in which the program authorized under this section is sunset.

138 10. The provisions of this section, unless specified, shall not be subject to other  
139 provisions of this chapter.

140 11. There is hereby created in the state treasury the "Line of Duty Compensation Fund",  
141 which shall consist of moneys appropriated to the fund and any voluntary contributions, gifts,  
142 or bequests to the fund. The state treasurer shall be custodian of the fund and shall approve  
143 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon  
144 appropriation, money in the fund shall be used solely for paying claims under this section.  
145 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the  
146 fund at the end of the biennium shall not revert to the credit of the general revenue fund. The  
147 state treasurer shall invest moneys in the fund in the same manner as other funds are invested.  
148 Any interest and moneys earned on such investments shall be credited to the fund.

149 12. The division shall promulgate rules to administer this section, including but not  
150 limited to the appointment of claims to multiple claimants, record retention, and procedures for  
151 information requests. Any rule or portion of a rule, as that term is defined in section 536.010,  
152 that is created under the authority delegated in this section shall become effective only if it  
153 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section  
154 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the  
155 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and  
156 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
157 any rule proposed or adopted after June 19, 2009, shall be invalid and void.

2 ~~[190.245. The department shall require hospitals, as defined by chapter~~  
3 ~~197, designated as trauma, STEMI, or stroke centers to provide for a peer review~~  
4 ~~system, approved by the department, for trauma, STEMI, and stroke cases,~~  
5 ~~respective to their designations, under section 537.035. For purposes of sections~~  
6 ~~190.241 to 190.245, the department of health and senior services shall have the~~  
7 ~~same powers and authority of a health care licensing board pursuant to subsection~~  
8 ~~6 of section 537.035. Failure of a hospital to provide all medical records~~  
9 ~~necessary for the department to implement provisions of sections 190.241 to~~  
10 ~~190.245 shall result in the revocation of the hospital's designation as a trauma,~~  
11 ~~STEMI, or stroke center. Any medical records obtained by the department or~~  
~~peer review committees shall be used only for purposes of implementing the~~

12 ~~provisions of sections 190.241 to 190.245 and the names of hospitals, physicians~~  
13 ~~and patients shall not be released by the department or members of review~~  
14 ~~committees.]~~

✓