

FIRST REGULAR SESSION

# SENATE BILL NO. 570

91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SINGLETON.

Read 1st time February 27, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1210S.021

## AN ACT

To repeal sections 190.142, 190.160, 190.165 and 190.171, RSMo 2000, relating to emergency medical technicians, and to enact in lieu thereof five new sections relating to the same subject.

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

Section A. Sections 190.142, 190.160, 190.165 and 190.171, RSMo 2000, are repealed and five new sections enacted in lieu thereof, to be known as sections 334.480, 334.483, 334.486, 334.489 and 334.492, to read as follows:

**334.480. 1. For purposes of sections 334.480 to 334.495, the term "board" shall mean the board of registration for the healing arts.**

**2. There is hereby established an "Advisory Commission for Emergency Medical Technicians" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 334.483, and shall assist the board in carrying out the provisions of sections 334.483 to 334.495.**

**3. The commission shall consist of nine members appointed by the board. Each member shall be a citizen of the United States and a resident of this state. Three members of the commission shall be physicians, licensed pursuant to this chapter, two members shall be nurses licensed pursuant to chapter 332, RSMo, two members shall be emergency medical technicians licensed pursuant to this chapter and two members shall be paramedics. Members shall be appointed to serve three-year staggered terms. The membership of the commission shall reflect the differences in levels of education, work experience and geographic residence.**

**4. No member of the commission shall be entitled to any compensation for the**

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

performance of the member's official duties, but each shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties. All staff and funding for the commission shall be provided by the board of registration for the healing arts.

5. The commission shall hold quarterly meetings and may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least ten days prior to the date of the meeting. A quorum of the commission shall consist of a majority of its members.

6. The board of registration for the healing arts may remove a commission member for misconduct, incompetency or neglect of the member's official duties after giving the member written notice of the charges against such member and an opportunity to be heard thereon.

334.483. 1. The board 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 board may authorize investigations into criminal records in other states for any applicant.

2. The board 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 334.480 to 334.495 and the rules adopted by the board pursuant to sections 334.480 to 334.495. The board 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 board through rules adopted pursuant to sections 334.480 to 334.495;

(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 board in rules adopted pursuant to sections 334.480 to 334.495. The application form shall contain such information as the board deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 334.480 to 334.495 and rules promulgated pursuant to sections 334.480 to 334.495.

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;**

**(2) Ordered by a physician or set forth in protocols approved by the medical director; and**

**(3) In an emergency situation providing pre-hospital care, during emergency care in an emergency department of a health care facility, or inter-hospital and nonemergency transports, notwithstanding other provisions of law.**

**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 board.**

**6. All patients transported in a supine position in a vehicle other than an ambulance shall receive an appropriate level of care. The board shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for a fee.**

**7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, 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 August 28, 2001, shall be invalid and void.**

**334.486. The renewal of any license shall require conformance with sections 334.480 to 334.495 and rules adopted by the board pursuant to sections 334.480 to 334.495.**

**334.489. 1. The board may refuse to issue or deny renewal of any certificate, permit or license required pursuant to sections 334.480 to 334.495 for failure to comply with the provisions of sections 334.480 to 334.495 or any lawful regulations promulgated by the board to implement its provisions as described in subsection 2 of this section. The board 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 board 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 334.480 to 334.495 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 334.480 to 334.495 or any lawful regulations promulgated by the board 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 334.480 to 334.495;**

**(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 334.480 to 334.495, 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 334.480 to 334.495 or in obtaining permission to take any examination given or required pursuant to sections 334.480 to 334.495;**

**(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 334.480 to 334.495;**

**(6) Violation of, or assisting or enabling any person to violate, any provision of sections 334.480 to 334.495, or of any lawful rule or regulation adopted by the board pursuant to sections 334.480 to 334.495;**

**(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 334.480 to 334.495 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 334.480 to 334.495 who is not licensed and currently eligible to practice pursuant to sections 334.480 to 334.495;**

**(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 board may, singly or in combination, censure or place the person named in the complaint on probation on such terms and conditions as the board 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 at the discretion of the board after compliance with all the requirements of sections 334.480 to 334.495 relative to the licensing of an applicant for the first time.**

**5. The board 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 board pursuant to the provisions of sections 334.480 to 334.495 and who does so in good faith shall not be subject to an action for civil damages as a result thereof.**

**7. The board may suspend any certificate, permit or license required pursuant to sections 334.480 to 334.495 simultaneously with the filing of the complaint with the administrative hearing commission as set forth in subsection 2 of this section, if the board 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 board. The appeal shall be filed within ten days from the date of the filing of the complaint. A hearing shall be conducted by the board 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 board, dissolved by a court of competent jurisdiction or stayed by the administrative hearing commission.**

**334.492. Any person aggrieved by an official action of the board affecting the**

**licensed status of a person pursuant to the provisions of sections 334.480 to 334.495, 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 board.**

[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.

6. All patients transported in a supine position in a vehicle other than an

ambulance shall receive an appropriate level of care. The department shall promulgate rules regarding the provisions of this section. This subsection shall only apply to vehicles transporting patients for a fee.]

[190.160. The renewal of any license shall require conformance with 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 at the discretion of the department after compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of an applicant for the first time.

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 190.001 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.]

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