

SECOND REGULAR SESSION

SENATE BILL NO. 895

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time January 12, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5470S.02I

AN ACT

To repeal sections 99.848, 190.102, 190.103, 190.131, 190.142, 190.165, 190.339, and 321.017, RSMo, and to enact in lieu thereof twelve new sections relating to emergency service providers.

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

Section A. Sections 99.848, 190.102, 190.103, 190.131, 190.142, 190.165, 190.339, and 321.017, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 99.848, 190.102, 190.103, 190.131, 190.142, 190.144, 190.147, 190.165, 190.173, 190.240, 190.339, and 321.017, to read as follows:

99.848. **1.** Notwithstanding subsection 1 of section 99.847, any district **or 911 center** providing emergency **or dispatch** services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment.

2. An ambulance district board, as defined in chapter 190, a fire protection district board, as defined in chapter 321, or an emergency telephone service 911 board, as defined in chapter 190, shall set the reimbursement rate prior to the time the assessment is paid into the special allocation fund. If the redevelopment plan, area, or project is amended by ordinance, or by other means, the board reserves the right to recalculate the base year and the refund amount provided under this section.

3. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

- 4 (1) Coordination of emergency resources in the region;
- 5 (2) Improvement of public and professional education;
- 6 (3) Cooperative research endeavors;
- 7 (4) Development of standards, protocols and policies; [and]
- 8 (5) Voluntary multiagency quality improvement committee and process;

9 **and**

10 **(6) Development and review of and recommendations for**
11 **community and regional time critical diagnosis plans.**

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

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

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

14 2. A medical director is required for all ambulance services and emergency
15 medical response agencies that provide: advanced life support services; basic life
16 support services utilizing medications or providing assistance with patients'

17 medications; or basic life support services performing invasive procedures
18 including invasive airway procedures. The medical director shall provide medical
19 direction to these services and agencies in these instances.

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

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

190.131. 1. The department shall accredit or certify training entities for
2 first responders, emergency medical dispatchers, emergency medical
3 technicians-basic, emergency medical technicians-intermediate, and emergency
4 medical technicians-paramedic, for a period of five years, if the applicant meets
5 the requirements established pursuant to sections 190.001 to 190.245.

6 2. Such rules promulgated by the department shall set forth the minimum
7 requirements for entrance criteria, training program curricula, instructors,
8 facilities, equipment, medical oversight, record keeping, and reporting. **The**
9 **training program curricula shall include curriculum on the risks**
10 **associated with autism, and other intellectual and developmental**
11 **disabilities, and provide instruction on the appropriate recognition and**
12 **response techniques concerning such disabilities.**

13 3. Application for training entity accreditation or certification shall be
14 made upon such forms as prescribed by the department in rules adopted pursuant
15 to sections 190.001 to 190.245. The application form shall contain such
16 information as the department deems reasonably necessary to make a
17 determination as to whether the training entity meets all requirements of

18 sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001
19 to 190.245.

20 4. Upon receipt of such application for training entity accreditation or
21 certification, the department shall determine whether the training entity, its
22 instructors, facilities, equipment, curricula and medical oversight meet the
23 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to
24 sections 190.001 to 190.245.

25 5. Upon finding these requirements satisfied, the department shall issue
26 a training entity accreditation or certification in accordance with rules
27 promulgated by the department pursuant to sections 190.001 to 190.245.

28 6. Subsequent to the issuance of a training entity accreditation or
29 certification, the department shall cause a periodic review of the training entity
30 to assure continued compliance with the requirements of sections 190.001 to
31 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

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

190.142. 1. The department shall, within a reasonable time after receipt
2 of an application, cause such investigation as it deems necessary to be made of
3 the applicant for an emergency medical technician's license. The director may
4 authorize investigations into criminal records in other states for any applicant.

5 2. The department shall issue a license to all levels of emergency medical
6 technicians, for a period of five years, if the applicant meets the requirements
7 established pursuant to sections 190.001 to 190.245 and the rules adopted by the
8 department pursuant to sections 190.001 to 190.245. The department may
9 promulgate rules relating to the requirements for an emergency medical
10 technician including but not limited to:

11 (1) Age requirements;

12 (2) Education and training requirements based on respective national
13 curricula of the United States Department of Transportation and any modification
14 to such curricula specified by the department through rules adopted pursuant to
15 sections 190.001 to 190.245;

16 (3) Initial licensure testing requirements;

17 (4) Continuing education and relicensure requirements; and

18 (5) Ability to speak, read and write the English language.

19 3. Application for all levels of emergency medical technician license shall
20 be made upon such forms as prescribed by the department in rules adopted

21 pursuant to sections 190.001 to 190.245. The application form shall contain such
22 information as the department deems necessary to make a determination as to
23 whether the emergency medical technician meets all the requirements of sections
24 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to
25 190.245.

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

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

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

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

35 **6. Prior to licensure by the department, each emergency medical**
36 **technician shall be required to satisfactorily complete, as determined**
37 **by the department, training on the risks associated with autism and**
38 **other intellectual and developmental disabilities and the appropriate**
39 **recognition and response techniques concerning such**
40 **disabilities. Every emergency medical technician licensed by the**
41 **department prior to August 28, 2016, shall satisfactorily complete the**
42 **training described in this subsection by August 28, 2019.**

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

190.144. No emergency medical technician licensed under section
2 **190.142 or 190.143, if acting in good faith and without gross negligence,**
3 **shall be liable for:**

4 **(1) Transporting a person for whom an application for detention**
5 **for evaluation and treatment has been filed under section 631.115 or**
6 **632.305; or**

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

190.147. 1. Emergency medical technician paramedics (EMT-P's)
2 **who have:**

3 **(1) Completed at least forty hours of the standard crisis**
4 **intervention training course as endorsed and developed by the National**
5 **Alliance on Mental Illness or a course of training that the ground or air**
6 **ambulance service's medical director has determined to be**
7 **academically equivalent thereto;**

8 **(2) Further been authorized by their ground or air ambulance**
9 **service's administration and medical director under subsection 3 of**
10 **section 190.103; and**

11 **(3) Whose ground or air ambulance service has developed and**
12 **adopted standardized triage, treatment, and transport protocols under**
13 **subsection 3 of section 190.103, which address the challenge of treating**
14 **and transporting behavioral health patients who present a likelihood**
15 **of serious harm to themselves or others as the term "likelihood of**
16 **serious harm" is defined under section 632.005 or who are significantly**
17 **incapacitated by alcohol or drugs;**
18 **may make a good faith determination that such patients shall be placed**
19 **into a temporary hold for the sole purposes of transport to the nearest**
20 **appropriate facility.**

21 **2. EMT-P's who have made a good faith decision for a temporary**
22 **hold of a patient as authorized by this section shall no longer have to**
23 **rely on the common law doctrine of implied consent and therefore shall**
24 **not be civilly liable for a good faith determination made in accordance**
25 **with this section and shall not have waived any sovereign immunity**
26 **defense, official immunity defense, or Missouri public duty doctrine**
27 **defense if employed at the time of the good faith determination by a**
28 **governmental employer.**

29 **3. Any ground or air ambulance service that adopts the authority**
30 **and protocols provided for by this section shall have a memorandum of**
31 **understanding with applicable local law enforcement agencies in order**
32 **to achieve a collaborative and coordinated response to patients**
33 **displaying symptoms of either a likelihood of serious harm to**
34 **themselves or others or significant incapacitation by alcohol or drugs,**

35 which require a crisis intervention response.

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

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

16 (1) Use or unlawful possession of any controlled substance, as defined in
17 chapter 195, or alcoholic beverage to an extent that such use impairs a person's
18 ability to perform the work of any activity licensed or regulated by sections
19 190.100 to 190.245;

20 (2) Being finally adjudicated and found guilty, or having entered a plea
21 of guilty or nolo contendere, in a criminal prosecution under the laws of any state
22 or of the United States, for any offense reasonably related to the qualifications,
23 functions or duties of any activity licensed or regulated pursuant to sections
24 190.100 to 190.245, for any offense an essential element of which is fraud,
25 dishonesty or an act of violence, or for any offense involving moral turpitude,
26 whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71 3. **If the department conducts investigations, the department,**

72 **prior to interviewing a licensee who is the subject of the investigation,**
73 **shall explain to the licensee that he or she has the right to:**

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

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

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

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

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

96 **[4.] 5.** An individual whose license has been revoked shall wait one year
97 from the date of revocation to apply for relicensure. Relicensure shall be at the
98 discretion of the department after compliance with all the requirements of
99 sections 190.100 to 190.245 relative to the licensing of an applicant for the first
100 time. Any individual whose license has been revoked twice within a ten-year
101 period shall not be eligible for relicensure.

102 **[5.] 6.** The department may notify the proper licensing authority of any
103 other state in which the person whose license was suspended or revoked was also
104 licensed of the suspension or revocation.

105 **[6.] 7.** Any person, organization, association or corporation who reports
106 or provides information to the department pursuant to the provisions of sections
107 190.100 to 190.245 and who does so in good faith shall not be subject to an action

108 for civil damages as a result thereof.

109 [7.] 8. The department of health and senior services may suspend any
110 certificate, permit or license required pursuant to sections 190.100 to 190.245
111 simultaneously with the filing of the complaint with the administrative hearing
112 commission as set forth in subsection 2 of this section, if the department finds
113 that there is an imminent threat to the public health. The notice of suspension
114 shall include the basis of the suspension and notice of the right to appeal such
115 suspension. The licensee may appeal the decision to suspend the license,
116 certificate or permit to the department. The appeal shall be filed within ten days
117 from the date of the filing of the complaint. A hearing shall be conducted by the
118 department within ten days from the date the appeal is filed. The suspension
119 shall continue in effect until the conclusion of the proceedings, including review
120 thereof, unless sooner withdrawn by the department, dissolved by a court of
121 competent jurisdiction or stayed by the administrative hearing commission.

**190.173. 1. All complaints, investigatory reports, and information
2 pertaining to any applicant, holder of any certificate, permit, or
3 license, or other individual are confidential and shall only be disclosed
4 upon written consent of the person whose records are involved or to
5 other administrative or law enforcement agencies acting with the scope
6 of their statutory authority. However, no applicant, holder of any
7 certificate, permit, or license, or other individual shall have access to
8 any complaints, investigatory reports, or information concerning an
9 investigation in progress until such time as the investigation has been
10 completed as required by subsection 1 of section 190.248.**

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

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

**190.240. 1. Any hospital licensed under chapter 197 or any
2 nursing home facility licensed under chapter 198 shall have policies**

3 and procedures that require the hospital or facility to give advance
4 notification to emergency medical services personnel prior to the
5 transportation of any at-risk behavioral health patient.

6 2. Any emergency medical services personnel licensed under this
7 chapter who conduct interfacility transfers of at-risk behavioral health
8 patients may be properly trained as determined by the medical director
9 for the ambulance services or emergency medical response agency, as
10 required under section 190.103, with regard to proper restraining
11 procedures and nonmedical management techniques, such as verbal de-
12 escalation techniques, to handle such patients before their
13 transportation.

14 3. Any physician treating an at-risk behavioral patient in an
15 emergency situation who, after assessing the patient, determines that
16 there is reasonable cause to believe there is a likelihood that the
17 patient may cause an imminent serious harm to himself, herself, or
18 others unless the patient is immediately transported to another
19 appropriate facility may place the patient on a temporary involuntary
20 hold for a period of time necessary to effectuate the patient's
21 transport. During the transport, the emergency medical services
22 personnel may rely on the physician's hold order as a basis for implied
23 consent to treat and transport the patient and shall not be liable for
24 any claims of negligence, false imprisonment, or invasion of privacy
25 based on such temporary hold, treatment, or transport of the patient.

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

29 5. For the purposes of this section, "at-risk behavioral health
30 patient" shall mean any patient who displays violent, homicidal, or
31 suicidal ideation or behavior.

190.339. 1. The powers and duties of the emergency services board shall
2 include, but not be limited to:

3 (1) Planning a 911 system and dispatching system;

4 (2) Coordinating and supervising the implementation, upgrading or
5 maintenance of the system, including the establishment of equipment
6 specifications and coding systems;

7 (3) Receiving money from any county sales tax authorized to be levied
8 pursuant to section 190.335 and authorizing disbursements from such moneys

9 collected;

10 (4) Hiring any staff necessary for the implementation, upgrade or
11 operation of the system.

12 2. Except for emergency services 911 boards in existence prior to August
13 25, 2010, and operating under the authority of subsection 11 of section 190.335,
14 the board shall be a body corporate and a political subdivision of the state and
15 shall be known as the "..... Emergency Services Board".

16 3. The administrative control and management of the moneys from any
17 county sales tax authorized to be levied pursuant to section 190.335 and the
18 administrative control and management of the central dispatching of emergency
19 services shall rest solely with the board, and the board shall employ all necessary
20 personnel, affix their compensation and provide suitable quarters and equipment
21 for the operation of the central dispatching of emergency services from the funds
22 available for this purpose.

23 4. The board may contract to provide services relating in whole or in part
24 to central dispatching of emergency services and for such purpose may expend the
25 tax funds or other funds.

26 5. The board shall elect a vice chairman, treasurer, secretary and such
27 other officers as it deems necessary. Before taking office, the treasurer shall
28 furnish a surety bond in an amount to be determined and in a form to be
29 approved by the board for the faithful performance of the treasurer's duties and
30 faithful accounting of all moneys that may come into the treasurer's hands. The
31 treasurer shall enter into the surety bond with a surety company authorized to
32 do business in Missouri, and the cost of such bond shall be paid by the board of
33 directors.

34 6. The board may accept any gift of property or money for the use and
35 benefit of the central dispatching of emergency services, and the board is
36 authorized to sell or exchange any such property which it believes would be to the
37 benefit of the service so long as the proceeds are used exclusively for central
38 dispatching of emergency services. The board shall have exclusive control of all
39 gifts, property or money it may accept; of all interest of other proceeds which may
40 accrue from the investment of such gifts or money or from the sale of such
41 property; of all tax revenues collected by the county on behalf of the central
42 dispatching of emergency services; and of all other funds granted, appropriated
43 or loaned to it by the federal government, the state or its political subdivisions
44 so long as such resources are used solely to benefit the central dispatching of

45 emergency services.

46 7. Any board member may, following notice and an opportunity to be
47 heard, be removed from any office by a majority vote of the other members of the
48 board for any of the following reasons:

49 (1) Failure to attend five consecutive meetings, without good cause;

50 (2) Conduct prejudicial to the good order and efficient operation of the
51 central dispatching of emergency services; or

52 (3) Neglect of duty.

53 8. The chairperson of the board shall preside at such removal hearing,
54 unless the chairperson is the person sought to be removed, in which case the
55 hearing shall be presided over by another member elected by a majority vote of
56 the other board members. All interested parties may present testimony and
57 arguments at such hearing, and the witnesses shall be sworn in by oath or
58 affirmation before testifying. Any interested party may, at his or her own
59 expense, record the proceedings.

60 9. Vacancies on the board occasioned by removals, resignations or
61 otherwise shall be filled by the remaining members of the board. The appointee
62 or appointees shall act until the next election at which a director or directors are
63 elected to serve the remainder of the unexpired term.

64 10. Individual board members shall not be eligible for employment by the
65 board within twelve months of termination of service as a member of the board.

66 11. No person shall be employed by the board who is related within the
67 fourth degree by blood or by marriage to any member of the board.

68 **12. The board shall possess all of the powers delineated in**
69 **section 190.327, including those necessary, incidental, or appropriate**
70 **to carry out any express power.**

321.017. 1. Notwithstanding the provisions of section 321.015, no
2 employee of any fire protection district or ambulance district shall serve as a
3 member of any fire district or ambulance district board while such person is
4 employed by any fire district or ambulance district, except that an employee of
5 a fire protection district or an ambulance district may serve as a member of a
6 voluntary fire protection district board or a voluntary ambulance district board.

7 **2. Notwithstanding any other provision of law to the contrary,**
8 **no person who has served as a member of a fire district or ambulance**
9 **district board shall be eligible for employment by the board within**
10 **twelve months of ending his or her term as a member of the board**

11 unless such employment is on a volunteer basis or without
12 compensation.

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