SECOND REGULAR SESSION
[CORRECTED]
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE BILL NO. 732
98TH GENERAL ASSEMBLY
2016

AN ACT
To repeal sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.165, 190.241, 190.335, 192.737, 192.2400, 192.2405, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, and 610.100, RSMo, and section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 575.145 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.145 as enacted by house bill no. 1270 and house bill no. 2032, ninety-first general assembly, second regular session, and to enact in lieu thereof thirty-seven new sections relating to public safety, with penalty provisions.

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

Section A. Sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.165, 190.241, 190.335, 192.737, 192.2400, 192.2405, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, and 610.100, RSMo, and section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 575.145 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.145 as enacted by house bill no. 1270 and house bill no. 2032, ninety-first general assembly, second regular session, and to enact in lieu thereof thirty-seven new sections relating to public safety, with penalty provisions.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
second regular session, and section 575.145 as enacted by house bill no. 1270 and	house bill no. 2032, ninety-first general assembly, second regular session, are
repealed and thirty-seven new sections enacted in lieu thereof, to be known as
sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902,
190.055, 190.102, 190.103, 190.142, 190.144, 190.145, 190.165, 190.173, 190.240, 190.241,
190.260, 190.265, 190.335, 192.2400, 192.2405, 192.2475, 208.1030, 208.1032,
287.245, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, 575.145,
610.100, and 610.205, to read as follows:

43.545. The state highway patrol shall include [in its voluntary system
of reporting for compilation in the "Crime in Missouri"] all reported incidents of
domestic violence as defined in section 455.010, whether or not an arrest is made,
in its system of reporting for compilation in the annual crime report
published under section 43.505. All incidents shall be reported on forms
provided by the highway patrol and in a manner prescribed by the patrol.

44.010. As used in sections 44.010 to 44.130, the following terms mean:

(1) "Agency", the state emergency management agency;
(2) "Bioterrorism", the intentional use of any microorganism, virus,
infected substance, or biological product that may be engineered as a result of
biotechnology, or any naturally occurring or bioengineered component of any such
microorganism, virus, infectious substance, or biological product, to cause death,
disease, or other biological malfunction in a human, an animal, a plant, or
another living organism in order to influence the conduct of government or to
intimidate or coerce a civilian population;
(3) "Director", the director of the state emergency management agency;
(4) "Disasters", disasters which may result from terrorism, including
bioterrorism, or from fire, wind, flood, earthquake, or other natural or man-made
causes;
(5) "Economic or geographic area", an area or areas within the state, or
partly in this state and adjacent states, comprising political subdivisions grouped
together for purposes of administration, organization, control or disaster recovery
and rehabilitation in time of emergency;
(6) "Emergency", any state of emergency declared by proclamation by the
governor, or by resolution of the legislature pursuant to sections 44.010 to 44.130
upon the actual occurrence of a natural or man-made disaster of major
proportions within this state when the safety and welfare of the inhabitants of
this state are jeopardized;

(7) "Emergency management", government at all levels performing emergency functions, other than functions for which military forces are primarily responsible;

(8) "Emergency management functions", "emergency management activities" and "emergency management service", those functions required to prepare for and carry out actions to prevent, minimize and repair injury and damage due to disasters, to include emergency management of resources and administration of such economic controls as may be needed to provide for the welfare of the people, either on order of or at the request of the federal government, or in the event the federal government is incapable of administering such control;

(9) "Emergency resources planning and management", planning for, management and coordination of national, state and local resources;

(10) "Executive officer of any political subdivision", the county commission or county supervisor or the mayor or other manager of the executive affairs of any city, town, village or fire protection district;

(11) "Local organization for emergency management", any organization established under this law by any county or by any city, town, or village to perform local emergency management functions;

(12) "Management", the activities of the emergency management director in the implementation of emergency operations plans during time of emergency;

(13) "Planning", activities of the state and local emergency management agency in the formulation of emergency management plans to be used in time of emergency;

(14) "Political subdivision", any county or city, town or village, or any fire district created by law;

(15) "Urban search and rescue task force", any entity whose primary responsibility is to locate, remove, and provide medical care to persons in collapsed buildings.

44.023. 1. The Missouri state emergency management agency shall establish and administer an emergency volunteer program to be activated in the event of a disaster whereby volunteer architects, [and professional] engineers [registered] licensed under chapter 327, any individual including, but not limited to, building officials and building inspectors employed by local
governments, qualified by training and experience, who has been
certified by the state emergency management agency, and who
performs his or her duties under the direction of an architect or
engineer licensed under chapter 327, and construction contractors,
equipment dealers and other owners and operators of construction equipment may
volunteer the use of their services and equipment, either manned or unmanned,
for up to [three] five consecutive days for in-state deployments as requested
and needed by the state emergency management agency.

2. In the event of a disaster, the enrolled volunteers shall, where needed,
assist local jurisdictions and local building inspectors to provide essential
demolition, cleanup or other related services and to determine whether
[buildings] structures affected by a disaster:

(1) Have not sustained serious damage and may be occupied;
(2) Must be [vacated temporarily] restricted in their use pending repairs; or
(3) [Must be demolished in order to avoid hazards to occupants or other persons] Are unsafe and shall not be occupied pending repair or
demolition.

3. Any person when utilized as a volunteer under the emergency volunteer
program shall have his or her incidental expenses paid by the local jurisdiction
for which the volunteer service is provided. Enrolled volunteers under the
emergency volunteer program shall be provided workers' compensation
insurance by the state emergency management agency during their
official duties as authorized by the state emergency management
agency.

4. Emergency volunteers who are certified by the state
emergency management agency shall be considered employees of the
state for purposes of the emergency mutual aid compact under section
44.415 and shall be eligible for out-of-state deployments in accordance
with such section.

5. Architects, [and professional] engineers, individuals including, but
not limited to, building officials and building inspectors employed by
local governments, qualified by training and experience, who have been
certified by the state emergency management agency, and who perform
their duties under the direction of an architect or engineer licensed
under chapter 327, construction contractors, equipment dealers and other
owners and operators of construction equipment and the companies with which
they are employed, working under the emergency volunteer program, shall not be
personally liable either jointly or separately for any act or acts committed in the
performance of their official duties as emergency volunteers except in the case of
willful misconduct or gross negligence.

5. Any individuals, employers, partnerships, corporations or
proprietorships, that are working under the emergency volunteer program
providing demolition, cleanup, removal or other related services, shall not be
liable for any acts committed in the performance of their official duties as
emergency volunteers except in the case of willful misconduct or gross negligence.

44.032. 1. The general assembly recognizes the necessity for anticipating
and making advance provisions to care for the unusual and extraordinary
burdens imposed on this state and its political subdivisions by disasters or
emergencies. To meet such situations, it is the intention of the general assembly
to confer emergency powers on the governor, acting through the director, and
vesting the governor with adequate power and authority within the limitation of
available funds in the Missouri disaster fund to meet any such emergency or
disaster.

2. There is hereby established a fund to be known as the "Missouri
Disaster Fund", to which the general assembly may appropriate funds and from
which funds may be appropriated annually to the state emergency management
agency. The funds appropriated shall be expended during a state emergency at
the direction of the governor and upon the issuance of an emergency declaration
which shall set forth the emergency and shall state that it requires the
expenditure of public funds to furnish immediate aid and relief. The director of
the state emergency management agency shall administer the fund.

3. Expenditures may be made upon direction of the governor for
emergency management, as defined in section 44.010, or to implement the state
disaster plans. Expenditures may also be made to meet the matching
requirements of state and federal agencies for any applicable assistance
programs.

4. Assistance may be provided from the Missouri disaster fund to political
subdivisions of this state which have suffered from a disaster to such an extent
as to impose a severe financial burden exceeding the ordinary reserve capacity of
the subdivision affected. Applications for aid under this section shall be made to
the state emergency management agency on such forms as may be prescribed and
furnished by the agency, which forms shall require the furnishing of sufficient
information to determine eligibility for aid and the extent of the financial burden
incurred. The agency may call upon other agencies of the state in evaluating
such applications. The director of the state emergency management agency shall
review each application for aid under the provisions of this section and
recommend its approval or disapproval, in whole or in part, to the governor. If
approved, the governor shall determine and certify to the director of the state
emergency management agency the amount of aid to be furnished. The director
of the state emergency management agency shall thereupon issue his voucher to
the commissioner of administration, who shall issue his warrants therefor to the
applicant.

5. When a disaster or emergency has been proclaimed by the governor or
there is a national emergency, the director of the state emergency management
agency, upon order of the governor, shall have authority to expend funds for the
following:

(1) The purposes of sections 44.010 to 44.130 and the responsibilities of
the governor and the state emergency management agency as outlined in sections
44.010 to 44.130;

(2) Employing, for the duration of the response and recovery to emergency,
additional personnel and contracting or otherwise procuring necessary appliances,
supplies, equipment, and transport;

(3) Performing services for and furnishing materials and supplies to state
government agencies, counties, and municipalities with respect to performance
of any duties enjoined by law upon such agencies, counties, and municipalities
which they are unable to perform because of extreme natural or man-made
phenomena, and receiving reimbursement in whole or in part from such agencies,
counties, and municipalities able to pay therefor under such terms and conditions
as may be agreed upon by the director of the state emergency management
agency and any such agency, county, or municipality;

(4) Performing services for and furnishing materials to any individual in
connection with alleviating hardship and distress growing out of extreme natural
or man-made phenomena, and receiving reimbursement in whole or in part from
such individual under such terms as may be agreed upon by the director of the
state emergency management agency and such individual;
(5) Providing services to counties and municipalities with respect to quelling riots and civil disturbances;

(6) Repairing and restoring public infrastructure;

(7) Furnishing transportation for supplies to alleviate suffering and distress;

(8) Furnishing medical services and supplies to prevent the spread of disease and epidemics;

(9) Quelling riots and civil disturbances;

(10) Training individuals or governmental agencies for the purpose of perfecting the performance of emergency assistance duties as defined in the state disaster plans;

(11) Procurement, storage, and transport of special emergency supplies or equipment determined by the director to be necessary to provide rapid response by state government to assist counties and municipalities in impending or actual emergencies;

(12) Clearing or removing from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety; [and]

(13) Reimbursement to any urban search and rescue task force for any reasonable and necessary expenditures incurred in the course of responding to any declared emergency under this section; and

(14) Such other measures as are customarily necessary to furnish adequate relief in cases of catastrophe or disaster.

6. The governor may receive such voluntary contributions as may be made from any source to aid in carrying out the purposes of this section and shall credit the same to the Missouri disaster fund.

7. All obligations and expenses incurred by the governor in the exercise of the powers and duties vested by the provisions of this section shall be paid by the state treasurer out of available funds in the Missouri disaster fund, and the commissioner of administration shall draw warrants upon the state treasurer for the payment of such sum, or so much thereof as may be required, upon receipt of proper vouchers provided by the director of the state emergency management agency.

8. The provisions of this section shall be liberally construed in order to accomplish the purposes of sections 44.010 to 44.130 and to permit the governor to cope adequately with any emergency which may arise, and the powers vested...
in the governor by this section shall be construed as being in addition to all other
powers presently vested in the governor and not in derogation of any existing
powers.

9. Such funds as may be made available by the government of the United
States for the purpose of alleviating distress from disasters may be accepted by
the state treasurer and shall be credited to the Missouri disaster fund, unless
otherwise specifically provided in the act of Congress making such funds
available.

10. The foregoing provisions of this section notwithstanding, any
expenditure or proposed series of expenditures which total in excess of one
thousand dollars per project shall be approved by the governor prior to the
expenditure.

67.145. 1. No political subdivision of this state shall prohibit any first
responder[, as the term first responder is defined in section 192.800,] from
engaging in any political activity while off duty and not in uniform, being a
candidate for elected or appointed public office, or holding such office unless such
political activity or candidacy is otherwise prohibited by state or federal law.

2. As used in this section, "first responder" means any person
trained and authorized by law or rule to render emergency medical
assistance or treatment. Such persons may include, but shall not be
limited to, emergency first responders, police officers, sheriffs, deputy
sheriffs, firefighters, ambulance attendants and attendant drivers,
emergency medical technicians, mobile emergency medical technicians,
emergency medical technician-paramedics, registered nurses, or
physicians.

67.281. 1. A builder of one- or two-family dwellings or townhouses shall
offer to any purchaser on or before the time of entering into the purchase contract
the option, at the purchaser's cost, to install or equip fire sprinklers in the
dwelling or townhouse. Notwithstanding any other provision of law to the
contrary, no purchaser of such a one- or two-family dwelling or townhouse shall
be denied the right to choose or decline to install a fire sprinkler system in such
dwelling or townhouse being purchased by any code, ordinance, rule, regulation,
order, or resolution by any county or other political subdivision. Any county or
other political subdivision shall provide in any such code, ordinance, rule,
regulation, order, or resolution the mandatory option for purchasers to have the
right to choose and the requirement that builders offer to purchasers the option
to purchase fire sprinklers in connection with the purchase of any one- or two-
family dwelling or townhouse. [The provisions of this section shall expire on
December 31, 2024.]

2. Any governing body of any political subdivision that adopts the 2009
International Residential Code for One- and Two-Family Dwellings or a
subsequent edition of such code without mandated automatic fire sprinkler
systems in Section R313 of such code shall retain the language in section R317
of the 2006 International Residential Code for two-family dwellings (R317.1) and
townhouses (R317.2).

70.210. As used in sections 70.210 to 70.320, the following terms mean:
(1) "Governing body", the board, body or persons in which the powers of
a municipality or political subdivision are vested;
(2) "Municipality", municipal corporations, political corporations, and
other public corporations and agencies authorized to exercise governmental
functions;
(3) "Political subdivision", counties, townships, cities, towns, villages,
school, county library, city library, city-county library, road, drainage, sewer,
levee and fire districts, soil and water conservation districts, watershed
subdistricts, county hospitals, [and] any board of control of an art museum, the
board created under sections 205.968 to 205.973, and any other public
subdivision or public corporation having the power to tax.

84.720. 1. The police commissioners of any city with a population of three
hundred fifty thousand or more inhabitants which is located in more than one
county shall have power to regulate and license all private security personnel and
organizations, serving or acting as such in such cities, and no person or
organization shall act in the capacity of, or provide, security services in such
cities without first having obtained the written license of the president or acting
president of the police commissioners of such cities. In order to determine an
individual's suitability to be licensed, the police commissioners of such cities shall
require each applicant to be licensed to be fingerprinted and shall forward the
fingerprints to the Missouri state highway patrol for a criminal history record
check. Any person or organization that violates the provisions of this section is
guilty of a class B misdemeanor.

2. Any individual who is a holder of an occupational license
issued by the Missouri gaming commission as defined under section 313.800 to perform the duties of an unarmed security guard while working on an excursion gambling boat as defined under section 313.800 or at a facility adjacent to an excursion gambling boat shall be exempt from the requirements of subsection 1 of this section and from any other political subdivision licensing requirements for unarmed security guards.

94.902. 1. The governing [body] bodies of the following cities may impose a tax as provided in this section:

(1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants[. or];

(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants[. or];

(3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants[.];

(4) Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants; or

(5) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants.

2. The governing body of any city listed in subsection 1 of this section may impose, by order or ordinance, a sales tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment, city employee salaries and benefits, and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.
2. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of .......................................... (city's name) impose a citywide sales tax at a rate of ....... (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES  ☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of the adoption of the sales tax. If a majority of the votes cast on the proposal by the qualified voters voting thereon are opposed to the proposal, then the tax shall not become effective unless the proposal is resubmitted under this section to the qualified voters and such proposal is approved by a majority of the qualified voters voting on the proposal. However, in no event shall a proposal under this section be submitted to the voters sooner than twelve months from the date of the last proposal under this section.

3. Any sales tax imposed under this section shall be administered, collected, enforced, and operated as required in section 32.087. All sales taxes collected by the director of the department of revenue under this section on behalf of any city, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created in the state treasury, to be known as the "City Public Safety Sales Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The provisions of section 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of the general revenue fund. The director shall keep accurate records of the amount of money in the trust fund and which was collected in each city imposing a sales tax under this section, and the records shall be open to the inspection of officers of the city and the public. Not later than the tenth day of each month the director shall distribute all moneys deposited in the trust fund during the preceding month to the city which levied
the tax. Such funds shall be deposited with the city treasurer of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

[4.] 5. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

[5.] 6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question of repeal of the tax to the voters on any date available for elections for the city. The ballot of submission shall be in substantially the following form:

Shall ............................................... (insert the name of the city) repeal the sales tax imposed at a rate of .......... (insert rate of percent) percent for the purpose of improving the public safety of the city?

☐ YES  ☐ NO

If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the sales tax
authorized in this section shall remain effective until the question is resubmitted under this section to the qualified voters, and the repeal is approved by a majority of the qualified voters voting on the question.

[6.] 7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the city voting in the last gubernatorial election, calling for an election to repeal the sales tax imposed under this section, the governing body shall submit to the voters of the city a proposal to repeal the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar year in which such repeal was approved. If a majority of the votes cast on the question by the qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

[7.] 8. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

190.055. 1. The board of directors of a district shall possess and exercise all of its legislative and executive powers. Within thirty days after the election of the initial directors, the board shall meet. The time and place of the first meeting of the board shall be designated by the county commission. At its first meeting and after each election of new board members the board shall elect a chairman from its members and select a secretary, treasurer and such officers or employees as it deems expedient or necessary for the accomplishment of its corporate objectives. The secretary and treasurer need not be members of the board. At the meeting the board, by ordinance, shall define the first and subsequent fiscal years of the district, and shall adopt a corporate seal and bylaws, which shall determine the times for the annual election of officers and of other regular and special meetings of the board and shall contain the rules for the transaction of other business of the district and for amending the bylaws.

2. Each board member of any district shall devote such time to the duties of the office as the faithful discharge thereof may require, including educational programs provided by the state and each board member may be reimbursed for actual expenditures in the performance of his or her duties on behalf of the district.
3. The secretary and treasurer, if members of the board of directors, may each receive additional compensation for the performance of their duties as secretary or treasurer as the board shall deem reasonable and necessary; provided that, such additional compensation shall not exceed one thousand dollars per year.

4. Each board member may receive an attendance fee not to exceed one hundred dollars for attending each regularly or specially called board meeting. Such member shall not be paid for attending more than two meetings in any calendar month, except that in a county of the first classification having a charter form of government, such member shall not be paid for attending more than four such meetings in any calendar month. In addition, the chairman of the board may receive fifty dollars for attending each regularly or specially called board meeting, but such chairman shall not be paid the additional fee for attending more than two meetings in any calendar month.

5. The compensation authorized by subsections 3 and 4 of this section shall only apply:
   (1) If such compensation is approved by the board of such district; and
   (2) To any elected term of any board member beginning after August 28, 2000.

6. Notwithstanding any other provision of law to the contrary, individual board members shall not be eligible for employment by the board within twelve months of termination of service as a member of the board unless such employment is on a volunteer basis or without compensation.

190.102. 1. The department shall designate through regulation EMS regions and committees. The purpose of the regional EMS advisory committees is to advise and make recommendations to the region and the department on:
   (1) Coordination of emergency resources in the region;
   (2) Improvement of public and professional education;
   (3) Cooperative research endeavors;
   (4) Development of standards, protocols and policies; [and]
   (5) Voluntary multiagency quality improvement committee and process; and
   (6) Development and review of and recommendations for community and regional time critical diagnosis plans.
2. The members of the committees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the committees.

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

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

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

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

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

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

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

   (1) Age requirements;
   (2) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245;
   (3) Initial licensure testing requirements. Initial EMT-P licensure testing shall be through the national registry of EMTs or examinations developed and administered by the department of health and senior services;
   (4) Continuing education and relicensure requirements; and
   (5) Ability to speak, read and write the English language.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections...
4. All levels of emergency medical technicians may perform only that patient care which is:
   (1) Consistent with the training, education and experience of the particular emergency medical technician; and
   (2) Ordered by a physician or set forth in protocols approved by the medical director.

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

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

190.144. No emergency medical technician licensed under section 190.142 or 190.143, if acting in good faith and without gross negligence, shall be liable for:
   (1) Transporting a person for whom an application for detention for evaluation and treatment has been filed under section 631.115 or 632.305; or
   (2) Physically or chemically restraining an at-risk behavioral health patient as that term is defined under section 190.240 if such restraint is to ensure the safety of the patient or technician.

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

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

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

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

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

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

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

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

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

(8) Disciplinary action against the holder of a license or other right to
practice any activity regulated by sections 190.100 to 190.245 granted by another
state, territory, federal agency or country upon grounds for which revocation or
suspension is authorized in this state;
(9) For an individual being finally adjudged insane or incompetent by a
court of competent jurisdiction;
(10) Assisting or enabling any person to practice or offer to practice any
activity licensed or regulated by sections 190.100 to 190.245 who is not licensed
and currently eligible to practice pursuant to sections 190.100 to 190.245;
(11) Issuance of a certificate, permit or license based upon a material
mistake of fact;
(12) Violation of any professional trust [or], confidence, or legally
protected privacy rights of a patient by means of an unauthorized or
unlawful disclosure;
(13) Use of any advertisement or solicitation which is false, misleading or
deceptive to the general public or persons to whom the advertisement or
solicitation is primarily directed;
(14) Violation of the drug laws or rules and regulations of this state, any
other state or the federal government;
(15) Refusal of any applicant or licensee to [cooperate with the] respond
to reasonable department of health and senior [services during any
investigation] services' requests for necessary information to process an
application or to determine license status or license eligibility;
(16) Any conduct or practice which is or might be harmful or dangerous
to the mental or physical health or safety of a patient or the public;
(17) Repeated acts of negligence or recklessness in the performance of
the functions or duties of any activity licensed or regulated by sections 190.100
to 190.245.
3. If the department conducts investigations, the department,
prior to interviewing a licensee who is the subject of the investigation,
shall explain to the licensee that he or she has the right to:
(1) Consult legal counsel or have legal counsel present;
(2) Have anyone present whom he or she deems to be necessary
or desirable, except for any holder of any certificate, permit, or license
required by sections 190.100 to 190.245; and
(3) Refuse to answer any question or refuse to provide or sign
any written statement.
The assertion of any right listed in this subsection shall not be deemed by the department to be a failure to cooperate with any department investigation.

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

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

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

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

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

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

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

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

190.240. 1. Any hospital, as such term is defined in section 197.020, or any nursing home facility licensed under chapter 198 shall have 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.

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

3. Any physician treating an at-risk behavioral patient in an
emergency situation who, after assessing the patient, determines that
there is reasonable cause to believe there is a likelihood that the
patient may cause an imminent serious harm to himself, herself, or
others unless the patient is immediately transported to another
appropriate facility may, upon initiation as soon as possible by either
the sending facility or the receiving facility, place the patient on a
temporary involuntary hold for a period of time necessary to effectuate
the patient's transport. The provisions of section 632.440 shall apply to
such physicians. 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 shall not be liable for
any claims of negligence, false imprisonment, or invasion of privacy
based on such temporary hold, treatment, or transport of the patient.

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

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

190.241. 1. The department shall designate a hospital as an adult,
pediatric or adult and pediatric trauma center when a hospital, upon proper
application submitted by the hospital and site review, has been found by the
department to meet the applicable level of trauma center criteria for designation
in accordance with rules adopted by the department as prescribed by section
190.185.

2. Except as provided for in subsection 4 of this section, the
department shall designate a hospital as a STEMI or stroke center when such
hospital, upon proper application and site review, has been found by the
department to meet the applicable level of STEMI or stroke center criteria for
designation in accordance with rules adopted by the department as prescribed by
section 190.185. In developing STEMI center and stroke center designation
criteria, the department shall use, as it deems practicable, appropriate
peer-reviewed or evidence-based research on such topics including, but not limited
to, the most recent guidelines of the American College of Cardiology and
American Heart Association for STEMI centers, or the Joint Commission's
Primary Stroke Center Certification program criteria for stroke centers, or
Primary and Comprehensive Stroke Center Recommendations as published by the
American Stroke Association.

3. The department of health and senior services shall, not less than once
every five years, conduct an on-site review of every trauma, STEMI, and stroke
center through appropriate department personnel or a qualified contractor, with
the exception of stroke centers designated pursuant to subsection 4 of
this section; however, this provision is not intended to limit the
department's ability to conduct a complaint investigation pursuant to
subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI,
or stroke center. On-site reviews shall be coordinated for the different types
of centers to the extent practicable with hospital licensure inspections conducted
under chapter 197. No person shall be a qualified contractor for purposes of this
subsection who has a substantial conflict of interest in the operation of any
trauma, STEMI, or stroke center under review. The department may deny, place
on probation, suspend or revoke such designation in any case in which it has
reasonable cause to believe that there has been a substantial failure to comply
with the provisions of this chapter or any rules or regulations promulgated
pursuant to this chapter. If the department of health and senior services has
reasonable cause to believe that a hospital is not in compliance with such
provisions or regulations, it may conduct additional announced or unannounced
site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke
center fails two consecutive on-site reviews because of substantial noncompliance
with standards prescribed by sections 190.001 to 190.245 or rules adopted by the
department pursuant to sections 190.001 to 190.245, its center designation shall
be revoked.

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

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

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

(3) A level III stroke center if such hospital has been certified as an acute stroke-ready hospital by the Joint Commission or any other certifying organization designated by the department when such certification is in accordance with the American Heart Association/American Stroke Association guidelines.

Except as provided by subsection 5 of this section, the department shall not require compliance with any additional standards for establishing or renewing stroke designations. The designation shall continue if such hospital remains certified. The department may remove a hospital's designation as a stroke center if the hospital requests removal of the designation or the department determines that the certificate recognizing the hospital as a stroke center has been suspended or revoked. Any decision made by the department to withdraw its designation of a stroke center pursuant to this subsection that is based on the revocation or suspension of a certification by a certifying organization shall not be subject to judicial review. The department shall report to the certifying organization any complaint it receives related to the stroke center certification of a stroke center designated pursuant to this subsection. The department shall also advise the complainant which organization certified the stroke center and provide the necessary contact information should the complainant wish to pursue a complaint with the certifying organization.

5. Any hospital receiving designation as a stroke center pursuant to subsection 4 of this section shall:

(1) Annually and within thirty days of any changes submit to the department proof of stroke certification and the names and contact information of the medical director and the program manager of the
stroke center;

(2) Submit to the department a copy of the certifying organization's final stroke certification survey results within thirty days of receiving such results;

(3) Submit every four years an application on a form prescribed by the department for stroke center review and designation;

(4) Participate in the emergency medical services regional system of stroke care in its respective emergency medical services region as defined in rules promulgated by the department;

(5) Participate in local and regional emergency medical services systems by reviewing and sharing outcome data and providing training and clinical educational resources.

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

6. Hospitals designated as a STEMI or stroke center by the department, including those designated pursuant to subsection 4 of this section, shall submit data to meet the data submission requirements specified by rules promulgated by the department. Such submission of data may be done by the following methods:

(1) Entering hospital data directly into a state registry by direct data entry;

(2) Downloading hospital data from a nationally-recognized registry or data bank and importing the data files into a state registry; or

(3) Authorizing a nationally-recognized registry or data bank to disclose or grant access to the department facility-specific data held by the registry or data bank.

A hospital submitting data pursuant to subdivisions (2) or (3) of this subsection shall not be required to collect and submit any additional STEMI or stroke center data elements.

7. When collecting and analyzing data pursuant to the provisions of this section, the department shall comply with the following requirements:
(1) Names of any health care professionals, as defined in section 376.1350, shall not be subject to disclosure;

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

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

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

(5) STEMI and stroke center data elements shall conform to nationally recognized performance measures, such as the American Heart Association's Get With the Guidelines, and include published detailed measure specifications, data coding instructions, and patient population inclusion and exclusion criteria to ensure data reliability and validity; and

(6) Generate from the trauma, stroke, and STEMI registries quarterly regional and state outcome data reports for trauma, stroke, and STEMI designated centers, the state advisory council on EMS, and regional EMS committees to review for performance improvement and patient safety.

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

9. The department of health and senior services may establish appropriate fees to offset the costs of trauma, STEMI, and stroke center reviews.

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

[6.] 11. Any person aggrieved by an action of the department of health
and senior services affecting the trauma, STEMI, or stroke center designation pursuant to this chapter, including the revocation, the suspension, or the granting of, refusal to grant, or failure to renew a designation, may seek a determination thereon by the administrative hearing commission under chapter 621. It shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department.

190.260. 1. This section shall be known and may be cited as the "First Informer Broadcasters Act".

2. As used in this section, the following terms shall mean:

(1) "Broadcaster", a radio broadcasting station or television broadcasting station licensed by the Federal Communications Commission and subject to participation in the Emergency Alert System (EAS), which is primarily engaged in and deriving income from the business of facilitating speech via over-the-air-communications, both as pure speech and commercial speech;

(2) "First informer broadcaster", a person who has been certified as a first informer broadcaster under this section.

3. The department of public safety, in cooperation with any statewide organization or any member of a statewide organization that represents broadcasters, shall establish a program for training and certifying broadcast engineers and technical personnel as first informer broadcasters. Upon completion of the program, broadcasters shall receive statewide recognized credentials to certify that such broadcasters are first informer broadcasters. The program established under this section shall provide training and education concerning:

(1) The restoration, repair, and resupply of any facilities and equipment of a broadcaster in an area affected by an emergency or disaster; and

(2) The personal safety of a first informer broadcaster in an area affected by an emergency or disaster.

4. To the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts, state and local governmental agencies shall allow first informer broadcasters access to areas affected by an emergency or disaster for the purposes of restoring, repairing, or resupplying any facility or equipment critical
to the ability of a broadcaster to acquire, produce, and transmit essential emergency or disaster-related public information programming including, without limitation, repairing and maintaining transmitters and generators, and transporting fuel for generators.

5. The statewide association involved in establishing a program in accordance with this section shall pay the costs of developing and implementing the training program.

190.265. 1. In order to ensure that the skids of a helicopter do not get caught in a fence or other barriers and cause a potentially catastrophic outcome, any rules and regulations promulgated by the department of health and senior services pursuant to sections 190.185, 190.241, and 192.006, chapter 197, or any other provision of Missouri law shall not require hospitals to have a fence, or other barriers, around such hospital's helipad. Any regulation requiring fencing, or other barriers, or any interpretation of such regulation shall be null and void.

2. In addition to the prohibition in subsection 1 of this section, the department shall not promulgate any rules and regulations with respect to the operation or construction of a helipad located at a hospital.

3. Hospitals shall ensure that helipads are free of obstruction and safe for use by a helicopter while on the ground, during approach, and takeoff.

4. As used in this section, the term "hospital" shall have the same meaning as in section 197.020.

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency telephone services, the county commission of any county may impose a county sales tax for the provision of central dispatching of fire protection, including law enforcement agencies, emergency ambulance service or any other emergency services, including emergency telephone services, which shall be collectively referred to herein as "emergency services", and which may also include the purchase and maintenance of communications and emergency equipment, including the operational costs associated therein, in accordance with the provisions of this section.

2. Such county commission may, by a majority vote of its members, submit to the voters of the county, at a public election, a proposal to authorize the county
commission to impose a tax under the provisions of this section. If the residents
of the county present a petition signed by a number of residents equal to ten
percent of those in the county who voted in the most recent gubernatorial
election, then the commission shall submit such a proposal to the voters of the
county.

3. The ballot of submission shall be in substantially the following form:
   Shall the county of ............... (insert name of county) impose a county sales
tax of ............ (insert rate of percent) percent for the purpose of providing central
dispatching of fire protection, emergency ambulance service, including emergency
telephone services, and other emergency services?
   □ YES □ NO

If a majority of the votes cast on the proposal by the qualified voters voting
thereon are in favor of the proposal, then the ordinance shall be in effect as
provided herein. If a majority of the votes cast by the qualified voters voting are
opposed to the proposal, then the county commission shall have no power to
impose the tax authorized by this section unless and until the county commission
shall again have submitted another proposal to authorize the county commission
to impose the tax under the provisions of this section, and such proposal is
approved by a majority of the qualified voters voting thereon.

4. The sales tax may be imposed at a rate not to exceed one percent on the
receipts from the sale at retail of all tangible personal property or taxable
services at retail within any county adopting such tax, if such property and
services are subject to taxation by the state of Missouri under the provisions of
sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six
months before operation of the central dispatching of emergency services.

5. Except as modified in this section, all provisions of sections 32.085 and
32.087 shall apply to the tax imposed under this section.

6. Any tax imposed pursuant to section 190.305 shall terminate at the end
of the tax year in which the tax imposed pursuant to this section for emergency
services is certified by the board to be fully operational. Any revenues collected
from the tax authorized under section 190.305 shall be credited for the purposes
for which they were intended.

7. At least once each calendar year, the board shall establish a tax rate,
not to exceed the amount authorized, that together with any surplus revenues
carried forward will produce sufficient revenues to fund the expenditures
authorized by this act. Amounts collected in excess of that necessary within a
given year shall be carried forward to subsequent years. The board shall make
its determination of such tax rate each year no later than September first and
shall fix the new rate which shall be collected as provided in this
act. Immediately upon making its determination and fixing the rate, the board
shall publish in its minutes the new rate, and it shall notify every retailer by
mail of the new rate.

8. Immediately upon the affirmative vote of voters of such a county on the
ballot proposal to establish a county sales tax pursuant to the provisions of this
section, the county commission shall appoint the initial members of a board to
administer the funds and oversee the provision of emergency services in the
county. Beginning with the general election in 1994, all board members shall be
elected according to this section and other applicable laws of this state. At the
time of the appointment of the initial members of the board, the commission shall
relinquish and no longer exercise the duties prescribed in this chapter with
regard to the provision of emergency services and such duties shall be exercised
by the board.

9. The initial board shall consist of seven members appointed without
regard to political affiliation, who shall be selected from, and who shall represent,
the fire protection districts, ambulance districts, sheriff's department,
municipalities, any other emergency services and the general public. This initial
board shall serve until its successor board is duly elected and installed in
office. The commission shall ensure geographic representation of the county by
appointing no more than four members from each district of the county
commission.

10. Beginning in 1994, three members shall be elected from each district
of the county commission and one member shall be elected at large, such member
to be the chairman of the board. Of those first elected, four members from
districts of the county commission shall be elected for terms of two years and two
members from districts of the county commission and the member at large shall
be elected for terms of four years. In 1996, and thereafter, all terms of office
shall be four years. Notwithstanding any other provision of law, if there is no
candidate for an open position on the board, then no election shall be held for
that position and it shall be considered vacant, to be filled pursuant to the
provisions of section 190.339, and, if there is only one candidate for each open
position, no election shall be held and the candidate or candidates shall assume
office at the same time and in the same manner as if elected.

11. Notwithstanding the provisions of subsections 8 to 10 of this section
to the contrary, in any county of the first classification with more than two
hundred forty thousand three hundred but fewer than two hundred forty
thousand four hundred inhabitants or in any county of the third
classification with a township form of government and with more than
twenty-eight thousand but fewer than thirty-one thousand inhabitants,
any emergency telephone service 911 board appointed by the county under section
190.309 which is in existence on the date the voters approve a sales tax under
this section shall continue to exist and shall have the powers set forth under
section 190.339. Such boards which existed prior to August 25, 2010, shall not
be considered a body corporate and a political subdivision of the state for any
purpose, unless and until an order is entered upon an unanimous vote of the
commissioners of the county in which such board is established reclassifying such
board as a corporate body and political subdivision of the state. The order shall
approve the transfer of the assets and liabilities related to the operation of the
emergency service 911 system to the new entity created by the reclassification of
the board.

12. (1) Notwithstanding the provisions of subsections 8 to 10 of this
section to the contrary, in any county of the second classification with more than
fifty-four thousand two hundred but fewer than fifty-four thousand three hundred
inhabitants or any county of the first classification with more than fifty thousand
but fewer than seventy thousand inhabitants that has approved a sales tax under
this section, the county commission shall appoint the members of the board to
administer the funds and oversee the provision of emergency services in the
county.

(2) The board shall consist of seven members appointed without regard
to political affiliation. Except as provided in subdivision (4) of this subsection,
each member shall be one of the following:

(a) The head of any of the county's fire protection districts, or a designee;
(b) The head of any of the county's ambulance districts, or a designee;
(c) The county sheriff, or a designee;
(d) The head of any of the police departments in the county, or a designee;

and
(e) The head of any of the county's emergency management organizations, or a designee.

(3) Upon the appointment of the board under this subsection, the board shall have the power provided in section 190.339 and shall exercise all powers and duties exercised by the county commission under this chapter, and the commission shall relinquish all powers and duties relating to the provision of emergency services under this chapter to the board.

(4) In any county of the first classification with more than fifty thousand but fewer than seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall be represented on the board by at least one member.

192.2400. As used in sections 192.2400 to 192.2505, the following terms mean:

(1) "Abuse", the infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm, or corporation and bullying;

(2) "Bullying", intimidation or harassment that causes a reasonable person to fear for his or her physical safety or property and may consist of physical actions including gestures; cyberbullying; oral, electronic, or written communication; and any threat of retaliation for reporting of such acts;

(3) "Court", the circuit court;

(4) "Department", the department of health and senior services;

(5) "Director", director of the department of health and senior services or his or her designees;

(6) "Eligible adult", a person sixty years of age or older who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs or an adult with a disability, as defined in section 192.2005, between the ages of eighteen and fifty-nine who is unable to protect his or her own interests or adequately perform or obtain services which are necessary to meet his or her essential human needs;

(7) "Home health agency", the same meaning as such term is defined in section 197.400;

(8) "Home health agency employee", a person employed by a home health agency;
"Home health patient", an eligible adult who is receiving services through any home health agency;

"In-home services client", an eligible adult who is receiving services in his or her private residence through any in-home services provider agency;

"In-home services employee", a person employed by an in-home services provider agency;

"In-home services provider agency", a business entity under contract with the department or with a Medicaid participation agreement, which employs persons to deliver any kind of services provided for eligible adults in their private homes;

"Least restrictive environment", a physical setting where protective services for the eligible adult and accommodation is provided in a manner no more restrictive of an individual's personal liberty and no more intrusive than necessary to achieve care and treatment objectives;

"Likelihood of serious physical harm", one or more of the following:

(a) A substantial risk that physical harm to an eligible adult will occur because of his or her failure or inability to provide for his or her essential human needs as evidenced by acts or behavior which has caused such harm or which gives another person probable cause to believe that the eligible adult will sustain such harm;

(b) A substantial risk that physical harm will be inflicted by an eligible adult upon himself or herself, as evidenced by recent credible threats, acts, or behavior which has caused such harm or which places another person in reasonable fear that the eligible adult will sustain such harm;

(c) A substantial risk that physical harm will be inflicted by another upon an eligible adult as evidenced by recent acts or behavior which has caused such harm or which gives another person probable cause to believe the eligible adult will sustain such harm;

(d) A substantial risk that further physical harm will occur to an eligible adult who has suffered physical injury, neglect, sexual or emotional abuse, or other maltreatment or wasting of his or her financial resources by another person;

"Neglect", the failure to provide services to an eligible adult
by any person, firm or corporation with a legal or contractual duty to do so, when
such failure presents either an imminent danger to the health, safety, or welfare
of the client or a substantial probability that death or serious physical harm
would result;

[(15) (16)] "Protective services", services provided by the state or other
governmental or private organizations or individuals which are necessary for the
eligible adult to meet his or her essential human needs.

192.2405. 1. The following persons shall be required to immediately
report or cause a report to be made to the department under sections 192.2400
to 192.2470:

(1) Any person having reasonable cause to suspect that an eligible adult
presents a likelihood of suffering serious physical harm, or bullying as defined
in subdivision (2) of section 192.2400, and is in need of protective services;
and

(2) Any adult day care worker, chiropractor, Christian Science
practitioner, coroner, dentist, embalmer, employee of the departments of social
services, mental health, or health and senior services, employee of a local area
agency on aging or an organized area agency on aging program, first responder,
funeral director, home health agency, home health agency employee, hospital and
clinic personnel engaged in the care or treatment of others, in-home services
owner or provider, in-home services operator or employee, law enforcement officer,
long-term care facility administrator or employee, medical examiner, medical
resident or intern, mental health professional, minister, nurse, nurse practitioner,
optometrist, other health practitioner, peace officer, pharmacist, physical
therapist, physician, physician's assistant, podiatrist, probation or parole officer,
psychologist, social worker, or other person with the responsibility for the care of
a person sixty years of age or older who has reasonable cause to suspect that such
a person has been subjected to abuse or neglect or observes such a person being
subjected to conditions or circumstances which would reasonably result in abuse
or neglect. Notwithstanding any other provision of this section, a duly ordained
minister, clergy, religious worker, or Christian Science practitioner while
functioning in his or her ministerial capacity shall not be required to report
concerning a privileged communication made to him or her in his or her
professional capacity.

2. Any other person who becomes aware of circumstances that may
reasonably be expected to be the result of, or result in, abuse or neglect of a person sixty years of age or older may report to the department.

3. The penalty for failing to report as required under subdivision (2) of subsection 1 of this section is provided under section 565.188.

4. As used in this section, "first responder" means any person trained and authorized by law or rule to render emergency medical assistance or treatment. Such persons may include, but shall not be limited to, emergency first responders, police officers, sheriffs, deputy sheriffs, firefighters, emergency medical technicians, or emergency medical technician-paramedics.

192.2475. 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; first responder, as defined in section 192.2405; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. [When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the
detection and report of abuse and neglect pursuant to this section.

4.] Any person required in subsection 1 of this section to report or cause a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

[5.] 3. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

[6.] 4. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

[7.] 5. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

[8.] 6. Reports shall be confidential, as provided under section 192.2500.

[9.] 7. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.
Within five working days after a report required to be made under this section is received, the person making the report shall be notified in writing of its receipt and of the initiation of the investigation.

No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he or she has reasonable cause to believe has been committed or has occurred.

Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.184. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient.
services client or home health patient while employed by an in-home services
provider agency or home health agency. For purposes of this section only,
"knowingly" and "recklessly" shall have the meanings that are ascribed to them
in this section. A person acts "knowingly" with respect to the person's conduct
when a reasonable person should be aware of the result caused by his or her
conduct. A person acts "recklessly" when the person consciously disregards a
substantial and unjustifiable risk that the person's conduct will result in serious
physical injury and such disregard constitutes a gross deviation from the
standard of care that a reasonable person would exercise in the situation.

[15.] 13. At the time a client has been assessed to determine the level of
care as required by rule and is eligible for in-home services, the department shall
conduct a "Safe at Home Evaluation" to determine the client's physical, mental,
and environmental capacity. The department shall develop the safe at home
evaluation tool by rule in accordance with chapter 536. The purpose of the safe
at home evaluation is to assure that each client has the appropriate level of
services and professionals involved in the client's care. The plan of service or
care for each in-home services client shall be authorized by a nurse. The
department may authorize the licensed in-home services nurse, in lieu of the
department nurse, to conduct the assessment of the client's condition and to
establish a plan of services or care. The department may use the expertise,
services, or programs of other departments and agencies on a case-by-case basis
to establish the plan of service or care. The department may, as indicated by the
safe at home evaluation, refer any client to a mental health professional, as
defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

[16.] 14. Authorized nurse visits shall occur at least twice annually to
assess the client and the client's plan of services. The provider nurse shall report
the results of his or her visits to the client's case manager. If the provider nurse
believes that the plan of service requires alteration, the department shall be
notified and the department shall make a client evaluation. All authorized nurse
visits shall be reimbursed to the in-home services provider. All authorized nurse
visits shall be reimbursed outside of the nursing home cap for in-home services
clients whose services have reached one hundred percent of the average statewide
charge for care and treatment in an intermediate care facility, provided that the
services have been preauthorized by the department.

[17.] 15. All in-home services clients shall be advised of their rights by
the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason, including dissatisfaction with the provider or services. The department may contract for services relating to receiving such complaints. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

[18.] 16. Subject to appropriations, all nurse visits authorized in sections 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

192.2475. 1. When any adult day care worker; chiropractor; Christian Science practitioner; coroner; dentist; embalmer; employee of the departments of social services, mental health, or health and senior services; employee of a local area agency on aging or an organized area agency on aging program; first responder, as defined in section 192.2405; funeral director; home health agency or home health agency employee; hospital and clinic personnel engaged in examination, care, or treatment of persons; in-home services owner, provider, operator, or employee; law enforcement officer; long-term care facility administrator or employee; medical examiner; medical resident or intern; mental health professional; minister; nurse; nurse practitioner; optometrist; other health practitioner; peace officer; pharmacist; physical therapist; physician; physician's assistant; podiatrist; probation or parole officer; psychologist; or social worker has reasonable cause to believe that an in-home services client has been abused or neglected, as a result of in-home services, he or she shall immediately report or cause a report to be made to the department. If the report is made by a physician of the in-home services client, the department shall maintain contact with the physician regarding the progress of the investigation.

2. [When a report of deteriorating physical condition resulting in possible abuse or neglect of an in-home services client is received by the department, the client's case manager and the department nurse shall be notified. The client's case manager shall investigate and immediately report the results of the investigation to the department nurse. The department may authorize the in-home services provider nurse to assist the case manager with the investigation.

3. If requested, local area agencies on aging shall provide volunteer training to those persons listed in subsection 1 of this section regarding the detection and report of abuse and neglect pursuant to this section.

4.] Any person required in subsection 1 of this section to report or cause
a report to be made to the department who fails to do so within a reasonable time after the act of abuse or neglect is guilty of a class A misdemeanor.

[5.] 3. The report shall contain the names and addresses of the in-home services provider agency, the in-home services employee, the in-home services client, the home health agency, the home health agency employee, information regarding the nature of the abuse or neglect, the name of the complainant, and any other information which might be helpful in an investigation.

[6.] 4. In addition to those persons required to report under subsection 1 of this section, any other person having reasonable cause to believe that an in-home services client or home health patient has been abused or neglected by an in-home services employee or home health agency employee may report such information to the department.

[7.] 5. If the investigation indicates possible abuse or neglect of an in-home services client or home health patient, the investigator shall refer the complaint together with his or her report to the department director or his or her designee for appropriate action. If, during the investigation or at its completion, the department has reasonable cause to believe that immediate action is necessary to protect the in-home services client or home health patient from abuse or neglect, the department or the local prosecuting attorney may, or the attorney general upon request of the department shall, file a petition for temporary care and protection of the in-home services client or home health patient in a circuit court of competent jurisdiction. The circuit court in which the petition is filed shall have equitable jurisdiction to issue an ex parte order granting the department authority for the temporary care and protection of the in-home services client or home health patient, for a period not to exceed thirty days.

[8.] 6. Reports shall be confidential, as provided under section 192.2500.

[9.] 7. Anyone, except any person who has abused or neglected an in-home services client or home health patient, who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from the report shall be immune from any civil or criminal liability for making such a report or for testifying except for liability for perjury, unless such person acted negligently, recklessly, in bad faith, or with malicious purpose.

[10.] 8. Within five working days after a report required to be made under this section is received, the person making the report shall be notified in
writing of its receipt and of the initiation of the investigation.

[11.] 9. No person who directs or exercises any authority in an in-home services provider agency or home health agency shall harass, dismiss or retaliate against an in-home services client or home health patient, or an in-home services employee or a home health agency employee because he or she or any member of his or her family has made a report of any violation or suspected violation of laws, standards or regulations applying to the in-home services provider agency or home health agency or any in-home services employee or home health agency employee which he or she has reasonable cause to believe has been committed or has occurred.

[12.] 10. Any person who abuses or neglects an in-home services client or home health patient is subject to criminal prosecution under section 565.180, 565.182, or 565.184. If such person is an in-home services employee and has been found guilty by a court, and if the supervising in-home services provider willfully and knowingly failed to report known abuse by such employee to the department, the supervising in-home services provider may be subject to administrative penalties of one thousand dollars per violation to be collected by the department and the money received therefor shall be paid to the director of revenue and deposited in the state treasury to the credit of the general revenue fund. Any in-home services provider which has had administrative penalties imposed by the department or which has had its contract terminated may seek an administrative review of the department's action pursuant to chapter 621. Any decision of the administrative hearing commission may be appealed to the circuit court in the county where the violation occurred for a trial de novo. For purposes of this subsection, the term "violation" means a determination of guilt by a court.

[13.] 11. The department shall establish a quality assurance and supervision process for clients that requires an in-home services provider agency to conduct random visits to verify compliance with program standards and verify the accuracy of records kept by an in-home services employee.

[14.] 12. The department shall maintain the employee disqualification list and place on the employee disqualification list the names of any persons who have been finally determined by the department, pursuant to section 192.2490, to have recklessly, knowingly or purposely abused or neglected an in-home services client or home health patient while employed by an in-home services provider agency or home health agency. For purposes of this section only,
"knowingly" and "recklessly" shall have the meanings that are ascribed to them in this section. A person acts "knowingly" with respect to the person's conduct when a reasonable person should be aware of the result caused by his or her conduct. A person acts "recklessly" when the person consciously disregards a substantial and unjustifiable risk that the person's conduct will result in serious physical injury and such disregard constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

[15.] 13. At the time a client has been assessed to determine the level of care as required by rule and is eligible for in-home services, the department shall conduct a "Safe at Home Evaluation" to determine the client's physical, mental, and environmental capacity. The department shall develop the safe at home evaluation tool by rule in accordance with chapter 536. The purpose of the safe at home evaluation is to assure that each client has the appropriate level of services and professionals involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

[16.] 14. Authorized nurse visits shall occur at least twice annually to assess the client and the client's plan of services. The provider nurse shall report the results of his or her visits to the client's case manager. If the provider nurse believes that the plan of service requires alteration, the department shall be notified and the department shall make a client evaluation. All authorized nurse visits shall be reimbursed to the in-home services provider. All authorized nurse visits shall be reimbursed outside of the nursing home cap for in-home services clients whose services have reached one hundred percent of the average statewide charge for care and treatment in an intermediate care facility, provided that the services have been preauthorized by the department.

[17.] 15. All in-home services clients shall be advised of their rights by the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any
reason, including dissatisfaction with the provider or services. The department may contract for services relating to receiving such complaints. The department shall establish a process to receive such nonabuse and neglect calls other than the elder abuse and neglect hotline.

[18.] 16. Subject to appropriations, all nurse visits authorized in sections 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

208.1030. 1. An eligible provider, as described in subsection 2 of this section, may, in addition to the rate of payment that the provider would otherwise receive for Medicaid ground emergency medical transportation services, receive MO HealthNet supplemental reimbursement to the extent provided by law.

2. A provider shall be eligible for Medicaid supplemental reimbursement if the provider meets the following characteristics during the state reporting period:

   (1) Provides ground emergency medical transportation services to MO HealthNet participants;

   (2) Is enrolled as a MO HealthNet provider for the period being claimed; and

   (3) Is owned, operated, or contracted by the state or a political subdivision.

3. An eligible provider's Medicaid supplemental reimbursement under this section shall be calculated and paid as follows:

   (1) The supplemental reimbursement to an eligible provider, as described in subsection 2 of this section, shall be equal to the amount of federal financial participation received as a result of the claims submitted under subdivision (2) of subsection 6 of this section;

   (2) In no instance shall the amount certified under subdivision (1) of subsection 5 of this section, when combined with the amount received from all other sources of reimbursement from the MO HealthNet program, exceed one hundred percent of actual costs, as determined under the Medicaid state plan for ground emergency medical transportation services; and

   (3) The supplemental Medicaid reimbursement provided by this section shall be distributed exclusively to eligible providers under a payment methodology based on ground emergency medical transportation services provided to MO HealthNet participants by
eligible providers on a per-transport basis or other federally permissible basis. The department of social services shall obtain approval from the Centers for Medicare and Medicaid Services for the payment methodology to be utilized and shall not make any payment under this section prior to obtaining that approval.

4. An eligible provider, as a condition of receiving supplemental reimbursement under this section, shall enter into and maintain an agreement with the department’s designee for the purposes of implementing this section and reimbursing the department of social services for the costs of administering this section. The non-federal share of the supplemental reimbursement submitted to the Centers for Medicare and Medicaid Services for purposes of claiming federal financial participation shall be paid with funds from the governmental entities described in subdivision (3) of subsection 2 of this section and certified to the state as provided in subsection 5 of this section.

5. Participation in the program by an eligible provider described in this section is voluntary. If an applicable governmental entity elects to seek supplemental reimbursement under this section on behalf of an eligible provider owned or operated by the entity, as described in subdivision (3) of subsection 2 of this section, the governmental entity shall do the following:

(1) Certify in conformity with the requirements of 42 CFR 433.51 that the claimed expenditures for the ground emergency medical transportation services are eligible for federal financial participation;

(2) Provide evidence supporting the certification as specified by the department of social services;

(3) Submit data as specified by the department of social services to determine the appropriate amounts to claim as expenditures qualifying for federal financial participation; and

(4) Keep, maintain, and have readily retrievable any records specified by the department of social services to fully disclose reimbursement amounts to which the eligible provider is entitled and any other records required by the Centers for Medicare and Medicaid Services.

6. The department of social services shall be authorized to seek any necessary federal approvals for the implementation of this
section. The department may limit the program to those costs that are allowable expenditures under Title XIX of the Social Security Act, 42 U.S.C. Section 1396, et seq.

(1) The department of social services shall submit claims for federal financial participation for the expenditures for the services described in subsection 5 of this section that are allowable expenditures under federal law.

(2) The department of social services shall, on an annual basis, submit any necessary materials to the federal government to provide assurances that claims for federal financial participation shall include only those expenditures that are allowable under federal law.

208.1032. 1. The department of social services shall be authorized to design and implement in consultation and coordination with eligible providers as described in subsection 2 of this section an intergovernmental transfer program relating to ground emergency medical transport services, including those services provided at the emergency medical responder, emergency medical technician (EMT), advanced EMT, EMT intermediate, or paramedic levels in the pre-stabilization and preparation for transport, in order to increase capitation payments for the purpose of increasing reimbursement to eligible providers.

2. A provider shall be eligible for increased reimbursement under this section only if the provider meets the following conditions in an applicable state fiscal year:

(1) Provides ground emergency medical transportation services to MO HealthNet participants;

(2) Is enrolled as a MO HealthNet provider for the period being claimed; and

(3) Is owned, operated, or contracted by the state or a political subdivision.

3. To the extent intergovernmental transfers are voluntarily made by and accepted from an eligible provider described in subsection 2 of this section or a governmental entity affiliated with an eligible provider, the department of social services shall make increased capitation payments to applicable MO HealthNet eligible providers for covered ground emergency medical transportation services.
(1) The increased capitation payments made under this section shall be in amounts at least actuarially equivalent to the supplemental fee-for-service payments and up to equivalent of commercial reimbursement rates available for eligible providers to the extent permissible under federal law.

(2) Except as provided in subsection 6 of this section, all funds associated with intergovernmental transfers made and accepted under this section shall be used to fund additional payments to eligible providers.

(3) MO HealthNet managed care plans and coordinated care organizations shall pay one hundred percent of any amount of increased capitation payments made under this section to eligible providers for providing and making available ground emergency medical transportation and pre-stabilization services pursuant to a contract or other arrangement with a MO HealthNet managed care plan or coordinated care organization.

4. The intergovernmental transfer program developed under this section shall be implemented on the date federal approval is obtained, and only to the extent intergovernmental transfers from the eligible provider, or the governmental entity with which it is affiliated, are provided for this purpose. The department of social services shall implement the intergovernmental transfer program and increased capitation payments under this section on a retroactive basis as permitted by federal law.

5. Participation in the intergovernmental transfers under this section is voluntary on the part of the transferring entities for purposes of all applicable federal laws.

6. As a condition of participation under this section, each eligible provider as described in subsection 2 of this section or the governmental entity affiliated with an eligible provider shall agree to reimburse the department of social services for any costs associated with implementing this section. Intergovernmental transfers described in this section are subject to an administration fee of up to twenty percent of the nonfederal share paid to the department of social services and shall be allowed to count as a cost of providing the services not to exceed one hundred twenty percent of the total amount.
7. As a condition of participation under this section, MO HealthNet managed care plans, coordinated care organizations, eligible providers as described in subsection 2 of this section, and governmental entities affiliated with eligible providers shall agree to comply with any requests for information or similar data requirements imposed by the department of social services for purposes of obtaining supporting documentation necessary to claim federal funds or to obtain federal approvals.

8. This section shall be implemented only if and to the extent federal financial participation is available and is not otherwise jeopardized, and any necessary federal approvals have been obtained.

9. To the extent that the director of the department of social services determines that the payments made under this section do not comply with federal Medicaid requirements, the director retains the discretion to return or not accept an intergovernmental transfer, and may adjust payments under this section as necessary to comply with federal Medicaid requirements.

287.245. 1. As used in this section, the following terms shall mean:

   (1) "Association", volunteer fire protection associations as defined in section 320.300;
   (2) "State fire marshal", the state fire marshal selected under the provisions of sections 320.200 to 320.270;
   (3) "Volunteer firefighter", the same meaning as in section 287.243.

2. Any association may apply to the state fire marshal for a grant for the purpose of funding such association's costs related to workers' compensation insurance premiums for volunteer firefighters.

3. Subject to appropriations, the state fire marshal shall disburse grants to each applying volunteer fire protection association according to the following schedule:

   (1) Associations which had zero to five volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for two thousand dollars in grant money;
(2) Associations which had six to ten volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand five hundred dollars in grant money;

(3) Associations which had eleven to fifteen volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for one thousand dollars in grant money;

(4) Associations which had sixteen to twenty volunteer firefighters receive workers' compensation benefits from claims arising out of and in the course of the prevention or control of fire or the underwater recovery of drowning victims in the preceding calendar year shall be eligible for five hundred dollars in grant money.

4. Grant money disbursed under this section shall only be used for the purpose of paying for the workers' compensation insurance premiums of volunteer firefighters.

304.022. 1. Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle or a flashing blue light authorized by section 307.175, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

2. Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, or a stationary vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation or a stationary vehicle owned by a contractor or subcontractor performing work for the department of transportation displaying lighted amber or amber and white lights, the driver of every motor vehicle shall:

(1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not
adjacent to that of the stationary vehicle, if on a roadway having at least four lanes with not less than two lanes proceeding in the same direction as the approaching vehicle; or

(2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.

3. The motorman of every streetcar shall immediately stop such car clear of any intersection and keep it in such position until the emergency vehicle has passed, except as otherwise directed by a police or traffic officer.

4. An "emergency vehicle" is a vehicle of any of the following types:

(1) A vehicle operated by the state highway patrol, the state water patrol, the Missouri capitol police, a conservation agent, or a state park ranger, those vehicles operated by enforcement personnel of the state highways and transportation commission, police or fire department, sheriff, constable or deputy sheriff, federal law enforcement officer authorized to carry firearms and to make arrests for violations of the laws of the United States, traffic officer or coroner or by a privately owned emergency vehicle company;

(2) A vehicle operated as an ambulance or operated commercially for the purpose of transporting emergency medical supplies or organs;

(3) Any vehicle qualifying as an emergency vehicle pursuant to section 307.175;

(4) Any wrecker, or tow truck or a vehicle owned and operated by a public utility or public service corporation while performing emergency service;

(5) Any vehicle transporting equipment designed to extricate human beings from the wreckage of a motor vehicle;

(6) Any vehicle designated to perform emergency functions for a civil defense or emergency management agency established pursuant to the provisions of chapter 44;

(7) Any vehicle operated by an authorized employee of the department of corrections who, as part of the employee's official duties, is responding to a riot, disturbance, hostage incident, escape or other critical situation where there is the threat of serious physical injury or death, responding to mutual aid call from another criminal justice agency, or in accompanying an ambulance which is transporting an offender to a medical facility;

(8) Any vehicle designated to perform hazardous substance emergency
functions established pursuant to the provisions of sections 260.500 to 260.550;

or

(9) Any vehicle owned by the state highways and transportation commission and operated by an authorized employee of the department of transportation that is marked as a department of transportation emergency response or motorist assistance vehicle.

5. (1) The driver of any vehicle referred to in subsection 4 of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.

(2) The driver of an emergency vehicle may:

(a) Park or stand irrespective of the provisions of sections 304.014 to 304.025;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the prima facie speed limit so long as the driver does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle.

6. No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.

7. Violation of this section shall be deemed a class A misdemeanor.

107.175. 1. Motor vehicles and equipment which are operated by any member of an organized fire department, ambulance association, or rescue squad, whether paid or volunteer, may be operated on streets and highways in this state as an emergency vehicle under the provisions of section 304.022 while responding
to a fire call or ambulance call and at the scene of a fire call or ambulance call and
while using or sounding a warning siren and using or displaying thereon fixed,
flashing or rotating blue lights, but sirens and blue lights shall be used only in
bona fide emergencies.

2. Motor vehicles and equipment owned by the state highways
and transportation commission or contractor or subcontractor
performing work for the department of transportation may use or
display thereon fixed, flashing, or rotating amber or white lights, but
amber or white lights shall be used only while such vehicle is
stationary in a work zone, as defined in section 304.580, when highway
workers, as defined in section 304.580, are present.

3. Permits for the operation of such vehicles equipped with sirens or blue
lights shall be in writing and shall be issued and may be revoked by the chief of
an organized fire department, organized ambulance association, or rescue
squad, or the state highways and transportation commission and no
person shall use or display a siren or blue lights on a motor vehicle, fire,
ambulance, or rescue equipment without a valid permit authorizing the use. A
permit to use a siren or lights as heretofore set out does not relieve the operator
of the vehicle so equipped with complying with all other traffic laws and
regulations. Violation of this section constitutes a class A misdemeanor.

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

2. Notwithstanding any other provision of law to the contrary,
individual board members shall not be eligible for employment by the
board within twelve months of termination of service as a member of
the board unless such employment is on a volunteer basis or without
compensation.

321.130. [1.] A person, to be qualified to serve as a director, shall be a
resident and voter of the district for at least one year before the election or
appointment and be over the age of twenty-five years; except as
provided in subsections 2 and 3 of this section. The person shall also be a
resident of such fire protection district. In the event the person is no longer a
resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a [ten dollar] filing fee equal to the amount of a candidate for county office as set forth under section 115.357, and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than one year before the election or appointment, except that for the first board of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district.] Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

321.210. On the first Tuesday in April after the expiration of at least two full calendar years from the date of the election of the first board of directors, and on the first Tuesday in April every two years thereafter, an election for members of the board of directors shall be held in the district. Nominations shall be filed at the headquarters of the fire protection district in which a majority of the district is located by paying a filing fee [up] equal to the amount of a candidate for [state representative] county office as set forth under section 115.357 and filing a statement under oath that [he] the candidate possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.
455.543. 1. In any incident investigated by a law enforcement agency involving a homicide or suicide, the law enforcement agency shall make a determination as to whether the homicide or suicide is related to domestic violence.

2. In making such determination, the local law enforcement agency may consider a number of factors including, but not limited to, the following:

   (1) If the relationship between the perpetrator and the victim is or was that of a family or household member;

   (2) Whether the victim or perpetrator had previously filed for an order of protection;

   (3) Whether any of the subjects involved in the incident had previously been investigated for incidents of domestic violence; and

   (4) Any other evidence regarding the homicide or suicide that assists the agency in making its determination.

3. After making a determination as to whether the homicide or suicide is related to domestic violence, the law enforcement agency shall forward the information required [within fifteen days] to the Missouri state highway patrol on a form or format approved by the patrol. The required information shall include the gender and age of the victim, the type of incident investigated, the disposition of the incident and the relationship of the victim to the perpetrator. The state highway patrol shall develop a form for this purpose which shall be distributed by the department of public safety to all law enforcement agencies by October 1, 2000. [Completed forms shall be forwarded to the highway patrol without undue delay as required by section 43.500; except that all such reports shall be forwarded no later than seven days after an incident is determined or identified as a homicide or suicide involving domestic violence.]

455.545. The highway patrol shall compile an annual report of homicides and suicides related to domestic violence. Such report shall be presented by [February] March first of the subsequent year to the governor, speaker of the house of representatives, and president pro tempore of the senate.

575.145. 1. It shall be the duty of the operator or driver of any vehicle or any other conveyance regardless of means of propulsion, or the rider of any animal traveling on the highways of this state to stop on signal of any law enforcement officer or firefighter and to obey any other reasonable signal or direction of such law enforcement officer or firefighter given in directing the
movement of traffic on the highways or enforcing any offense or infraction.

2. The offense of willfully failing or refusing to obey such signals or directions or willfully resisting or opposing a law enforcement officer or a firefighter in the proper discharge of his or her duties is a class A misdemeanor.

575.145. It shall be the duty of the operator or driver of any vehicle or the rider of any animal traveling on the highways of this state to stop on signal of any sheriff [or], deputy sheriff, or firefighter and to obey any other reasonable signal or direction of such sheriff [or], deputy sheriff, or firefighter given in directing the movement of traffic on the highways. Any person who willfully fails or refuses to obey such signals or directions or who willfully resists or opposes a sheriff [or], deputy sheriff, or firefighter in the proper discharge of his or her duties shall be guilty of a class A misdemeanor and on conviction thereof shall be punished as provided by law for such offenses.

610.100. 1. As used in sections 610.100 to 610.150, the following words and phrases shall mean:

   (1) "Arrest", an actual restraint of the person of the defendant, or by his or her submission to the custody of the officer, under authority of a warrant or otherwise for a criminal violation which results in the issuance of a summons or the person being booked;

   (2) "Arrest report", a record of a law enforcement agency of an arrest and of any detention or confinement incident thereto together with the charge therefor;

   (3) "Inactive", an investigation in which no further action will be taken by a law enforcement agency or officer for any of the following reasons:

      (a) A decision by the law enforcement agency not to pursue the case;

      (b) Expiration of the time to file criminal charges pursuant to the applicable statute of limitations, or ten years after the commission of the offense; whichever date earliest occurs;

      (c) Finality of the convictions of all persons convicted on the basis of the information contained in the investigative report, by exhaustion of or expiration of all rights of appeal of such persons;

   (4) "Incident report", a record of a law enforcement agency consisting of the date, time, specific location, name of the victim and immediate facts and circumstances surrounding the initial report of a crime or incident, including any logs of reported crimes, accidents and complaints maintained by that agency;
(5) "Investigative report", a record, other than an arrest or incident report, prepared by personnel of a law enforcement agency, inquiring into a crime or suspected crime, either in response to an incident report or in response to evidence developed by law enforcement officers in the course of their duties;

(6) "Mobile video recorder", any system or device that captures visual signals that is capable of being installed in a vehicle or being worn or carried by personnel of a law enforcement agency and that includes, at minimum, a camera and recording capabilities;

(7) "Mobile video recording", any data captured by a mobile video recorder, including audio, video, and any metadata;

(8) "Nonpublic location", a place where one would have a reasonable expectation of privacy including, but not limited to, a dwelling, school, or medical facility.

2. Each law enforcement agency of this state, of any county, and of any municipality shall maintain records of all incidents reported to the agency, investigations and arrests made by such law enforcement agency. All incident reports and arrest reports shall be open records.

(1) Notwithstanding any other provision of law other than the provisions of subsections 4, 5 and 6 of this section or section 320.083, mobile video recordings and investigative reports of all law enforcement agencies are closed records until the investigation becomes inactive.

(2) If any person is arrested and not charged with an offense against the law within thirty days of the person's arrest, the arrest report shall thereafter be a closed record except that the disposition portion of the record may be accessed and except as provided in section 610.120.

(3) Except as provided in subsections 3 and 5 of this section, a mobile video recording that is recorded in a nonpublic location is authorized to be closed, except that any person who is depicted in the recording or whose voice is in the recording, a legal guardian or parent of such person if he or she is a minor, a family member of such person within the first degree of consanguinity if he or she is deceased or incompetent, an attorney for such person, or insurer of such person may obtain a complete, unaltered, and unedited copy of a recording under this section upon written request.

3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any portion of a record or document of a law enforcement officer or agency, other than
an arrest report, which would otherwise be open, contains information that is reasonably likely to pose a clear and present danger to the safety of any victim, witness, undercover officer, or other person; or jeopardize a criminal investigation, including records which would disclose the identity of a source wishing to remain confidential or a suspect not in custody; or which would disclose techniques, procedures or guidelines for law enforcement investigations or prosecutions, that portion of the record shall be closed and shall be redacted from any record made available pursuant to this chapter.

4. Any person, including a legal guardian or a parent of such person if he or she is a minor, family member of such person within the first degree of consanguinity if such person is deceased or incompetent, attorney for a person, or insurer of a person involved in any incident or whose property is involved in an incident, may obtain any records closed pursuant to this section or section 610.150 for purposes of investigation of any civil claim or defense, as provided by this subsection. Any individual, legal guardian or parent of such person if he or she is a minor, his or her family member within the first degree of consanguinity if such individual is deceased or incompetent, his or her attorney or insurer, involved in an incident or whose property is involved in an incident, upon written request, may obtain a complete unaltered and unedited incident report concerning the incident, and may obtain access to other records closed by a law enforcement agency pursuant to this section. Within thirty days of such request, the agency shall provide the requested material or file a motion pursuant to this subsection with the circuit court having jurisdiction over the law enforcement agency stating that the safety of the victim, witness or other individual cannot be reasonably ensured, or that a criminal investigation is likely to be jeopardized. If, based on such motion, the court finds for the law enforcement agency, the court shall either order the record closed or order such portion of the record that should be closed to be redacted from any record made available pursuant to this subsection.

5. Any person may bring an action pursuant to this section in the circuit court having jurisdiction to authorize disclosure of a mobile video recording or the information contained in an investigative report of any law enforcement agency, which would otherwise be closed pursuant to this section. The court may order that all or part of a mobile video recording or the information contained in an investigative report be released to the person bringing the action.
In making the determination as to whether information contained in an investigative report shall be disclosed, the court shall consider whether the benefit to the person bringing the action or to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the investigative report in regard to the need for law enforcement agencies to effectively investigate and prosecute criminal activity.

In making the determination as to whether a mobile video recording shall be disclosed, the court shall consider:

(a) Whether the benefit to the person bringing the action or the benefit to the public outweighs any harm to the public, to the law enforcement agency or any of its officers, or to any person identified in the mobile video recording with respect to the need for law enforcement agencies to effectively investigate and prosecute criminal activity;

(b) Whether the mobile video recording contains information that is reasonably likely to disclose private matters in which the public has no legitimate concern;

(c) Whether the mobile video recording is reasonably likely to bring shame or humiliation to a person of ordinary sensibilities; and

(d) Whether the mobile recording was taken in a place where a person recorded or depicted has a reasonable expectation of privacy.

The mobile video recording or investigative report in question may be examined by the court in camera.

If the disclosure is authorized in whole or in part, the court may make any order that justice requires, including one or more of the following:

(a) That the mobile video recording or investigative report may be disclosed only on specified terms and conditions, including a designation of the time or place;

(b) That the mobile video recording or investigative report may be disclosed to the person making the request in a different manner or form as requested;

(c) That the scope of the request be limited to certain matters;

(d) That the disclosure occur with no one present except persons designated by the court;

(e) That the mobile video recording or investigative report be
redacted to exclude for example, personally identifiable features or other sensitive information;

(f) That a trade secret or other confidential research, development, or commercial information not be disclosed or be disclosed only in a designated way.

(5) The court may find that the party seeking disclosure of the **mobile video recording** or investigative report shall bear the reasonable and necessary costs and attorneys' fees of both parties, unless the court finds that the decision of the law enforcement agency not to open the **mobile video recording** or investigative report was substantially unjustified under all relevant circumstances, and in that event, the court may assess such reasonable and necessary costs and attorneys' fees to the law enforcement agency.

6. Any person may apply pursuant to this subsection to the circuit court having jurisdiction for an order requiring a law enforcement agency to open incident reports and arrest reports being unlawfully closed pursuant to this section. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has knowingly violated this section, the officer or agency shall be subject to a civil penalty in an amount up to one thousand dollars. If the court finds that there is a knowing violation of this section, the court may order payment by such officer or agency of all costs and attorneys' fees, as provided by section 610.027. If the court finds by a preponderance of the evidence that the law enforcement officer or agency has purposely violated this section, the officer or agency shall be subject to a civil penalty in an amount up to five thousand dollars and the court shall order payment by such officer or agency of all costs and attorney fees, as provided in section 610.027. The court shall determine the amount of the penalty by taking into account the size of the jurisdiction, the seriousness of the offense, and whether the law enforcement officer or agency has violated this section previously.

7. The victim of an offense as provided in chapter 566 may request that his or her identity be kept confidential until a charge relating to such incident is filed.

8. Any person who requests and receives a mobile video recording that was recorded in a nonpublic location under this section is prohibited from displaying or disclosing the mobile video recording, including any description or account of any or all of the mobile video
recording, without first providing direct third party notice to each person not affiliated with a law enforcement agency whose image or sound is contained in the recording. Upon receiving such notice, each person appearing in a mobile video recording shall be given ten days to file and serve an action seeking an order from a court of competent jurisdiction to enjoin all or some of the intended display, disclosure, description, or account of the recording. Any person who fails to comply with the provisions of this section shall be subject to damages in a civil action proceeding.

610.205. 1. Crime scene photographs and video recordings, including photographs and video recordings created or produced by a state or local agency or by a perpetrator or suspect at a crime scene, which depict or describe a deceased person in a state of dismemberment, decapitation, or similar mutilation including, without limitation, where the deceased person's genitalia are exposed, shall be considered closed records and shall not be subject to disclosure under the provisions of this chapter; provided, however, that this section shall not prohibit disclosure of such material to the deceased's next of kin or to an individual who has secured a written release from the next of kin. It shall be the responsibility of the next of kin to show proof of the familial relationship. For purposes of such access, the deceased's next of kin shall be:

(1) The spouse of the deceased if living;
(2) If there is no living spouse of the deceased, an adult child of the deceased; or
(3) If there is no living spouse or adult child, a parent of the deceased.

2. Subject to the provisions of subsection 3 of this section, in the case of closed criminal investigations a circuit court judge may order the disclosure of such photographs or video recordings upon findings in writing that disclosure is in the public interest and outweighs any privacy interest that may be asserted by the deceased person's next of kin. In making such determination, the court shall consider whether such disclosure is necessary for public evaluation of governmental performance, the seriousness of the intrusion into the family's right to privacy, and whether such disclosure is the least intrusive means
available considering the availability of similar information in other public records. In any such action, the court shall review the photographs or video recordings in question in camera with the custodian of the crime scene materials present and may condition any disclosure on such condition as the court may deem necessary to accommodate the interests of the parties.

3. Prior to releasing any crime scene material described in subsection 1 of this section, the custodian of such material shall give the deceased person's next of kin at least two weeks' notice. No court shall order a disclosure under subsection 2 of this section which would disregard or shorten the duration of such notice requirement.

4. The provisions of this section shall apply to all undisclosed material which is in the custody of a state or local agency on the effective date of this section and to any such material which comes into the custody of a state or local agency after such date.

5. The provisions of this section shall not apply to disclosure of crime scene material to counsel representing a convicted defendant in a habeas corpus action, on a motion for new trial, or in a federal habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the purpose of preparing to file or litigating such proceedings. Counsel may disclose such materials to his or her client and any expert or investigator assisting counsel but shall not otherwise disseminate such materials, except to the extent they may be necessary exhibits in court proceedings. A request under this subsection shall clearly state that such request is being made for the purpose of preparing to file and litigate proceedings enumerated in this subsection.

6. The director of the department of public safety shall promulgate rules and regulations governing the viewing of materials described in subsection 1 of this section by bona fide credentialed members of the press.

[192.737. 1. The department of health and senior services shall establish and maintain an information registry and reporting system for the purpose of data collection and needs assessment of brain and spinal cord injured persons in this state.

2. Reports of traumatic brain and spinal cord injuries shall be filed with the department by a treating physician or his
designee within seven days of identification. The attending physician of any patient with traumatic brain or spinal cord injury who is in the hospital shall provide in writing to the chief administrative officer the information required to be reported by this section. The chief administrative officer of the hospital shall then have the duty to submit the required reports.

3. Reporting forms and the manner in which the information is to be reported shall be provided by the department. Such reports shall include, but shall not be limited to, the following information: name, age, and residence of the injured person, the date and cause of the injury, the initial diagnosis and such other information as required by the department.