

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 732

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 43.545, 44.010, 44.023, 44.032, 67.145,
2 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103,
3 190.142, 190.165, 190.241, 190.335, 192.737, 192.2400, 192.2405,
4 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545,
5 and 610.100, RSMo, and section 192.2475 as enacted by house
6 revision bill no. 1299 merged with senate bill no. 491, ninety-

seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 575.145 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.145 as enacted by house bill no. 1270 and house bill no. 2032, ninety-first general assembly, second regular session, are repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.144, 190.165, 190.173, 190.240, 190.241, 190.260, 190.265, 190.335, 192.2400, 192.2405, 192.2475, 208.1030, 208.1032, 287.245, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, 575.145, 610.100, and 610.205, to read as follows:

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

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

- (1) "Agency", the state emergency management agency;
- (2) "Bioterrorism", the intentional use of any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any

1 naturally occurring or bioengineered component of any such
2 microorganism, virus, infectious substance, or biological
3 product, to cause death, disease, or other biological malfunction
4 in a human, an animal, a plant, or another living organism in
5 order to influence the conduct of government or to intimidate or
6 coerce a civilian population;

7 (3) "Director", the director of the state emergency
8 management agency;

9 (4) "Disasters", disasters which may result from terrorism,
10 including bioterrorism, or from fire, wind, flood, earthquake, or
11 other natural or man-made causes;

12 (5) "Economic or geographic area", an area or areas within
13 the state, or partly in this state and adjacent states,
14 comprising political subdivisions grouped together for purposes
15 of administration, organization, control or disaster recovery and
16 rehabilitation in time of emergency;

17 (6) "Emergency", any state of emergency declared by
18 proclamation by the governor, or by resolution of the legislature
19 pursuant to sections 44.010 to 44.130 upon the actual occurrence
20 of a natural or man-made disaster of major proportions within
21 this state when the safety and welfare of the inhabitants of this
22 state are jeopardized;

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

26 (8) "Emergency management functions", "emergency management
27 activities" and "emergency management service", those functions
28 required to prepare for and carry out actions to prevent,

1 minimize and repair injury and damage due to disasters, to
2 include emergency management of resources and administration of
3 such economic controls as may be needed to provide for the
4 welfare of the people, either on order of or at the request of
5 the federal government, or in the event the federal government is
6 incapable of administering such control;

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

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

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

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

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

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

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

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

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

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

27 3. Any person when utilized as a volunteer under the
28 emergency volunteer program shall have his or her incidental

1 expenses paid by the local jurisdiction for which the volunteer
2 service is provided. Enrolled volunteers under the emergency
3 volunteer program shall be provided workers' compensation
4 insurance by the state emergency management agency during their
5 official duties as authorized by the state emergency management
6 agency.

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

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

25 [5.] 6. Any individuals, employers, partnerships,
26 corporations or proprietorships, that are working under the
27 emergency volunteer program providing demolition, cleanup,
28 removal or other related services, shall not be liable for any

1 acts committed in the performance of their official duties as
2 emergency volunteers except in the case of willful misconduct or
3 gross negligence.

4 44.032. 1. The general assembly recognizes the necessity
5 for anticipating and making advance provisions to care for the
6 unusual and extraordinary burdens imposed on this state and its
7 political subdivisions by disasters or emergencies. To meet such
8 situations, it is the intention of the general assembly to confer
9 emergency powers on the governor, acting through the director,
10 and vesting the governor with adequate power and authority within
11 the limitation of available funds in the Missouri disaster fund
12 to meet any such emergency or disaster.

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

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

28 4. Assistance may be provided from the Missouri disaster

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

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

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

27 (2) Employing, for the duration of the response and
28 recovery to emergency, additional personnel and contracting or

1 otherwise procuring necessary appliances, supplies, equipment,
2 and transport;

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

13 (4) Performing services for and furnishing materials to any
14 individual in connection with alleviating hardship and distress
15 growing out of extreme natural or man-made phenomena, and
16 receiving reimbursement in whole or in part from such individual
17 under such terms as may be agreed upon by the director of the
18 state emergency management agency and such individual;

19 (5) Providing services to counties and municipalities with
20 respect to quelling riots and civil disturbances;

21 (6) Repairing and restoring public infrastructure;

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

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

26 (9) Quelling riots and civil disturbances;

27 (10) Training individuals or governmental agencies for the
28 purpose of perfecting the performance of emergency assistance

1 duties as defined in the state disaster plans;

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

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

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

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

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

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

27 8. The provisions of this section shall be liberally
28 construed in order to accomplish the purposes of sections 44.010

1 to 44.130 and to permit the governor to cope adequately with any
2 emergency which may arise, and the powers vested in the governor
3 by this section shall be construed as being in addition to all
4 other powers presently vested in the governor and not in
5 derogation of any existing powers.

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

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

17 67.145. 1. No political subdivision of this state shall
18 prohibit any first responder[, as the term first responder is
19 defined in section 192.800,] from engaging in any political
20 activity while off duty and not in uniform, being a candidate for
21 elected or appointed public office, or holding such office unless
22 such political activity or candidacy is otherwise prohibited by
23 state or federal law.

24 2. As used in this section, "first responder" means any
25 person trained and authorized by law or rule to render emergency
26 medical assistance or treatment. Such persons may include, but
27 shall not be limited to, emergency first responders, police
28 officers, sheriffs, deputy sheriffs, firefighters, ambulance

1 attendants and attendant drivers, emergency medical technicians,
2 mobile emergency medical technicians, emergency medical
3 technician-paramedics, registered nurses, or physicians.

4 67.281. 1. A builder of one- or two-family dwellings or
5 townhouses shall offer to any purchaser on or before the time of
6 entering into the purchase contract the option, at the
7 purchaser's cost, to install or equip fire sprinklers in the
8 dwelling or townhouse. Notwithstanding any other provision of
9 law to the contrary, no purchaser of such a one- or two-family
10 dwelling or townhouse shall be denied the right to choose or
11 decline to install a fire sprinkler system in such dwelling or
12 townhouse being purchased by any code, ordinance, rule,
13 regulation, order, or resolution by any county or other political
14 subdivision. Any county or other political subdivision shall
15 provide in any such code, ordinance, rule, regulation, order, or
16 resolution the mandatory option for purchasers to have the right
17 to choose and the requirement that builders offer to purchasers
18 the option to purchase fire sprinklers in connection with the
19 purchase of any one- or two-family dwelling or townhouse. [The
20 provisions of this section shall expire on December 31, 2024.]

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

28 70.210. As used in sections 70.210 to 70.320, the following

1 terms mean:

2 (1) "Governing body", the board, body or persons in which
3 the powers of a municipality or political subdivision are vested;

4 (2) "Municipality", municipal corporations, political
5 corporations, and other public corporations and agencies
6 authorized to exercise governmental functions;

7 (3) "Political subdivision", counties, townships, cities,
8 towns, villages, school, county library, city library, city-
9 county library, road, drainage, sewer, levee and fire districts,
10 soil and water conservation districts, watershed subdistricts,
11 county hospitals, [and] any board of control of an art museum,
12 the board created under sections 205.968 to 205.973, and any
13 other public subdivision or public corporation having the power
14 to tax.

15 84.720. 1. The police commissioners of any city with a
16 population of three hundred fifty thousand or more inhabitants
17 which is located in more than one county shall have power to
18 regulate and license all private security personnel and
19 organizations, serving or acting as such in such cities, and no
20 person or organization shall act in the capacity of, or provide,
21 security services in such cities without first having obtained
22 the written license of the president or acting president of the
23 police commissioners of such cities. In order to determine an
24 individual's suitability to be licensed, the police commissioners
25 of such cities shall require each applicant to be licensed to be
26 fingerprinted and shall forward the fingerprints to the Missouri
27 state highway patrol for a criminal history record check. Any
28 person or organization that violates the provisions of this

1 section is guilty of a class B misdemeanor.

2 2. Any individual who is a holder of an occupational
3 license issued by the Missouri gaming commission as defined under
4 section 313.800 to perform the duties of an unarmed security
5 guard while working on an excursion gambling boat as defined
6 under section 313.800 or at a facility adjacent to an excursion
7 gambling boat shall be exempt from the requirements of subsection
8 1 of this section and from any other political subdivision
9 licensing requirements for unarmed security guards.

10 94.902. 1. The governing [body] bodies of the following
11 cities may impose a tax as provided in this section:

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

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

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

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

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

28 2. The governing body of any city listed in subsection 1 of

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

[2.] 3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

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

☐ YES

☐ NO

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

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the

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

13 [3.] 4. Any sales tax imposed under this section shall be
14 administered, collected, enforced, and operated as required in
15 section 32.087. All sales taxes collected by the director of the
16 department of revenue under this section on behalf of any city,
17 less one percent for cost of collection which shall be deposited
18 in the state's general revenue fund after payment of premiums for
19 surety bonds as provided in section 32.087, shall be deposited in
20 a special trust fund, which is hereby created in the state
21 treasury, to be known as the "City Public Safety Sales Tax Trust
22 Fund". The moneys in the trust fund shall not be deemed to be
23 state funds and shall not be commingled with any funds of the
24 state. The provisions of section 33.080 to the contrary
25 notwithstanding, money in this fund shall not be transferred and
26 placed to the credit of the general revenue fund. The director
27 shall keep accurate records of the amount of money in the trust
28 fund and which was collected in each city imposing a sales tax

1 under this section, and the records shall be open to the
2 inspection of officers of the city and the public. Not later
3 than the tenth day of each month the director shall distribute
4 all moneys deposited in the trust fund during the preceding month
5 to the city which levied the tax. Such funds shall be deposited
6 with the city treasurer of each such city, and all expenditures
7 of funds arising from the trust fund shall be by an appropriation
8 act to be enacted by the governing body of each such city.
9 Expenditures may be made from the fund for any functions
10 authorized in the ordinance or order adopted by the governing
11 body submitting the tax to the voters. If the tax is repealed,
12 all funds remaining in the special trust fund shall continue to
13 be used solely for the designated purposes. Any funds in the
14 special trust fund which are not needed for current expenditures
15 shall be invested in the same manner as other funds are invested.
16 Any interest and moneys earned on such investments shall be
17 credited to the fund.

18 [4.] 5. The director of the department of revenue may
19 authorize the state treasurer to make refunds from the amounts in
20 the trust fund and credited to any city for erroneous payments
21 and overpayments made, and may redeem dishonored checks and
22 drafts deposited to the credit of such cities. If any city
23 abolishes the tax, the city shall notify the director of the
24 action at least ninety days before the effective date of the
25 repeal, and the director may order retention in the trust fund,
26 for a period of one year, of two percent of the amount collected
27 after receipt of such notice to cover possible refunds or
28 overpayment of the tax and to redeem dishonored checks and drafts

deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

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

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

☐ YES ☐ NO

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

[6.] 7. Whenever the governing body of any city that has adopted the sales tax authorized in this section receives a petition, signed by ten percent of the registered voters of the

1 city voting in the last gubernatorial election, calling for an
2 election to repeal the sales tax imposed under this section, the
3 governing body shall submit to the voters of the city a proposal
4 to repeal the tax. If a majority of the votes cast on the
5 question by the qualified voters voting thereon are in favor of
6 the repeal, that repeal shall become effective on December
7 thirty-first of the calendar year in which such repeal was
8 approved. If a majority of the votes cast on the question by the
9 qualified voters voting thereon are opposed to the repeal, then
10 the tax shall remain effective until the question is resubmitted
11 under this section to the qualified voters and the repeal is
12 approved by a majority of the qualified voters voting on the
13 question.

14 [7.] 8. Except as modified in this section, all provisions
15 of sections 32.085 and 32.087 shall apply to the tax imposed
16 under this section.

17 190.055. 1. The board of directors of a district shall
18 possess and exercise all of its legislative and executive powers.
19 Within thirty days after the election of the initial directors,
20 the board shall meet. The time and place of the first meeting of
21 the board shall be designated by the county commission. At its
22 first meeting and after each election of new board members the
23 board shall elect a chairman from its members and select a
24 secretary, treasurer and such officers or employees as it deems
25 expedient or necessary for the accomplishment of its corporate
26 objectives. The secretary and treasurer need not be members of
27 the board. At the meeting the board, by ordinance, shall define
28 the first and subsequent fiscal years of the district, and shall

1 adopt a corporate seal and bylaws, which shall determine the
2 times for the annual election of officers and of other regular
3 and special meetings of the board and shall contain the rules for
4 the transaction of other business of the district and for
5 amending the bylaws.

6 2. Each board member of any district shall devote such time
7 to the duties of the office as the faithful discharge thereof may
8 require, including educational programs provided by the state and
9 each board member may be reimbursed for actual expenditures in
10 the performance of his or her duties on behalf of the district.

11 3. The secretary and treasurer, if members of the board of
12 directors, may each receive additional compensation for the
13 performance of their duties as secretary or treasurer as the
14 board shall deem reasonable and necessary; provided that, such
15 additional compensation shall not exceed one thousand dollars per
16 year.

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

28 5. The compensation authorized by subsections 3 and 4 of

1 this section shall only apply:

2 (1) If such compensation is approved by the board of such
3 district; and

4 (2) To any elected term of any board member beginning after
5 August 28, 2000.

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

11 190.102. 1. The department shall designate through
12 regulation EMS regions and committees. The purpose of the
13 regional EMS advisory committees is to advise and make
14 recommendations to the region and the department on:

15 (1) Coordination of emergency resources in the region;
16 (2) Improvement of public and professional education;
17 (3) Cooperative research endeavors;
18 (4) Development of standards, protocols and policies; [and]
19 (5) Voluntary multiagency quality improvement committee and
20 process; and

21 (6) Development and review of and recommendations for
22 community and regional time critical diagnosis plans.

23 2. The members of the committees shall serve without
24 compensation except that the department of health and senior
25 services shall budget for reasonable travel expenses and meeting
26 expenses related to the functions of the committees.

27 3. The director will appoint personnel to no less than six
28 regional EMS committees from recommendations provided by

1 recognized professional organizations. Appointments will be for
2 four years with individuals serving until reappointed or
3 replaced. The regional EMS medical director shall serve as a
4 member of the regional EMS committee.

5 190.103. 1. One physician with expertise in emergency
6 medical services from each of the EMS regions shall be elected by
7 that region's EMS medical directors to serve as a regional EMS
8 medical director. The regional EMS medical directors shall
9 constitute the state EMS medical director's advisory committee
10 and shall advise the department and their region's ambulance
11 services on matters relating to medical control and medical
12 direction in accordance with sections 190.001 to 190.245 and
13 rules adopted by the department pursuant to sections 190.001 to
14 190.245. The regional EMS medical director shall serve a term of
15 four years. The southwest, northwest, and Kansas City regional
16 EMS medical directors shall be elected to an initial two-year
17 term. The central, east central, and southeast regional EMS
18 medical directors shall be elected to an initial four-year term.
19 All subsequent terms following the initial terms shall be four
20 years.

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

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

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

22 190.142. 1. The department shall, within a reasonable time
23 after receipt of an application, cause such investigation as it
24 deems necessary to be made of the applicant for an emergency
25 medical technician's license. The director may authorize
26 investigations into criminal records in other states for any
27 applicant.

28 2. The department shall issue a license to all levels of

1 emergency medical technicians, for a period of five years, if the
2 applicant meets the requirements established pursuant to sections
3 190.001 to 190.245 and the rules adopted by the department
4 pursuant to sections 190.001 to 190.245. The department may
5 promulgate rules relating to the requirements for an emergency
6 medical technician including but not limited to:

7 (1) Age requirements;

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

13 (3) Initial licensure testing requirements. Initial EMT-P
14 licensure testing shall be through the national registry of EMTs
15 or examinations developed and administered by the department of
16 health and senior services;

17 (4) Continuing education and relicensure requirements; and

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

19 3. Application for all levels of emergency medical
20 technician license shall be made upon such forms as prescribed by
21 the department in rules adopted pursuant to sections 190.001 to
22 190.245. The application form shall contain such information as
23 the department deems necessary to make a determination as to
24 whether the emergency medical technician meets all the
25 requirements of sections 190.001 to 190.245 and rules promulgated
26 pursuant to sections 190.001 to 190.245.

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

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

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

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

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

20 190.144. No emergency medical technician licensed under
21 section 190.142 or 190.143, if acting in good faith and without
22 gross negligence, shall be liable for:

23 (1) Transporting a person for whom an application for
24 detention for evaluation and treatment has been filed under
25 section 631.115 or 632.305; or

26 (2) Physically or chemically restraining an at-risk
27 behavioral health patient as that term is defined under section
28 190.240 if such restraint is to ensure the safety of the patient

1 or technician.

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

12 2. The department may cause a complaint to be filed with
13 the administrative hearing commission as provided by chapter 621
14 against any holder of any certificate, permit or license required
15 by sections 190.100 to 190.245 or any person who has failed to
16 renew or has surrendered his or her certificate, permit or
17 license for failure to comply with the provisions of sections
18 190.100 to 190.245 or any lawful regulations promulgated by the
19 department to implement such sections. Those regulations shall
20 be limited to the following:

21 (1) Use or unlawful possession of any controlled substance,
22 as defined in chapter 195, or alcoholic beverage to an extent
23 that such use impairs a person's ability to perform the work of
24 any activity licensed or regulated by sections 190.100 to
25 190.245;

26 (2) Being finally adjudicated and found guilty, or having
27 entered a plea of guilty or nolo contendere, in a criminal
28 prosecution under the laws of any state or of the United States,

1 for any offense reasonably related to the qualifications,
2 functions or duties of any activity licensed or regulated
3 pursuant to sections 190.100 to 190.245, for any offense an
4 essential element of which is fraud, dishonesty or an act of
5 violence, or for any offense involving moral turpitude, whether
6 or not sentence is imposed;

7 (3) Use of fraud, deception, misrepresentation or bribery
8 in securing any certificate, permit or license issued pursuant to
9 sections 190.100 to 190.245 or in obtaining permission to take
10 any examination given or required pursuant to sections 190.100 to
11 190.245;

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

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

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

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

26 (8) Disciplinary action against the holder of a license or
27 other right to practice any activity regulated by sections
28 190.100 to 190.245 granted by another state, territory, federal

1 agency or country upon grounds for which revocation or suspension
2 is authorized in this state;

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

5 (10) Assisting or enabling any person to practice or offer
6 to practice any activity licensed or regulated by sections
7 190.100 to 190.245 who is not licensed and currently eligible to
8 practice pursuant to sections 190.100 to 190.245;

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

11 (12) Violation of any professional trust ~~[or]~~, confidence,
12 or legally protected privacy rights of a patient by means of an
13 unauthorized or unlawful disclosure;

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

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

19 (15) Refusal of any applicant or licensee to [cooperate
20 with the] respond to reasonable department of health and senior
21 [services during any investigation] services' requests for
22 necessary information to process an application or to determine
23 license status or license eligibility;

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

27 (17) Repeated acts of negligence or recklessness in the
28 performance of the functions or duties of any activity licensed

1 or regulated by sections 190.100 to 190.245.

2 3. If the department conducts investigations, the
3 department, prior to interviewing a licensee who is the subject
4 of the investigation, shall explain to the licensee that he or
5 she has the right to:

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

7 (2) Have anyone present whom he or she deems to be
8 necessary or desirable, except for any holder of any certificate,
9 permit, or license required by sections 190.100 to 190.245; and

10 (3) Refuse to answer any question or refuse to provide or
11 sign any written statement.

12
13 The assertion of any right listed in this subsection shall not be
14 deemed by the department to be a failure to cooperate with any
15 department investigation.

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

1 hearing commission.

2 [4.] 5. An individual whose license has been revoked shall
3 wait one year from the date of revocation to apply for
4 relicensure. Relicensure shall be at the discretion of the
5 department after compliance with all the requirements of sections
6 190.100 to 190.245 relative to the licensing of an applicant for
7 the first time. Any individual whose license has been revoked
8 twice within a ten-year period shall not be eligible for
9 relicensure.

10 [5.] 6. The department may notify the proper licensing
11 authority of any other state in which the person whose license
12 was suspended or revoked was also licensed of the suspension or
13 revocation.

14 [6.] 7. Any person, organization, association or
15 corporation who reports or provides information to the department
16 pursuant to the provisions of sections 190.100 to 190.245 and who
17 does so in good faith shall not be subject to an action for civil
18 damages as a result thereof.

19 [7.] 8. The department of health and senior services may
20 suspend any certificate, permit or license required pursuant to
21 sections 190.100 to 190.245 simultaneously with the filing of the
22 complaint with the administrative hearing commission as set forth
23 in subsection 2 of this section, if the department finds that
24 there is an imminent threat to the public health. The notice of
25 suspension shall include the basis of the suspension and notice
26 of the right to appeal such suspension. The licensee may appeal
27 the decision to suspend the license, certificate or permit to the
28 department. The appeal shall be filed within ten days from the

1 date of the filing of the complaint. A hearing shall be
2 conducted by the department within ten days from the date the
3 appeal is filed. The suspension shall continue in effect until
4 the conclusion of the proceedings, including review thereof,
5 unless sooner withdrawn by the department, dissolved by a court
6 of competent jurisdiction or stayed by the administrative hearing
7 commission.

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

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

25 3. This section shall not be construed to authorize the
26 release of records, reports, or other information which may be
27 held in department files for any holder of or applicant for any
28 certificate, permit, or license that is subject to other specific

1 state or federal laws concerning their disclosure.

2 190.240. 1. Any hospital, as such term is defined in
3 section 197.020, or any nursing home facility licensed under
4 chapter 198 shall have policies and procedures that require the
5 hospital or facility to give advance notification to emergency
6 medical services personnel prior to the transportation of any at-
7 risk behavioral health patient.

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

16 3. Any physician treating an at-risk behavioral patient in
17 an emergency situation who, after assessing the patient,
18 determines that there is reasonable cause to believe there is a
19 likelihood that the patient may cause an imminent serious harm to
20 himself, herself, or others unless the patient is immediately
21 transported to another appropriate facility may, upon initiation
22 as soon as possible by either the sending facility or the
23 receiving facility, place the patient on a temporary involuntary
24 hold for a period of time necessary to effectuate the patient's
25 transport. The provisions of section 632.440 shall apply to such
26 physicians. During the transport, the emergency medical services
27 personnel may rely on the physician's hold order as a basis for
28 implied consent to treat and transport the patient and shall not

1 be liable for any claims of negligence, false imprisonment, or
2 invasion of privacy based on such temporary hold, treatment, or
3 transport of the patient.

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

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

10 190.241. 1. The department shall designate a hospital as
11 an adult, pediatric or adult and pediatric trauma center when a
12 hospital, upon proper application submitted by the hospital and
13 site review, has been found by the department to meet the
14 applicable level of trauma center criteria for designation in
15 accordance with rules adopted by the department as prescribed by
16 section 190.185.

17 2. Except as provided for in subsection 4 of this section,
18 the department shall designate a hospital as a STEMI or stroke
19 center when such hospital, upon proper application and site
20 review, has been found by the department to meet the applicable
21 level of STEMI or stroke center criteria for designation in
22 accordance with rules adopted by the department as prescribed by
23 section 190.185. In developing STEMI center and stroke center
24 designation criteria, the department shall use, as it deems
25 practicable, appropriate peer-reviewed or evidence-based research
26 on such topics including, but not limited to, the most recent
27 guidelines of the American College of Cardiology and American
28 Heart Association for STEMI centers, or the Joint Commission's

1 Primary Stroke Center Certification program criteria for stroke
2 centers, or Primary and Comprehensive Stroke Center
3 Recommendations as published by the American Stroke Association.

4 3. The department of health and senior services shall, not
5 less than once every five years, conduct an on-site review of
6 every trauma, STEMI, and stroke center through appropriate
7 department personnel or a qualified contractor, with the
8 exception of stroke centers designated pursuant to subsection 4
9 of this section; however, this provision is not intended to limit
10 the department's ability to conduct a complaint investigation
11 pursuant to subdivision (3) of subsection 2 of section 197.080 of
12 any trauma, STEMI, or stroke center. On-site reviews shall be
13 coordinated for the different types of centers to the extent
14 practicable with hospital licensure inspections conducted under
15 chapter 197. No person shall be a qualified contractor for
16 purposes of this subsection who has a substantial conflict of
17 interest in the operation of any trauma, STEMI, or stroke center
18 under review. The department may deny, place on probation,
19 suspend or revoke such designation in any case in which it has
20 reasonable cause to believe that there has been a substantial
21 failure to comply with the provisions of this chapter or any
22 rules or regulations promulgated pursuant to this chapter. If
23 the department of health and senior services has reasonable cause
24 to believe that a hospital is not in compliance with such
25 provisions or regulations, it may conduct additional announced or
26 unannounced site reviews of the hospital to verify compliance.
27 If a trauma, STEMI, or stroke center fails two consecutive
28 on-site reviews because of substantial noncompliance with

standards prescribed by sections 190.001 to 190.245 or rules adopted by the department pursuant to sections 190.001 to 190.245, its center designation shall be revoked.

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

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

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

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

Except as provided by subsection 5 of this section, the

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

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

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

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

28 (3) Submit every four years an application on a form

1 prescribed by the department for stroke center review and
2 designation;

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

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

10
11 Any hospital receiving designation as a level III stroke center
12 pursuant to subsection 4 of this section shall have a formal
13 agreement with a level I or level II stroke center for physician
14 consultative services for evaluation of stroke patients for
15 thrombolytic therapy and the care of the patient post-
16 thrombolytic therapy.

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

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

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

27 (3) Authorizing a nationally-recognized registry or data
28 bank to disclose or grant access to the department facility-

1 specific data held by the registry or data bank.

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

6 7. When collecting and analyzing data pursuant to the
7 provisions of this section, the department shall comply with the
8 following requirements:

9 (1) Names of any health care professionals, as defined in
10 section 376.1350, shall not be subject to disclosure;

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

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

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

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

27 (6) Generate from the trauma, stroke, and STEMI registries
28 quarterly regional and state outcome data reports for trauma,

1 stroke, and STEMI designated centers, the state advisory council
2 on EMS, and regional EMS committees to review for performance
3 improvement and patient safety.

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

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

15 **[5.]** 10. No hospital shall hold itself out to the public as
16 a STEMI center, stroke center, adult trauma center, pediatric
17 trauma center, or an adult and pediatric trauma center unless it
18 is designated as such by the department of health and senior
19 services.

20 **[6.]** 11. Any person aggrieved by an action of the
21 department of health and senior services affecting the trauma,
22 STEMI, or stroke center designation pursuant to this chapter,
23 including the revocation, the suspension, or the granting of,
24 refusal to grant, or failure to renew a designation, may seek a
25 determination thereon by the administrative hearing commission
26 under chapter 621. It shall not be a condition to such
27 determination that the person aggrieved seek a reconsideration, a
28 rehearing, or exhaust any other procedure within the department.

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

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

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

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

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

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

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

27 4. To the extent practicable and consistent with not
28 endangering public safety or inhibiting recovery efforts, state

1 and local governmental agencies shall allow first informer
2 broadcasters access to areas affected by an emergency or disaster
3 for the purposes of restoring, repairing, or resupplying any
4 facility or equipment critical to the ability of a broadcaster to
5 acquire, produce, and transmit essential emergency or disaster-
6 related public information programming including, without
7 limitation, repairing and maintaining transmitters and
8 generators, and transporting fuel for generators.

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

12 190.265. 1. In order to ensure that the skids of a
13 helicopter do not get caught in a fence or other barriers and
14 cause a potentially catastrophic outcome, any rules and
15 regulations promulgated by the department of health and senior
16 services pursuant to sections 190.185, 190.241, and 192.006,
17 chapter 197, or any other provision of Missouri law shall not
18 require hospitals to have a fence, or other barriers, around such
19 hospital's helipad. Any regulation requiring fencing, or other
20 barriers, or any interpretation of such regulation shall be null
21 and void.

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

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

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

3 190.335. 1. In lieu of the tax levy authorized under
4 section 190.305 for emergency telephone services, the county
5 commission of any county may impose a county sales tax for the
6 provision of central dispatching of fire protection, including
7 law enforcement agencies, emergency ambulance service or any
8 other emergency services, including emergency telephone services,
9 which shall be collectively referred to herein as "emergency
10 services", and which may also include the purchase and
11 maintenance of communications and emergency equipment, including
12 the operational costs associated therein, in accordance with the
13 provisions of this section.

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

22 3. The ballot of submission shall be in substantially the
23 following form:

24 Shall the county of (insert name of county)
25 impose a county sales tax of (insert rate of
26 percent) percent for the purpose of providing central dispatching
27 of fire protection, emergency ambulance service, including
28 emergency telephone services, and other emergency services?

☐ YES

☐ NO

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

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

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

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

1 the purposes for which they were intended.

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

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

26 9. The initial board shall consist of seven members
27 appointed without regard to political affiliation, who shall be
28 selected from, and who shall represent, the fire protection

1 districts, ambulance districts, sheriff's department,
2 municipalities, any other emergency services and the general
3 public. This initial board shall serve until its successor board
4 is duly elected and installed in office. The commission shall
5 ensure geographic representation of the county by appointing no
6 more than four members from each district of the county
7 commission.

8 10. Beginning in 1994, three members shall be elected from
9 each district of the county commission and one member shall be
10 elected at large, such member to be the chairman of the board.
11 Of those first elected, four members from districts of the county
12 commission shall be elected for terms of two years and two
13 members from districts of the county commission and the member at
14 large shall be elected for terms of four years. In 1996, and
15 thereafter, all terms of office shall be four years.
16 Notwithstanding any other provision of law, if there is no
17 candidate for an open position on the board, then no election
18 shall be held for that position and it shall be considered
19 vacant, to be filled pursuant to the provisions of section
20 190.339, and, if there is only one candidate for each open
21 position, no election shall be held and the candidate or
22 candidates shall assume office at the same time and in the same
23 manner as if elected.

24 11. Notwithstanding the provisions of subsections 8 to 10
25 of this section to the contrary, in any county of the first
26 classification with more than two hundred forty thousand three
27 hundred but fewer than two hundred forty thousand four hundred
28 inhabitants or in any county of the third classification with a

1 township form of government and with more than twenty-eight
2 thousand but fewer than thirty-one thousand inhabitants, any
3 emergency telephone service 911 board appointed by the county
4 under section 190.309 which is in existence on the date the
5 voters approve a sales tax under this section shall continue to
6 exist and shall have the powers set forth under section 190.339.
7 Such boards which existed prior to August 25, 2010, shall not be
8 considered a body corporate and a political subdivision of the
9 state for any purpose, unless and until an order is entered upon
10 an unanimous vote of the commissioners of the county in which
11 such board is established reclassifying such board as a corporate
12 body and political subdivision of the state. The order shall
13 approve the transfer of the assets and liabilities related to the
14 operation of the emergency service 911 system to the new entity
15 created by the reclassification of the board.

16 12. (1) Notwithstanding the provisions of subsections 8 to
17 10 of this section to the contrary, in any county of the second
18 classification with more than fifty-four thousand two hundred but
19 fewer than fifty-four thousand three hundred inhabitants or any
20 county of the first classification with more than fifty thousand
21 but fewer than seventy thousand inhabitants that has approved a
22 sales tax under this section, the county commission shall appoint
23 the members of the board to administer the funds and oversee the
24 provision of emergency services in the county.

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

1 (a) The head of any of the county's fire protection
2 districts, or a designee;

3 (b) The head of any of the county's ambulance districts, or
4 a designee;

5 (c) The county sheriff, or a designee;

6 (d) The head of any of the police departments in the
7 county, or a designee; and

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

10 (3) Upon the appointment of the board under this
11 subsection, the board shall have the power provided in section
12 190.339 and shall exercise all powers and duties exercised by the
13 county commission under this chapter, and the commission shall
14 relinquish all powers and duties relating to the provision of
15 emergency services under this chapter to the board.

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

20 192.2400. As used in sections 192.2400 to 192.2505, the
21 following terms mean:

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

25 (2) "Bullying", intimidation or harassment that causes a
26 reasonable person to fear for his or her physical safety or
27 property and may consist of physical actions including gestures;
28 cyberbullying; oral, electronic, or written communication; and

1 any threat of retaliation for reporting of such acts;

2 (3) "Court", the circuit court;

3 [(3)] (4) "Department", the department of health and senior
4 services;

5 [(4)] (5) "Director", director of the department of health
6 and senior services or his or her designees;

7 [(5)] (6) "Eligible adult", a person sixty years of age or
8 older who is unable to protect his or her own interests or
9 adequately perform or obtain services which are necessary to meet
10 his or her essential human needs or an adult with a disability,
11 as defined in section 192.2005, between the ages of eighteen and
12 fifty-nine who is unable to protect his or her own interests or
13 adequately perform or obtain services which are necessary to meet
14 his or her essential human needs;

15 [(6)] (7) "Home health agency", the same meaning as such
16 term is defined in section 197.400;

17 [(7)] (8) "Home health agency employee", a person employed
18 by a home health agency;

19 [(8)] (9) "Home health patient", an eligible adult who is
20 receiving services through any home health agency;

21 [(9)] (10) "In-home services client", an eligible adult who
22 is receiving services in his or her private residence through any
23 in-home services provider agency;

24 [(10)] (11) "In-home services employee", a person employed
25 by an in-home services provider agency;

26 [(11)] (12) "In-home services provider agency", a business
27 entity under contract with the department or with a Medicaid
28 participation agreement, which employs persons to deliver any

1 kind of services provided for eligible adults in their private
2 homes;

3 [(12)] (13) "Least restrictive environment", a physical
4 setting where protective services for the eligible adult and
5 accommodation is provided in a manner no more restrictive of an
6 individual's personal liberty and no more intrusive than
7 necessary to achieve care and treatment objectives;

8 [(13)] (14) "Likelihood of serious physical harm", one or
9 more of the following:

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

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

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

26 (d) A substantial risk that further physical harm will
27 occur to an eligible adult who has suffered physical injury,
28 neglect, sexual or emotional abuse, or other maltreatment or

1 wasting of his or her financial resources by another person;

2 [(14)] (15) "Neglect", the failure to provide services to
3 an eligible adult by any person, firm or corporation with a legal
4 or contractual duty to do so, when such failure presents either
5 an imminent danger to the health, safety, or welfare of the
6 client or a substantial probability that death or serious
7 physical harm would result;

8 [(15)] (16) "Protective services", services provided by the
9 state or other governmental or private organizations or
10 individuals which are necessary for the eligible adult to meet
11 his or her essential human needs.

12 192.2405. 1. The following persons shall be required to
13 immediately report or cause a report to be made to the department
14 under sections 192.2400 to 192.2470:

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

19 (2) Any adult day care worker, chiropractor, Christian
20 Science practitioner, coroner, dentist, embalmer, employee of the
21 departments of social services, mental health, or health and
22 senior services, employee of a local area agency on aging or an
23 organized area agency on aging program, first responder, funeral
24 director, home health agency, home health agency employee,
25 hospital and clinic personnel engaged in the care or treatment of
26 others, in-home services owner or provider, in-home services
27 operator or employee, law enforcement officer, long-term care
28 facility administrator or employee, medical examiner, medical

1 resident or intern, mental health professional, minister, nurse,
2 nurse practitioner, optometrist, other health practitioner, peace
3 officer, pharmacist, physical therapist, physician, physician's
4 assistant, podiatrist, probation or parole officer, psychologist,
5 social worker, or other person with the responsibility for the
6 care of a person sixty years of age or older who has reasonable
7 cause to suspect that such a person has been subjected to abuse
8 or neglect or observes such a person being subjected to
9 conditions or circumstances which would reasonably result in
10 abuse or neglect. Notwithstanding any other provision of this
11 section, a duly ordained minister, clergy, religious worker, or
12 Christian Science practitioner while functioning in his or her
13 ministerial capacity shall not be required to report concerning a
14 privileged communication made to him or her in his or her
15 professional capacity.

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

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

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

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

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

1 authorize the in-home services provider nurse to assist the case
2 manager with the investigation.

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

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

11 [5.] 3. The report shall contain the names and addresses of
12 the in-home services provider agency, the in-home services
13 employee, the in-home services client, the home health agency,
14 the home health agency employee, information regarding the nature
15 of the abuse or neglect, the name of the complainant, and any
16 other information which might be helpful in an investigation.

17 [6.] 4. In addition to those persons required to report
18 under subsection 1 of this section, any other person having
19 reasonable cause to believe that an in-home services client or
20 home health patient has been abused or neglected by an in-home
21 services employee or home health agency employee may report such
22 information to the department.

23 [7.] 5. If the investigation indicates possible abuse or
24 neglect of an in-home services client or home health patient, the
25 investigator shall refer the complaint together with his or her
26 report to the department director or his or her designee for
27 appropriate action. If, during the investigation or at its
28 completion, the department has reasonable cause to believe that

1 immediate action is necessary to protect the in-home services
2 client or home health patient from abuse or neglect, the
3 department or the local prosecuting attorney may, or the attorney
4 general upon request of the department shall, file a petition for
5 temporary care and protection of the in-home services client or
6 home health patient in a circuit court of competent jurisdiction.
7 The circuit court in which the petition is filed shall have
8 equitable jurisdiction to issue an ex parte order granting the
9 department authority for the temporary care and protection of the
10 in-home services client or home health patient, for a period not
11 to exceed thirty days.

12 [8.] 6. Reports shall be confidential, as provided under
13 section 192.2500.

14 [9.] 7. Anyone, except any person who has abused or
15 neglected an in-home services client or home health patient, who
16 makes a report pursuant to this section or who testifies in any
17 administrative or judicial proceeding arising from the report
18 shall be immune from any civil or criminal liability for making
19 such a report or for testifying except for liability for perjury,
20 unless such person acted negligently, recklessly, in bad faith,
21 or with malicious purpose.

22 [10.] 8. Within five working days after a report required
23 to be made under this section is received, the person making the
24 report shall be notified in writing of its receipt and of the
25 initiation of the investigation.

26 [11.] 9. No person who directs or exercises any authority
27 in an in-home services provider agency or home health agency
28 shall harass, dismiss or retaliate against an in-home services

1 client or home health patient, or an in-home services employee or
2 a home health agency employee because he or she or any member of
3 his or her family has made a report of any violation or suspected
4 violation of laws, standards or regulations applying to the
5 in-home services provider agency or home health agency or any
6 in-home services employee or home health agency employee which he
7 or she has reasonable cause to believe has been committed or has
8 occurred.

9 [12.] 10. Any person who abuses or neglects an in-home
10 services client or home health patient is subject to criminal
11 prosecution under section 565.184. If such person is an in-home
12 services employee and has been found guilty by a court, and if
13 the supervising in-home services provider willfully and knowingly
14 failed to report known abuse by such employee to the department,
15 the supervising in-home services provider may be subject to
16 administrative penalties of one thousand dollars per violation to
17 be collected by the department and the money received therefor
18 shall be paid to the director of revenue and deposited in the
19 state treasury to the credit of the general revenue fund. Any
20 in-home services provider which has had administrative penalties
21 imposed by the department or which has had its contract
22 terminated may seek an administrative review of the department's
23 action pursuant to chapter 621. Any decision of the
24 administrative hearing commission may be appealed to the circuit
25 court in the county where the violation occurred for a trial de
26 novo. For purposes of this subsection, the term "violation"
27 means a determination of guilt by a court.

28 [13.] 11. The department shall establish a quality

1 assurance and supervision process for clients that requires an
2 in-home services provider agency to conduct random visits to
3 verify compliance with program standards and verify the accuracy
4 of records kept by an in-home services employee.

5 **[14.] 12.** The department shall maintain the employee
6 disqualification list and place on the employee disqualification
7 list the names of any persons who have been finally determined by
8 the department, pursuant to section 192.2490, to have recklessly,
9 knowingly or purposely abused or neglected an in-home services
10 client or home health patient while employed by an in-home
11 services provider agency or home health agency. For purposes of
12 this section only, "knowingly" and "recklessly" shall have the
13 meanings that are ascribed to them in this section. A person
14 acts "knowingly" with respect to the person's conduct when a
15 reasonable person should be aware of the result caused by his or
16 her conduct. A person acts "recklessly" when the person
17 consciously disregards a substantial and unjustifiable risk that
18 the person's conduct will result in serious physical injury and
19 such disregard constitutes a gross deviation from the standard of
20 care that a reasonable person would exercise in the situation.

21 **[15.] 13.** At the time a client has been assessed to
22 determine the level of care as required by rule and is eligible
23 for in-home services, the department shall conduct a "Safe at
24 Home Evaluation" to determine the client's physical, mental, and
25 environmental capacity. The department shall develop the safe at
26 home evaluation tool by rule in accordance with chapter 536. The
27 purpose of the safe at home evaluation is to assure that each
28 client has the appropriate level of services and professionals

involved in the client's care. The plan of service or care for each in-home services client shall be authorized by a nurse. The department may authorize the licensed in-home services nurse, in lieu of the department nurse, to conduct the assessment of the client's condition and to establish a plan of services or care. The department may use the expertise, services, or programs of other departments and agencies on a case-by-case basis to establish the plan of service or care. The department may, as indicated by the safe at home evaluation, refer any client to a mental health professional, as defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

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

[17.] 15. All in-home services clients shall be advised of their rights by the department or the department's designee at the initial evaluation. The rights shall include, but not be limited to, the right to call the department for any reason,

1 including dissatisfaction with the provider or services. The
2 department may contract for services relating to receiving such
3 complaints. The department shall establish a process to receive
4 such nonabuse and neglect calls other than the elder abuse and
5 neglect hotline.

6 [18.] 16. Subject to appropriations, all nurse visits
7 authorized in sections 192.2400 to 192.2475 shall be reimbursed
8 to the in-home services provider agency.

9 192.2475. 1. When any adult day care worker; chiropractor;
10 Christian Science practitioner; coroner; dentist; embalmer;
11 employee of the departments of social services, mental health, or
12 health and senior services; employee of a local area agency on
13 aging or an organized area agency on aging program; first
14 responder, as defined in section 192.2405; funeral director; home
15 health agency or home health agency employee; hospital and clinic
16 personnel engaged in examination, care, or treatment of persons;
17 in-home services owner, provider, operator, or employee; law
18 enforcement officer; long-term care facility administrator or
19 employee; medical examiner; medical resident or intern; mental
20 health professional; minister; nurse; nurse practitioner;
21 optometrist; other health practitioner; peace officer;
22 pharmacist; physical therapist; physician; physician's assistant;
23 podiatrist; probation or parole officer; psychologist; or social
24 worker has reasonable cause to believe that an in-home services
25 client has been abused or neglected, as a result of in-home
26 services, he or she shall immediately report or cause a report to
27 be made to the department. If the report is made by a physician
28 of the in-home services client, the department shall maintain

1 contact with the physician regarding the progress of the
2 investigation.

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

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

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

19 [5.] 3. The report shall contain the names and addresses of
20 the in-home services provider agency, the in-home services
21 employee, the in-home services client, the home health agency,
22 the home health agency employee, information regarding the nature
23 of the abuse or neglect, the name of the complainant, and any
24 other information which might be helpful in an investigation.

25 [6.] 4. In addition to those persons required to report
26 under subsection 1 of this section, any other person having
27 reasonable cause to believe that an in-home services client or
28 home health patient has been abused or neglected by an in-home

1 services employee or home health agency employee may report such
2 information to the department.

3 [7.] 5. If the investigation indicates possible abuse or
4 neglect of an in-home services client or home health patient, the
5 investigator shall refer the complaint together with his or her
6 report to the department director or his or her designee for
7 appropriate action. If, during the investigation or at its
8 completion, the department has reasonable cause to believe that
9 immediate action is necessary to protect the in-home services
10 client or home health patient from abuse or neglect, the
11 department or the local prosecuting attorney may, or the attorney
12 general upon request of the department shall, file a petition for
13 temporary care and protection of the in-home services client or
14 home health patient in a circuit court of competent jurisdiction.
15 The circuit court in which the petition is filed shall have
16 equitable jurisdiction to issue an ex parte order granting the
17 department authority for the temporary care and protection of the
18 in-home services client or home health patient, for a period not
19 to exceed thirty days.

20 [8.] 6. Reports shall be confidential, as provided under
21 section 192.2500.

22 [9.] 7. Anyone, except any person who has abused or
23 neglected an in-home services client or home health patient, who
24 makes a report pursuant to this section or who testifies in any
25 administrative or judicial proceeding arising from the report
26 shall be immune from any civil or criminal liability for making
27 such a report or for testifying except for liability for perjury,
28 unless such person acted negligently, recklessly, in bad faith,

1 or with malicious purpose.

2 [10.] 8. Within five working days after a report required
3 to be made under this section is received, the person making the
4 report shall be notified in writing of its receipt and of the
5 initiation of the investigation.

6 [11.] 9. No person who directs or exercises any authority
7 in an in-home services provider agency or home health agency
8 shall harass, dismiss or retaliate against an in-home services
9 client or home health patient, or an in-home services employee or
10 a home health agency employee because he or she or any member of
11 his or her family has made a report of any violation or suspected
12 violation of laws, standards or regulations applying to the
13 in-home services provider agency or home health agency or any
14 in-home services employee or home health agency employee which he
15 or she has reasonable cause to believe has been committed or has
16 occurred.

17 [12.] 10. Any person who abuses or neglects an in-home
18 services client or home health patient is subject to criminal
19 prosecution under section 565.180, 565.182, or 565.184. If such
20 person is an in-home services employee and has been found guilty
21 by a court, and if the supervising in-home services provider
22 willfully and knowingly failed to report known abuse by such
23 employee to the department, the supervising in-home services
24 provider may be subject to administrative penalties of one
25 thousand dollars per violation to be collected by the department
26 and the money received therefor shall be paid to the director of
27 revenue and deposited in the state treasury to the credit of the
28 general revenue fund. Any in-home services provider which has

1 had administrative penalties imposed by the department or which
2 has had its contract terminated may seek an administrative review
3 of the department's action pursuant to chapter 621. Any decision
4 of the administrative hearing commission may be appealed to the
5 circuit court in the county where the violation occurred for a
6 trial de novo. For purposes of this subsection, the term
7 "violation" means a determination of guilt by a court.

8 [13.] 11. The department shall establish a quality
9 assurance and supervision process for clients that requires an
10 in-home services provider agency to conduct random visits to
11 verify compliance with program standards and verify the accuracy
12 of records kept by an in-home services employee.

13 [14.] 12. The department shall maintain the employee
14 disqualification list and place on the employee disqualification
15 list the names of any persons who have been finally determined by
16 the department, pursuant to section 192.2490, to have recklessly,
17 knowingly or purposely abused or neglected an in-home services
18 client or home health patient while employed by an in-home
19 services provider agency or home health agency. For purposes of
20 this section only, "knowingly" and "recklessly" shall have the
21 meanings that are ascribed to them in this section. A person
22 acts "knowingly" with respect to the person's conduct when a
23 reasonable person should be aware of the result caused by his or
24 her conduct. A person acts "recklessly" when the person
25 consciously disregards a substantial and unjustifiable risk that
26 the person's conduct will result in serious physical injury and
27 such disregard constitutes a gross deviation from the standard of
28 care that a reasonable person would exercise in the situation.

1 [15.] 13. At the time a client has been assessed to
2 determine the level of care as required by rule and is eligible
3 for in-home services, the department shall conduct a "Safe at
4 Home Evaluation" to determine the client's physical, mental, and
5 environmental capacity. The department shall develop the safe at
6 home evaluation tool by rule in accordance with chapter 536. The
7 purpose of the safe at home evaluation is to assure that each
8 client has the appropriate level of services and professionals
9 involved in the client's care. The plan of service or care for
10 each in-home services client shall be authorized by a nurse. The
11 department may authorize the licensed in-home services nurse, in
12 lieu of the department nurse, to conduct the assessment of the
13 client's condition and to establish a plan of services or care.
14 The department may use the expertise, services, or programs of
15 other departments and agencies on a case-by-case basis to
16 establish the plan of service or care. The department may, as
17 indicated by the safe at home evaluation, refer any client to a
18 mental health professional, as defined in 9 CSR 30-4.030, for
19 evaluation and treatment as necessary.

20 [16.] 14. Authorized nurse visits shall occur at least
21 twice annually to assess the client and the client's plan of
22 services. The provider nurse shall report the results of his or
23 her visits to the client's case manager. If the provider nurse
24 believes that the plan of service requires alteration, the
25 department shall be notified and the department shall make a
26 client evaluation. All authorized nurse visits shall be
27 reimbursed to the in-home services provider. All authorized
28 nurse visits shall be reimbursed outside of the nursing home cap

1 for in-home services clients whose services have reached one
2 hundred percent of the average statewide charge for care and
3 treatment in an intermediate care facility, provided that the
4 services have been preauthorized by the department.

5 [17.] 15. All in-home services clients shall be advised of
6 their rights by the department or the department's designee at
7 the initial evaluation. The rights shall include, but not be
8 limited to, the right to call the department for any reason,
9 including dissatisfaction with the provider or services. The
10 department may contract for services relating to receiving such
11 complaints. The department shall establish a process to receive
12 such nonabuse and neglect calls other than the elder abuse and
13 neglect hotline.

14 [18.] 16. Subject to appropriations, all nurse visits
15 authorized in sections 192.2400 to 192.2475 shall be reimbursed
16 to the in-home services provider agency.

17 208.1030. 1. An eligible provider, as described in
18 subsection 2 of this section, may, in addition to the rate of
19 payment that the provider would otherwise receive for Medicaid
20 ground emergency medical transportation services, receive MO
21 HealthNet supplemental reimbursement to the extent provided by
22 law.

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

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

28 (2) Is enrolled as a MO HealthNet provider for the period

1 being claimed; and

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

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

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

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

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

28 4. An eligible provider, as a condition of receiving

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

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

18 (1) Certify in conformity with the requirements of 42 CFR
19 433.51 that the claimed expenditures for the ground emergency
20 medical transportation services are eligible for federal
21 financial participation;

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

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

27 (4) Keep, maintain, and have readily retrievable any
28 records specified by the department of social services to fully

1 disclose reimbursement amounts to which the eligible provider is
2 entitled and any other records required by the Centers for
3 Medicare and Medicaid Services.

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

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

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

18 208.1032. 1. The department of social services shall be
19 authorized to design and implement in consultation and
20 coordination with eligible providers as described in subsection 2
21 of this section an intergovernmental transfer program relating to
22 ground emergency medical transport services, including those
23 services provided at the emergency medical responder, emergency
24 medical technician (EMT), advanced EMT, EMT intermediate, or
25 paramedic levels in the pre-stabilization and preparation for
26 transport, in order to increase capitation payments for the
27 purpose of increasing reimbursement to eligible providers.

28 2. A provider shall be eligible for increased reimbursement

1 under this section only if the provider meets the following
2 conditions in an applicable state fiscal year:

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

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

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

9 3. To the extent intergovernmental transfers are
10 voluntarily made by and accepted from an eligible provider
11 described in subsection 2 of this section or a governmental
12 entity affiliated with an eligible provider, the department of
13 social services shall make increased capitation payments to
14 applicable MO HealthNet eligible providers for covered ground
15 emergency medical transportation services.

16 (1) The increased capitation payments made under this
17 section shall be in amounts at least actuarially equivalent to
18 the supplemental fee-for-service payments and up to equivalent of
19 commercial reimbursement rates available for eligible providers
20 to the extent permissible under federal law.

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

25 (3) MO HealthNet managed care plans and coordinated care
26 organizations shall pay one hundred percent of any amount of
27 increased capitation payments made under this section to eligible
28 providers for providing and making available ground emergency

1 medical transportation and pre-stabilization services pursuant to
2 a contract or other arrangement with a MO HealthNet managed care
3 plan or coordinated care organization.

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

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

15 6. As a condition of participation under this section, each
16 eligible provider as described in subsection 2 of this section or
17 the governmental entity affiliated with an eligible provider
18 shall agree to reimburse the department of social services for
19 any costs associated with implementing this section.

20 Intergovernmental transfers described in this section are subject
21 to an administration fee of up to twenty percent of the
22 nonfederal share paid to the department of social services and
23 shall be allowed to count as a cost of providing the services not
24 to exceed one hundred twenty percent of the total amount.

25 7. As a condition of participation under this section, MO
26 HealthNet managed care plans, coordinated care organizations,
27 eligible providers as described in subsection 2 of this section,
28 and governmental entities affiliated with eligible providers

1 shall agree to comply with any requests for information or
2 similar data requirements imposed by the department of social
3 services for purposes of obtaining supporting documentation
4 necessary to claim federal funds or to obtain federal approvals.

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

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

16 287.245. 1. As used in this section, the following terms
17 shall mean:

18 (1) "Association", volunteer fire protection associations
19 as defined in section 320.300;

20 (2) "State fire marshal", the state fire marshal selected
21 under the provisions of sections 320.200 to 320.270;

22 (3) "Volunteer firefighter", the same meaning as in section
23 287.243.

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

28 3. Subject to appropriations, the state fire marshal shall

1 disburse grants to each applying volunteer fire protection
2 association according to the following schedule:

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

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

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

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

27 4. Grant money disbursed under this section shall only be
28 used for the purpose of paying for the workers' compensation

1 insurance premiums of volunteer firefighters.

2 304.022. 1. Upon the immediate approach of an emergency
3 vehicle giving audible signal by siren or while having at least
4 one lighted lamp exhibiting red light visible under normal
5 atmospheric conditions from a distance of five hundred feet to
6 the front of such vehicle or a flashing blue light authorized by
7 section 307.175, the driver of every other vehicle shall yield
8 the right-of-way and shall immediately drive to a position
9 parallel to, and as far as possible to the right of, the traveled
10 portion of the highway and thereupon stop and remain in such
11 position until such emergency vehicle has passed, except when
12 otherwise directed by a police or traffic officer.

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

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

27 (2) Proceed with due caution and reduce the speed of the
28 vehicle, maintaining a safe speed for road conditions, if

1 changing lanes would be unsafe or impossible.

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

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

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

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

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

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

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

27 (6) Any vehicle designated to perform emergency functions
28 for a civil defense or emergency management agency established

1 pursuant to the provisions of chapter 44;

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

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

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

18 5. (1) The driver of any vehicle referred to in subsection
19 4 of this section shall not sound the siren thereon or have the
20 front red lights or blue lights on except when such vehicle is
21 responding to an emergency call or when in pursuit of an actual
22 or suspected law violator, or when responding to, but not upon
23 returning from, a fire.

24 (2) The driver of an emergency vehicle may:

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

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

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

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

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

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

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

19 307.175. 1. Motor vehicles and equipment which are
20 operated by any member of an organized fire department, ambulance
21 association, or rescue squad, whether paid or volunteer, may be
22 operated on streets and highways in this state as an emergency
23 vehicle under the provisions of section 304.022 while responding
24 to a fire call or ambulance call or at the scene of a fire call
25 or ambulance call and while using or sounding a warning siren and
26 using or displaying thereon fixed, flashing or rotating blue
27 lights, but sirens and blue lights shall be used only in bona
28 fide emergencies.

1 2. Motor vehicles and equipment owned by the state highways
2 and transportation commission or contractor or subcontractor
3 performing work for the department of transportation may use or
4 display thereon fixed, flashing, or rotating amber or white
5 lights, but amber or white lights shall be used only while such
6 vehicle is stationary in a work zone, as defined in section
7 304.580, when highway workers, as defined in section 304.580, are
8 present.

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

20 321.017. 1. Notwithstanding the provisions of section
21 321.015, no employee of any fire protection district or ambulance
22 district shall serve as a member of any fire district or
23 ambulance district board while such person is employed by any
24 fire district or ambulance district, except that an employee of a
25 fire protection district or an ambulance district may serve as a
26 member of a voluntary fire protection district board or a
27 voluntary ambulance district board.

28 2. Notwithstanding any other provision of law to the

1 contrary, individual board members shall not be eligible for
2 employment by the board within twelve months of termination of
3 service as a member of the board unless such employment is on a
4 volunteer basis or without compensation.

5 321.130. [1.] A person, to be qualified to serve as a
6 director, shall be a resident and voter of the district for at
7 least one year before the election or appointment and be over the
8 age of [twenty-five] twenty-four years[; except as provided in
9 subsections 2 and 3 of this section. The person shall also be a
10 resident of such fire protection district]. In the event the
11 person is no longer a resident of the district, the person's
12 office shall be vacated, and the vacancy shall be filled as
13 provided in section 321.200. Nominations and declarations of
14 candidacy shall be filed at the headquarters of the fire
15 protection district by paying a [ten dollar] filing fee equal to
16 the amount of a candidate for county office as set forth under
17 section 115.357, and filing a statement under oath that such
18 person possesses the required qualifications.

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

26 3. In any fire protection district located in a county of
27 the third or fourth classification, a person to be qualified to
28 serve as a director shall be over the age of twenty-five years

1 and shall be a voter of the district for more than one year
2 before the election or appointment, except that for the first
3 board of directors in such district, a person need only be a
4 voter of the district for one year before the election or
5 appointment.

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

14 321.210. On the first Tuesday in April after the expiration
15 of at least two full calendar years from the date of the election
16 of the first board of directors, and on the first Tuesday in
17 April every two years thereafter, an election for members of the
18 board of directors shall be held in the district. Nominations
19 shall be filed at the headquarters of the fire protection
20 district in which a majority of the district is located by paying
21 a filing fee [up] equal to the amount of a candidate for [state
22 representative] county office as set forth under section 115.357
23 and filing a statement under oath that [he] the candidate
24 possesses the required qualifications. The candidate receiving
25 the most votes shall be elected. Any new member of the board
26 shall qualify in the same manner as the members of the first
27 board qualify.

28 455.543. 1. In any incident investigated by a law

1 enforcement agency involving a homicide or suicide, the law
2 enforcement agency shall make a determination as to whether the
3 homicide or suicide is related to domestic violence.

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

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

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

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

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

16 3. After making a determination as to whether the homicide
17 or suicide is related to domestic violence, the law enforcement
18 agency shall forward the information required [within fifteen
19 days] to the Missouri state highway patrol on a form or format
20 approved by the patrol. The required information shall include
21 the gender and age of the victim, the type of incident
22 investigated, the disposition of the incident and the
23 relationship of the victim to the perpetrator. The state highway
24 patrol shall develop a form for this purpose which shall be
25 distributed by the department of public safety to all law
26 enforcement agencies by October 1, 2000. [Completed forms shall
27 be forwarded to the highway patrol without undue delay as
28 required by section 43.500; except that all such reports shall be

1 forwarded no later than seven days after an incident is
2 determined or identified as a homicide or suicide involving
3 domestic violence.】

4 455.545. The highway patrol shall compile an annual report
5 of homicides and suicides related to domestic violence. Such
6 report shall be presented by 【February】 March first of the
7 subsequent year to the governor, speaker of the house of
8 representatives, and president pro tempore of the senate.

9 575.145. 1. It shall be the duty of the operator or driver
10 of any vehicle or any other conveyance regardless of means of
11 propulsion, or the rider of any animal traveling on the highways
12 of this state to stop on signal of any law enforcement officer or
13 firefighter and to obey any other reasonable signal or direction
14 of such law enforcement officer or firefighter given in directing
15 the movement of traffic on the highways or enforcing any offense
16 or infraction.

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

21 575.145. It shall be the duty of the operator or driver of
22 any vehicle or the rider of any animal traveling on the highways
23 of this state to stop on signal of any sheriff 【or】_ deputy
24 sheriff, or firefighter and to obey any other reasonable signal
25 or direction of such sheriff 【or】_ deputy sheriff, or firefighter
26 given in directing the movement of traffic on the highways. Any
27 person who willfully fails or refuses to obey such signals or
28 directions or who willfully resists or opposes a sheriff 【or】_

1 deputy sheriff, or firefighter in the proper discharge of his or
2 her duties shall be guilty of a class A misdemeanor and on
3 conviction thereof shall be punished as provided by law for such
4 offenses.

5 610.100. 1. As used in sections 610.100 to 610.150, the
6 following words and phrases shall mean:

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

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

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

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

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

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

28 (4) "Incident report", a record of a law enforcement agency

1 consisting of the date, time, specific location, name of the
2 victim and immediate facts and circumstances surrounding the
3 initial report of a crime or incident, including any logs of
4 reported crimes, accidents and complaints maintained by that
5 agency;

6 (5) "Investigative report", a record, other than an arrest
7 or incident report, prepared by personnel of a law enforcement
8 agency, inquiring into a crime or suspected crime, either in
9 response to an incident report or in response to evidence
10 developed by law enforcement officers in the course of their
11 duties;

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

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

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

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

27 (1) Notwithstanding any other provision of law other than
28 the provisions of subsections 4, 5 and 6 of this section or

1 section 320.083, mobile video recordings and investigative
2 reports of all law enforcement agencies are closed records until
3 the investigation becomes inactive.

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

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

19 3. Except as provided in subsections 4, 5, 6 and 7 of this
20 section, if any portion of a record or document of a law
21 enforcement officer or agency, other than an arrest report, which
22 would otherwise be open, contains information that is reasonably
23 likely to pose a clear and present danger to the safety of any
24 victim, witness, undercover officer, or other person; or
25 jeopardize a criminal investigation, including records which
26 would disclose the identity of a source wishing to remain
27 confidential or a suspect not in custody; or which would disclose
28 techniques, procedures or guidelines for law enforcement

1 investigations or prosecutions, that portion of the record shall
2 be closed and shall be redacted from any record made available
3 pursuant to this chapter.

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

1 record made available pursuant to this subsection.

2 5. Any person may bring an action pursuant to this section
3 in the circuit court having jurisdiction to authorize disclosure
4 of a mobile video recording or the information contained in an
5 investigative report of any law enforcement agency, which would
6 otherwise be closed pursuant to this section. The court may
7 order that all or part of a mobile video recording or the
8 information contained in an investigative report be released to
9 the person bringing the action.

10 (1) In making the determination as to whether information
11 contained in an investigative report shall be disclosed, the
12 court shall consider whether the benefit to the person bringing
13 the action or to the public outweighs any harm to the public, to
14 the law enforcement agency or any of its officers, or to any
15 person identified in the investigative report in regard to the
16 need for law enforcement agencies to effectively investigate and
17 prosecute criminal activity.

18 (2) In making the determination as to whether a mobile
19 video recording shall be disclosed, the court shall consider:

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

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

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

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

7 (3) The mobile video recording or investigative report in
8 question may be examined by the court in camera.

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

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

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

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

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

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

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

28 (5) The court may find that the party seeking disclosure of

1 the mobile video recording or investigative report shall bear the
2 reasonable and necessary costs and attorneys' fees of both
3 parties, unless the court finds that the decision of the law
4 enforcement agency not to open the mobile video recording or
5 investigative report was substantially unjustified under all
6 relevant circumstances, and in that event, the court may assess
7 such reasonable and necessary costs and attorneys' fees to the
8 law enforcement agency.

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

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

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

18 610.205. 1. Crime scene photographs and video recordings,
19 including photographs and video recordings created or produced by
20 a state or local agency or by a perpetrator or suspect at a crime
21 scene, which depict or describe a deceased person in a state of
22 dismemberment, decapitation, or similar mutilation including,
23 without limitation, where the deceased person's genitalia are
24 exposed, shall be considered closed records and shall not be
25 subject to disclosure under the provisions of this chapter;
26 provided, however, that this section shall not prohibit
27 disclosure of such material to the deceased's next of kin or to
28 an individual who has secured a written release from the next of

1 kin. It shall be the responsibility of the next of kin to show
2 proof of the familial relationship. For purposes of such access,
3 the deceased's next of kin shall be:

4 (1) The spouse of the deceased if living;

5 (2) If there is no living spouse of the deceased, an adult
6 child of the deceased; or

7 (3) If there is no living spouse or adult child, a parent
8 of the deceased.

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

25 3. Prior to releasing any crime scene material described in
26 subsection 1 of this section, the custodian of such material
27 shall give the deceased person's next of kin at least two weeks'
28 notice. No court shall order a disclosure under subsection 2 of

1 this section which would disregard or shorten the duration of
2 such notice requirement.

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

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

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

24 [192.737. 1. The department of health and senior
25 services shall establish and maintain an information
26 registry and reporting system for the purpose of data
27 collection and needs assessment of brain and spinal
28 cord injured persons in this state.

29 2. Reports of traumatic brain and spinal cord
30 injuries shall be filed with the department by a
31 treating physician or his designee within seven days of
32 identification. The attending physician of any patient

1 with traumatic brain or spinal cord injury who is in
2 the hospital shall provide in writing to the chief
3 administrative officer the information required to be
4 reported by this section. The chief administrative
5 officer of the hospital shall then have the duty to
6 submit the required reports.

7 3. Reporting forms and the manner in which the
8 information is to be reported shall be provided by the
9 department. Such reports shall include, but shall not
10 be limited to, the following information: name, age,
11 and residence of the injured person, the date and cause
12 of the injury, the initial diagnosis and such other
13 information as required by the department.]
14

15 Section B. Because immediate action may prevent a tragic
16 occurrence from happening, the enactment of section 190.265 of
17 this act is deemed necessary for the immediate preservation of
18 the public health, welfare, peace and safety, and is hereby
19 declared to be an emergency act within the meaning of the
20 constitution, and the enactment of section 190.265 of this act
21 shall be in full force and effect upon its passage and approval.

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28 Brian Munzlinger

Shawn Rhoads