

FIRST REGULAR SESSION

HOUSE BILL NO. 1223

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ADAMS.

2308H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 190.098, 190.100, 190.109, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.173, 190.175, 190.185, 190.196, 190.248, and 197.289, RSMo, and to enact in lieu thereof seventeen new sections relating to emergency services, with penalty provisions.

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

Section A. Sections 190.098, 190.100, 190.109, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.173, 190.175, 190.185, 190.196, 190.248, and 197.289, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 190.098, 190.100, 190.109, 190.142, 190.143, 190.146, 190.160, 190.165, 190.171, 190.173, 190.175, 190.185, 190.196, 190.248, 190.256, 197.289, and 198.084, to read as follows:

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

(1) Be currently certified as a paramedic;

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

(3) Complete an application form approved by the **[department]** **division**.

2. A community paramedic shall practice in accordance with protocols and supervisory standards established by the medical director. A community paramedic shall provide services of a health care plan if the plan has been developed by the patient's physician or by an advanced practice registered nurse through a collaborative practice arrangement with a physician or a

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.

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 and rules promulgated under sections 190.001 to 190.245.

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]~~ **division**.

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]~~ **190.256**, unless the context clearly
2 **implies otherwise**, the following words and 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]~~ **division** and is licensed by the ~~[department]~~ **division** in
6 accordance with sections 190.001 to 190.245 and rules and regulations adopted by the
7 ~~[department]~~ **division** pursuant to sections 190.001 to 190.245;

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;

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 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;

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

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

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

27 (8) "Department", the department of health and senior services, state of Missouri;

28 (9) "Director", the director of the department of health and senior services or the
29 director's duly authorized representative;

30 (10) "Dispatch agency", any person or organization that receives requests for emergency
31 medical services from the public, by telephone or other means, and is responsible for dispatching
32 emergency medical services;

33 (11) **"Division", the division of professional registration of the department of**
34 **commerce and insurance;**

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

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

41 (b) Serious impairment to a bodily function;

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

43 (d) Inadequately controlled pain;

44 ~~[(12)]~~ (13) "Emergency medical dispatcher", a person who receives emergency calls
45 from the public and has successfully completed an emergency medical dispatcher course,
46 meeting or exceeding the national curriculum of the United States Department of Transportation
47 and any modifications to such curricula specified by the department through rules adopted
48 pursuant to sections 190.001 to 190.245;

49 ~~[(13)]~~ (14) "Emergency medical responder", a person who has successfully completed
50 an emergency first response course meeting or exceeding the national curriculum of the U.S.
51 Department of Transportation and any modifications to such curricula specified by the
52 department through rules adopted under sections 190.001 to 190.245 and who provides

53 emergency medical care through employment by or in association with an emergency medical
54 response agency;

55 ~~[(14)]~~ **(15)** "Emergency medical response agency", any person that regularly provides
56 a level of care that includes first response, basic life support or advanced life support, exclusive
57 of patient transportation;

58 ~~[(15)]~~ **(16)** "Emergency medical services for children (EMS-C) system", the arrangement
59 of personnel, facilities and equipment for effective and coordinated delivery of pediatric
60 emergency medical services required in prevention and management of incidents which occur
61 as a result of a medical emergency or of an injury event, natural disaster or similar situation;

62 ~~[(16)]~~ **(17)** "Emergency medical services (EMS) system", the arrangement of personnel,
63 facilities and equipment for the effective and coordinated delivery of emergency medical services
64 required in prevention and management of incidents occurring as a result of an illness, injury,
65 natural disaster or similar situation;

66 ~~[(17)]~~ **(18)** "Emergency medical technician", a person licensed in emergency medical
67 care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules
68 adopted by the ~~[department]~~ **division** pursuant to sections 190.001 to 190.245;

69 ~~[(18)]~~ **(19)** "Emergency medical technician-basic" or "EMT-B", a person who has
70 successfully completed a course of instruction in basic life support as prescribed by the
71 ~~[department]~~ **division** and is licensed by the ~~[department]~~ **division** in accordance with standards
72 prescribed by sections 190.001 to 190.245 and rules adopted by the ~~[department]~~ **division**
73 pursuant to sections 190.001 to 190.245;

74 ~~[(19)]~~ **(20)** "Emergency medical technician-community paramedic", "community
75 paramedic", or "EMT-CP", a person who is certified as an emergency medical
76 technician-paramedic and is certified by the ~~[department]~~ **division** in accordance with standards
77 prescribed in section 190.098;

78 ~~[(20)]~~ **(21)** "Emergency medical technician-paramedic" or "EMT-P", a person who has
79 successfully completed a course of instruction in advanced life support care as prescribed by the
80 ~~[department]~~ **division** and is licensed by the ~~[department]~~ **division** in accordance with sections
81 190.001 to 190.245 and rules adopted by the ~~[department]~~ **division** pursuant to sections 190.001
82 to 190.245;

83 ~~[(21)]~~ **(22)** "Emergency services", health care items and services furnished or required
84 to screen and stabilize an emergency which may include, but shall not be limited to, health care
85 services that are provided in a licensed hospital's emergency facility by an appropriate provider
86 or by an ambulance service or emergency medical response agency;

87 ~~[(22)]~~ **(23)** "Health care facility", a hospital, nursing home, physician's office or other
88 fixed location at which medical and health care services are performed;

89 ~~[(23)]~~ **(24)** "Hospital", an establishment as defined in the hospital licensing law,
90 subsection 2 of section 197.020, or a hospital operated by the state;

91 ~~[(24)]~~ **(25)** "Issuing authority", **the division, which issues licenses and certificates**
92 **to emergency medical technicians, or the department, which issues all other licenses,**
93 **certificates, or permits required by sections 190.100 to 190.245;**

94 **(26)** "Medical control", supervision provided by or under the direction of physicians, or
95 their designated registered nurse, including both online medical control, instructions by radio,
96 telephone, or other means of direct communications, and offline medical control through
97 supervision by treatment protocols, case review, training, and standing orders for treatment;

98 ~~[(25)]~~ **(27)** "Medical direction", medical guidance and supervision provided by a
99 physician to an emergency services provider or emergency medical services system;

100 ~~[(26)]~~ **(28)** "Medical director", a physician licensed pursuant to chapter 334 designated
101 by the ambulance service or emergency medical response agency and who meets criteria
102 specified by the department by rules pursuant to sections 190.001 to 190.245;

103 ~~[(27)]~~ **(29)** "Memorandum of understanding", an agreement between an emergency
104 medical response agency or dispatch agency and an ambulance service or services within whose
105 territory the agency operates, in order to coordinate emergency medical services;

106 ~~[(28)]~~ **(30)** "Patient", an individual who is sick, injured, wounded, diseased, or otherwise
107 incapacitated or helpless, or dead, excluding deceased individuals being transported from or
108 between private or public institutions, homes or cemeteries, and individuals declared dead prior
109 to the time an ambulance is called for assistance;

110 ~~[(29)]~~ **(31)** "Person", as used in these definitions and elsewhere in sections 190.001 to
111 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative
112 organization, corporation, municipal or private, and whether organized for profit or not, state,
113 county, political subdivision, state department, commission, board, bureau or fraternal
114 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
115 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

116 ~~[(30)]~~ **(32)** "Physician", a person licensed as a physician pursuant to chapter 334;

117 ~~[(31)]~~ **(33)** "Political subdivision", any municipality, city, county, city not within a
118 county, ambulance district or fire protection district located in this state which provides or has
119 authority to provide ambulance service;

120 ~~[(32)]~~ **(34)** "Professional organization", any organized group or association with an
121 ongoing interest regarding emergency medical services. Such groups and associations could
122 include those representing volunteers, labor, management, firefighters, EMT-B's, nurses,
123 EMT-P's, physicians, communications specialists and instructors. Organizations could also
124 represent the interests of ground ambulance services, air ambulance services, fire service

125 organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric
126 services, labor unions and poison control services;

127 ~~[(33)]~~ **(35)** "Proof of financial responsibility", proof of ability to respond to damages for
128 liability, on account of accidents occurring subsequent to the effective date of such proof, arising
129 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
130 promulgated by the department, but in no event less than the statutory minimum required for
131 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

132 ~~[(34)]~~ **(36)** "Protocol", a predetermined, written medical care guideline, which may
133 include standing orders;

134 ~~[(35)]~~ **(37)** "Regional EMS advisory committee", a committee formed within an
135 emergency medical services (EMS) region to advise ambulance services, the state advisory
136 council on EMS and the department;

137 ~~[(36)]~~ **(38)** "Specialty care transportation", the transportation of a patient requiring the
138 services of an emergency medical technician-paramedic who has received additional training
139 beyond the training prescribed by the ~~[department]~~ **division**. Specialty care transportation
140 services shall be defined in writing in the appropriate local protocols for ground and air
141 ambulance services and approved by the local physician medical director. The protocols shall
142 be maintained by the local ambulance service and shall define the additional training required
143 of the emergency medical technician-paramedic;

144 ~~[(37)]~~ **(39)** "Stabilize", with respect to an emergency, the provision of such medical
145 treatment as may be necessary to attempt to assure within reasonable medical probability that no
146 material deterioration of an individual's medical condition is likely to result from or occur during
147 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

148 ~~[(38)]~~ **(40)** "State advisory council on emergency medical services", a committee formed
149 to advise the department on policy affecting emergency medical service throughout the state;

150 ~~[(39)]~~ **(41)** "State EMS medical directors advisory committee", a subcommittee of the
151 state advisory council on emergency medical services formed to advise the state advisory council
152 on emergency medical services and the department on medical issues;

153 ~~[(40)]~~ **(42)** "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in
154 which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation
155 in electrocardiogram analysis, and as further defined in rules promulgated by the department
156 under sections 190.001 to 190.250;

157 ~~[(41)]~~ **(43)** "STEMI care", includes education and prevention, emergency transport,
158 triage, and acute care and rehabilitative services for STEMI that requires immediate medical or
159 surgical intervention or treatment;

160 [(42)] (44) "STEMI center", a hospital that is currently designated as such by the
161 department to care for patients with ST-segment elevation myocardial infarctions;

162 [(43)] (45) "Stroke", a condition of impaired blood flow to a patient's brain as defined
163 by the department;

164 [(44)] (46) "Stroke care", includes emergency transport, triage, and acute intervention
165 and other acute care services for stroke that potentially require immediate medical or surgical
166 intervention or treatment, and may include education, primary prevention, acute intervention,
167 acute and subacute management, prevention of complications, secondary stroke prevention, and
168 rehabilitative services;

169 [(45)] (47) "Stroke center", a hospital that is currently designated as such by the
170 department;

171 [(46)] (48) "Trauma", an injury to human tissues and organs resulting from the transfer
172 of energy from the environment;

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

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

190.109. 1. The department shall, within a reasonable time after receipt of an
2 application, cause such investigation as the department deems necessary to be made of the
3 applicant for a ground ambulance license.

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

10 3. The department shall issue a new ground ambulance service license to an ambulance
11 service that is not currently licensed by the department, or is currently licensed by the department
12 and is seeking to expand its ambulance service area, except as provided in subsection 4 of this
13 section, to be valid for a period of five years, unless suspended, revoked or terminated, when the
14 director finds that the applicant meets the requirements of ambulance service licensure
15 established pursuant to sections 190.100 to 190.245 and the rules adopted by the department
16 pursuant to sections 190.001 to 190.245. ~~In order to be considered for a new ambulance service~~
17 ~~license, an ambulance service shall submit to the department a letter of endorsement from each~~
18 ~~ambulance district or fire protection district that is authorized to provide ambulance service, or~~

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

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. The
64 application form shall contain such information as the department deems necessary to make a
65 determination as to whether the ground ambulance service meets all the requirements of sections
66 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

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]~~
3 **division** shall, within a reasonable time after receipt of an application, cause such investigation
4 as it deems 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]~~ **division**. Such processes may include the use of
10 vendors or systems administered by the Missouri state highway patrol. The ~~[department]~~
11 **division** may share the results of such a criminal background check with any emergency services
12 licensing agency in any member state, as that term is defined under section 190.900, in
13 recognition of the EMS personnel licensure interstate compact. The ~~[department]~~ **division** shall
14 not issue a license until the ~~[department]~~ **division** receives the results of an applicant's criminal
15 background check from the Missouri state highway patrol and the Federal Bureau of
16 Investigation, but, notwithstanding this subsection, the ~~[department]~~ **division** may issue a
17 temporary license as provided under section 190.143. Any fees due for a criminal background
18 check shall be paid by the applicant.

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

21 2. The ~~[department]~~ **division** shall issue a license to all levels of emergency medical
22 technicians, for a period of five years, if the applicant meets the requirements established
23 pursuant to sections 190.001 to 190.245 and the rules adopted by the ~~[department]~~ **division**
24 pursuant to sections 190.001 to 190.245. **Beginning August 28, 2026, and continuing**

25 **thereafter, to receive an initial license as an emergency medical technician-paramedic, in**
26 **addition to any other education or training requirements set by the division, a person shall**
27 **be a graduate of a two-year paramedic degree program from an institution of higher**
28 **education approved by the division in which instruction in the degree program is provided**
29 **only by instructors who have a bachelor's degree or higher degree.** The [department]
30 **division** may promulgate rules relating to [the] **other** requirements for an emergency medical
31 technician including but not limited to:

32 (1) Age requirements;

33 (2) Emergency medical technician and paramedic education and training requirements
34 based on respective National Emergency Medical Services Education Standards and any
35 modification to such curricula specified by the [department] **division** through rules adopted
36 pursuant to sections 190.001 to 190.245;

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

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

42 (5) Continuing education and relicensure requirements; and

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

44 3. Application for all levels of emergency medical technician license shall be made upon
45 such forms as prescribed by the [department] **division** in rules adopted pursuant to sections
46 190.001 to 190.245. The application form shall contain such information as the [department]
47 **division** deems necessary to make a determination as to whether the emergency medical
48 technician meets all the requirements of sections 190.001 to 190.245 and rules promulgated
49 pursuant to sections 190.001 to 190.245.

50 4. **(1) The division shall renew an emergency medical technician license for five**
51 **years if the licensee submits proof that he or she:**

52 **(a) Holds a current American Heart Association cardiopulmonary resuscitation**
53 **course card or current American Red Cross cardiopulmonary resuscitation course card**
54 **or its equivalent as defined by division rule;**

55 **(b) If the licensee is an emergency medical technician-paramedic, holds a current**
56 **certificate of successful course completion in advanced cardiac life support from the**
57 **American Heart Association or its equivalent as defined by division rule; and**

58 **(c) Meets the requirements for renewal described in section 190.160.**

59 **(2) If the licensee does not receive an opportunity to obtain a course card or**
60 **certificate required under subdivision (a) or (b) of subdivision (1) of this subsection and**

61 **his or her license lapses as a result, the division shall issue a temporary emergency medical**
62 **technician license as required by section 190.146.**

63 **5.** All levels of emergency medical technicians may perform only that patient care which
64 is:

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

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

68 ~~[5-]~~ **6.** No person shall hold themselves out as an emergency medical technician or
69 provide the services of an emergency medical technician unless such person is licensed by the
70 ~~[department]~~ **division.**

71 ~~[6-]~~ **7.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
72 created under the authority delegated in this section shall become effective only if it complies
73 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
74 This section and chapter 536 are nonseverable and if any of the powers vested with the general
75 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
76 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
77 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.143. 1. Notwithstanding any other provisions of law, the ~~[department]~~ **division** may
2 grant a ~~[ninety-day]~~ **six-month** temporary emergency medical technician license to all levels of
3 emergency medical 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]~~ **division** in rules adopted pursuant to sections 190.001 to 190.245;

13 (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules
14 promulgated pursuant to sections 190.001 to 190.245;

15 (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
16 190.245.

17 2. A temporary emergency medical technician license shall only authorize the ~~[licensee]~~
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]~~ **six months** from the date of issuance or upon the issuance of a five-year emergency
23 medical technician license.

190.146. 1. Any licensee allowing ~~[a]~~ **his or her license as an emergency medical**
2 **technician** to lapse ~~[may within two years of the lapse request that their license be returned to~~
3 ~~active status by notifying the department in advance of such intention, and submit a complete~~
4 ~~application upon such forms as prescribed by the department in rules adopted pursuant to~~
5 ~~sections 190.001 to 190.245. If the licensee meets all the requirements for relicensure,]~~ **shall**
6 **automatically be granted a temporary emergency medical technician license under section**
7 **190.143 regardless of whether the licensee meets the requirements of subsection 1 of section**
8 **190.143.** The ~~[department]~~ **division** shall issue a new **five-year** emergency medical technician
9 license to ~~[the licensee]~~ **such holder of a temporary emergency medical technician license**
10 **if the licensee submits proof that he or she:**

11 (1) **Holds a current American Heart Association cardiopulmonary resuscitation**
12 **course card or current American Red Cross cardiopulmonary resuscitation course card**
13 **or its equivalent as defined by division rule;**

14 (2) **If his or her temporary license is as an emergency medical technician-**
15 **paramedic, holds a current certificate of successful course completion in advanced cardiac**
16 **life support from the American Heart Association or its equivalent as defined by division**
17 **rule; and**

18 (3) **Meets any other requirements that would have been required for renewal of his**
19 **or her license if he or she had not allowed the license to lapse.**

20 2. **If the holder of such temporary emergency medical technician license does not**
21 **receive an opportunity to obtain a course card or certificate required under subdivision**
22 **(1) or (2) of subsection 1 of this section during the six months his or her temporary license**
23 **is in effect, the division may issue another six-month temporary emergency medical**
24 **technician license. The division shall determine whether to do so on a case-by-case basis.**

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

190.165. 1. The ~~[department]~~ **issuing authority** may refuse to issue or deny renewal of
2 any certificate, permit or license required pursuant to sections 190.100 to 190.245 for failure to
3 comply with the provisions of sections 190.100 to 190.245 or any lawful regulations
4 promulgated by the ~~[department]~~ **issuing authority** to implement its provisions as described in

5 subsection 2 of this section. The ~~[department]~~ **issuing authority** shall notify the applicant in
6 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a
7 complaint with the administrative hearing commission as provided by chapter 621.

8 2. The ~~[department]~~ **issuing authority** may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621 against any holder of any
10 certificate, permit or license required by sections 190.100 to 190.245 or any person who has
11 failed to renew or has surrendered his or her certificate, permit or license for failure to comply
12 with the provisions of sections 190.100 to 190.245 or any lawful regulations promulgated by the
13 ~~[department]~~ **issuing authority** to implement such sections. Those regulations shall be limited
14 to the following:

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

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

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

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;

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

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 granted by another state, territory, federal
39 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

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

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

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

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

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

52 (15) Refusal of any applicant or licensee to respond to reasonable [~~department of health~~
53 ~~and senior services~~] requests **from the issuing authority** for necessary information to process
54 an application or to determine license status or license eligibility;

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

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

59 3. If the [~~department~~] **issuing authority** conducts investigations, the [~~department~~]
60 **issuing authority**, prior to interviewing a licensee who is the subject of the investigation, shall
61 explain to the licensee that he or she has the right to:

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

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

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

66 The assertion of any right listed in this subsection shall not be deemed by the [~~department~~]
67 **issuing authority** to be a failure to cooperate with any [~~department~~] investigation **by the issuing**
68 **authority**.

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~~] **issuing authority** may, singly or in combination, censure or place the person
73 named in the complaint on probation on such terms and conditions as the [~~department~~] **issuing**
74 **authority** deems appropriate for a period not to exceed five years, or may suspend, for a period
75 not to exceed three years, or revoke the license, certificate or permit. Notwithstanding any

76 provision of law to the contrary, the ~~[department]~~ **issuing authority** shall be authorized to
77 impose a suspension or revocation as a disciplinary action only if it first files the requisite
78 complaint with the administrative hearing commission. The administrative hearing commission
79 shall hear all relevant evidence on remediation activities of the licensee and shall make a
80 recommendation to the ~~[department of health and senior services]~~ **issuing authority** as to
81 licensure disposition based on such evidence.

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

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

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

94 8. The ~~[department of health and senior services]~~ **issuing authority** may suspend any
95 certificate, permit or license required pursuant to sections 190.100 to 190.245 simultaneously
96 with the filing of the complaint with the administrative hearing commission as set forth in
97 subsection 2 of this section, if the ~~[department]~~ **issuing authority** finds that there is an imminent
98 threat to the public health. The notice of suspension shall include the basis of the suspension and
99 notice of the right to appeal such suspension. The licensee may appeal the decision to suspend
100 the license, certificate or permit to the ~~[department]~~ **issuing authority**. The appeal shall be filed
101 within ten days from the date of the filing of the complaint. A hearing shall be conducted by the
102 ~~[department]~~ **issuing authority** within ten days from the date the appeal is filed. The suspension
103 shall continue in effect until the conclusion of the proceedings, including review thereof, unless
104 sooner withdrawn by the ~~[department]~~ **issuing authority**, dissolved by a court of competent
105 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]~~ **issuing authority** affecting the licensed status of a person pursuant to the
3 provisions of sections 190.001 to 190.245 and sections 190.525 to 190.537, including the refusal
4 to grant, 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, **or the department of**
9 **commerce and insurance.**

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 shall
12 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~~] **the files of the issuing authority** for any holder
19 of or applicant for any certificate, permit, or license that is subject to other specific state or
20 federal laws concerning their disclosure.

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

190.175. 1. Each ambulance service licensee or emergency medical response agency
2 licensee shall maintain accurate records, which contain information concerning the care and, if
3 applicable, the transportation of each patient.

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

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

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

19 5. Such records shall be available for inspection by the department **and the division** at
20 any reasonable time during business hours.

 190.185. **1.** The department shall adopt, amend, promulgate, and enforce such rules,
2 regulations, and standards with respect to the provisions of this chapter, **other than provisions**
3 **relating to the licensure and certification of emergency medical technicians**, as may be
4 designed to further the accomplishment of the purpose of this law in promoting state-of-the-art
5 emergency medical services in the interest of public health, safety, and welfare. When
6 promulgating such rules and regulations, the department shall consider the recommendations of
7 the state advisory council on emergency medical services.

8 **2. The division shall adopt, amend, promulgate, and enforce such rules, regulations,**
9 **and standards with respect to the provisions of this chapter relating to the licensure and**
10 **certification of emergency medical technicians as may be designed to further the**
11 **accomplishment of the purpose of this chapter in promoting state-of-the-art emergency**
12 **medical services in the interest of public health, safety, and welfare.**

13 **3.** Any rule or portion of a rule promulgated pursuant to the authority of sections 190.001
14 to 190.245 or sections 190.525 to 190.537 shall become effective only if it complies with and
15 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
16 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
17 pursuant to chapter 536 to review, to delay the effective date or to disapprove and annul a rule
18 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
19 proposed or adopted after August 28, 2002, shall be invalid and void.

 190.196. **1.** No employer shall knowingly employ or permit any employee to perform
2 any services for which a license, certificate or other authorization is required by sections 190.001
3 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the
4 person so employed possesses all licenses, certificates or authorizations that are required.

5 **2.** Any person or entity that employs or supervises a person's activities as an emergency
6 medical responder, emergency medical dispatcher, emergency medical technician, registered
7 nurse, physician assistant, or physician shall cooperate with the ~~[department's]~~ **issuing**

8 **authority's** efforts to monitor and enforce compliance by those individuals subject to the
9 requirements of sections 190.001 to 190.245.

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

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

15 (2) Crimes of violence; or

16 (3) Rape or sexual abuse.

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

20 5. The ~~[department]~~ **issuing authority** will monitor these reports for possible licensure
21 action authorized pursuant to section 190.165.

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

3 2. In the course of an investigation the ~~[department]~~ **issuing authority** shall have access
4 to all records directly related to the alleged violations from persons or entities licensed pursuant
5 to this chapter or chapter 197 or 198.

6 3. Any ~~[department]~~ investigations **by the issuing authority** that involve other
7 administrative or law enforcement agencies shall be completed within six months of notification
8 and final determination by such administrative or law enforcement agencies.

190.256. 1. For purposes of this section, the term "first responder agency" means
2 **any state or local law enforcement agency, fire department, or ambulance service.**

3 **2. Every first responder agency shall provide critical incident counseling services,**
4 **defined by the department by rule, for all its employees at the agency's expense.**

197.289. 1. All hospitals, ambulatory surgical centers, and abortion facilities shall
2 develop and implement a methodology which ensures adequate nurse staffing that will meet the
3 needs of patients. At a minimum, there shall be on duty at all times a sufficient number of
4 licensed registered nurses to provide patient care requiring the judgment and skills of a licensed
5 registered nurse and to oversee the activities of all nursing personnel.

6 2. There shall be sufficient licensed and ancillary nursing personnel on duty on each
7 nursing unit to meet the needs of each patient in accordance with accepted standards of quality
8 patient care.

9 **3. (1) Unless precluded by federal law, any emergency medical technician-basic or**
10 **advanced emergency medical technician, as those terms are defined in section 190.100,**

11 shall be considered the equivalent of a certified nursing assistant for purposes of meeting
12 any staffing requirements outlined in the provisions of this section or chapter or any rule
13 promulgated under such provisions.

14 (2) Unless precluded by federal law, an emergency medical technician-paramedic,
15 as defined in section 190.100, shall be considered the equivalent of a licensed registered
16 nurse for purposes of meeting any staffing requirements outlined in the provisions of this
17 section or chapter or any rule promulgated under such provisions.

18 4. Unless precluded by federal law, each hospital, ambulatory surgical center, or
19 abortion facility shall:

20 (1) Pay an employee who is an emergency medical technician-basic or advanced
21 emergency medical technician, as those terms are defined in section 190.100, on the same
22 pay scale it uses for its employees who are certified nursing assistants; and

23 (2) Pay an employee who is an emergency medical technician-paramedic, as defined
24 in section 190.100, on the same pay scale it uses for its employees who are licensed
25 registered nurses.

198.084. 1. (1) Unless precluded by federal law, an emergency medical technician-
2 basic or advanced emergency medical technician, as those terms are defined in section
3 190.100, shall be considered the equivalent of a certified nursing assistant for purposes of
4 meeting any staffing requirements for facilities outlined in this chapter or any rule
5 promulgated under this chapter.

6 (2) Unless precluded by federal law, an emergency medical technician-paramedic,
7 as defined in section 190.100, shall be considered the equivalent of a licensed registered
8 nurse for purposes of meeting any staffing requirements for facilities outlined in this
9 chapter or any rule promulgated under this chapter.

10 2. Unless precluded by federal law, each facility shall:

11 (1) Pay an employee who is an emergency medical technician-basic or advanced
12 emergency medical technician, as those terms are defined in section 190.100, on the same
13 pay scale it uses for its employees who are certified nursing assistants; and

14 (2) Pay an employee who is an emergency medical technician-paramedic, as defined
15 in section 190.100, on the same pay scale it uses for its employees who are licensed
16 registered nurses.

✓