

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

# SENATE BILL NO. 743

89TH GENERAL ASSEMBLY

1998

S1956.07T

---

---

## AN ACT

To repeal sections 44.010, 44.020, 44.022, 44.024, 44.028, 44.032, 44.080, 44.090, 44.100, 44.110, 44.112, 44.113, 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1997, and section 190.185, RSMo Supp. 1997, relating to emergency response, and to enact in lieu thereof fifty-five new sections relating to the same subject, with an emergency clause for certain sections.

---

---

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

Section A. Sections 44.010, 44.020, 44.022, 44.024, 44.028, 44.032, 44.080, 44.090, 44.100, 44.110, 44.112, 44.113, 190.005, 190.010, 190.015, 190.043, 190.055, 190.060, 190.073, 190.093, 190.095, 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.135, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180, 190.190, 190.235, 190.237, 190.239, 190.241, 190.243, 190.245 and 190.247, RSMo 1994, and section 190.145 as both versions appear in RSMo Supp. 1997, and section 190.185, RSMo Supp. 1997, are repealed and fifty-five new sections enacted in lieu thereof, to be known as sections 37.250, 44.010, 44.020, 44.022, 44.024, 44.028, 44.032, 44.080, 44.090, 44.100, 44.110, 44.112, 44.113, 44.125, 190.001, 190.010, 190.015, 190.043, 190.044, 190.055, 190.060, 190.074, 190.100, 190.101, 190.102, 190.103, 190.104, 190.105, 190.107, 190.108, 190.109, 190.120, 190.131, 190.133, 190.134, 190.142, 190.160, 190.165, 190.171, 190.175, 190.176, 190.180, 190.185, 190.190, 190.196, 190.200, 190.205, 190.241, 190.243, 190.245,

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

190.400, 190.410, 190.420, 190.430 and 190.440, to read as follows:

**37.250. 1. The general assembly declares it is the public policy of this state to determine the most cost-effective systems to provide ubiquitous coverage of the state transparent communications between all members of all using agencies, and the necessary E911 capability to provide assured emergency response, and to reduce the response time for emergency or disastrous situations.**

**2. There is hereby created a committee on state-operated wireless communication systems to be composed of:**

- (1) The commissioner of administration or a designee;**
- (2) The director of the department of public safety or a designee;**
- (3) The director of the department of conservation or a designee; and**
- (4) The chief engineer of the department of transportation or a designee.**

**3. The committee shall examine existing programs and proposals for development or expansion to identify duplication in resource allocation of wireless communication systems. The committee shall submit a report to the general assembly by August 30, 1998, in which it identifies opportunities for cost savings, increased efficiency and improved services for Missouri's citizens. The committee shall review the state's purchasing law and may recommend such changes to chapter 34, RSMo, as it deems appropriate to maintain and enhance the state's wireless communication system. The committee may make such other recommendations as it deems appropriate and shall identify the costs associated with each such recommendation.**

44.010. As used in [this law, the term:

(1) "Civil defense" means] **sections 44.010 to 44.130, the following terms mean:**

- (1) "Agency", the state emergency management agency;**
- (2) "Director", the director of the state emergency management agency;**
- (3) "Disasters", disasters which may result from terrorism, or from fire, wind, flood, earthquake, or other natural or man-made causes;**

**(4) "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;**

**(5) "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;**

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

**[(2) "Civil defense emergency functions", "civil defense functions", "civil defense activities",**

and "civil defense service" mean] **(7) "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;

[**(3)** "Disasters" means disasters which may result from enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural causes;

**(4)** "Emergency" means any state of emergency declared by proclamation by the governor, or by resolution of the legislature under sections 44.010 to 44.130, upon the occurrence of an attack upon the United States, or when an attack is anticipated in the immediate future, or upon the actual occurrence of a natural disaster of major proportions within this state when the safety and welfare of the inhabitants of this state are jeopardized;

**(5)** "Local organization for civil defense" means] **(8) "Emergency resources planning and management", planning for, management and coordination of national, state and local resources;**

**(9) "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;**

**(10) "Local organization for emergency management"**, any organization established under this law by any county or by any city, town, or village to perform local [civil defense] **emergency management** functions;

[**(6)**] **(11) "Management", the activities of the emergency management director in the implementation of emergency operations plans during time of emergency;**

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

**(13)** "Political subdivision" [means], any county or city, town or village, or any fire district created by law[;

**(7)** "Executive officer of any political subdivision" means 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;

**(8)** "Emergency resources planning and management" means planning for, management and coordination of national, state and local resources, including economic controls;

**(a)** "Planning" means activities of the emergency resources planning committee in the formulation of resources management plans to be used in time of emergency;

**(b)** "Management" means the activities of the emergency resources administrator in the

implementation of resources management plans during time of emergency;

(9) "Emergency resources planning committee" means a voluntary committee and a director appointed by the governor to formulate plans for the management of resources in the state of Missouri in time of emergency;

(10) "Emergency resources administrator", hereinafter called administrator, means an assistant and advisor to the governor on emergency resources management and economic stabilization activities under the jurisdiction of the state and its governmental subdivisions;

(11) "Emergency resources administration", hereinafter called administration, means the organization established to assist the administrator in carrying out resources management functions in time of emergency;

(12) "Economic or geographic area" means an area or areas within the state of Missouri, or partly in Missouri and adjacent states, comprising political subdivisions grouped together for purposes of administration, organization, control, or disaster recovery and rehabilitation in time of emergency].

44.020. There is hereby created within the military division of the executive department, office of the adjutant general, the "State Emergency Management Agency", for the general purpose of assisting in coordination of national, state and local activities related to [civil defense and civil defense] emergency functions[, to include an emergency planning staff to coordinate the national, state and local government management of resources and economic controls] **by coordinating response, recovery, planning and mitigation. This agency shall also serve as the statewide coordinator for activities associated with the Nation Flood Insurance Program.**

44.022. 1. The governor shall have general direction and control of the state emergency management agency, and shall be responsible for the carrying out of the provisions of sections 44.010 to 44.130. In the event of disaster beyond local capabilities, [he] **the governor** may assume direct operational control over all or any part of these [civil defense] emergency functions within this state **through the director.**

2. In performing [his] duties [under] **pursuant to** sections 44.010 to 44.130, the governor is authorized to cooperate with the federal government, other states, and private agencies in all matters pertaining to the [civil defense and civil defense] emergency functions of this state and the nation.

3. In performing [his] duties [under] **pursuant to** sections 44.010 to 44.130 and to effect its policy and purpose, the governor is further authorized and empowered:

(1) To make, amend, and rescind the necessary orders, rules, and regulations to carry out the provisions of sections 44.010 to 44.130 within the limits of the authority conferred upon [him herein] **the governor pursuant to the provisions of sections 44.010 to 44.130**, with due consideration of the policies and plans of the federal government;

(2) To require and direct the cooperation and assistance of agencies and officials of the state, economic and geographic areas, and local political subdivisions to assist in performance of [civil defense and civil defense] emergency functions;

(3) On behalf of this state, to enter into mutual aid arrangements with other states, and to coordinate mutual aid plans between political subdivisions, and economic and geographic areas of this state, and of this state and other states;

(4) To delegate any administrative authority vested in [him under] **the governor pursuant to** sections 44.010 to 44.130, and to provide for the subdelegation of this authority;

(5) [To appoint, in cooperation with local authorities, area coordinators when practicable;

(6) To establish a state emergency resources planning committee and to appoint, on a voluntary basis, the director and members of such state committee from representatives of industry, commerce, labor, agriculture, civic, governmental and professional groups, such committee to formulate a comprehensive plan for management of resources in time of emergency;

(7) To establish a state emergency resources administration, and to appoint an administrator, to implement such emergency resources management plans in time of emergency, as the state committee shall formulate;

(a) Subcommittees, special committees or task groups, within or without the membership of the state committee and/or administration, may be created to serve problems of particular interest to a designated geographic or economic area of the state, or this state and adjoining states;

(b) These committees or groups may prepare emergency resources plans for their areas of interest, to be coordinated with the state plans, and approved by the governor;

(c) Unless prohibited by law, any political subdivision may appropriate funds, or contribute services, personnel and facilities to special committees, subcommittees or task groups organized for the economic or geographic area within which it is situated;

**[8)] (6)** To cooperate with the president, [the heads of the armed forces, the federal office of civil defense, the office of emergency planning] **the Federal Emergency Management Agency**, executive office of the president, other appropriate federal officers and agencies, and the officers and agencies of other states;

**[9)] (7)** To create, establish and appoint such volunteer disaster [and emergency resources advisory committees] **or state agency committees or both** as may be needed to assemble and evaluate information which deals with [defense] **emergency** matters.

44.024. [1. The adjutant general shall have the following powers and duties:

(1) To adopt, amend and repeal rules and regulations governing the procedure and activities of the state emergency management agency;

(2) To cooperate with civil defense agencies, councils and similar organizations of the United States, other states and local defense organizations;

(3) To conduct studies and make reports to the governor with recommendations for

legislation related to civil defense;

(4) To appoint committees to aid him in the discharge of his powers and duties;

(5) To prepare a state disaster plan and a state resources management plan to be approved by the governor;

(6) To do all acts and things, not inconsistent with law, for the furtherance of civil defense activities;

(7) To procure supplies and equipment, to institute training and public information programs, to take all other preparatory steps including the partial or full mobilization of civil defense and emergency resources management organizations in advance of actual disaster, and to insure the furnishing of adequately trained and equipped forces of civil defense personnel in time of need;

(8) To make studies and surveys of the industries, resources, and facilities in this state as may be necessary to ascertain the capabilities of the state for disaster relief, and to plan for the most efficient emergency use thereof.

2. The adjutant general may employ and fix the compensation of administrative, technical, clerical, stenographic and other employees as duties require, and may make expenditures within the appropriation therefor as may be necessary to carry out the purposes of this law.

3.] The adjutant general, subject to the direction and control of the governor, shall be the executive head of the office of the state emergency management agency[, and shall be responsible to the governor for carrying out the state civil defense and emergency resources management program].

44.028. Whenever the federal government or officer or agency thereof shall offer to the state, or through the state to any political subdivision thereof, services, equipment, supplies, materials or funds by way of gift, grant or loan, for the purpose of [civil defense] **emergency management**, the state acting through the [adjutant general] **agency**, or the political subdivision, through its executive officer with the consent of the governor, may accept the offer and may receive these services, equipment, supplies, materials or funds on behalf of the state or the political subdivision subject to the terms of the offer.

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 [of the department of public safety and the adjutant general, to the director of the state emergency management agency], 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 **[civil defense] 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 **[the governor approves, he] 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**[, including civil defense functions,]** 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 **[climatic] 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 [climatic] **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) [Opening up, repairing, and restoring roads and highways;

(7)] Repairing and restoring [bridges] **public infrastructure**;

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

[(9)] Restoring means of communication;

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

[(11)] (9) Quelling riots and civil disturbances;

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

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

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

[(15)] (13) 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 [in him] 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 [his] warrants upon the state treasurer for the payment of such sum, or so much thereof as may be required, upon receipt [by him] of proper vouchers [duly approved] **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 [him] **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.

44.080. 1. Each political subdivision of this state shall establish a local organization for disaster planning in accordance with the state [survival] **emergency operations** plan and program. The executive officer of the political subdivision shall appoint a coordinator who shall have direct responsibility for the organization, administration and operation of the local [disaster planning for civil defense] **emergency management operations**, subject to the direction and control of the executive officer or governing body. Each local organization for [disaster planning] **emergency management** shall be responsible for the performance of [civil defense] **emergency management** functions within the territorial limits of its political subdivision, and may conduct these functions outside of the territorial limits as may be required pursuant to the provisions of this law.

2. In carrying out the provisions of this law, each political subdivision may:

(1) Appropriate and expend funds, make contracts, obtain and distribute equipment, materials, and supplies for [civil defense] **emergency management** purposes; provide for the health and safety of persons[, including emergency assistance to victims of any enemy attack]; the safety of property; and direct and coordinate the development of disaster plans and programs in accordance with the policies and plans of the federal and state [disaster and emergency planning:] **governments; and**

(2) Appoint, provide, or remove rescue teams, auxiliary fire and police personnel and other emergency operations teams, units or personnel who may serve without compensation[;

(3) In the event of enemy attack, waive the provisions of statutes requiring advertisement for bids for the performance of public work or entering into contracts].

44.090. 1. The executive officer of any political subdivision, with the approval of the governor, may enter into mutual-aid arrangements or agreements with other public and private agencies within and without the state for reciprocal emergency aid. Such arrangements or agreements shall be consistent with the state disaster plan and program **and the provisions of section 70.837, RSMo, and section 320.090, RSMo**. In time of emergency it shall be the duty of each local organization for [civil defense] **emergency management** to render assistance in accordance with the provisions of such mutual-aid arrangements or agreements.

2. The coordinator of each local organization for [civil defense] **emergency management** may assist in negotiation of reciprocal mutual-aid agreements between his organization and other public and private agencies and between the governor and the adjoining states or political subdivisions thereof, and shall carry out arrangements or agreements relating to the local unit.

44.100. 1. The emergency powers of the governor shall be as follows:

(1) The provisions of this section shall be operative only during the existence of a state of emergency (referred to in this section as "emergency"). The existence of an emergency may be proclaimed by the governor or by resolution of the legislature, if the governor in his proclamation, or the legislature in its resolution, finds that [an attack upon the United States has occurred, or that] a natural **or man-made** disaster of major proportions has actually occurred within this state, and that the safety and welfare of the inhabitants of this state require an invocation of the provisions of this section.

(2) [When the adjutant general is ordered by the governor to perform a support and assistance mission, it shall be the duty of the individual in charge of the performing unit to report to adjutant general when the mission is accomplished. The adjutant general may then request permission from the governor to release the unit.

(3) Any emergency, whether proclaimed by the governor or by the legislature, shall terminate upon the proclamation thereof by the governor, or the passage by the legislature, of a resolution terminating such emergency.

[(4)] (3) During the period that the state of emergency exists or continues, the governor shall:

(a) Enforce and put into operation all plans, rules and regulations relating to disasters and emergency management of resources adopted under this law and to assume direct operational control of all emergency forces and volunteers in the state;

(b) Take action and give directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this law and with the orders, rules and regulations made pursuant thereof;

(c) Seize, take or requisition to the extent necessary to bring about the most effective protection of the public

a. Any means of transportation, other than railroads and railroad equipment and fuel, and all fuel necessary for the propulsion thereof;

b. Any [radio, telephone or telegraph] **communication** system or part thereof necessary to the prompt and efficient functioning of the [civil defense] **emergency management** of the state;

c. All stocks of fuel;

d. Facilities for housing, feeding and hospitalization of persons, including buildings and plants;

(d) Control, restrict and regulate by rationing, freezing, use of quotas, prohibitions on shipments, price fixing, allocation or other means the use, sale or distribution of food, feed, fuel, clothing and other commodities, materials, goods or services;

(e) Prescribe and direct activities in connection with but not limited to use, conservation, salvage and prevention of waste of materials, services and facilities, including production, transportation, power and communication facilities, training and supply of labor, utilization of industrial plants, health and medical care, nutrition, housing, including the use of existing and private facilities, rehabilitation, education, welfare, child care, recreation, consumer protection and other essential civil needs;

(f) [Take such other action as may be necessary for the management of resources following an attack;

(g) To use or distribute all or any of this property among the inhabitants of the state in any area adversely affected by [an enemy attack or natural] **a natural or man-made** disaster and to account to the state treasurer for any funds received thereof;

[(h)] **(g)** To waive or suspend the operation of any statutory requirement or administrative rule regarding the licensing, certification or issuance of permits evidencing professional, mechanical or other skills;

[(i)] **(h)** In accordance with rules or regulations, to provide that all law enforcement authorities and other [civil defense] **emergency response** workers and agencies of other states who may be within this state at the request of the governor or pursuant to state or local mutual-aid agreements or compacts shall have the same authority and possess the same powers, duties, rights, privileges and immunities as are possessed by like law enforcement authorities and [civil defense] **emergency response** workers and agencies of this state;

[(j)] **(i)** To perform and exercise such other functions, powers and duties as may be necessary to promote and secure the safety and protection of the civilian population.

2. When any property is seized, taken or requisitioned under this section, the circuit court of the county in which the property was taken may on the application of the owner thereof or on the application of the governor in cases where numerous claims may be filed, appoint three disinterested commissioners in the manner provided by section 523.040, RSMo, to assess the damages which the owners may have sustained by reason of the appropriation thereof. Upon the application the amount due because of the seizure of property shall be determined in the manner provided in chapter 523, RSMo, for the determination of damages in case of the exercise of the power of eminent domain.

44.110. 1. In carrying out the emergency powers [under] **pursuant to** the provisions of [this law] **sections 44.010 to 44.130**, the governor and the executive officers or governing bodies of the political subdivisions of the state are directed to utilize the services, equipment, supplies and facilities of existing departments, offices, and agencies of the state and political subdivisions

thereof to the maximum extent practicable, and the officers and personnel of all departments, offices, and agencies are directed to cooperate with and extend these services and facilities to the governor and to the disaster organizations of the state upon request.

2. In any emergency, be it due to [enemy action or] natural **or man-made** disaster, the governor may order the suspension, in whole or in part, of the activities, functions and duties of any administrative agency, officer or employee of the state or of any political subdivision thereof and may direct the personnel of any agency and any officer and employee of the state or any political subdivision thereof to render services and to provide facilities as may be needed for the carrying out of [civil defense] **emergency management** functions within or without this state. In the event of any such order, any law requiring specific performance of civil duties by any officer or employee shall be suspended as long as the officer or employee is engaged in [civil defense] **emergency management** functions.

44.112. It shall be the duty of every organization established pursuant to sections 44.010 to 44.130 and of the officers thereof to execute and enforce such orders, rules and regulations as may be made by the governor [or adjutant general under] **pursuant to the** authority of sections 44.010 to 44.130. Each organization shall have available for inspection at its office all orders, rules and regulations made by the governor, or [under his] **pursuant to such** authority.

44.113. No organization for [disaster planning] **emergency management** established [under this law] **pursuant to sections 44.010 to 44.130** shall participate in any form of political activity, nor shall it be used directly or indirectly for political purposes.

**44.125. 1. The agency may develop effective citizen involvement to recruit, train and accept the services of volunteers to supplement the programs administered by the agency.**

**2. Volunteers recruited, trained or accepted by the agency shall comply with applicable agency policy regulations.**

**3. The agency shall:**

**(1) Provide staff as deemed necessary for the effective management and development of volunteer programs;**

**(2) Take such actions as are necessary and appropriate to develop meaningful opportunities for citizen involvement in agency-administered programs;**

**(3) Develop and provide to all volunteers written rules governing the job descriptions, recruitment, screening, training responsibility, utilization and supervision of volunteers;**

**(4) Educate volunteers to ensure that they understand their duties and responsibilities;**

**(5) Provide a receptive environment for citizen involvement; and**

**(6) Provide for the recognition of volunteers who have offered exceptional service to the agency.**

**4. Volunteers shall be deemed unpaid employees and shall be accorded the protection of the legal expense fund and other provisions of section 105.711.**

**5. Reimbursement for transportation and other necessary expenses may be furnished to those volunteers whose presence on special assignment is determined to be necessary by the agency. Such expenses shall be reimbursed from the regular appropriations of the agency. Volunteers may use state vehicles in the performance of agency-related duties, subject to those rules and regulations governing use of state vehicles by paid staff.**

**6. As used in this section, "volunteer" means any person who, of his or her own free will, performs any assigned duties for the agency with no monetary or material compensation.**

**7. Any person serving as a volunteer may be terminated from service in that capacity by the director.**

**190.001. Sections 190.001 to 190.245 shall be known and may be cited as the "Comprehensive Emergency Medical Services Systems Act".**

190.010. 1. An ambulance district may be created, incorporated and managed as provided in sections [190.005 to 190.085] **190.001 to 190.090** and may exercise the powers herein granted or necessarily implied. An ambulance district may include municipalities or territory not in municipalities or both or territory in one or more counties; except, that the provisions of sections [190.005 to 190.085] **190.001 to 190.090** are not effective in counties having a population of more than four hundred thousand inhabitants **at the time the ambulance district is formed**. The territory contained within the corporate limits of an existing ambulance district shall not be incorporated in another ambulance district. **Ambulance districts created and still operating before August 1, 1998, in counties of less than four hundred thousand population are authorized to continue operation subject to sections 190.001 to 190.090 if the population of the county within the ambulance district exceeds four hundred thousand after August 1, 1998.**

2. When an ambulance district is organized it shall be a body corporate and a political subdivision of the state and shall be known as "..... Ambulance District", and in that name may sue and be sued, levy and collect taxes within the limitations of sections [190.005 to 190.085] **190.001 to 190.090** and the constitution and issue bonds as provided in sections [190.005 to 190.085] **190.001 to 190.090**.

190.015. Whenever the creation of an ambulance district is desired, a number of voters residing in the proposed district equal to ten percent of the vote cast for governor in the proposed district in the next preceding gubernatorial election may file with the county clerk in which the territory or the greater part thereof is situated a petition requesting the creation thereof. In case the proposed district which shall be contiguous is situated in two or more counties, the petition shall be filed in the office of the county clerk of the county in which the greater part of the area

is situated, and the commissioners of the county commission of the county shall set the petition for public hearing. The petition shall set forth:

- (1) A description of the territory to be embraced in the proposed district;
- (2) The names of the municipalities located within the area;
- (3) The name of the proposed district;
- (4) The population of the district which shall not be less than two thousand inhabitants;
- (5) The assessed valuation of the area, which shall not be less than [two] **ten** million [five hundred thousand] dollars; and

(6) A request that the question be submitted to the voters residing within the limits of the proposed ambulance district whether they will establish an ambulance district [under] **pursuant to** the provisions of sections [190.005 to 190.085] **190.001 to 190.090** to be known as "..... Ambulance District" for the purpose of establishing and maintaining an ambulance service.

190.043. Subject to the provisions of chapter 137, RSMo, in addition to the tax rate increase allowed pursuant to subdivision [(6)] **(3)** of subsection 5 of section 137.073, RSMo, if an ambulance district voluntarily decreases its tax rate duly authorized [under] **pursuant to** section 190.040 or 190.041 in any tax year, such ambulance district may in any subsequent tax year increase such tax rate, without voter approval, to the rate previously authorized [under] **pursuant to** section 190.040 or 190.041.

**190.044. 1. No taxpayer shall be required to pay property taxes for ground ambulance service to both an ambulance district and a fire protection district which operates a ground ambulance service, unless reaffirmed and authorized pursuant to this section. In the event that a taxpayer in a third class county is paying taxes to both entities to provide ground ambulance service, any taxpayer residing in the area subject to the double tax may file a petition with the county clerk in which the area, or greatest part thereof, is situated requesting that the double tax be eliminated and that the area only pay a tax to one entity.**

**2. Upon receipt of such petition, the county clerk shall determine the area taxed by two such entities and place the question before the voters of such area at the next state or municipal election. The petition shall request that the following question be submitted to the voters residing within the geographic limits of the area:**

**The ..... (description of area) is currently paying a tax to provide ambulance service to the ..... (name of entity created first) and the ..... (name of entity created second). As a result, shall the tax paid to provide ambulance service to the ..... (name of entity created second) be eliminated?**

G Yes

G No

**3. If a majority of the votes cast are in favor of the elimination of the tax levied and collected by the entity providing ambulance service, then the remaining entity will be declared as the single taxing entity for the area in question. The taxpayers within**

**the area shall thereafter only pay one tax to the remaining entity following a three-year period, over which the tax rate levied and collected shall be decreased by one-third each year until such tax is no longer levied or collected by the entity whose tax was proposed for elimination by the petition. If a majority of the votes cast are opposed to the elimination of the tax, then the tax shall be reaffirmed.**

**4. All costs incurred by the county clerk as a result of this section, including election costs, shall be paid by the entity whose tax was proposed for termination by the petition.**

**5. The boundaries and service area of the entities providing ambulance service will reflect the change as determined by the election.**

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 objects. 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 director 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 may be reimbursed for [his] **such director's** actual expenditures in the performance of [his] **such director's** duties on behalf of the district.

190.060. 1. An ambulance district shall have [and exercise] the following governmental powers, and all other powers incidental, necessary, convenient or desirable to carry out and effectuate the express powers:

(1) To establish and maintain an ambulance service within its corporate limits, and to acquire for, develop, expand, extend and improve such service;

(2) To acquire land in fee simple, rights in land and easements upon, over or across land and leasehold interests in land and tangible and intangible personal property used or useful for the location, establishment, maintenance, development, expansion, extension or improvement of an ambulance service. The acquisition may be by dedication, purchase, gift, agreement, lease, use or adverse possession;

(3) To operate, maintain and manage the ambulance **service**, and to make and enter into contracts for the use, operation or management of and to provide rules and regulations for the

operation, management or use of the ambulance service;

(4) To fix, charge and collect reasonable fees and compensation for the use of the ambulance service according to the rules and regulations prescribed by the board from time to time;

(5) To borrow money and to issue bonds, notes, certificates, or other evidences of indebtedness for the purpose of accomplishing any of its corporate purposes, subject to compliance with any condition or limitation set forth in sections [190.005 to 190.085] **190.001 to 190.090** or otherwise provided by the Constitution of the State of Missouri;

(6) To employ or enter into contracts for the employment of any person, firm, or corporation, and for professional services, necessary or desirable for the accomplishment of the objects of the district or the proper administration, management, protection or control of its property;

(7) To maintain the ambulance service for the benefit of the inhabitants of the area comprising the district regardless of race, creed or color, and to adopt such reasonable rules and regulations as may be necessary to render the highest quality of emergency medical care; to exclude from the use of the ambulance service all persons who willfully disregard any of the rules and regulations so established; to extend the privileges and use of the ambulance service to persons residing outside the area of the district upon such terms and conditions as the board of directors prescribes by its rules and regulations; [and]

(8) To provide for health, accident, disability and pension benefits for the salaried members of its organized ambulance district and such other benefits for the members' spouses and minor children, through either, or both, a contributory or noncontributory plan. The type and amount of such benefits shall be determined by the board of directors of the ambulance district within the level of available revenue of the pension program and other available revenue of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the ambulance district elected by the contributing members. The board of trustees shall not be the same as the board of directors[.]; **and**

**(9) To purchase insurance indemnifying the district and its employees, officers, volunteers and directors against liability in rendering services incidental to the furnishing of ambulance services. Purchase of insurance pursuant to this section is not intended to waive sovereign immunity, official immunity or the Missouri public duty doctrine defenses.**

2. The use of any ambulance service of a district shall be subject to the reasonable regulation and control of the district and upon such reasonable terms and conditions as shall be established by its board of directors.

3. A regulatory ordinance of a district adopted [under] **pursuant to** any provision of this section may provide for a suspension or revocation of any rights or privileges within the control



of the district for a violation of any regulatory ordinance.

4. [To purchase insurance indemnifying against liability of the district and the driver and attendants of the ambulance or other equipment or supplies or in rendering services incidental to the furnishing of the ambulance service.

5.] Nothing in this section or in other provisions of sections [190.005 to 190.085] **190.001 to 190.245** shall be construed to authorize the district or board to establish or enforce any regulation or rule in respect to the operation or maintenance of the ambulance service within its jurisdiction which is in conflict with any federal or state law or regulation applicable to the same subject matter.

**5. After August 28, 1998, the board of directors of an ambulance district that proposes to contract for the total management and operation of the ambulance service, when that ambulance district has not previously contracted out for said service, shall hold a public hearing within a thirty-day period and shall make a finding that the proposed contract to manage and operate the ambulance service will:**

- (1) Provide benefits to the public health that outweigh the associated costs;**
- (2) Maintain or enhance public access to ambulance service;**
- (3) Maintain or improve the public health and promote the continued development of the regional emergency medical services system.**

**6. (1) Upon a satisfactory finding following the public hearing in subsection 5 of this section and after a sixty-day period, the ambulance district may enter into the proposed contract, however said contract shall not be implemented for at least thirty days.**

**(2) The provisions of subsection 5 of this section shall not apply to contracts which were executed prior to August 28, 1998, or to the renewal or modification of such contracts or to the signing of a new contract with an ambulance service provider for services that were previously contracted out.**

**190.074. To levy and collect taxes as herein provided, the board shall fix a rate of levy, not to exceed ten cents on the one hundred dollars valuation of the taxable tangible property within the district as shown by the last completed assessment, the revenues from which shall be deposited in a special fund and used only for the pension program of the district, by submitting the following question to the voters at the municipal general, or a state primary or general election in such district or at any election at which a member of the board of directors is to be elected:**

**Shall the board of directors of ..... Ambulance District be authorized to levy an annual tax rate of ..... cents per one hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district?**

**If a majority of the qualified voters casting votes thereon be in favor of the question,**

**the board of directors shall accordingly levy a tax in accordance with the provisions of this section, but if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.**

190.100. As used in sections [190.100 to 190.190] **190.001 to 190.245**, the following words and terms mean:

(1) **"Advanced life support (ALS)", an advanced level of care as provided to the adult and pediatric patient such as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.001 to 190.245;**

(2) **"Ambulance", any privately or publicly owned [motor vehicle or, on or after January 1, 1988, any aircraft, if such motor vehicle or aircraft] vehicle or craft that is specially designed [or constructed and equipped and is intended to be used for and is maintained or operated for the transportation of patients, including dual-purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of sections 190.100 to 190.190], constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals, but the term does not include any motor vehicle specially designed, constructed or converted for the regular transportation of persons [permanently disabled and] who are disabled, handicapped, normally using a wheelchair, or [handicapped persons] otherwise not acutely ill, or emergency vehicles [at] used within airports;**

[(2) "Apprentice", any individual who is not a licensed attendant or attendant-driver, but who holds a certificate of apprenticeship issued by the license officer;

(3) "Attendant", a trained and qualified individual responsible for the operation of an ambulance and the care of the patients transported thereby whether or not the attendant also serves as driver;

(4) "Attendant-driver", a person who is qualified as an attendant and a driver;

(5) "Board", the state board of health of Missouri;

(6) "Dual-purpose police patrol car", a vehicle, operated by a police department, which is equipped as an ambulance, even though it is also used for patrol or other police purposes;

(7) "Emergency medical technician", any person who has successfully completed a course of training approved by the health officer and is certified by the health officer in preliminary emergency medical care;

(8) "Health officer", the director of the department of health of the state of Missouri or his duly authorized representative;

(9) "License officer", the director of the department of health of the state of Missouri or his

duly authorized representative;

(10) "Local physician medical advisor" or "local physician medical advisory committee".]

**(3) "Ambulance service", a person or entity that provides emergency or nonemergency ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001 to 190.245;**

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

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

**(6) "Council", the state advisory council on emergency medical services;**

**(7) "Department", the department of health, state of Missouri;**

**(8) "Director", the director of the department of health or the director's duly authorized representative;**

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

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

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

**(b) Serious impairment to a bodily function;**

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

**(d) Inadequately controlled pain;**

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

**(12) "Emergency medical response agency", any person that regularly provides a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;**

**(13) "Emergency medical services for children (EMS-C) system", the arrangement of personnel, facilities and equipment for effective and coordinated delivery of**

**pediatric emergency medical services required in prevention and management of incidents which occur as a result of a medical emergency or of an injury event, natural disaster or similar situation;**

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

**(15) "Emergency medical technician", a person licensed in emergency medical care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules adopted by the department pursuant to sections 190.001 to 190.245;**

**(16) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;**

**(17) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245;**

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

**(19) "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care through employment by or in association with an emergency medical response agency;**

**(20) "Health care facility", a hospital, nursing home, physician's office or other fixed location at which medical and health care services are performed;**

**(21) "Hospital", an establishment as defined in the hospital licensing law, subsection 2 of section 197.020, RSMo, or a hospital operated by the state;**

**(22) "Medical control", supervision provided by or under the direction of physicians to providers by written or verbal communications;**

**(23) "Medical direction", medical guidance and supervision provided by a**

**physician to an emergency services provider or emergency medical services system;**

**(24) "Medical director",** a physician [or group of physicians] licensed pursuant to chapter 334, RSMo, [appointed] **designated** by the ambulance service **or emergency medical response agency** and who [meet] **meets** criteria [established] **specified** by the department [of health. The local physician medical advisor or local physician medical advisory committee shall have the responsibility to monitor prehospital medical care and ensure that prehospital standards of care and protocols are met;] **by rules pursuant to sections 190.001 to 190.245;**

**(25) "Memorandum of understanding", an agreement between an emergency medical response agency or dispatch agency and an ambulance service or services within whose territory the agency operates, in order to coordinate emergency medical services;**

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

[[12]] **(27) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,** any individual, firm, partnership, **copartnership, joint venture,** association, **cooperative organization,** corporation, [company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States or the state of Missouri;

(13) "Mobile emergency medical technician", a licensed attendant who has been specially trained in emergency cardiac and noncardiac care, and who has successfully completed an emergency service training program certified by the health officer as meeting the requirements of sections 190.100 to 190.190.] **municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;**

**(28) "Physician", a person licensed as a physician pursuant to chapter 334, RSMo;**

**(29) "Political subdivision", any municipality, city, county, city not within a county, ambulance district or fire protection district located in this state which provides or has authority to provide ambulance service;**

**(30) "Professional organization", any organized group or association with an ongoing interest regarding emergency medical services. Such groups and associations could include those representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists and instructors. Organizations could also represent the interests of ground ambulance services, air ambulance services, fire service organizations, law enforcement, hospitals, trauma centers,**

**communication centers, pediatric services, labor unions and poison control services;**

**(31) "Protocol", a predetermined, written medical care guideline, which may include standing orders;**

**(32) "Regional EMS advisory committee", a committee formed within an emergency medical services (EMS) region to advise ambulance services, the state advisory council on EMS and the department;**

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

**(34) "State advisory council on emergency medical services", a committee formed to advise the department on policy affecting emergency medical service throughout the state;**

**(35) "State EMS medical directors advisory committee", a subcommittee of the state advisory council on emergency medical services formed to advise the state advisory council on emergency medical services and the department on medical issues;**

**(36) "Trauma", an injury to human tissues and organs resulting from the transfer of energy from the environment;**

**(37) "Trauma care" includes injury prevention, triage, acute care and rehabilitative services for major single system or multisystem injuries that potentially require immediate medical or surgical intervention or treatment;**

**(38) "Trauma center", a hospital that is currently designated as such by the department.**

**190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of fifteen members. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.**

**2. The state EMS medical directors advisory committee and the regional EMS advisory committees will be recognized as subcommittees of the state advisory council on emergency medical services.**

**3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical**

services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation except that the department of health shall budget for reasonable travel expenses and meeting expenses related to the functions of the council.

5. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures and proposed regulations on how to improve the statewide emergency medical services system. The council shall advise the governor, the general assembly, and the department on all aspects of the emergency medical services system.

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.

2. The members of the committees shall serve without compensation except that the department of health 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.

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 shall 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.

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.**

**190.104. 1. The department is authorized to establish a program to improve the quality of emergency care for pediatric patients throughout the state and to implement a comprehensive pediatric emergency medical services system in accordance with standards prescribed by sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245.**

**2. The department is authorized to receive contributions, grants, donations or funds from any private entity to be expended for the program authorized pursuant to this section.**

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients **by ambulance in the air**, upon the streets, alleys, or any public way or place of the state of Missouri unless [he] **such person** holds a currently valid license **from the department** for an ambulance **service** issued pursuant to the provisions of sections [190.100 to 190.195] **190.001 to 190.245**.

2. No **ground** ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes [on the streets, alleys, or any public way or place of] **in** the state of Missouri unless [it] **the ground ambulance** is under the immediate supervision and direction of a person who is holding a currently valid [license as an attendant-driver or attendant; except that, nothing in this section shall be construed to mean that a duly licensed registered nurse or a duly licensed physician be required to hold an attendant-driver or attendant license.] **Missouri license as an emergency medical**



**technician; except that nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record.**

3. [No person, as either owner, agent or otherwise, who holds a currently valid license for an ambulance, shall, incident to his business or service of transporting patients, transport, carry or convey patients in any vehicle other than an ambulance, but no such licenses] **No license** shall be required for an ambulance **service**, or for the attendant[, attendant-driver, or certificated apprentice] of an ambulance, which:

(1) Is rendering assistance [to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of that locality are insufficient or unable to cope] **in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies;** or

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance shall be used to pick up patients within Missouri for transportation to locations within Missouri, [except in emergency, unless the driver, attendant and attendant-driver and the person subject to the provisions of sections 190.100 to 190.195 in respect of such ambulance hold currently valid licenses issued pursuant to sections 190.100 to 190.195] **except as provided in subdivision (1) of this subsection.**

4. The issuance of a license under the provisions of sections [190.100 to 190.195] **190.001 to 190.245** shall not be construed so as to authorize any person[, firm, corporation, or association] to provide ambulance services or to operate any ambulances without a franchise **in any city not within a county or in a political subdivision in any county with a population of over nine hundred thousand inhabitants, or a franchise, contract or mutual aid agreement** in any **other** [county, municipality or] political subdivision which has enacted an ordinance making it unlawful to do so.

5. Sections [190.100 to 190.195] **190.001 to 190.245** shall not preclude the adoption of any law, ordinance or regulation not in conflict with [this statute] **such sections** by any **city not within a county, or at least as strict as such sections by any county,** municipality or political subdivision **except that no such regulations or ordinances shall be adopted by a political subdivision in a county with a population of over nine hundred thousand inhabitants except by the county's governing body.**

**6. In a county with a population of over nine hundred thousand inhabitants, the governing body of the county shall set the standards for all ambulance services which**

**shall comply with subsection 5 of this section. All such ambulance services must be licensed by the department. The governing body of such county shall not prohibit a licensed ambulance service from operating in the county, as long as the ambulance service meets county standards.**

[6.] **7.** An ambulance **service or vehicle** when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri public service commission.

[7.] **8.** Sections [190.100 to 190.195] **190.001 to 190.245** shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of [his] **such employer's** employees whose illness or injury occurs on private property, and not on a public highway **or property**, nor to any person operating such a motor vehicle.

**9. A political subdivision that is authorized to operate a licensed ambulance service may establish, operate, maintain and manage its ambulance service, and select and contract with a licensed ambulance service. Any political subdivision may contract with a licensed ambulance service.**

**10. Except as provided in subsections 5 and 6, nothing in section 67.300, RSMo, or subsection 2 of section 190.108, shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to promulgate laws, ordinances or regulations related to the provision of ambulance services. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.**

**11. Nothing in section 67.300, RSMo, or subsection 2 of section 190.108 shall be construed to authorize any municipality or county which is located within an ambulance district or a fire protection district that is authorized to provide ambulance service to operate an ambulance service without a franchise in an ambulance district or a fire protection district that is authorized to provide ambulance service which has enacted an ordinance making it unlawful to do so. This provision shall not apply to any municipality or county which operates an ambulance service established prior to August 28, 1998.**

**12. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.**

**13. No provision of this section, other than subsections 5, 6, 10 and 11 of this section, is intended to limit or supersede the powers given to ambulance districts pursuant to this chapter or to fire protection districts pursuant to chapter 321, RSMo,**

or to counties, cities, towns and villages pursuant to chapter 67, RSMo.

**190.107. 1.** Any municipally operated ambulance service, ambulance district, fire protection district that provides ambulance service or any other ambulance service may enter into contracts providing for mutual aid services provided by such ambulance service. The contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period as long as they include a minimum of a sixty-day cancellation notice by either party.

**2.** Any municipally operated ambulance service, ambulance district, fire protection district that provides ambulance service or any other ambulance service may provide assistance to any other ambulance service in the state that requests it, at the time of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardizes the ability of the local ambulance service to promptly respond to emergencies.

**3.** When responding on mutual aid or emergency aid requests, the ambulance service shall be subject to all provisions of law as if it were providing service within its own jurisdiction.

**4.** Mutual aid contracts may be agreed to between ambulance services in the states neighboring Missouri and ambulance services in the state of Missouri in the exact same manner as contracts between ambulance services within the state of Missouri.

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

**2.** The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;**
- (2) Medical director qualifications;**
- (3) Air medical staff qualifications;**
- (4) Response and operations standards to assure that the health and safety needs of the public are met;**
- (5) Standards for air medical communications;**
- (6) Criteria for compliance with licensure requirements;**
- (7) Records and forms;**
- (8) Equipment requirements;**

- (9) Five-year license renewal;**
- (10) Quality improvement committees; and**
- (11) Response time, patient care and transportation standards.**

**3. Application for an air ambulance service 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 air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.**

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

**2. Any person that owned and operated a licensed ambulance on December 31, 1997, shall receive an ambulance service license from the department, unless suspended, revoked or terminated, for that ambulance service area which was, on December 31, 1997, described and filed with the department as the primary service area for its licensed ambulances when this law is enacted, provided that the person makes application and adheres to the rules and regulations promulgated by the department pursuant to sections 190.001 to 190.245.**

**3. The department shall issue a new ground ambulance service license to an ambulance service that is not currently licensed by the department, or is currently licensed by the department and is seeking to expand its ambulance service area, except as provided in subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked or terminated, when the director finds that the applicant meets the requirements of ambulance service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to 190.245. In order to be considered for a new ambulance service license, an ambulance service shall submit to the department a letter of endorsement from each ambulance district or fire protection district that is authorized to provide ambulance service, or from each municipality not within an ambulance district or fire protection district that is authorized to provide ambulance service, in which the ambulance service proposes to operate. If an ambulance service proposes to operate in unincorporated portions of a county not within an ambulance district or fire protection district that is authorized to provide ambulance service, in order to be considered for a new ambulance service license, the ambulance service shall submit to the department a letter of endorsement from the county. Any letter of endorsement shall verify that the political subdivision has conducted a public hearing regarding the endorsement and that the governing body of the political subdivision has adopted a resolution approving the endorsement.**

**4. A contract between a political subdivision and a licensed ambulance service for the provision of ambulance services for that political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service to include the jurisdictional boundaries of the political subdivision. The termination of the aforementioned contract shall result in a reduction of the licensed ambulance service's ambulance service area by removing the geographic area of the political subdivision from its ambulance service area.**

**5. The department shall renew a ground ambulance service license 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.**

**6. The department shall promulgate rules relating to the requirements for a ground ambulance service license including, but not limited to:**

- (1) Vehicle design, specification, operation and maintenance standards;**
- (2) Equipment requirements;**
- (3) Staffing requirements;**
- (4) Five-year license renewal;**
- (5) Records and forms;**
- (6) Medical control plans;**
- (7) Medical director qualifications;**
- (8) Standards for medical communications;**
- (9) Memorandums of understanding with emergency medical response agencies that provide advanced life support;**
- (10) Quality improvement committees; and**
- (11) Response time, patient care and transportation standards.**

**7. Application for a ground ambulance service 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 ground ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.**

190.120. 1. No ambulance **service** license shall be issued [under] **pursuant to** sections [190.100 to 190.195] **190.001 to 190.245**, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage issued by an insurance company for each and every ambulance owned or operated by or for the applicant or licensee, or unless any city not within a county which owns or operates the license has at all times sufficient self-insurance coverage to provide for the payment of damages in an amount as prescribed [by the board] **in regulation:**

- (1) For injury to or death of individuals in accidents resulting from any cause for which

the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or [his] **the owner's** agent; and

(2) For the loss of or damage to the property of another, including personal property, under like circumstances.

2. The insurance policy, or in the case of a self-insured city not within a county, proof of self-insurance, shall be submitted by all licensees required to provide such insurance [under] **pursuant to** sections [190.100 to 190.195] **190.001 to 190.245**. The insurance policy, or proof of the existence of self-insurance of a city not within a county, shall be submitted to the [license officer] **director**, in such form as [he] **the director** may specify, for [his] **the director's** approval prior to the issuance of each ambulance **service** license.

3. Every insurance policy required by the provisions of this section shall contain or in the case of a self-insured city not within a county shall have proof of a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked the insurance company or self-insured city not within a county will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance or self-insurance shall be further conditioned for the payment of any judgments up to the limits of said policy, recovered against any person other than the owner, [his] **the owner's** agent or employee, who may operate the same with the consent of the owner.

4. Every insurance policy or self-insured city not within a county as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the [license officer] **director** and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the [ambulances] **ambulance service** covered by such policy unless covered by another insurance policy in compliance with sections [190.100 to 190.195] **190.001 to 190.245**.

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

**2. Such rules promulgated by the department shall set forth the minimum requirements for entrance criteria, training program curricula, instructors, facilities, equipment, medical oversight, recordkeeping, and reporting.**

**3. Application for training entity accreditation or certification 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 reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.**

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

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

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

**7. No person or entity shall hold itself out or provide training required by section 190.131 without accreditation or certification by the department.**

**190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.**

**2. The department shall issue a license to any emergency medical response agency which provides advanced life support 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 response agency including, but not limited to:**

- (1) A licensure period of five years;**
- (2) Medical direction;**
- (3) Records and forms; and**
- (4) Memorandum of understanding with local ambulance services.**

**3. Application for an emergency medical response agency 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 response agency meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.**

**4. No person or entity shall hold itself out as an emergency medical response**

agency that provides advanced life support or provide the services of an emergency medical response agency that provides advanced life support unless such person or entity is licensed by the department.

**190.134.** A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director, whose duties include the maintenance of standards and protocol approval.

**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;**

**(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 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

**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.**

190.160. The renewal of any license shall require conformance with [all the requirements of sections 190.100 to 190.195 as upon original licensing] **sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245.**

**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 this act 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, RSMo.**

**2. The department may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, 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, RSMo, 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;

(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.

3. After the filing of such complaint, the proceedings shall be conducted in accordance with the provisions of chapter 621, RSMo. 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.

4. An individual whose license has been revoked shall wait one year from the date of revocation to apply for relicensure. Relicensure shall be 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.

5. 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. 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. The department of health 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.**

190.171. Any person aggrieved by an official action of the department of health affecting the licensed status of a person under the provisions of sections [190.100 to 190.195] **190.001 to 190.245**, including the refusal to grant, the grant, the revocation, the suspension, or the failure to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and 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 of health or the department of social services.

190.175. 1. Each [licensee of an] ambulance **service licensee or emergency medical response agency licensee** shall maintain accurate records, which contain [the following] information concerning the **care and, if applicable, the** transportation of each patient [within the state of Missouri, from one place herein to another place within or beyond its limits:

(1) Each ambulance licensee will maintain a daily log to contain such data as the license officer may prescribe on each and every ambulance run which he or a duly authorized agent accepts;

(2) The entries will be consecutive, with no blank spaces or blank paper].

**2.** Records will be retained by the ambulance [licensee] **service licensees and emergency medical response agency licensees** for five years, readily available for inspection by the [license officer] **department**, notwithstanding transfer, sale or discontinuance of the ambulance services or business[;

(3) Trip tickets].

**3. An ambulance report, approved by the department, shall be completed** for each ambulance run on which are entered pertinent remarks by the [ambulance attendant, or

attendant-driver, signed instructions of the physician requesting special service, official receipt for patient at destination] **emergency medical technician**, and such other items as [the license officer may prescribe] **specified by rules promulgated by the department**.

[2.] **4.** Such records shall be available for inspection by the [health officer] **department** at any reasonable time during business hours.

**190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, pursuant to rules promulgated by the department for the purpose of injury etiology, patient care outcome, injury prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were submitted to the department as of January 1, 1998, pursuant to:**

- (1) Departmental regulation of trauma centers; or**
- (2) The Missouri head and spinal cord injury registry established by sections 192.735 to 192.745, RSMo; or**
- (3) Abstracts of inpatient hospital data; or**
- (4) If such data elements are requested by a lawful subpoena or subpoena duces tecum.**

**2. All information and documents in any civil action, otherwise discoverable, may be obtained from any person or entity providing information pursuant to the provisions of sections 190.001 to 190.245.**

190.180. 1. Any person violating, or failing to comply with, the provisions of sections [190.100 to 190.195] **190.001 to 190.245** is guilty of a **class B** misdemeanor [and, upon conviction thereof, shall be fined an amount not exceeding one thousand dollars or imprisonment for a period not exceeding thirty days, or by both such fine and imprisonment, for each offense].

2. Each day that any violation of, or failure to comply with, sections [190.100 to 190.195] **190.001 to 190.245** is committed or permitted to continue shall constitute a separate and distinct offense and shall be punishable as such hereunder; but the court may, in appropriate cases, stay the cumulation of penalties.

3. The attorney general of Missouri shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections [190.100 to 190.195] **190.001 to 190.245**, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating [an ambulance service] in violation of sections [190.100 to 190.195] **190.001 to 190.245**.

**4. The prosecuting attorney for the county in which the violation of a political subdivision's law, ordinance or regulation relating to the provision of ambulance services occurs may prosecute such violations in the circuit court of that county. The legal officer or attorney for the political subdivision may be appointed by the**

**prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation.**

**5. A person, acting as owner, agent or otherwise, who holds a valid license for an ambulance service, shall not, incident to such person's business or service of transporting patients, violate any applicable law, ordinance or regulation of any political subdivision by providing ambulance services or operating any ambulances without a franchise, contract or mutual aid agreement in such political subdivision, or by violating any such franchise, contract or mutual aid agreement by any political subdivision which has enacted ordinances making it unlawful to do so. If the department receives official written notification by a political subdivision that an ambulance service has been adjudicated and found to be in violation of any applicable law or ordinance, such ambulance service shall be subject to licensure action by the department.**

**6. No provision of this section is intended to limit or supersede a political subdivision's right to enforce any law, ordinance, regulation, franchise, contract or mutual aid agreement.**

**7. The provisions of subsections 4, 5 and 6 of this section shall not apply to a city not within a county and any county with a population of over nine hundred thousand inhabitants and any licensed ambulance service when operating in a city not within a county.**

190.185. The [state board of health of Missouri] **department** shall adopt, amend, promulgate, and enforce such rules, regulations and standards with respect to [all ambulances, ambulance service, attendant mobile emergency medical technicians, attendant-drivers and certificated apprentices to be licensed under the provisions of sections 190.093 to 190.249, and all emergency medical technicians to be certified under the provisions of sections 190.093 to 190.249,] **the provisions of this chapter** as may be designed to further the accomplishment of the purpose of this law in promoting [safe and adequate ambulance] **state of the art emergency medical services** in the interest of public health, safety and welfare. **When promulgating such rules and regulations, the department shall consider the recommendations of the state advisory council on emergency medical services.** No rule or portion of a rule promulgated [under] **pursuant to** the authority of sections [190.093 to 190.249] **190.001 to 190.245** shall become effective unless it has been promulgated pursuant to the provisions of [section 536.024] **chapter 536**, RSMo.

[190.190. Any ambulance, attendant or attendant-driver which is engaged in the business or service of the transportation of patients at the time of the promulgation of any applicable rule or regulation or minimum standard under this law shall be given a reasonable time under the particular circumstances, not to exceed six months from the date of such promulgation, within which to comply with such rules and regulations and

minimum standards.]

**190.190. 1. All ambulance vehicles or aircraft that have or are qualified to have a valid license issued by the department on the day that sections 190.001 to 190.245 take effect will have their ambulance vehicle or aircraft license expiration date extended to a date that is one year after the effective date of sections 190.001 to 190.245.**

**2. All ambulance services shall have until August 28, 1999, to comply with the provisions of sections 190.001 to 190.245 and rules developed pursuant to sections 190.001 to 190.245. Pursuant to sections 190.001 to 190.245 the department may adjust the initial period of licensure, from one year to five years, of any ambulance service licensed pursuant to sections 190.001 to 190.245, to equalize the number of licenses that may be renewed during each year of any five-year licensure period.**

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

**2. Any person or entity that employs or supervises a person's activities as a first responder or emergency medical dispatcher shall cooperate with the department's efforts to monitor and enforce compliance by those individuals subject to the requirements of sections 190.001 to 190.245.**

**190.200. The department of health in cooperation with local and regional EMS systems and agencies may provide public and professional information and education programs related to emergency medical services systems including trauma systems and emergency medical care and treatment. The department of health may also provide public information and education programs for informing residents of and visitors to the state of the availability and proper use of emergency medical services, of the value and nature of programs to involve citizens in the administering of prehospital emergency care, including cardiopulmonary-resuscitation, and of the availability of training programs in emergency care for members of the general public.**

**190.205. 1. Health carriers and managed care plans shall pay benefits directly to ambulance services or emergency medical response agencies.**

**2. Health carriers and managed care plans shall not prohibit or discourage the use of the 911 system when emergency services are needed as defined in section 190.100.**

**3. If a request for emergency services is made to an ambulance service which is not the 911 provider or the recognized emergency provider in areas not covered by 911 ambulance services, then the 911 provider or the recognized emergency provider shall be notified immediately by the ambulance service receiving the request.**

**190.241. 1. The department shall designate a hospital as [a] 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**.

2. The department **of health** shall, not less than once every five years, conduct an on-site review of every trauma center through appropriate department personnel or a qualified contractor. 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 center [already existing in this state] **under review**. The department may deny, place on probation, suspend or revoke a trauma center 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 [sections 190.235 to 190.249] **this chapter** or any rules or regulations promulgated [under the provisions of sections 190.235 to 190.249] **pursuant to this chapter**. If the department **of health** 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 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 trauma center designation shall be revoked.**

3. The department **of health** may establish appropriate fees to offset [some of] the costs of [reverification of trauma centers if the department has reasonable cause to believe that such verification is necessary] **trauma center reviews**.

**4. No hospital shall hold itself out to the public as an adult, pediatric or adult and pediatric trauma center unless it is designated as such by the department of health.**

5. Any person aggrieved by an action of the department **of health** affecting the trauma center designation [under the provisions of sections 190.235 to 190.249] **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 pursuant to the provisions of [section 621.045] **chapter 536**, RSMo. 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.

[190.243. 1. A physician or registered nurse authorized by a physician who has established verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely injured patient to the closest hospital or designated trauma center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the local physician medical advisor or local physician medical advisory committee and the department of health, even when the hospital is located outside of the ambulance service's

primary service area.

2. Patients who are not severely injured shall be transported to and cared for at the hospital of their choice, so long as such ambulance service is not in violation of local ordinances.]

**190.243. 1. Severely injured patients shall be transported to a trauma center. A physician or registered nurse authorized by a physician who has established verbal communication with ambulance personnel shall instruct the ambulance personnel to transport a severely injured patient to the closest hospital or designated trauma center, as determined according to estimated transport time whether by ground ambulance or air ambulance, in accordance with transport protocol approved by the medical director and the department of health, even when the hospital is located outside of the ambulance service's primary service area. When initial transport from the scene of injury to a trauma center would be prolonged, the severely injured patient may be transported to the nearest appropriate facility for stabilization prior to transport to a trauma center.**

**2. Transport of the severely injured patient shall be governed by principles of timely and medically appropriate care; consideration of reimbursement mechanisms shall not supersede those principles.**

**3. Patients who are not severely injured shall be transported to and cared for at the hospital of their choice so long as such ambulance service is not in violation of local protocols.**

190.245. The department shall require hospitals, as defined by chapter 197, RSMo, designated as trauma centers to provide for a peer review system, approved by the department, for trauma cases pursuant to the provisions of section 537.035, RSMo. For purposes of sections [190.235 to 190.249] **190.241 to 190.245**, the department of health shall have the same powers and authority of a health care licensing board pursuant to subsection 6 of section 537.035, RSMo. Failure of a hospital to provide all medical records necessary for the department to implement provisions of sections [190.235 to 190.249] **190.241 to 190.245** shall result in the revocation of the hospital's designation as a trauma center. Any medical records obtained by the department or peer review committees shall be used only for purposes of implementing the provisions of sections [190.235 to 190.249] **190.241 to 190.245** and the names of hospitals, physicians and patients shall not be released by the department or members of review committees.

**190.400. As used in sections 190.400 to 190.440, the following words and terms shall mean:**

- (1) "911", the primary emergency telephone number within the wireless system;**
- (2) "Board", the wireless service provider enhanced 911 advisory board;**
- (3) "Public safety agency", a functional division of a public agency which provides fire fighting, police, medical or other emergency services. For the purpose of**



**providing wireless service to users of 911 emergency services, as expressly provided in this section, the department of public safety and state highway patrol shall be considered a public safety agency;**

**(4) "Public safety answering point", the location at which 911 calls are initially answered;**

**(5) "Wireless service provider", a provider of commercial mobile service pursuant to section 332(d) of the Federal Telecommunications Act of 1996 (47 U.S.C. Section 151 et seq).**

**190.410. 1. There is hereby created in the department of public safety the "Wireless Service Provider Enhanced 911 Advisory Board", consisting of eight members as follows:**

**(1) The director of the department of public safety or the director's designee who shall hold a position of authority in such department of at least a division director;**

**(2) The chairperson of the public service commission or the chairperson's designee; except that such designee shall be a commissioner of the public service commission or hold a position of authority in the commission of at least a division director;**

**(3) Three representatives and one alternate from the wireless service providers, elected by a majority vote of wireless service providers licensed to provide service in this state; and**

**(4) Three representatives from public safety answering point organizations, elected by the members of the state chapter of the associated public safety communications officials and the state chapter of the National Emergency Numbering Association.**

**2. Immediately after the board is established the initial term of membership for a member elected pursuant to subdivision (3) of subsection 1 of this section shall be one year and all subsequent terms for members so elected shall be two years. The membership term for a member elected pursuant to subdivision (4) of subsection 1 of this section shall initially and subsequently be two years. Each member shall serve no more than two successive terms unless the member is on the board pursuant to subdivision (1) or (2) of subsection 1 of this section. Members of the board shall serve without compensation, however, the members may receive reimbursement of actual and necessary expenses. Any vacancies on the board shall be filled in the manner provided for in this subsection.**

**3. The board shall do the following:**

**(1) Elect from its membership a chair and other such officers as the board deems necessary for the conduct of its business;**

**(2) Meet at least one time per year for the purpose of discussing the**

**implementation of Federal Communications Commission order 94-102;**

**(3) Advise the office of administration regarding implementation of federal communications commission order 94-102; and**

**(4) Provide any requested mediation service to a political subdivision which is involved in a jurisdictional dispute regarding the providing of wireless 911 services. The board shall not supersede decision-making authority of any political subdivision in regard to 911 services.**

**4. The director of the department of public safety shall provide and coordinate staff and equipment services to the board to facilitate the board's duties.**

**190.420. 1. There is hereby established in the state treasury a fund to be known as the "Wireless Service Provider Enhanced 911 Service Fund". All fees collected pursuant to sections 190.400 to 190.440 by wireless service providers shall be remitted to the director of the department of revenue. The director shall remit such payments to the state treasurer.**

**2. The state treasurer shall deposit such payments into the wireless service provider enhanced 911 service fund. Moneys in the fund shall be used for the purpose of reimbursing expenditures actually incurred in the implementation and operation of the wireless service provider enhanced 911 system.**

**3. Any unexpended balance in the fund shall be exempt from the provisions of section 33.080, RSMo, relating to the transfer of unexpended balances to the general revenue fund, and shall remain in the fund. Any interest earned on the moneys in the fund shall be deposited into the fund.**

**190.430. 1. The commissioner of the office of administration is authorized to establish a fee, if approved by the voters pursuant to section 190.440, not to exceed fifty cents per wireless telephone number per month to be collected by wireless service providers from wireless service customers.**

**2. The office of administration shall promulgate rules and regulations to administer the provisions of sections 190.400 to 190.440. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated pursuant to the authority delegated in sections 190.400 to 190.440 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, 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 the effective date of this section shall be invalid and void.**

**3. The office of administration is authorized to administer the fund and to distribute the moneys in the wireless service provider enhanced 911 service fund for approved expenditures as follows:**

**(1) For the reimbursement of actual expenditures for implementation of wireless enhanced 911 service by wireless service providers in implementing Federal Communications Commission order 94-102; and**

**(2) To subsidize and assist the public safety answering points based on a formula established by the office of administration, which may include, but is not limited to the following:**

**(a) The volume of wireless 911 calls received by each public safety answering point;**

**(b) The population of the public safety answering point jurisdiction;**

**(c) The number of wireless telephones in a public safety answering point jurisdiction by zip code; and**

**(d) Any other criteria found to be valid by the office of administration provided that of the total amount of the funds used to subsidize and assist the public safety answering points, at least ten percent of said funds shall be distributed equally among all said public safety answering points providing said services under said section;**

**(3) For the reimbursement of actual expenditures for equipment for implementation of wireless enhanced 911 service by public safety answering points to the extent that funds are available, provided that ten percent of funds distributed to public safety answering points shall be distributed in equal amounts to each public safety answering point participating in enhanced 911 service;**

**(4) Notwithstanding any other provision of the law, no proprietary information submitted pursuant to this section shall be subject to subpoena or otherwise released to any person other than to the submitting wireless service provider, without the express permission of said wireless service provider. General information collected pursuant to this section shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers or revenues attributable to an individual wireless service provider.**

**4. Wireless service providers are entitled to retain one percent of the surcharge money they collect for administrative costs associated with billing and collection of the surcharge.**

**5. No more than five percent of the moneys in the fund, subject to appropriation by the general assembly, shall be retained by the office of administration for reimbursement of the costs of overseeing the fund and for the actual and necessary**

expenses of the board.

6. The office of administration shall review the distribution formula once every year and may adjust the amount of the fee within the limits of section 190.430, as determined necessary.

7. The provisions of sections 190.307 and 190.308 shall be applicable to programs and services authorized by sections 190.400 to 190.440.

8. Notwithstanding any other provision of the law, in no event shall any wireless service provider, its officers, employees, assigns or agents, be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, an act or omission in the development, design, installation, operation, maintenance, performance or provision of 911 service or other emergency wireless two- and three-digit wireless numbers, unless said acts or omissions constitute gross negligence, recklessness or intentional misconduct. Nor shall any wireless service provider, its officers, employees, assigns, or agents be liable for any form of civil damages or criminal liability which directly or indirectly result from, or is caused by, the release of subscriber information to any governmental entity as required under the provisions of this act unless the release constitutes gross negligence, recklessness or intentional misconduct.

190.440. 1. The office of administration shall not be authorized to establish a fee pursuant to the authority granted in section 190.430 unless a ballot measure is submitted and approved by the voters of this state. The ballot measure shall be submitted by the secretary of state for approval or rejection at the general election held and conducted on the Tuesday immediately following the first Monday in November, 1998, or at a special election to be called by the governor on the ballot measure. If the measure is rejected at such general or special election, the measure may be resubmitted at each subsequent general election, or may be resubmitted at any subsequent special election called by the governor on the ballot measure, until such measure is approved.

2. The ballot of the submission shall contain, but is not limited to, the following language:

Shall the Missouri office of administration be authorized to establish a fee of up to fifty cents per month to be charged every wireless telephone number for the purpose of funding wireless enhanced 911 service?

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 and "X" in the box opposite "No".

3. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are in favor of such measure, then the office of administration shall be authorized to establish a fee pursuant to section 190.430, and the fee shall be effective

**on January 1, 1999, or the first day of the month occurring at least thirty days after the approval of the ballot measure. If a majority of the votes cast on the ballot measure by the qualified voters voting thereon are opposed to the measure, then the office of administration shall have no power to establish the fee unless and until the measure is approved.**

[190.005. Sections 190.005 to 190.085 shall be known and may be referred to as "The Ambulance District Law".]

[190.073. 1. An ambulance district which is comprised of the major portion of each of two or more counties may be divided on the border between the counties into separate ambulance districts, each of which shall have the powers and responsibilities of an ambulance district formed pursuant to sections 190.010 to 190.085, and the original ambulance district dissolved in the following manner:

(1) Upon the filing of a petition containing the signatures of no less than ten percent of the registered voters residing within the district with the county clerk of the county in which the greater part of the district is situated, or upon the motion of a majority of the members of the board of directors of the ambulance district, and the simultaneous filing by the petitioners or the board of directors, respectively, of a plan for the equitable disposition of the assets of the district, the county commission shall, upon approval of such plan by majority vote, submit the question to the voters in the district using the same procedure to the extent practicable as is provided for the submission of the question for forming an ambulance district. The plan shall be included in a legal notice published pursuant to section 115.127, RSMo. The plan for the disposition of assets may provide for the transfer or liquidation of assets or both. The plan may also provide that proceeds from any liquidation of assets be:

- (a) Distributed equitably among the districts to be formed; or
- (b) Refunded to taxpayers of the original district, except that refund payments shall be computed on the ratio of each taxpayer's tax payment to the total tax collection for the last taxable year for which the district collected taxes; or
- (c) Applied to the payment of bonded indebtedness of the original district; or
- (d) Distributed using any combination of paragraph (a), (b), or (c) of this subdivision;

(2) The question shall be submitted in substantially the following form:

Shall the ..... ambulance district be divided into ..... (number) separate ambulance districts, as described in the legal notice of election, for the establishment and operation of ambulance services within the boundaries of said proposed districts and having the powers to impose a property tax not to exceed the annual rate of fifteen cents on the one hundred dollars assessed valuation without voter approval and such additional

tax as may be approved by vote thereon, to be known as the "..... Ambulance District" and the "..... Ambulance District", as prayed for by petition filed with the county clerk of ..... County, Missouri, on the ..... day of ....., 19....?

(3) If the question receives a majority of the votes cast in each of the ambulance districts to be formed by the division of the original district, the original ambulance district shall be dissolved for all purposes within one hundred fifty days or when each of the new districts becomes operational, whichever first occurs, except that if general obligation indebtedness exists the original district shall continue to exist solely for the purpose of levying and collecting taxes to pay such indebtedness. The plan for the disposition of assets shall be implemented upon passage;

(4) The results of the submission of the question shall be entered upon the records of the commission and a certified copy thereof shall be filed with the county clerk of the other county in which the affected district lies, who shall cause the same to be spread upon the records of the county commission. If the order shows that the question to organize the district received a majority of the votes cast in each of the ambulance districts to be formed, the order shall declare the district organized;

(5) Upon passage of a proposition to divide an existing ambulance district into separate ambulance districts, boards of trustees shall be elected for each new district pursuant to section 190.050.

2. Ambulance districts formed by the division of its predecessor district shall comply with the provisions of sections 190.010 to 190.085, relating to the formation of ambulance districts.]

[190.093. Notwithstanding the provisions of sections 190.100 to 190.190, when at any time a licensed ambulance owned and operated by an ambulance district is dispatched to answer an emergency call, and the services of a second licensed ambulance in such district are required at the same time, the district board at its discretion may allow such second ambulance to be staffed, only if a licensed attendant driver is not available, by an individual licensed as an attendant and by a driver approved by the district board who holds a current valid operator's or chauffeur's license from the state of Missouri.]

[190.095. Sections 190.100 to 190.195 shall not be construed so as to prohibit or limit in any way the transportation of persons who are sick, injured or otherwise incapacitated, by duly authorized police officers, sheriffs, or firemen in emergency situations in the exercise of their official duties in any city or county in this state.]

[190.110. 1. An application for an ambulance license shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:

- (1) The name and address of the applicant and of the owner of the ambulance;
- (2) The trade or other fictitious name, if any, under which the applicant does

business and proposes to do business;

(3) The training and experience of the applicant in the transportation and care of patients;

(4) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number or other distinguishing number; current state license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance;

(5) The location and description of the place from which it is intended to operate;

(6) Such other information as the license officer shall deem reasonably necessary to a fair determination of compliance with sections 190.100 to 190.195.

2. An annual license fee of twenty dollars shall accompany each application for each ambulance, but no fee will be required for an ambulance owned or operated by a political subdivision of the state.]

[190.115. 1. Each ambulance shall, at all times when in use as such:

(1) Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises;

(2) Contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;

(3) Currently comply with all applicable laws and local ordinances relating to health, sanitation and safety;

(4) Be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed in reasonable regulations promulgated by the board;

(5) Be equipped with approved safety belts for the driver, and for a passenger in the front seat if such seat is provided;

(6) Be equipped with an approved safety belt for the attendant in the patient compartment and an approved restraining device for the litter and patient; and

(7) Be covered by an insurance policy in conformance with section 190.120.

2. Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license and conformance with all the requirements of sections 190.100 to 190.195 as upon original licensing.

3. Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of sections 190.100 to 190.195 as upon original licensing and approval of the licensing officer. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without prior approval of the license officer and a finding by him of conformance with all the requirements of sections 190.100

to 190.195 as upon original licensing.

4. Each licensed ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the health officer or his designated representative during usual hours of operation.

5. No official entry made upon a license may be defaced, removed or obliterated.]

[190.125. 1. The license officer shall, upon receipt of an application for an ambulance license as provided for by the provisions of sections 190.100 to 190.195, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.

2. The license officer shall issue a license hereunder for a specified ambulance, to be valid for a period of one year, unless suspended, revoked or terminated, when he finds, upon proper notice and hearing:

(1) That the public convenience and necessity require the proposed ambulance service;

(2) That each ambulance, its required equipment and the premises designated in the application, have been certified by the health officer as provided herein;

(3) That the applicant is a responsible person who bears a good reputation for honesty, integrity, fair dealing, and is competent to operate an ambulance service;

(4) That the ambulance will be operated only by duly licensed attendants, attendant-drivers, and certificated apprentices;

(5) That all the requirements of sections 190.100 to 190.195 and all other applicable laws and ordinances have been met.

3. Prior to the issuance of any ambulance license hereunder, the license officer shall cause an inspection to be made of the vehicles, equipment and premises designated in each application hereunder, and shall certify his approval in a written report when he finds compliance with the standards prescribed in subdivision (1) of section 190.115, section 190.120 and in section 190.130, and with the regulations promulgated under such sections; but the license officer shall have no responsibility, and shall exercise no authority in connection with laws and ordinances of general applicability which deal with motor vehicle inspection.

4. Subsequent to the issuance of an ambulance license under the provisions of sections 190.100 to 190.195, the license officer shall cause a periodic inspection to be made of each licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary, and shall promptly file a written report of his findings with the department of health. The periodic inspection hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor



vehicles, or other inspections required to be made, under general law or ordinances, and shall not excuse compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law or ordinance.

5. A copy of each ambulance, equipment and premises inspection report submitted by the license officer under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.

6. The license officer may change periods to equalize work:

(1) Whenever he shall determine from an increase or decrease in the number of ambulance licenses in any given month, that the volume of clerical work and inspections of licensing of ambulances in such month has become so disproportionate to the volume of work in the remaining months, he is authorized and empowered to change the license period of such number of ambulances as may be necessary to increase or reduce the volume of licenses in one or more months by advancing the renewal date and shortening the license period of such ambulances.

(2) Such shifting of license months shall be accomplished by notifying the licensees of the change, giving them credit for the portion of the license period not yet elapsed. In such instances the license officer shall assign and issue a new license for the ambulance designating the new license expiration date.]

[190.130. Each licensee of an ambulance shall comply with such reasonable regulations as may be promulgated by the board and shall maintain in each such ambulance, at all times when it is in use as an ambulance, all equipment required in regulations promulgated by the board. In promulgating equipment regulations, the board shall take into consideration the current list of essential equipment for ambulances adopted by the American College of Surgeons.]

[190.135. 1. Applications for attendants', mobile emergency medical technicians' and attendant-drivers' licenses shall be made upon forms prescribed by the license officer and shall contain:

(1) The applicant's full name, current address and the addresses of all places of residence for two years previous to moving to his present address;

(2) The applicant's age, height, weight, color of eyes and hair;

(3) The applicant's current operator's or chauffeur's license number;

(4) Whether his operator's or chauffeur's license has ever been suspended or revoked, and if so, when and where and for what cause;

(5) Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause;

(6) Whether he has ever been convicted for driving while intoxicated, and if so,

when and where;

(7) Whether he has ever been convicted for any moving motor vehicle violation, and if so, when and where and for what cause;

(8) The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a chauffeur, attendant or attendant-driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause;

(9) Two recent photographs of the applicant, of a size designated by the license officer, one of which shall be attached by the license officer to the license;

(10) Such other information as the license officer shall deem reasonably necessary to a fair determination of compliance with sections 190.100 to 190.195.

2. Each application shall be accompanied by a license fee of three dollars, but no fee will be required for applicants who are employed for such duties by the state or a political subdivision of this state.]

[190.140. Notwithstanding any other provision of sections 190.100 to 190.190, mobile emergency medical technicians may do any of the following at the scene of the accident in an ambulance or at the emergency room of a licensed hospital:

(1) Render rescue, first-aid and resuscitation services;

(2) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, nonbreathing patient, and:

(a) For the cardiac arrest patient, the mobile emergency medical technician may initiate advanced cardiac life support procedures such as endotracheal intubation, initiation of intravenous lines, and administration of initial medications, according to current nationally acceptable emergency cardiac guidelines when approved by the department of health and the local physician medical advisor or local physician medical advisory committee;

(b) For the patient with severe, multisystem trauma or with compromised vital signs the mobile emergency medical technician may establish airway, apply and inflate the PAST garment, initiate intravenous therapy or administer initial medications according to protocols which have been approved by the department of health and the local physician medical advisor or local physician medical advisory committee;

(c) Notwithstanding the provisions of subdivision (4) of this section, procedures may be initiated pursuant to paragraphs (a) and (b) of this subdivision prior to any radio or telephone contact with a physician or registered nurse. After initiating procedures pursuant to paragraphs (a) and (b) of this subdivision, the mobile emergency medical technician shall immediately make radio or telephone contact with a physician or registered nurse designated by a physician;

(3) During training at the hospital and while caring for patients in the hospital administer parenteral medications under the direct supervision of a physician or a registered nurse; and

(4) Where voice contact or a telemetered electrocardiogram is monitored by a physician or a registered nurse authorized by a physician, and direct communication is maintained, mobile emergency medical technicians may upon order of such licensed physician or such licensed registered nurse do any of the following:

- (a) Administer intravenous saline or glucose solutions;
- (b) Perform gastric suction by intubation;
- (c) Perform endotracheal intubation; and
- (d) Administer parenteral injections of any of the following classes of drugs:
  - a. Antiarrhythmic agents;
  - b. Vagolytic agents;
  - c. Chronotropic agents;
  - d. Analgesic agents;
  - e. Alkalinizing agents;
  - f. Vasopressor agents; and
  - g. Other drugs which may be deemed necessary by such ordering physician;

(5) Deliver emergency medical care to the sick and injured while in the emergency department of a licensed hospital and until care responsibility is assumed by a licensed physician or a licensed registered nurse.]

[190.141. 1. Notwithstanding any other provisions of sections 190.100 to 190.190, emergency medical technicians may perform any of the following at the scene of an emergency or in an ambulance:

- (1) Patient assessment and vital signs;
- (2) Airway maintenance to include use of:
  - (a) Oropharyngeal and nasopharyngeal airways;
  - (b) Esophageal obturator airways with or without gastric suction device; and
  - (c) Oxygen demand valves;
- (3) Oxygen therapy;
- (4) Oropharyngeal suctioning;
- (5) Cardiopulmonary resuscitation procedures;
- (6) Control accessible bleeding;
- (7) Application of pneumatic anti-shock garment;
- (8) Management of outpatient medical emergencies;
- (9) Extrication of patients and lifting and moving techniques;
- (10) Management of musculoskeletal and soft tissue injuries to include dressing

and bandaging wounds or the splinting of fractures, dislocations, sprains or strains and rendering first aid services;

(11) Use of backboards to immobilize the spine;

(12) Defibrillate a pulseless patient under the following conditions:

(a) Perform, when approved by the local physician medical advisor or local physician medical advisory committee and where voice contact by radio or telephone is monitored by a person licensed to practice medicine or a registered nurse, where authorized by a person licensed to practice medicine, and direct communication is maintained, upon order of such person or such nurse, defibrillation with an automatic external defibrillator with data recording capabilities; or

(b) Perform, during an emergency, that activity specified in paragraph (a) of this subsection, before contacting the person licensed to practice medicine and surgery or authorized registered nurse when specifically authorized to perform such activities by written protocols approved by the local physician medical advisory or local physician medical advisory committee and the department of health.

2. An employer of the paid or volunteer emergency medical technician shall have the same physician medical advisor or local physician advisory committee as the local licensed ambulance service, to review, approve and monitor the activities which include but are not limited to recordkeeping, equipment maintenance, quality assurance and operation standards of the emergency medical technician.]

[190.145. 1. The license officer shall, within a reasonable time after receipt of an application, cause such investigation as he deems necessary to be made of the applicant for an attendant's or attendant-driver's license. The director of the department of health may authorize investigations into criminal and driving records in other states for any applicant.

2. The license officer shall issue a license to an attendant or attendant-driver, valid for a period of three years, unless earlier suspended, revoked or terminated, when he finds that the applicant:

(1) Is eighteen years of age or older;

(2) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(3) Is able to speak, read and write the English language;

(4) Has been found by a duly licensed physician, upon examination attested to on a form provided by the health officer, to be of sound physique, possessing visual acuity conforming to that required for a chauffeur's license, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance;

(5) For each applicant for attendant or attendant-driver's license, that such

applicant has a currently valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first aid given by the American Red Cross or the United States Bureau of Mines, or incorporating the curriculum of the basic training for ambulance personnel recommended by the United States Department of Transportation. No one shall be licensed as an attendant-driver unless he holds a currently valid motor vehicle operator's license from the state of Missouri or another state; and

(6) For each applicant for a mobile emergency medical technician's license, that such applicant meets the requirements for attendant, of this subsection, and in addition has successfully completed an emergency service training program consisting of a minimum of two hundred hours of training including, but not limited to, didactic and clinical experience in a cardiac care unit and in an emergency vehicle unit.

3. A license as attendant mobile emergency medical technician or attendant-driver is not assignable or transferable.

4. No official entry made upon a license may be defaced, removed or obliterated.】

[190.145. 1. The license officer shall, within a reasonable time after receipt of an application, cause such investigation as he deems necessary to be made of the applicant for an attendant's or attendant-driver's license. The director of the department of health may authorize investigations into criminal and driving records in other states for any applicant.

2. The license officer shall issue a license to an attendant or attendant-driver, valid for a period of three years, unless earlier suspended, revoked or terminated, when he finds that the applicant:

(1) Is eighteen years of age or older;

(2) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(3) Is able to speak, read and write the English language;

(4) Has been found by a duly licensed physician, upon examination attested to on a form provided by the health officer, to be of sound physique, possessing visual acuity conforming to that required for a chauffeur's license, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance;

(5) For each applicant applying for relicensure for an attendant or attendant-driver's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training, as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo. For each applicant applying for initial licensure for an attendant or attendant-driver's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training as presently defined by the state board of

health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo, which incorporates the curriculum of the EMT-basic training for ambulance personnel recommended by the United States Department of Transportation. No one shall be licensed as an attendant-driver unless he holds a currently valid motor vehicle operator's license from the state of Missouri or another state; and

(6) For each applicant applying for relicensure for a mobile emergency medical technician's license, that such applicant meets the requirements for attendant, subdivisions (1) to (5) of this subsection, and in addition has a currently valid certificate evidencing successful completion of a course of training, as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo. For each applicant applying for initial licensure for a mobile emergency medical technician's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo, which incorporates the curriculum of the EMT-paramedic training for ambulance personnel recommended by the United States Department of Transportation.

3. A license as attendant mobile emergency medical technician or attendant-driver is not assignable or transferable.

4. No official entry made upon a license may be defaced, removed or obliterated.

5. Notwithstanding anything herein to the contrary, ground ambulance services located in a city not within a county may maintain their ambulance service areas, and nothing in this section shall authorize the limitation or other restriction of the ambulance service area of ground ambulance services located in a city not within a county.]

[190.150. 1. An application for a certificate of apprenticeship shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:

(1) The applicant's full name, current residence and the addresses of all places of residence for two years previous to his present address;

(2) The applicant's age, height, weight, color of eyes and hair;

(3) The applicant's current operator's or chauffeur's license number;

(4) Whether his operator's or chauffeur's license has ever been suspended or revoked, and if so, when and where and for what cause;

(5) Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause;

(6) Whether he has ever been convicted of driving while intoxicated, and if so, when and where;

(7) Whether he has ever been convicted of any moving motor vehicle violation, and

if so, when and where and for what cause;

(8) The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a chauffeur, attendant, or attendant-driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause;

(9) A description of the apprenticeship in which the applicant is currently engaged, or which is proposed, including a detailed description of the training which the applicant will receive, the location of the training, the names and qualifications of all instructors or supervising personnel, and the approximate length of the apprenticeship;

(10) Two recent photographs of the applicant, of a size designated by the license officer, one of which shall be attached by the license officer to the certificate of apprenticeship;

(11) Such other information as the licensing officer shall deem reasonably necessary to be a fair determination of compliance with sections 190.100 to 190.195.

2. Each application shall be accompanied by a certificate fee of three dollars, but no fee will be required for applicants who are employed for such duties by the state or a political subdivision of the state.]

[190.155. 1. The license officer shall, within a reasonable time after receipt of an application, cause such investigation as he deems necessary to be made of the applicant for a certificate of apprenticeship.

2. The license officer shall issue a certificate of apprenticeship, for not more than one year, unless earlier suspended, revoked or terminated, when he finds that the applicant:

(1) Is eighteen years of age or older;

(2) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(3) Is able to speak, read and write the English language;

(4) Has been found by a duly licensed physician, upon examination attested to on a form provided by the health officer, to be of sound physique, and free of physical defects or diseases which might impair the ability to attend an ambulance; and

(5) Is engaged in or proposes to be engaged in a course of training, the successful completion of which will be equivalent to completion of an advanced course in first aid given by the American Red Cross or the United States Bureau of Mines.]

[190.165. 1. The license officer may suspend or revoke a license issued under the provisions of sections 190.100 to 190.195 for failure of a licensee to comply with the provisions of sections 190.100 to 190.195, or of regulations promulgated hereunder, or of any other applicable laws or ordinances or regulations, or he may place the licensee on

probation for any of the same reasons.

2. The initial or other ambulance, equipment and premises inspection reports of the health officer provided for by the provisions of sections 190.100 to 190.195 shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.

3. Upon suspension, revocation or termination of an ambulance license hereunder, no person shall be permitted to operate the ambulance. Upon suspension, revocation or termination of an attendant's or attendant-driver's license, the attendant or attendant-driver shall cease to drive or attend an ambulance, and no person shall employ or permit such individual to drive or attend an ambulance.

4. Any license suspended, revoked or terminated under any provision of sections 190.100 to 190.195 will be returned to the license officer within ten days of such suspension, revocation or termination.]

[190.235. As used in sections 190.235 to 190.249, the following terms mean:

(1) "Application", a request for trauma center designation or reverification on forms developed by the department of health;

(2) "Applicant", a hospital which has submitted an application and fee when applicable to the department of health for trauma center designation or reverification;

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

(4) "Department", the Missouri department of health;

(5) "Director", the director of the department of health or his designee;

(6) "Emergency medical services system", the arrangement of personnel, facilities and equipment for the effective and coordinated delivery of emergency medical services required in prevention and management of incidents which occur either as a result of medical emergency or of an accident, natural disaster or similar situation;

(7) "Hospital", a medical facility which is subject to provisions of chapter 197, RSMo, or a hospital operated by the state;

(8) "Local physician medical advisor" or "local physician medical advisory committee", a physician or group of physicians licensed pursuant to chapter 334, RSMo, appointed by the ambulance service and who meet criteria established by the department of health. The local physician medical advisor or local physician medical advisory committee shall have the responsibility to monitor prehospital medical care and ensure that prehospital standards of care and protocols are met;

(9) "Trauma center", a hospital that has been designated by the Missouri department of health upon proper application and site review as being capable of providing level I, II, or III systematized medical and nursing care for the trauma patient.]



[190.237. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of fifteen members. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson.

2. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, emergency medical technicians, EMT-paramedics, registered nurses, firefighters, physicians, hospital administrators, and other health care providers concerned with emergency medical services.

3. The members of the council shall serve without compensation except that the department of health shall budget for reasonable travel expenses and meeting expenses related to the functions of the council.

4. The purpose of the council is to make recommendations to the governor, the general assembly, and the department on policies, plans, procedures, and proposed regulations on how to improve the statewide emergency medical service system. The council shall advise the governor, the general assembly, and the department on at least the following aspects of the emergency medical service system: public information, telephone access systems, central dispatch centers, and appropriate telecommunications equipment, purchases of ambulances and equipment, treatment, triage and transfer protocols, appropriate training standards for prehospital and in-hospital emergency medical service personnel, licensing standards for ground ambulance vehicles, appropriate standards for air ambulances, and a voluntary management training program.]

[190.239. 1. The department shall promulgate rules and regulations in regard to trauma center designation. When making such rules and regulations, the department shall consider the recommendations of the state advisory council on emergency medical services. No hospital shall hold itself out to the public as a trauma center unless designated by the department of health. Any hospital which meets the criteria for designation as a trauma center shall be so designated, upon proper application to the department.

2. The department shall promulgate rules and regulations on trauma triage and transfer protocols to ensure that trauma patients receive the most appropriate level of care in the most timely fashion. When making such rules and regulations, the department shall consider the recommendations of the state advisory council on emergency medical services.]

[190.247. The department may purchase ambulances and associated equipment for governmental ambulance agencies within the limits of appropriations made for that

purpose, not to exceed one-half the cost of the ambulance or equipment.]

Section B. Because immediate action is necessary to ensure the provision of adequate emergency 911 service in this state, sections 190.400, 190.410, 190.420, 190.430 and 190.440 of this act are deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and are hereby declared to be an emergency act within the meaning of the constitution, and sections 190.400, 190.410, 190.420, 190.430 and 190.440 of this act shall be in full force and effect upon their passage and approval.

Unofficial

Bill

Copy