

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/HCS/House Bill Nos. 302 & 228, Page 1, Section title, Lines 2-3,

2 of the title, by striking "law enforcement officers" and
 3 inserting in lieu thereof the following: "emergency responders";
 4 and

5 Further amend said bill and page, Section A, Line 2, by
 6 inserting after all of said line the following:

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

1 years.

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

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

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

1 ambulance service, personnel and the medical director.

2 5. Regional EMS medical directors elected as provided under
3 subsection 1 of this section shall be considered public officials
4 for purposes of sovereign immunity, official immunity, and the
5 Missouri public duty doctrine defenses.

6 6. The state EMS medical director's advisory committee
7 shall be considered a peer review committee under section 537.035
8 and regional EMS medical directors shall be eligible to
9 participate in the Missouri Patient Safety Organization as
10 provided under the Patient Safety and Quality Improvement Act of
11 2005, 42 U.S.C. Section 299, et seq., as amended.

12 7. Regional EMS medical directors may act to provide online
13 telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps,
14 and community paramedics and provide offline medical direction
15 per standardized treatment, triage, and transport protocols when
16 EMS personnel, including EMT-Bs, EMT-Is, or EMT-Ps community
17 paramedics, are providing care to special needs patients or at
18 the request of a local EMS agency or medical director.

19 8. When developing treatment protocols for special needs
20 patients, regional EMS medical directors may promulgate such
21 protocols on a regional basis across multiple political
22 subdivisions' jurisdictional boundaries and such protocols may be
23 used by multiple agencies including, but not limited to,
24 ambulance services, emergency response agencies, and public
25 health departments.

26 9. Multiple EMS agencies including, but not limited to,
27 ambulance services, emergency response agencies, and public
28 health departments shall take necessary steps to follow the
29 regional EMS protocols established as provided under subsection 8

1 of this section in cases of mass casualty or state-declared
2 disaster incidents.

3 10. When regional EMS medical directors develop and
4 implement treatment protocols for patients or provide online
5 medical direction for such patients, such activity shall not be
6 construed as having usurped local medical direction authority in
7 any manner.

8 11. Notwithstanding any other provision of law, when
9 regional EMS medical directors are providing either online
10 telecommunication medical direction to EMT-Bs, EMT-Is, EMT-Ps,
11 and community paramedics, or offline medical direction per
12 standardized EMS treatment, triage, and transport protocols for
13 patients, those medical directions or treatment protocols may
14 include the administration of the patient's own prescription
15 medications.

16 190.147. 1. Emergency medical technician paramedics (EMT-
17 Ps) who have:

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

23 (2) Been authorized by their ground or air ambulance
24 service's administration and medical director under subsection 3
25 of section 190.103; and

26 (3) Whose ground or air ambulance service has developed and
27 adopted standardized triage, treatment, and transport protocols
28 under subsection 3 of section 190.103, which address the
29 challenge of treating and transporting behavioral health patients

1 who present a likelihood of serious harm to themselves or others
2 as the term "likelihood of serious harm" is defined under section
3 632.005 or who are significantly incapacitated by alcohol or
4 drugs;

5
6 may make a good faith determination that such patients shall be
7 placed into a temporary hold for the sole purposes of transport
8 to the nearest appropriate facility.

9 2. EMT-Ps who have made a good faith decision for a
10 temporary hold of a patient as authorized by this section shall
11 no longer have to rely on the common law doctrine of implied
12 consent and therefore shall not be civilly liable for a good
13 faith determination made in accordance with this section and
14 shall not have waived any sovereign immunity defense, official
15 immunity defense, or Missouri public duty doctrine defense if
16 employed at the time of the good faith determination by a
17 governmental employer.

18 3. Any ground or air ambulance service that adopts the
19 authority and protocols provided for by this section shall have a
20 memorandum of understanding with applicable local law enforcement
21 agencies in order to achieve a collaborative and coordinated
22 response to patients displaying symptoms of either a likelihood
23 of serious harm to themselves or others or significant
24 incapacitation by alcohol or drugs, which require a crisis
25 intervention response.

26 190.165. 1. The department may refuse to issue or deny
27 renewal of any certificate, permit or license required pursuant
28 to sections 190.100 to 190.245 for failure to comply with the
29 provisions of sections 190.100 to 190.245 or any lawful

1 regulations promulgated by the department to implement its
2 provisions as described in subsection 2 of this section. The
3 department shall notify the applicant in writing of the reasons
4 for the refusal and shall advise the applicant of his or her
5 right to file a complaint with the administrative hearing
6 commission as provided by chapter 621.

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

16 (1) Use or unlawful possession of any controlled substance,
17 as defined in chapter 195, or alcoholic beverage to an extent
18 that such use impairs a person's ability to perform the work of
19 any activity licensed or regulated by sections 190.100 to
20 190.245;

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

1 (3) Use of fraud, deception, misrepresentation or bribery
2 in securing any certificate, permit or license issued pursuant to
3 sections 190.100 to 190.245 or in obtaining permission to take
4 any examination given or required pursuant to sections 190.100 to
5 190.245;

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

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

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

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

20 (8) Disciplinary action against the holder of a license or
21 other right to practice any activity regulated by sections
22 190.100 to 190.245 granted by another state, territory, federal
23 agency or country upon grounds for which revocation or suspension
24 is authorized in this state;

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

27 (10) Assisting or enabling any person to practice or offer
28 to practice any activity licensed or regulated by sections
29 190.100 to 190.245 who is not licensed and currently eligible to

1 practice pursuant to sections 190.100 to 190.245;

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

4 (12) Violation of any professional trust, confidence, or
5 legally protected privacy rights of a patient by means of an
6 unauthorized or unlawful disclosure;

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

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

12 (15) Refusal of any applicant or licensee to respond to
13 reasonable department of health and senior services' requests for
14 necessary information to process an application or to determine
15 license status or license eligibility;

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

19 (17) Repeated acts of negligence or recklessness in the
20 performance of the functions or duties of any activity licensed
21 or regulated by sections 190.100 to 190.245.

22 3. If the department conducts investigations, the
23 department, prior to interviewing a licensee who is the subject
24 of the investigation, shall explain to the licensee that he or
25 she has the right to:

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

27 (2) Have anyone present whom he or she deems to be
28 necessary or desirable[, except for any holder of any
29 certificate, permit, or license required by sections 190.100 to

1 190.245]; and

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

4
5 The assertion of any right listed in this subsection shall not be
6 deemed by the department to be a failure to cooperate with any
7 department investigation.

8 4. After the filing of such complaint, the proceedings
9 shall be conducted in accordance with the provisions of chapter
10 621. Upon a finding by the administrative hearing commission
11 that the grounds, provided in subsection 2 of this section, for
12 disciplinary action are met, the department may, singly or in
13 combination, censure or place the person named in the complaint
14 on probation on such terms and conditions as the department deems
15 appropriate for a period not to exceed five years, or may
16 suspend, for a period not to exceed three years, or revoke the
17 license, certificate or permit. Notwithstanding any provision of
18 law to the contrary, the department shall be authorized to impose
19 a suspension or revocation as a disciplinary action only if it
20 first files the requisite complaint with the administrative
21 hearing commission. The administrative hearing commission shall
22 hear all relevant evidence on remediation activities of the
23 licensee and shall make a recommendation to the department of
24 health and senior services as to licensure disposition based on
25 such evidence.

26 5. An individual whose license has been revoked shall wait
27 one year from the date of revocation to apply for relicensure.
28 Relicensure shall be at the discretion of the department after
29 compliance with all the requirements of sections 190.100 to

1 190.245 relative to the licensing of an applicant for the first
2 time. Any individual whose license has been revoked twice within
3 a ten-year period shall not be eligible for relicensure.

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

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

13 8. The department of health and senior services may suspend
14 any certificate, permit or license required pursuant to sections
15 190.100 to 190.245 simultaneously with the filing of the
16 complaint with the administrative hearing commission as set forth
17 in subsection 2 of this section, if the department finds that
18 there is an imminent threat to the public health. The notice of
19 suspension shall include the basis of the suspension and notice
20 of the right to appeal such suspension. The licensee may appeal
21 the decision to suspend the license, certificate or permit to the
22 department. The appeal shall be filed within ten days from the
23 date of the filing of the complaint. A hearing shall be
24 conducted by the department within ten days from the date the
25 appeal is filed. The suspension shall continue in effect until
26 the conclusion of the proceedings, including review thereof,
27 unless sooner withdrawn by the department, dissolved by a court
28 of competent jurisdiction or stayed by the administrative hearing
29 commission."; and

1 Further amend the title and enacting clause accordingly.