

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute for Senate Bill No. 732, Page 5, Section 44.032, Line 107, by inserting
2 after all of said line and section the following:

3
4 "190.102. 1. The department shall designate through regulation EMS regions and
5 committees. The purpose of the regional EMS advisory committees is to advise and make
6 recommendations to the region and the department on:

- 7 (1) Coordination of emergency resources in the region;
8 (2) Improvement of public and professional education;
9 (3) Cooperative research endeavors;
10 (4) Development of standards, protocols and policies; [and]
11 (5) Voluntary multiagency quality improvement committee and process; and
12 (6) Development, review, and recommendation for action to be taken on community and
13 regional time critical diagnosis plans.

14 2. The members of the committees shall serve without compensation except that the
15 department of health and senior services shall budget for reasonable travel expenses and meeting
16 expenses related to the functions of the committees.

17 3. The director will appoint personnel to no less than six regional EMS committees from
18 recommendations provided by recognized professional organizations. Appointments will be for
19 four years with individuals serving until reappointed or replaced. The regional EMS medical
20 director shall serve as a member of the regional EMS committee.

21 190.103. 1. One physician with expertise in emergency medical services from each of the
22 EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS
23 medical director. The regional EMS medical directors shall constitute the state EMS medical
24 director's advisory committee and shall advise the department and their region's ambulance services
25 on matters relating to medical control and medical direction in accordance with sections 190.001 to
26 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. The regional
27 EMS medical director shall serve a term of four years. The southwest, northwest, and Kansas City
28 regional EMS medical directors shall be elected to an initial two-year term. The central, east
29 central, and southeast regional EMS medical directors shall be elected to an initial four-year term.
30 All subsequent terms following the initial terms shall be four years.

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

36 3. The medical director, in cooperation with the ambulance service or emergency medical

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

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

7 4. All ambulance services and emergency medical response agencies that are required to
8 have a medical director shall establish an agreement between the service or agency and their
9 medical director. The agreement will include the roles, responsibilities and authority of the medical
10 director beyond what is granted in accordance with sections 190.001 to 190.245 and rules adopted
11 by the department pursuant to sections 190.001 to 190.245. The agreement shall also include
12 grievance procedures regarding the emergency medical response agency or ambulance service,
13 personnel and the medical director.

14 190.144. No emergency medical technician licensed under sections 190.142 or 190.143, if
15 acting in good faith and without gross negligence, shall be liable for:

16 (1) Transporting a person for whom an application for detention for evaluation and
17 treatment has been filed under section 631.115 or 632.305; or

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

20 190.165. 1. The department may refuse to issue or deny renewal of any certificate, permit
21 or license required pursuant to sections 190.100 to 190.245 for failure to comply with the provisions
22 of sections 190.100 to 190.245 or any lawful regulations promulgated by the department to
23 implement its provisions as described in subsection 2 of this section. The department shall notify
24 the applicant in writing of the reasons for the refusal and shall advise the applicant of his or her
25 right to file a complaint with the administrative hearing commission as provided by chapter 621.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Refusal of any applicant or licensee to [cooperate with the] respond to reasonable department of health and senior [services during any investigation] services' requests for necessary information to process an application or to determine license status or license eligibility;

(16) Any conduct or practice which is or might be harmful or dangerous to the mental or physical health or safety of a patient or the public as defined by applicable national standards;

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

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

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

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

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

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

4. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding by the administrative hearing commission that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the department may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the department deems appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any provision of law to the contrary, the department shall be authorized to impose a suspension or revocation as a disciplinary action only if it first files the requisite complaint with the administrative hearing commission. The commission shall not be permitted to grant summary decision in such instances if the licensee files an answer contesting the department's intended licensure action.

[4.] 5. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be at the discretion of the department after

1 compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an
2 applicant for the first time. Any individual whose license has been revoked twice within a ten-year
3 period shall not be eligible for relicensure.

4 [5.] 6. The department may notify the proper licensing authority of any other state in which
5 the person whose license was suspended or revoked was also licensed of the suspension or
6 revocation.

7 [6.] 7. Any person, organization, association or corporation who reports or provides
8 information to the department pursuant to the provisions of sections 190.100 to 190.245 and who
9 does so in good faith shall not be subject to an action for civil damages as a result thereof.

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

21 190.173. 1. All complaints, investigatory reports, and information pertaining to any
22 applicant; holder of any certificate, permit, or license; or other individual are confidential and shall
23 only be disclosed upon written consent of the person whose records are involved or to other
24 administrative or law enforcement agencies acting within the scope of their statutory authority.
25 However, no applicant; holder of any certificate, permit, or license; or other individual shall have
26 access to any complaints, investigatory reports, or information concerning an investigation in
27 progress until such time as the investigation has been completed as required by subsection 1 of
28 section 190.248.

29 2. Any information regarding the identity, name, address, license, final disciplinary action
30 taken, or currency of the license of the person possessing a license in accordance with sections
31 190.100 to 190.245, of any applicant shall not be confidential.

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

35 190.240. 1. Any hospital licensed under chapter 197 or any nursing home facility licensed
36 under chapter 198 shall have policies and procedures that require the hospital or facility to give
37 advance notification to emergency medical services personnel prior to the transportation of any at-
38 risk behavioral health patient.

39 2. Any emergency medical services personnel licensed under this chapter who conducts
40 interfacility transfers of at-risk behavioral health patients may be properly trained as determined by
41 the ambulance services and emergency medical response agency medical director, established under
42 section 190.103, with regard to proper restraining procedures and nonmedical management
43 techniques, such as verbal de-escalation techniques, to handle such patients before their
44 transportation.

45 3. Any physician treating an at-risk behavioral patient in an emergency situation who, after
46 assessing the patient, determines that there is a reasonable cause to believe there is a likelihood that
47 the patient may cause an imminent serious harm to himself, herself, or others unless the patient is
48 immediately transported to another appropriate facility may place the patient on a temporary

1 involuntary hold for a period of time necessary to effectuate the patient's transport. During the
2 transport, the emergency medical services personnel may rely on the physician's hold order as a
3 basis for implied consent to treat and transport the patient and shall not be liable for any claims of
4 negligence, false imprisonment, or invasion of privacy based on such temporary hold, treatment, or
5 transport of the patient.

6 4. Nothing in this section shall be construed to limit the patient's rights under the federal
7 Mental Health Patient's Bill of Rights under 42 U.S.C. Section 9501(1)(A) and (F).

8 5. For the purposes of this section, "at-risk behavioral health patient" shall mean any patient
9 who displays violent, homicidal, or suicidal ideation or behavior."; and

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