

HCS HB 2135 -- REGIONAL MEDICAL EMERGENCY SERVICES

SPONSOR: Rhoads

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Public Safety and Emergency Preparedness by a vote of 10 to 0. Voted "Do Pass with HCS" by the Select Committee on State and Local Governments by a vote of 10 to 0.

Currently, any district providing emergency services is entitled to reimbursement from the Special Allocation Fund in the amount of 50% to 100% of the district's tax increment. This bill authorizes an ambulance district board, a fire protection district board, or an emergency telephone service 911 board to set the reimbursement rate prior to the time the assessment is paid into the Special Allocation Fund.

The bill adds development, review, and recommendation for action to be taken on community and regional time critical diagnosis plans to the list of items the regional EMS advisory committee must advise and make recommendations on. The bill requires the regional EMS medical director to serve as a member of the regional EMS committee.

The bill requires the regional EMS medical director to serve a term of four years. The southwest, northwest, and Kansas City regional EMS medical directors must be elected to an initial two-year term. The central, east central, and southeast regional EMS medical directors must be elected to an initial four-year term. All subsequent terms following the initial terms will be four years.

The bill specifies that a licensed emergency medical technician, if acting in good faith and without gross negligence, must not be liable for transporting a person for whom an application for detention for evaluation and treatment has been filed or for physically or chemically restraining an at-risk behavioral health patient if the restraint is to ensure the safety of the patient or technician.

If the Department of Health and Senior Services investigates a complaint against an ambulance services and emergency personnel licensee, the department, prior to interviewing the licensee, must explain to the licensee certain rights that are specified in the bill. The assertion of any of these rights must not be deemed by the department to be a failure to cooperate with any department investigation. The department must 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 must not be permitted to grant summary decision in the instances if the licensee files an answer contesting the department's intended licensure action.

The bill requires each licensed hospital and nursing home to establish policies and procedures that require the hospital or facility to give advance notification to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient.

The bill allows a physician treating an at-risk behavioral patient in an emergency situation that reasonably believes the patient may cause imminent serious harm to himself, herself, or others unless the patient is immediately transported to another appropriate facility to place the patient on a temporary involuntary hold for a period of time necessary to effectuate the patient's transport. During the transport, the emergency medical services personnel may rely on the physician's hold order as a basis for implied consent to treat and transport the patient and the personnel must not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on the temporary hold, treatment, or transport of the patient. The bill specifies that these provisions must not be construed to limit the patient's rights under the federal Mental Health Patient's Bill of Rights.

This bill is the same as HCS HB 868 (2015).

PROPONENTS: Supporters say that this would help EMS when dealing with psychiatric patients, and this affords EMS workers some of the same protections law enforcement officers are afforded. The loophole that would allow EMTs to be investigated without an investigative hearing before such EMT loses his or her license would be closed.

Testifying for the bill were Representative Rhoads; Missouri Ambulance Association; Frank Foster, EMS Legal Services/MAA Association Of Ambulance Districts; Ivan L. Schraeder, Rock Township Ambulance District; and Fire Service Alliance.

OPPONENTS: There was no opposition voiced to the committee.