

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 870

AN ACT

To repeal sections 99.848, 100.050, 100.059, 105.666, 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 287.243, 320.086, 353.110, and 577.029, RSMo, and to enact in lieu thereof forty-one new sections relating to emergency services, with existing penalty provisions.

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

1 Section A. Sections 99.848, 100.050, 100.059, 105.666,
2 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105,
3 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246,
4 191.630, 287.243, 320.086, 353.110, and 577.029, RSMo, are
5 repealed and forty-one new sections enacted in lieu thereof, to
6 be known as sections 44.098, 99.848, 100.050, 100.059, 105.666,
7 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105,
8 190.131, 190.142, 190.143, 190.147, 190.165, 190.173, 190.196,
9 190.246, 190.900, 190.903, 190.906, 190.909, 190.912, 190.915,
10 190.918, 190.921, 190.924, 190.927, 190.930, 190.933, 190.936,
11 190.939, 191.630, 217.151, 287.243, 320.086, 353.110, 577.029,
12 and 590.1040, to read as follows:

1 44.098. 1. As used in this section, the following terms
2 mean:

3 (1) "Critical incident", an incident that could result in
4 serious physical injury or loss of life;

5 (2) "Kansas border county", the county of Cherokee;

6 (3) "Law enforcement mutual aid region", the counties of
7 Jasper and Newton, including the Joplin metropolitan area, and
8 the Kansas border county and Oklahoma border counties, as defined
9 in this section;

10 (4) "Missouri border counties", the counties of Jasper and
11 Newton;

12 (5) "Oklahoma border counties", the counties of Ottawa and
13 Delaware.

14 2. All law enforcement officers in the law enforcement
15 mutual aid region shall be permitted in critical incidents to
16 respond to lawful requests for aid in any other jurisdiction in
17 the law enforcement mutual aid region.

18 3. The on-scene incident commander, as defined by the
19 National Incident Management System, shall have the authority to
20 make a request for assistance in a critical incident and shall be
21 responsible for on-scene management until command authority is
22 transferred to another person.

23 4. In the event that an officer makes an arrest or
24 apprehension outside his or her home state, the offender shall be
25 delivered to the first officer who is commissioned in the
26 jurisdiction in which the arrest was made.

27 5. For the purposes of liability, all members of any
28 political subdivision or public safety agency responding under

1 operational control of the requesting political subdivision or
2 public safety agency are deemed employees of such responding
3 political subdivision or public safety agency and are subject to
4 the liability and workers' compensation provisions provided to
5 them as employees of their respective political subdivision or
6 public safety agency. Qualified immunity, sovereign immunity,
7 official immunity, and the public duty rule shall apply to the
8 provisions of this section as interpreted by the federal and
9 state courts of the responding agency.

10 6. If the director of the Missouri department of public
11 safety determines that the state of Kansas has enacted
12 legislation or the governor of Kansas has issued an executive
13 order or similar action that permits the Kansas border county to
14 enter into a similar mutual aid agreement as described under this
15 section, then the director shall execute and deliver to the
16 governor, the speaker of the house of representatives, and the
17 president pro tempore of the senate a written certification of
18 such determination. Upon the execution and delivery of such
19 written certification and the parties receiving such
20 certification providing a unanimous written affirmation, the
21 provisions of this section shall be effective, unless otherwise
22 provided by law.

23 7. If the director of the Missouri department of public
24 safety determines that the state of Oklahoma has enacted
25 legislation or the governor of Oklahoma has issued an executive
26 order or similar action that permits Oklahoma border counties to
27 enter into a similar mutual aid agreement as described under this
28 section, then the director shall execute and deliver to the

1 governor, the speaker of the house of representatives, and the
2 president pro tempore of the senate a written certification of
3 such determination. Upon the execution and delivery of such
4 written certification and the parties receiving such
5 certification providing a unanimous written affirmation, the
6 provisions of this section shall be effective, unless otherwise
7 provided by law.

8 8. The director of the Missouri department of public safety
9 shall notify the revisor of statutes of any changes that would
10 render the provisions of this section effective.

11 99.848. 1. Notwithstanding subsection 1 of section
12 [99.847] 99.845, any district or county imposing a property tax
13 for the purposes of providing emergency services pursuant to
14 chapter 190 or 321 shall be entitled to reimbursement from the
15 special allocation fund in the amount of at least fifty percent
16 [nor] but not more than one hundred percent of the district's tax
17 increment. This section shall not apply to tax increment
18 financing projects or districts approved prior to August 28,
19 2004.

20 2. Beginning August 28, 2018, an ambulance district board
21 operating under chapter 190, a fire protection district board
22 operating under chapter 321, or the governing body of a county
23 operating a 911 center providing emergency or dispatch services
24 under chapter 190 or chapter 321 shall annually set the
25 reimbursement rate under subsection 1 of this section prior to
26 the time the assessment is paid into the special allocation fund.
27 If the redevelopment plan, area, or project is amended by
28 ordinance or by other means after August 28, 2018, the ambulance

1 or fire protection district board or the governing body of a
2 county operating a 911 center providing emergency or dispatch
3 services under chapter 190 or chapter 321 shall have the right to
4 recalculate the reimbursement rate under this section.

5 100.050. 1. Any municipality proposing to carry out a
6 project for industrial development shall first, by majority vote
7 of the governing body of the municipality, approve the plan for
8 the project. The plan shall include the following information
9 pertaining to the proposed project:

10 (1) A description of the project;

11 (2) An estimate of the cost of the project;

12 (3) A statement of the source of funds to be expended for
13 the project;

14 (4) A statement of the terms upon which the facilities to
15 be provided by the project are to be leased or otherwise disposed
16 of by the municipality; and

17 (5) Such other information necessary to meet the
18 requirements of sections 100.010 to 100.200.

19 2. If the plan for the project is approved after August 28,
20 2003, and the project plan involves issuance of revenue bonds or
21 involves conveyance of a fee interest in property to a
22 municipality, the project plan shall additionally include the
23 following information:

24 (1) A statement identifying each school district, community
25 college district, ambulance district board operating under
26 chapter 190, fire protection district board operating under
27 chapter 321, county, or city affected by such project except
28 property assessed by the state tax commission pursuant to

1 chapters 151 and 153;

2 (2) The most recent equalized assessed valuation of the
3 real property and personal property included in the project, and
4 an estimate as to the equalized assessed valuation of real
5 property and personal property included in the project after
6 development;

7 (3) An analysis of the costs and benefits of the project on
8 each school district, community college district, ambulance
9 district board operating under chapter 190, fire protection
10 district board operating under chapter 321, county, or city; and

11 (4) Identification of any payments in lieu of taxes
12 expected to be made by any lessee of the project, and the
13 disposition of any such payments by the municipality.

14 3. If the plan for the project is approved after August 28,
15 2003, any payments in lieu of taxes expected to be made by any
16 lessee of the project shall be applied in accordance with this
17 section. The lessee may reimburse the municipality for its
18 actual costs of issuing the bonds and administering the plan.
19 All amounts paid in excess of such actual costs shall,
20 immediately upon receipt thereof, be disbursed by the
21 municipality's treasurer or other financial officer to each
22 school district, community college district, ambulance district
23 board operating under chapter 190, fire protection district board
24 operating under chapter 321, county, or city in proportion to the
25 current ad valorem tax levy of each school district, community
26 college district, ambulance district board operating under
27 chapter 190, fire protection district board operating under
28 chapter 321, county, or city; however, in any county of the first

1 classification with more than ninety-three thousand eight hundred
2 but fewer than ninety-three thousand nine hundred inhabitants, or
3 any county of the first classification with more than one hundred
4 thirty-five thousand four hundred but fewer than one hundred
5 thirty-five thousand five hundred inhabitants, if the plan for
6 the project is approved after May 15, 2005, such amounts shall be
7 disbursed by the municipality's treasurer or other financial
8 officer to each affected taxing entity in proportion to the
9 current ad valorem tax levy of each affected taxing entity.

10 4. Notwithstanding the provisions of subsection 3 of this
11 section to the contrary, beginning August 28, 2018, any district
12 or county imposing a property tax for the purposes of providing
13 emergency services under chapter 190 or 321 to the project area
14 shall be entitled to be reimbursed in an amount that is at least
15 fifty percent but not more than one hundred percent of the amount
16 of ad valorem property tax revenues that such district or county
17 would have received in the absence of a tax abatement or
18 exemption provided to property included in the project. An
19 ambulance district board operating under chapter 190, a fire
20 protection district board operating under chapter 321, or the
21 governing body of a county operating a 911 center providing
22 emergency or dispatch services under chapter 190 or chapter 321
23 shall annually set the reimbursement rate provided in this
24 subsection prior to the time the assessment is determined by the
25 assessor of the county in which the project is located, or, if
26 not located within a county, then the assessor of such city. If
27 the plan is amended by ordinance or by any other means after
28 August 28, 2018, the ambulance or fire protection district or the

1 governing body of a county operating a 911 center providing
2 emergency or dispatch services under chapter 190 or chapter 321
3 shall have the right to recalculate the reimbursement rate
4 pursuant to this subsection.

5 100.059. 1. The governing body of any municipality
6 proposing a project for industrial development which involves
7 issuance of revenue bonds or involves conveyance of a fee
8 interest in property to a municipality shall, not less than
9 twenty days before approving the plan for a project as required
10 by section 100.050, provide notice of the proposed project to the
11 county in which the municipality is located and any school
12 district that is a school district, community college district,
13 ambulance district board operating under chapter 190, fire
14 protection district board operating under chapter 321, county, or
15 city; however, in any county of the first classification with
16 more than ninety-three thousand eight hundred but fewer than
17 ninety-three thousand nine hundred inhabitants, or any county of
18 the first classification with more than one hundred thirty-five
19 thousand four hundred but fewer than one hundred thirty-five
20 thousand five hundred inhabitants, if the plan for the project is
21 approved after May 15, 2005, such notice shall be provided to all
22 affected taxing entities in the county. Such notice shall
23 include the information required in section 100.050, shall state
24 the date on which the governing body of the municipality will
25 first consider approval of the plan, and shall invite such school
26 districts, community college districts, ambulance district board
27 operating under chapter 190, fire protection district board
28 operating under chapter 321, counties, or cities to submit

1 comments to the governing body and the comments shall be fairly
2 and duly considered.

3 2. Notwithstanding any other provisions of this section to
4 the contrary, for purposes of determining the limitation on
5 indebtedness of local government pursuant to Section 26(b),
6 Article VI, Constitution of Missouri, the current equalized
7 assessed value of the property in an area selected for
8 redevelopment attributable to the increase above the total
9 initial equalized assessed valuation shall be included in the
10 value of taxable tangible property as shown on the last completed
11 assessment for state or county purposes.

12 3. The county assessor shall include the current assessed
13 value of all property within the school district, community
14 college district, ambulance district board operating under
15 chapter 190, fire protection district board operating under
16 chapter 321, county, or city in the aggregate valuation of
17 assessed property entered upon the assessor's book and verified
18 pursuant to section 137.245, and such value shall be utilized for
19 the purpose of the debt limitation on local government pursuant
20 to Section 26(b), Article VI, Constitution of Missouri.

21 4. This section is applicable only if the plan for the
22 project is approved after August 28, 2003.

23 105.666. 1. Each plan shall, in conjunction with its staff
24 and advisors, establish a board member education program, which
25 shall be in effect on or after January 1, 2008. The curriculum
26 shall include, at a minimum, education in the areas of duties and
27 responsibilities of board members as trustees, ethics, governance
28 process and procedures, pension plan design and administration of

1 benefits, investments including but not limited to the fiduciary
2 duties as defined under section 105.688, legal liability and
3 risks associated with the administration of a plan, sunshine law
4 requirements under chapter 610, actuarial principles and methods
5 related to plan administration, and the role of staff and
6 consultants in plan administration. Board members appointed or
7 elected on a board on or after January 1, 2008, shall complete a
8 board member education program of at least six hours designated
9 to orient new board members in the areas described in this
10 section within ninety days of becoming a new board member. Board
11 members who have served one or more years shall attend at least a
12 total of ~~[six]~~ two hours of continuing education programs each
13 year in the areas described in this section.

14 2. Routine annual presentation by outside plan service
15 providers shall not be used to satisfy board member education or
16 continuing education program requirements contained in subsection
17 1 of this section. Such service providers may be utilized to
18 perform education programs with such programs being separate and
19 apart from routine annual presentations.

20 3. Plan governing body or staff shall maintain a record of
21 board member education including, but not limited to, date, time
22 length, location, education material, and any facilitator
23 utilized. The record shall be signed and attested to by the
24 attending board member or board chairperson or designee. Such
25 information shall be maintained for public record and disclosure
26 for at least three years or until the expiration of such board
27 member's term, whichever occurs first.

28 4. A board member who is knowingly not participating in the

1 required education programs under this section may be removed
2 from such board by a majority of the board members which shall
3 result in a vacancy to be filled in accordance with plan
4 provisions except that ex officio board members shall not be
5 removed under this subsection.

6 5. Each plan shall, upon the request of any individual
7 participant, provide an annual pension benefit statement which
8 shall be written in a manner calculated to be understood by the
9 average plan participant and may be delivered in written,
10 electronic, or other appropriate form to the extent such form is
11 reasonably accessible to each participant or beneficiary. Such
12 pension benefit statement shall include, but not be limited to,
13 accrued participant contributions to the plan, total benefits
14 accrued, date first eligible for a normal retirement benefit, and
15 projected benefit at normal retirement. Any plan failing to do
16 so shall submit in writing to the joint committee on public
17 employee retirement as to why the information may not be provided
18 as requested.

19 135.090. 1. As used in this section, the following terms
20 mean:

21 (1) "Homestead", the dwelling in Missouri owned by the
22 surviving spouse and not exceeding five acres of land surrounding
23 it as is reasonably necessary for use of the dwelling as a home.
24 As used in this section, "homestead" shall not include any
25 dwelling which is occupied by more than two families;

26 (2) "Public safety officer", any firefighter, police
27 officer, capitol police officer, parole officer, probation
28 officer, correctional employee, water patrol officer, park

1 ranger, conservation officer, commercial motor vehicle
2 enforcement officer, emergency medical responder, as defined in
3 section 190.100, emergency medical technician, first responder,
4 or highway patrolman employed by the state of Missouri or a
5 political subdivision thereof who is killed in the line of duty,
6 unless the death was the result of the officer's own misconduct
7 or abuse of alcohol or drugs;

8 (3) "Surviving spouse", a spouse, who has not remarried, of
9 a public safety officer.

10 2. For all tax years beginning on or after January 1, 2008,
11 a surviving spouse shall be allowed a credit against the tax
12 otherwise due under chapter 143, excluding withholding tax
13 imposed by sections 143.191 to 143.265, in an amount equal to the
14 total amount of the property taxes on the surviving spouse's
15 homestead paid during the tax year for which the credit is
16 claimed. A surviving spouse may claim the credit authorized
17 under this section for each tax year beginning the year of death
18 of the public safety officer spouse until the tax year in which
19 the surviving spouse remarries. No credit shall be allowed for
20 the tax year in which the surviving spouse remarries. If the
21 amount allowable as a credit exceeds the income tax reduced by
22 other credits, then the excess shall be considered an overpayment
23 of the income tax.

24 3. The department of revenue shall promulgate rules to
25 implement the provisions of this section.

26 4. Any rule or portion of a rule, as that term is defined
27 in section 536.010, that is created under the authority delegated
28 in this section shall become effective only if it complies with

1 and is subject to all of the provisions of chapter 536 and, if
2 applicable, section 536.028. This section and chapter 536 are
3 nonseverable and if any of the powers vested with the general
4 assembly pursuant to chapter 536 to review, to delay the
5 effective date, or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking
7 authority and any rule proposed or adopted after August 28, 2007,
8 shall be invalid and void.

9 5. Pursuant to section 23.253 of the Missouri sunset act:

10 (1) The program authorized under this section shall expire
11 on December 31, 2019, unless reauthorized by the general
12 assembly; and

13 (2) This section shall terminate on September first of the
14 calendar year immediately following the calendar year in which
15 the program authorized under this section is sunset; and

16 (3) The provisions of this subsection shall not be
17 construed to limit or in any way impair the department's ability
18 to redeem tax credits authorized on or before the date the
19 program authorized under this section expires or a taxpayer's
20 ability to redeem such tax credits.

21 173.260. 1. As used in this section, unless the context
22 clearly requires otherwise, the following terms mean:

23 (1) "Air ambulance pilot", a person certified as an air
24 ambulance pilot in accordance with sections 190.001 to 190.245
25 and corresponding regulations applicable to air ambulances
26 adopted by the department of health and senior services;

27 (2) "Air ambulance registered professional nurse", a person
28 licensed as a registered professional nurse in accordance with

1 sections 335.011 to 335.096 and corresponding regulations adopted
2 by the state board of nursing, 20 CSR 2200-4, et seq., who
3 provides registered professional nursing services as a flight
4 nurse in conjunction with an air ambulance program that is
5 certified in accordance with sections 190.001 to 190.245 and the
6 corresponding regulations applicable to such programs;

7 (3) "Air ambulance registered respiratory therapist", a
8 person licensed as a registered respiratory therapist in
9 accordance with sections 334.800 to 334.930 and corresponding
10 regulations adopted by the state board for respiratory care, who
11 provides respiratory therapy services in conjunction with an air
12 ambulance program that is certified in accordance with sections
13 190.001 to 190.245 and corresponding regulations applicable to
14 such programs;

15 (4) "Board", the coordinating board for higher education;

16 ~~[(2)]~~ (5) "Eligible child", the natural, adopted or
17 stepchild of a public safety officer or employee, as defined in
18 this section, who is less than twenty-four years of age and who
19 is a dependent of a public safety officer or employee or was a
20 dependent at the time of death or permanent and total disability
21 of a public safety officer or employee;

22 (6) "Emergency medical technician", a person licensed in
23 emergency medical care in accordance with standards prescribed by
24 sections 190.001 to 190.245 and by rules adopted by the
25 department of health and senior services under sections 190.001
26 to 190.245;

27 ~~[(3)]~~ (7) "Employee", any full-time employee of the
28 department of transportation engaged in the construction or

1 maintenance of the state's highways, roads and bridges;

2 (8) "Flight crew member", an individual engaged in flight
3 responsibilities with an air ambulance licensed in accordance
4 with sections 190.001 to 190.245 and corresponding regulations
5 applicable to such programs;

6 [(4)] (9) "Grant", the public safety officer or employee
7 survivor grant as established by this section;

8 [(5)] (10) "Institution of postsecondary education", any
9 approved public or private institution as defined in section
10 173.205;

11 [(6)] (11) "Line of duty", any action of a public safety
12 officer, whose primary function is crime control or reduction,
13 enforcement of the criminal law, or suppression of fires, is
14 authorized or obligated by law, rule, regulation or condition of
15 employment or service to perform;

16 [(7)] (12) "Public safety officer", any firefighter,
17 uniformed employee of the office of the state fire marshal,
18 emergency medical technician, police officer, capitol police
19 officer, parole officer, probation officer, state correctional
20 employee, water safety officer, park ranger, conservation officer
21 or highway patrolman employed by the state of Missouri or a
22 political subdivision thereof who is killed or permanently and
23 totally disabled in the line of duty or any emergency medical
24 technician, air ambulance pilot, air ambulance registered
25 professional nurse, air ambulance registered respiratory
26 therapist, or flight crew member who is killed or permanently and
27 totally disabled in the line of duty;

28 [(8)] (13) "Permanent and total disability", a disability

1 which renders a person unable to engage in any gainful work;

2 [(9)] (14) "Spouse", the husband, wife, widow or widower of
3 a public safety officer or employee at the time of death or
4 permanent and total disability of such public safety officer;

5 [(10)] (15) "Tuition", any tuition or incidental fee or
6 both charged by an institution of postsecondary education, as
7 defined in this section, for attendance at that institution by a
8 student as a resident of this state.

9 2. Within the limits of the amounts appropriated therefor,
10 the coordinating board for higher education shall provide, as
11 defined in this section, a grant for either of the following to
12 attend an institution of postsecondary education:

13 (1) An eligible child of a public safety officer or
14 employee killed or permanently and totally disabled in the line
15 of duty; or

16 (2) A spouse of a public safety officer killed or
17 permanently and totally disabled in the line of duty.

18 3. An eligible child or spouse may receive a grant under
19 this section only so long as the child or spouse is enrolled in a
20 program leading to a certificate, or an associate or
21 baccalaureate degree. In no event shall a child or spouse
22 receive a grant beyond the completion of the first baccalaureate
23 degree or, in the case of a child, age twenty-four years, except
24 that the child may receive a grant through the completion of the
25 semester or similar grading period in which the child reaches his
26 twenty-fourth year. No child or spouse shall receive more than
27 one hundred percent of tuition when combined with similar funds
28 made available to such child or spouse.

1 4. The coordinating board for higher education shall:

2 (1) Promulgate all necessary rules and regulations for the
3 implementation of this section;

4 (2) Determine minimum standards of performance in order for
5 a child or spouse to remain eligible to receive a grant under
6 this program;

7 (3) Make available on behalf of an eligible child or spouse
8 an amount toward the child's or spouse's tuition which is equal
9 to the grant to which the child or spouse is entitled under the
10 provisions of this section;

11 (4) Provide the forms and determine the procedures
12 necessary for an eligible child or spouse to apply for and
13 receive a grant under this program.

14 5. An eligible child or spouse who is enrolled or has been
15 accepted for enrollment as an undergraduate postsecondary student
16 at an approved institution of postsecondary education shall
17 receive a grant in an amount not to exceed the least of the
18 following:

19 (1) The actual tuition, as defined in this section, charged
20 at an approved institution where the child or spouse is enrolled
21 or accepted for enrollment; or

22 (2) The amount of tuition charged a Missouri resident at
23 the University of Missouri for attendance as a full-time student,
24 as defined in section 173.205.

25 6. An eligible child or spouse who is a recipient of a
26 grant may transfer from one approved public or private
27 institution of postsecondary education to another without losing
28 his entitlement under this section. The board shall make

1 necessary adjustments in the amount of the grant. If a grant
2 recipient at anytime withdraws from the institution of
3 postsecondary education so that under the rules and regulations
4 of that institution he is entitled to a refund of any tuition,
5 fees, or other charges, the institution shall pay the portion of
6 the refund to which he is entitled attributable to the grant for
7 that semester or similar grading period to the board.

8 7. If an eligible child or spouse is granted financial
9 assistance under any other student aid program, public or
10 private, the full amount of such aid shall be reported to the
11 board by the institution and the eligible child or spouse.

12 8. Nothing in this section shall be construed as a promise
13 or guarantee that a person will be admitted to an institution of
14 postsecondary education or to a particular institution of
15 postsecondary education, will be allowed to continue to attend an
16 institution of postsecondary education after having been
17 admitted, or will be graduated from an institution of
18 postsecondary education.

19 9. A public safety officer who is permanently and totally
20 disabled shall be eligible for a grant pursuant to the provisions
21 of this section.

22 10. An eligible child of a public safety officer or
23 employee, spouse of a public safety officer or public safety
24 officer shall cease to be eligible for a grant pursuant to this
25 section when such public safety officer or employee is no longer
26 permanently and totally disabled.

27 190.094. 1. Any ambulance licensed in this state, when
28 used as an ambulance and staffed with volunteer staff, shall be

1 staffed with a minimum of one emergency medical technician and
2 one other crew member who may be a licensed emergency medical
3 technician, registered nurse, physician, or someone who has [a
4 first] an emergency medical responder certification.

5 2. When transporting a patient, at least one licensed
6 emergency medical technician, registered nurse, or physician
7 shall be in attendance with the patient in the patient
8 compartment at all times.

9 3. For purposes of this section, "volunteer" shall mean an
10 individual who performs hours of service without promise,
11 expectation or receipt of compensation for services rendered.
12 Compensation such as a nominal stipend per call to compensate for
13 fuel, uniforms, and training shall not nullify the volunteer
14 status.

15 190.100. As used in sections 190.001 to 190.245, the
16 following words and terms mean:

17 (1) "Advanced emergency medical technician" or "AEMT", a
18 person who has successfully completed a course of instruction in
19 certain aspects of advanced life support care as prescribed by
20 the department and is licensed by the department in accordance
21 with sections 190.001 to 190.245 and rules and regulations
22 adopted by the department pursuant to sections 190.001 to
23 190.245;

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

1 [(2)] (3) "Ambulance", any privately or publicly owned
2 vehicle or craft that is specially designed, constructed or
3 modified, staffed or equipped for, and is intended or used,
4 maintained or operated for the transportation of persons who are
5 sick, injured, wounded or otherwise incapacitated or helpless, or
6 who require the presence of medical equipment being used on such
7 individuals, but the term does not include any motor vehicle
8 specially designed, constructed or converted for the regular
9 transportation of persons who are disabled, handicapped, normally
10 using a wheelchair, or otherwise not acutely ill, or emergency
11 vehicles used within airports;

12 [(3)] (4) "Ambulance service", a person or entity that
13 provides emergency or nonemergency ambulance transportation and
14 services, or both, in compliance with sections 190.001 to
15 190.245, and the rules promulgated by the department pursuant to
16 sections 190.001 to 190.245;

17 [(4)] (5) "Ambulance service area", a specific geographic
18 area in which an ambulance service has been authorized to
19 operate;

20 [(5)] (6) "Basic life support (BLS)", a basic level of
21 care, as provided to the adult and pediatric patient as defined
22 by national curricula, and any modifications to that curricula
23 specified in rules adopted by the department pursuant to sections
24 190.001 to 190.245;

25 [(6)] (7) "Council", the state advisory council on
26 emergency medical services;

27 [(7)] (8) "Department", the department of health and
28 senior services, state of Missouri;

1 [(8)] (9) "Director", the director of the department of
2 health and senior services or the director's duly authorized
3 representative;

4 [(9)] (10) "Dispatch agency", any person or organization
5 that receives requests for emergency medical services from the
6 public, by telephone or other means, and is responsible for
7 dispatching emergency medical services;

8 [(10)] (11) "Emergency", the sudden and, at the time,
9 unexpected onset of a health condition that manifests itself by
10 symptoms of sufficient severity that would lead a prudent
11 layperson, possessing an average knowledge of health and
12 medicine, to believe that the absence of immediate medical care
13 could result in:

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

17 (b) Serious impairment to a bodily function;

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

19 (d) Inadequately controlled pain;

20 [(11)] (12) "Emergency medical dispatcher", a person who
21 receives emergency calls from the public and has successfully
22 completed an emergency medical dispatcher course, meeting or
23 exceeding the national curriculum of the United States Department
24 of Transportation and any modifications to such curricula
25 specified by the department through rules adopted pursuant to
26 sections 190.001 to 190.245;

27 (13) "Emergency medical responder", a person who has
28 successfully completed an emergency first response course meeting

1 or exceeding the national curriculum of the U.S. Department of
2 Transportation and any modifications to such curricula specified
3 by the department through rules adopted under sections 190.001 to
4 190.245 and who provides emergency medical care through
5 employment by or in association with an emergency medical
6 response agency;

7 [(12)] (14) "Emergency medical response agency", any
8 person that regularly provides a level of care that includes
9 first response, basic life support or advanced life support,
10 exclusive of patient transportation;

11 [(13)] (15) "Emergency medical services for children
12 (EMS-C) system", the arrangement of personnel, facilities and
13 equipment for effective and coordinated delivery of pediatric
14 emergency medical services required in prevention and management
15 of incidents which occur as a result of a medical emergency or of
16 an injury event, natural disaster or similar situation;

17 [(14)] (16) "Emergency medical services (EMS) system", the
18 arrangement of personnel, facilities and equipment for the
19 effective and coordinated delivery of emergency medical services
20 required in prevention and management of incidents occurring as a
21 result of an illness, injury, natural disaster or similar
22 situation;

23 [(15)] (17) "Emergency medical technician", a person
24 licensed in emergency medical care in accordance with standards
25 prescribed by sections 190.001 to 190.245, and by rules adopted
26 by the department pursuant to sections 190.001 to 190.245;

27 [(16)] (18) "Emergency medical technician-basic" or
28 "EMT-B", a person who has successfully completed a course of

1 instruction in basic life support as prescribed by the department
2 and is licensed by the department in accordance with standards
3 prescribed by sections 190.001 to 190.245 and rules adopted by
4 the department pursuant to sections 190.001 to 190.245;

5 [(17)] (19) "Emergency medical technician-community
6 paramedic", "community paramedic", or "EMT-CP", a person who is
7 certified as an emergency medical technician-paramedic and is
8 certified by the department in accordance with standards
9 prescribed in section 190.098;

10 [(18) "Emergency medical technician-intermediate" or
11 "EMT-I", a person who has successfully completed a course of
12 instruction in certain aspects of advanced life support care as
13 prescribed by the department and is licensed by the department in
14 accordance with sections 190.001 to 190.245 and rules and
15 regulations adopted by the department pursuant to sections
16 190.001 to 190.245;]

17 [(19)] (20) "Emergency medical technician-paramedic" or
18 "EMT-P", a person who has successfully completed a course of
19 instruction in advanced life support care as prescribed by the
20 department and is licensed by the department in accordance with
21 sections 190.001 to 190.245 and rules adopted by the department
22 pursuant to sections 190.001 to 190.245;

23 [(20)] (21) "Emergency services", health care items and
24 services furnished or required to screen and stabilize an
25 emergency which may include, but shall not be limited to, health
26 care services that are provided in a licensed hospital's
27 emergency facility by an appropriate provider or by an ambulance
28 service or emergency medical response agency;

1 [(21) "First responder", a person who has successfully
2 completed an emergency first response course meeting or exceeding
3 the national curriculum of the United States Department of
4 Transportation and any modifications to such curricula specified
5 by the department through rules adopted pursuant to sections
6 190.001 to 190.245 and who provides emergency medical care
7 through employment by or in association with an emergency medical
8 response agency;]

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

12 (23) "Hospital", an establishment as defined in the
13 hospital licensing law, subsection 2 of section 197.020, or a
14 hospital operated by the state;

15 (24) "Medical control", supervision provided by or under
16 the direction of physicians [to providers by written or verbal
17 communications], or their designated registered nurse, including
18 both online medical control, instructions by radio, telephone, or
19 other means of direct communications, and offline medical control
20 through supervision by treatment protocols, case review,
21 training, and standing orders for treatment;

22 (25) "Medical direction", medical guidance and supervision
23 provided by a physician to an emergency services provider or
24 emergency medical services system;

25 (26) "Medical director", a physician licensed pursuant to
26 chapter 334 designated by the ambulance service or emergency
27 medical response agency and who meets criteria specified by the
28 department by rules pursuant to sections 190.001 to 190.245;

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

5 (28) "Patient", an individual who is sick, injured,
6 wounded, diseased, or otherwise incapacitated or helpless, or
7 dead, excluding deceased individuals being transported from or
8 between private or public institutions, homes or cemeteries, and
9 individuals declared dead prior to the time an ambulance is
10 called for assistance;

11 (29) "Person", as used in these definitions and elsewhere
12 in sections 190.001 to 190.245, any individual, firm,
13 partnership, copartnership, joint venture, association,
14 cooperative organization, corporation, municipal or private, and
15 whether organized for profit or not, state, county, political
16 subdivision, state department, commission, board, bureau or
17 fraternal organization, estate, public trust, business or common
18 law trust, receiver, assignee for the benefit of creditors,
19 trustee or trustee in bankruptcy, or any other service user or
20 provider;

21 (30) "Physician", a person licensed as a physician pursuant
22 to chapter 334;

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

27 (32) "Professional organization", any organized group or
28 association with an ongoing interest regarding emergency medical

1 services. Such groups and associations could include those
2 representing volunteers, labor, management, firefighters,
3 EMT-B's, nurses, EMT-P's, physicians, communications specialists
4 and instructors. Organizations could also represent the
5 interests of ground ambulance services, air ambulance services,
6 fire service organizations, law enforcement, hospitals, trauma
7 centers, communication centers, pediatric services, labor unions
8 and poison control services;

9 (33) "Proof of financial responsibility", proof of ability
10 to respond to damages for liability, on account of accidents
11 occurring subsequent to the effective date of such proof, arising
12 out of the ownership, maintenance or use of a motor vehicle in
13 the financial amount set in rules promulgated by the department,
14 but in no event less than the statutory minimum required for
15 motor vehicles. Proof of financial responsibility shall be used
16 as proof of self-insurance;

17 (34) "Protocol", a predetermined, written medical care
18 guideline, which may include standing orders;

19 (35) "Regional EMS advisory committee", a committee formed
20 within an emergency medical services (EMS) region to advise
21 ambulance services, the state advisory council on EMS and the
22 department;

23 (36) "Specialty care transportation", the transportation of
24 a patient requiring the services of an emergency medical
25 technician-paramedic who has received additional training beyond
26 the training prescribed by the department. Specialty care
27 transportation services shall be defined in writing in the
28 appropriate local protocols for ground and air ambulance services

1 and approved by the local physician medical director. The
2 protocols shall be maintained by the local ambulance service and
3 shall define the additional training required of the emergency
4 medical technician-paramedic;

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

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

15 (39) "State EMS medical directors advisory committee", a
16 subcommittee of the state advisory council on emergency medical
17 services formed to advise the state advisory council on emergency
18 medical services and the department on medical issues;

19 (40) "STEMI" or "ST-elevation myocardial infarction", a
20 type of heart attack in which impaired blood flow to the
21 patient's heart muscle is evidenced by ST-segment elevation in
22 electrocardiogram analysis, and as further defined in rules
23 promulgated by the department under sections 190.001 to 190.250;

24 (41) "STEMI care", includes education and prevention,
25 emergency transport, triage, and acute care and rehabilitative
26 services for STEMI that requires immediate medical or surgical
27 intervention or treatment;

28 (42) "STEMI center", a hospital that is currently

1 designated as such by the department to care for patients with
2 ST-segment elevation myocardial infarctions;

3 (43) "Stroke", a condition of impaired blood flow to a
4 patient's brain as defined by the department;

5 (44) "Stroke care", includes emergency transport, triage,
6 and acute intervention and other acute care services for stroke
7 that potentially require immediate medical or surgical
8 intervention or treatment, and may include education, primary
9 prevention, acute intervention, acute and subacute management,
10 prevention of complications, secondary stroke prevention, and
11 rehabilitative services;

12 (45) "Stroke center", a hospital that is currently
13 designated as such by the department;

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

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

20 (48) "Trauma center", a hospital that is currently
21 designated as such by the department.

22 190.101. 1. There is hereby established a "State Advisory
23 Council on Emergency Medical Services" which shall consist of
24 sixteen members, one of which shall be a resident of a city not
25 within a county. The members of the council shall be appointed
26 by the governor with the advice and consent of the senate and
27 shall serve terms of four years. The governor shall designate
28 one of the members as chairperson. The chairperson may appoint

1 subcommittees that include noncouncil members.

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

6 3. The council shall have geographical representation and
7 representation from appropriate areas of expertise in emergency
8 medical services including volunteers, professional organizations
9 involved in emergency medical services, EMT's, paramedics,
10 nurses, firefighters, physicians, ambulance service
11 administrators, hospital administrators and other health care
12 providers concerned with emergency medical services. The
13 regional EMS advisory committees shall serve as a resource for
14 the identification of potential members of the state advisory
15 council on emergency medical services.

16 4. The members of the council and subcommittees shall serve
17 without compensation except that members of the council shall,
18 subject to appropriations, be reimbursed for reasonable travel
19 expenses and meeting expenses related to the functions of the
20 council.

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

28 6. (1) There is hereby established a standing subcommittee

1 of the council to monitor the implementation of the recognition
2 of the EMS personnel licensure interstate compact under sections
3 190.900 to 190.939, the interstate commission for EMS personnel
4 practice, and the involvement of the state of Missouri. The
5 subcommittee shall meet at least biannually and receive reports
6 from the Missouri delegate to the interstate commission for EMS
7 personnel practice. The subcommittee shall consist of at least
8 seven members appointed by the chair of the council, to include
9 at least two members as recommended by the Missouri state council
10 of firefighters and one member as recommended by the Missouri
11 Association of Fire Chiefs. The subcommittee may submit reports
12 and recommendations to the council, the department of health and
13 senior services, the general assembly, and the governor regarding
14 the participation of Missouri with the recognition of the EMS
15 personnel licensure interstate compact.

16 (2) The subcommittee shall formally request a public
17 hearing for any rule proposed by the interstate commission for
18 EMS personnel practice in accordance with subsection 7 of section
19 190.930. The hearing request shall include the request that the
20 hearing be presented live through the internet. The Missouri
21 delegate to the interstate commission for EMS personnel practice
22 shall be responsible for ensuring that all hearings, notices of,
23 and related rulemaking communications as required by the compact
24 be communicated to the council and emergency medical services
25 personnel under the provisions of subsections 4, 5, 6, and 8 of
26 section 190.930.

27 (3) The department of health and senior services shall not
28 establish or increase fees for Missouri emergency medical

1 services personnel licensure in accordance with this chapter for
2 the purpose of creating the funds necessary for payment of an
3 annual assessment under subdivision (3) of subsection 5 of
4 section 190.924.

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. The state EMS medical director shall be the chair of the
21 state EMS medical director's advisory committee, and shall be
22 elected by the members of the regional EMS medical director's
23 advisory committee, shall serve a term of four years, and shall
24 seek to coordinate EMS services between the EMS regions, promote
25 educational efforts for agency medical directors, represent
26 Missouri EMS nationally in the role of the state EMS medical
27 director, and seek to incorporate the EMS system into the health
28 care system serving Missouri.

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

9 3. The medical director, in cooperation with the ambulance
10 service or emergency medical response agency administrator, shall
11 have the responsibility and the authority to ensure that the
12 personnel working under their supervision are able to provide
13 care meeting established standards of care with consideration for
14 state and national standards as well as local area needs and
15 resources. The medical director, in cooperation with the
16 ambulance service or emergency medical response agency
17 administrator, shall establish and develop triage, treatment and
18 transport protocols, which may include authorization for standing
19 orders. Emergency medical technicians shall only perform those
20 medical procedures as directed by treatment protocols approved by
21 the local medical director or when authorized through direct
22 communication with online medical control.

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

1 and rules adopted by the department pursuant to sections 190.001
2 to 190.245. The agreement shall also include grievance
3 procedures regarding the emergency medical response agency or
4 ambulance service, personnel and the medical director.

5 5. Regional EMS medical directors and the state EMS medical
6 director elected as provided under subsection 1 of this section
7 shall be considered public officials for purposes of sovereign
8 immunity, official immunity, and the Missouri public duty
9 doctrine defenses.

10 6. The state EMS medical director's advisory committee
11 shall be considered a peer review committee under section
12 537.035.

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

21 8. When developing treatment protocols for special needs
22 patients, regional EMS medical directors may promulgate such
23 protocols on a regional basis across multiple political
24 subdivisions' jurisdictional boundaries, and such protocols may
25 be used by multiple agencies including, but not limited to,
26 ambulance services, emergency response agencies, and public
27 health departments. Treatment protocols shall include steps to
28 ensure the receiving hospital is informed of the pending arrival

1 of the special needs patient, the condition of the patient, and
2 the treatment instituted.

3 9. Multiple EMS agencies including, but not limited to,
4 ambulance services, emergency response agencies, and public
5 health departments shall take necessary steps to follow the
6 regional EMS protocols established as provided under subsection 8
7 of this section in cases of mass casualty or state-declared
8 disaster incidents.

9 10. When regional EMS medical directors develop and
10 implement treatment protocols for patients or provide online
11 medical direction for patients, such activity shall not be
12 construed as having usurped local medical direction authority in
13 any manner.

14 11. Notwithstanding any other provision of law to the
15 contrary, when regional EMS medical directors are providing
16 either online telecommunication medical direction to AEMTs,
17 EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics, or offline
18 medical direction per standardized EMS treatment, triage, and
19 transport protocols for patients, those medical directions or
20 treatment protocols may include the administration of the
21 patient's own prescription medications.

22 190.105. 1. No person, either as owner, agent or
23 otherwise, shall furnish, operate, conduct, maintain, advertise,
24 or otherwise be engaged in or profess to be engaged in the
25 business or service of the transportation of patients by
26 ambulance in the air, upon the streets, alleys, or any public way
27 or place of the state of Missouri unless such person holds a
28 currently valid license from the department for an ambulance

1 service issued pursuant to the provisions of sections 190.001 to
2 190.245.

3 2. No ground ambulance shall be operated for ambulance
4 purposes, and no individual shall drive, attend or permit it to
5 be operated for such purposes in the state of Missouri unless the
6 ground ambulance is under the immediate supervision and direction
7 of a person who is holding a currently valid Missouri license as
8 an emergency medical technician. Nothing in this section shall
9 be construed to mean that a duly registered nurse or a duly
10 licensed physician be required to hold an emergency medical
11 technician's license. Each ambulance service is responsible for
12 assuring that any person driving its ambulance is competent in
13 emergency vehicle operations and has a safe driving record. Each
14 ground ambulance shall be staffed with at least two licensed
15 individuals when transporting a patient, except as provided in
16 section 190.094. In emergency situations which require
17 additional medical personnel to assist the patient during
18 transportation, [a first] an emergency medical responder,
19 firefighter, or law enforcement personnel with a valid driver's
20 license and prior experience with driving emergency vehicles may
21 drive the ground ambulance provided the ground ambulance service
22 stipulates to this practice in operational policies.

23 3. No license shall be required for an ambulance service,
24 or for the attendant of an ambulance, which:

25 (1) Is rendering assistance in the case of an emergency,
26 major catastrophe or any other unforeseen event or series of
27 events which jeopardizes the ability of the local ambulance
28 service to promptly respond to emergencies; or

1 (2) Is operated from a location or headquarters outside of
2 Missouri in order to transport patients who are picked up beyond
3 the limits of Missouri to locations within or outside of
4 Missouri, but no such outside ambulance shall be used to pick up
5 patients within Missouri for transportation to locations within
6 Missouri, except as provided in subdivision (1) of this
7 subsection.

8 4. The issuance of a license pursuant to the provisions of
9 sections 190.001 to 190.245 shall not be construed so as to
10 authorize any person to provide ambulance services or to operate
11 any ambulances without a franchise in any city not within a
12 county or in a political subdivision in any county with a
13 population of over nine hundred thousand inhabitants, or a
14 franchise, contract or mutual-aid agreement in any other
15 political subdivision which has enacted an ordinance making it
16 unlawful to do so.

17 5. Sections 190.001 to 190.245 shall not preclude the
18 adoption of any law, ordinance or regulation not in conflict with
19 such sections by any city not within a county, or at least as
20 strict as such sections by any county, municipality or political
21 subdivision except that no such regulations or ordinances shall
22 be adopted by a political subdivision in a county with a
23 population of over nine hundred thousand inhabitants except by
24 the county's governing body.

25 6. In a county with a population of over nine hundred
26 thousand inhabitants, the governing body of the county shall set
27 the standards for all ambulance services which shall comply with
28 subsection 5 of this section. All such ambulance services must

1 be licensed by the department. The governing body of such county
2 shall not prohibit a licensed ambulance service from operating in
3 the county, as long as the ambulance service meets county
4 standards.

5 7. An ambulance service or vehicle when operated for the
6 purpose of transporting persons who are sick, injured, or
7 otherwise incapacitated shall not be treated as a common or
8 contract carrier under the jurisdiction of the Missouri division
9 of motor carrier and railroad safety.

10 8. Sections 190.001 to 190.245 shall not apply to, nor be
11 construed to include, any motor vehicle used by an employer for
12 the transportation of such employer's employees whose illness or
13 injury occurs on private property, and not on a public highway or
14 property, nor to any person operating such a motor vehicle.

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

20 10. Except as provided in subsections 5 and 6, nothing in
21 section 67.300, or subsection 2 of section 190.109, shall be
22 construed to authorize any municipality or county which is
23 located within an ambulance district or a fire protection
24 district that is authorized to provide ambulance service to
25 promulgate laws, ordinances or regulations related to the
26 provision of ambulance services. This provision shall not apply
27 to any municipality or county which operates an ambulance service
28 established prior to August 28, 1998.

1 11. Nothing in section 67.300 or subsection 2 of section
2 190.109 shall be construed to authorize any municipality or
3 county which is located within an ambulance district or a fire
4 protection district that is authorized to provide ambulance
5 service to operate an ambulance service without a franchise in an
6 ambulance district or a fire protection district that is
7 authorized to provide ambulance service which has enacted an
8 ordinance making it unlawful to do so. This provision shall not
9 apply to any municipality or county which operates an ambulance
10 service established prior to August 28, 1998.

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

17 13. No provision of this section, other than subsections 5,
18 6, 10 and 11 of this section, is intended to limit or supersede
19 the powers given to ambulance districts pursuant to this chapter
20 or to fire protection districts pursuant to chapter 321, or to
21 counties, cities, towns and villages pursuant to chapter 67.

22 14. Upon the sale or transfer of any ground ambulance
23 service ownership, the owner of such service shall notify the
24 department of the change in ownership within thirty days of such
25 sale or transfer. After receipt of such notice, the department
26 shall conduct an inspection of the ambulance service to verify
27 compliance with the licensure standards of sections 190.001 to
28 190.245.

1 190.131. 1. The department shall accredit or certify
2 training entities for [first] emergency medical responders,
3 emergency medical dispatchers, and emergency medical
4 [technicians-basic, emergency medical technicians-intermediate,
5 and emergency medical technicians-paramedic] technicians, for a
6 period of five years, if the applicant meets the requirements
7 established pursuant to sections 190.001 to 190.245.

8 2. Such rules promulgated by the department shall set forth
9 the minimum requirements for entrance criteria, training program
10 curricula, instructors, facilities, equipment, medical oversight,
11 record keeping, and reporting.

12 3. Application for training entity accreditation or
13 certification shall be made upon such forms as prescribed by the
14 department in rules adopted pursuant to sections 190.001 to
15 190.245. The application form shall contain such information as
16 the department deems reasonably necessary to make a determination
17 as to whether the training entity meets all requirements of
18 sections 190.001 to 190.245 and rules promulgated pursuant to
19 sections 190.001 to 190.245.

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

26 5. Upon finding these requirements satisfied, the
27 department shall issue a training entity accreditation or
28 certification in accordance with rules promulgated by the

1 department pursuant to sections 190.001 to 190.245.

2 6. Subsequent to the issuance of a training entity
3 accreditation or certification, the department shall cause a
4 periodic review of the training entity to assure continued
5 compliance with the requirements of sections 190.001 to 190.245
6 and all rules promulgated pursuant to sections 190.001 to
7 190.245.

8 7. No person or entity shall hold itself out or provide
9 training required by this section without accreditation or
10 certification by the department.

11 190.142. 1. (1) For applications submitted before the
12 recognition of EMS personnel licensure interstate compact under
13 sections 190.900 to 190.939 takes effect, the department shall,
14 within a reasonable time after receipt of an application, cause
15 such investigation as it deems necessary to be made of the
16 applicant for an emergency medical technician's license.

17 (2) For applications submitted after the recognition of EMS
18 personnel licensure interstate compact under sections 190.900 to
19 190.939 takes effect, an applicant for initial licensure as an
20 emergency medical technician in this state shall submit to a
21 background check by the Missouri state highway patrol and the
22 Federal Bureau of Investigation through a process approved by the
23 department of health and senior services. Such processes may
24 include the use of vendors or systems administered by the
25 Missouri state highway patrol. The department may share the
26 results of such a criminal background check with any emergency
27 services licensing agency in any member state, as that term is
28 defined under section 190.900, in recognition of the EMS

1 personnel licensure interstate compact. The department shall not
2 issue a license until the department receives the results of an
3 applicant's criminal background check from the Missouri state
4 highway patrol and the Federal Bureau of Investigation, but,
5 notwithstanding this subsection, the department may issue a
6 temporary license as provided under section 190.143. Any fees
7 due for a criminal background check shall be paid by the
8 applicant.

9 (3) The director may authorize investigations into criminal
10 records in other states for any applicant.

11 2. The department shall issue a license to all levels of
12 emergency medical technicians, for a period of five years, if the
13 applicant meets the requirements established pursuant to sections
14 190.001 to 190.245 and the rules adopted by the department
15 pursuant to sections 190.001 to 190.245. The department may
16 promulgate rules relating to the requirements for an emergency
17 medical technician including but not limited to:

18 (1) Age requirements;

19 (2) Emergency medical technician and paramedic education
20 and training requirements based on respective [national curricula
21 of the United States Department of Transportation] National
22 Emergency Medical Services Education Standards and any
23 modification to such curricula specified by the department
24 through rules adopted pursuant to sections 190.001 to 190.245;

25 (3) Paramedic accreditation requirements. Paramedic
26 training programs shall be accredited by the Commission on
27 Accreditation of Allied Health Education Programs (CAAHEP) or
28 hold a CAAHEP letter of review;

1 (4) Initial licensure testing requirements. Initial EMT-P
2 licensure testing shall be through the national registry of EMTs
3 [or examinations developed and administered by the department of
4 health and senior services];

5 [(4)] (5) Continuing education and relicensure
6 requirements; and

7 [(5)] (6) Ability to speak, read and write the English
8 language.

9 3. Application for all levels of emergency medical
10 technician license shall be made upon such forms as prescribed by
11 the department in rules adopted pursuant to sections 190.001 to
12 190.245. The application form shall contain such information as
13 the department deems necessary to make a determination as to
14 whether the emergency medical technician meets all the
15 requirements of sections 190.001 to 190.245 and rules promulgated
16 pursuant to sections 190.001 to 190.245.

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

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

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

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

27 6. Any rule or portion of a rule, as that term is defined
28 in section 536.010, that is created under the authority delegated

1 in this section shall become effective only if it complies with
2 and is subject to all of the provisions of chapter 536 and, if
3 applicable, section 536.028. This section and chapter 536 are
4 nonseverable and if any of the powers vested with the general
5 assembly pursuant to chapter 536 to review, to delay the
6 effective date, or to disapprove and annul a rule are
7 subsequently held unconstitutional, then the grant of rulemaking
8 authority and any rule proposed or adopted after August 28, 2002,
9 shall be invalid and void.

10 190.143. 1. Notwithstanding any other provisions of law,
11 the department may grant a ninety-day temporary emergency medical
12 technician license to all levels of emergency medical technicians
13 who meet the following:

14 (1) Can demonstrate that they have, or will have,
15 employment requiring an emergency medical technician license;

16 (2) Are not currently licensed as an emergency medical
17 technician in Missouri or have been licensed as an emergency
18 medical technician in Missouri and fingerprints need to be
19 submitted to the Federal Bureau of Investigation to verify the
20 existence or absence of a criminal history, or they are currently
21 licensed and the license will expire before a verification can be
22 completed of the existence or absence of a criminal history;

23 (3) Have submitted a complete application upon such forms
24 as prescribed by the department in rules adopted pursuant to
25 sections 190.001 to 190.245;

26 (4) Have not been disciplined pursuant to sections 190.001
27 to 190.245 and rules promulgated pursuant to sections 190.001 to
28 190.245;

1 (5) Meet all the requirements of rules promulgated pursuant
2 to sections 190.001 to 190.245.

3 2. A temporary emergency medical technician license shall
4 only authorize the license to practice while under the immediate
5 supervision of a licensed emergency medical [technician-basic,
6 emergency medical technician-intermediate, emergency medical
7 technician-paramedic] technician, registered nurse, or physician
8 who is currently licensed, without restrictions, to practice in
9 Missouri.

10 3. A temporary emergency medical technician license shall
11 automatically expire either ninety days from the date of issuance
12 or upon the issuance of a five-year emergency medical technician
13 license.

14 190.147. 1. An EMT-P may make a good faith determination
15 that behavioral health patients who present a likelihood of
16 serious harm to themselves or others, as the term "likelihood of
17 serious harm" is defined under section 632.005, or who are
18 significantly incapacitated by alcohol or drugs shall be placed
19 into a temporary hold for the sole purpose of transport to the
20 nearest appropriate facility. Such determination shall be made
21 in cooperation with at least one other EMT-P or other health care
22 professional involved in the transport. Once in a temporary
23 hold, the patient shall be treated with humane care in a manner
24 that preserves human dignity, consistent with applicable federal
25 regulations and nationally recognized guidelines regarding the
26 appropriate use of temporary holds and restraints in medical
27 transport. Prior to making such a determination:

28 (1) The EMT-P shall have completed a standard crisis

1 intervention training course as endorsed and developed by the
2 state EMS medical director's advisory committee;

3 (2) The EMT-P shall have been authorized by his or her
4 ground or air ambulance service's administration and medical
5 director under subsection 3 of section 190.103; and

6 (3) The EMT-P's ground or air ambulance service has
7 developed and adopted standardized triage, treatment, and
8 transport protocols under subsection 3 of section 190.103, which
9 address the challenge of treating and transporting such patients.
10 Such protocols shall:

11 (a) Be reviewed and approved by the state EMS medical
12 director's advisory committee;

13 (b) Direct the EMT-P regarding the proper use of patient
14 restraint and coordination with area law enforcement; and

15 (c) Be based upon current applicable national guidelines.

16 2. In any instance in which a good faith determination for
17 a temporary hold of a patient has been made, such hold shall be
18 made in a clinically appropriate and adequately justified manner,
19 and shall be documented and attested to in writing. The writing
20 shall be retained by the ambulance service and included as part
21 of the patient's medical file.

22 3. EMT-Ps who have made a good faith decision for a
23 temporary hold of a patient as authorized by this section shall
24 no longer have to rely on the common law doctrine of implied
25 consent and therefore shall not be civilly liable for a good
26 faith determination made in accordance with this section and
27 shall not have waived any sovereign immunity defense, official
28 immunity defense, or Missouri public duty doctrine defense if

1 employed at the time of the good faith determination by a
2 government employer.

3 4. Any ground or air ambulance service that adopts the
4 authority and protocols provided for by this section shall have a
5 memorandum of understanding with applicable local law enforcement
6 agencies in order to achieve a collaborative and coordinated
7 response to patients displaying symptoms of either a likelihood
8 of serious harm to themselves or others or significant
9 incapacitation by alcohol or drugs, which require a crisis
10 intervention response. The memorandum of understanding shall
11 include, but not be limited to, the following:

12 (1) Administrative oversight, including coordination
13 between ambulance services and law enforcement agencies;

14 (2) Patient restraint techniques and coordination of agency
15 responses to situations in which patient restraint may be
16 required;

17 (3) Field interaction between paramedics and law
18 enforcement, including patient destination and transportation;
19 and

20 (4) Coordination of program quality assurance.

21 5. The physical restraint of a patient by an emergency
22 medical technician under the authority of this section shall be
23 permitted only in order to provide for the safety of bystanders,
24 the patient, or emergency personnel due to an imminent or
25 immediate danger, or upon approval by local medical control
26 through direct communications. Restraint shall also be permitted
27 through cooperation with on-scene law enforcement officers. All
28 incidents involving patient restraint used under the authority of

1 this section shall be reviewed by the ambulance service physician
2 medical director.

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

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

22 (1) Use or unlawful possession of any controlled substance,
23 as defined in chapter 195, or alcoholic beverage to an extent
24 that such use impairs a person's ability to perform the work of
25 any activity licensed or regulated by sections 190.100 to
26 190.245;

27 (2) Being finally adjudicated and found guilty, or having
28 entered a plea of guilty or nolo contendere, in a criminal

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

8 (3) Use of fraud, deception, misrepresentation or bribery
9 in securing any certificate, permit or license issued pursuant to
10 sections 190.100 to 190.245 or in obtaining permission to take
11 any examination given or required pursuant to sections 190.100 to
12 190.245;

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

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

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

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

27 (8) Disciplinary action against the holder of a license or
28 other right to practice any activity regulated by sections

1 190.100 to 190.245 granted by another state, territory, federal
2 agency or country upon grounds for which revocation or suspension
3 is authorized in this state;

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

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

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

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

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

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

20 (15) Refusal of any applicant or licensee to respond to
21 reasonable department of health and senior 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
9 certificate, permit, or license required by sections 190.100 to
10 190.245]; and

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

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. The administrative hearing commission shall
2 hear all relevant evidence on remediation activities of the
3 licensee and shall make a recommendation to the department of
4 health and senior services as to licensure disposition based on
5 such evidence.

6 5. An individual whose license has been revoked shall wait
7 one year from the date of revocation to apply for relicensure.
8 Relicensure shall be at the discretion of the department after
9 compliance with all the requirements of sections 190.100 to
10 190.245 relative to the licensing of an applicant for the first
11 time. Any individual whose license has been revoked twice within
12 a ten-year period shall not be eligible for relicensure.

13 6. The department may notify the proper licensing authority
14 of any other state in which the person whose license was
15 suspended or revoked was also licensed of the suspension or
16 revocation.

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

22 8. The department of health and senior services may suspend
23 any certificate, permit or license required pursuant to sections
24 190.100 to 190.245 simultaneously with the filing of the
25 complaint with the administrative hearing commission as set forth
26 in subsection 2 of this section, if the department finds that
27 there is an imminent threat to the public health. The notice of
28 suspension shall include the basis of the suspension and notice

1 of the right to appeal such suspension. The licensee may appeal
2 the decision to suspend the license, certificate or permit to the
3 department. The appeal shall be filed within ten days from the
4 date of the filing of the complaint. A hearing shall be
5 conducted by the department within ten days from the date the
6 appeal is filed. The suspension shall continue in effect until
7 the conclusion of the proceedings, including review thereof,
8 unless sooner withdrawn by the department, dissolved by a court
9 of competent jurisdiction or stayed by the administrative hearing
10 commission.

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

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

28 3. Any information regarding the physical address, mailing

1 address, phone number, fax number, or email address of a licensed
2 ambulance service or a certified training entity, including the
3 name of the medical director and organizational contact
4 information, shall not be confidential.

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

10 5. Nothing in this section shall prohibit the department
11 from releasing aggregate information in accordance with section
12 192.067.

13 190.196. 1. No employer shall knowingly employ or permit
14 any employee to perform any services for which a license,
15 certificate or other authorization is required by sections
16 190.001 to 190.245, or by rules adopted pursuant to sections
17 190.001 to 190.245, unless and until the person so employed
18 possesses all licenses, certificates or authorizations that are
19 required.

20 2. Any person or entity that employs or supervises a
21 person's activities as [a first] an emergency medical responder,
22 emergency medical dispatcher, emergency medical
23 [technician-basic, emergency medical technician-intermediate,
24 emergency medical technician-paramedic] technician, registered
25 nurse, or physician shall cooperate with the department's efforts
26 to monitor and enforce compliance by those individuals subject to
27 the requirements of sections 190.001 to 190.245.

28 3. Any person or entity who employs individuals licensed by

1 the department pursuant to sections 190.001 to 190.245 shall
2 report to the department within seventy-two hours of their having
3 knowledge of any charges filed against a licensee in their employ
4 for possible criminal action involving the following felony
5 offenses:

6 (1) Child abuse or sexual abuse of a child;

7 (2) Crimes of violence; or

8 (3) Rape or sexual abuse.

9 4. Any licensee who has charges filed against him or her
10 for the felony offenses in subsection 3 of this section shall
11 report such an occurrence to the department within seventy-two
12 hours of the charges being filed.

13 5. The department will monitor these reports for possible
14 licensure action authorized pursuant to section 190.165.

15 190.246. 1. As used in this section, the following terms
16 shall mean:

17 (1) "Eligible person, firm, organization or other entity",
18 an ambulance service or emergency medical response agency, [a
19 certified first] an emergency medical responder, [emergency
20 medical technical-basic] or an emergency medical
21 [technician-paramedic] technician who is employed by, or an
22 enrolled member, person, firm, organization or entity designated
23 by, rule of the department of health and senior services in
24 consultation with other appropriate agencies. All such eligible
25 persons, firms, organizations or other entities shall be subject
26 to the rules promulgated by the director of the department of
27 health and senior services;

28 (2) "Emergency health care provider":

1 (a) A physician licensed pursuant to chapter 334 with
2 knowledge and experience in the delivery of emergency care; or

3 (b) A hospital licensed pursuant to chapter 197 that
4 provides emergency care.

5 2. Possession and use of epinephrine auto-injector devices
6 shall be limited as follows:

7 (1) No person shall use an epinephrine auto-injector device
8 unless such person has successfully completed a training course
9 in the use of epinephrine auto-injector devices approved by the
10 director of the department of health and senior services.

11 Nothing in this section shall prohibit the use of an epinephrine
12 auto-injector device:

13 (a) By a health care professional licensed or certified by
14 this state who is acting within the scope of his or her practice;
15 or

16 (b) By a person acting pursuant to a lawful prescription;

17 (2) Every person, firm, organization and entity authorized
18 to possess and use epinephrine auto-injector devices pursuant to
19 this section shall use, maintain and dispose of such devices in
20 accordance with the rules of the department;

21 (3) Every use of an epinephrine auto-injector device
22 pursuant to this section shall immediately be reported to the
23 emergency health care provider.

24 3. (1) Use of an epinephrine auto-injector device pursuant
25 to this section shall be considered first aid or emergency
26 treatment for the purpose of any law relating to liability.

27 (2) Purchase, acquisition, possession or use of an
28 epinephrine auto-injector device pursuant to this section shall

1 not constitute the unlawful practice of medicine or the unlawful
2 practice of a profession.

3 (3) Any person otherwise authorized to sell or provide an
4 epinephrine auto-injector device may sell or provide it to a
5 person authorized to possess it pursuant to this section.

6 4. Any person, firm, organization or entity that violates
7 the provisions of this section is guilty of a class B
8 misdemeanor.

9 190.900. 1. The "Recognition of EMS Personnel Licensure
10 Interstate Compact" (REPLICA) is hereby enacted into law and
11 entered into with all other jurisdictions legally joining
12 therein, in the form substantially as follows in sections 190.900
13 to 190.939.

14 2. As used in sections 190.900 to 190.939, the following
15 terms mean:

16 (1) "Advanced emergency medical technician" or "AEMT", an
17 individual licensed with cognitive knowledge and a scope of
18 practice that corresponds to that level in the National EMS
19 Education Standards and National EMS Scope of Practice Model;

20 (2) "Adverse action", any administrative, civil, equitable,
21 or criminal action permitted by a state's laws that may be
22 imposed against licensed EMS personnel by a state EMS authority
23 or state court including, but not limited to, actions against an
24 individual's license such as revocation, suspension, probation,
25 consent agreement, monitoring or other limitation, or encumbrance
26 on the individual's practice, letters of reprimand or admonition,
27 finances, criminal convictions, and state court judgments enforcing
28 adverse actions by the state EMS authority;

1 (3) "Alternative program", a voluntary, nondisciplinary
2 substance abuse recovery program approved by the state EMS
3 authority;

4 (4) "Certification", the successful verification of entry-
5 level cognitive and psychomotor competency using a reliable,
6 validated, and legally defensible examination;

7 (5) "Commission", the national administrative body of which
8 all states that have enacted the compact are members;

9 (6) "Emergency medical technician" or "EMT", an individual
10 licensed with cognitive knowledge and a scope of practice that
11 corresponds to that level in the National EMS Education Standards
12 and National EMS Scope of Practice Model;

13 (7) "EMS", emergency medical services;

14 (8) "Home state", a member state where an individual is
15 licensed to practice emergency medical services;

16 (9) "License", the authorization by a state for an
17 individual to practice as an EMT, AEMT, paramedic, or a level in
18 between EMT and paramedic;

19 (10) "Medical director", a physician licensed in a member
20 state who is accountable for the care delivered by EMS personnel;

21 (11) "Member state", a state that has enacted this compact;

22 (12) "Paramedic", an individual licensed with cognitive
23 knowledge and a scope of practice that corresponds to that level
24 in the National EMS Education Standards and National EMS Scope of
25 Practice Model;

26 (13) "Privilege to practice", an individual's authority to
27 deliver emergency medical services in remote states as authorized
28 under this compact;

1 (14) "Remote state", a member state in which an individual
2 is not licensed;

3 (15) "Restricted", the outcome of an adverse action that
4 limits a license or the privilege to practice;

5 (16) "Rule", a written statement by the interstate
6 commission promulgated under section 190.930 of this compact that
7 is of general applicability; implements, interprets, or
8 prescribes a policy or provision of the compact; or is an
9 organizational, procedural, or practice requirement of the
10 commission and has the force and effect of statutory law in a
11 member state and includes the amendment, repeal, or suspension of
12 an existing rule;

13 (17) "Scope of practice", defined parameters of various
14 duties or services that may be provided by an individual with
15 specific credentials. Whether regulated by rule, statute, or
16 court decision, it tends to represent the limits of services an
17 individual may perform;

18 (18) "Significant investigatory information":

19 (a) Investigative information that a state EMS authority,
20 after a preliminary inquiry that includes notification and an
21 opportunity to respond if required by state law, has reason to
22 believe, if proven true, would result in the imposition of an
23 adverse action on a license or privilege to practice; or

24 (b) Investigative information that indicates that the
25 individual represents an immediate threat to public health and
26 safety, regardless of whether the individual has been notified
27 and had an opportunity to respond;

28 (19) "State", any state, commonwealth, district, or

1 territory of the United States;

2 (20) "State EMS authority", the board, office, or other
3 agency with the legislative mandate to license EMS personnel.

4 190.903. 1. Any member state in which an individual holds
5 a current license shall be deemed a home state for purposes of
6 this compact.

7 2. Any member state may require an individual to obtain and
8 retain a license to be authorized to practice in the member state
9 under circumstances not authorized by the privilege to practice
10 under the terms of this compact.

11 3. A home state's license authorizes an individual to
12 practice in a remote state under the privilege to practice only
13 if the home state:

14 (1) Currently requires the use of the National Registry of
15 Emergency Medical Technicians (NREMT) examination as a condition
16 of issuing initial licenses at the EMT and paramedic levels;

17 (2) Has a mechanism in place for receiving and
18 investigating complaints about individuals;

19 (3) Notifies the commission, in compliance with the terms
20 herein, of any adverse action or significant investigatory
21 information regarding an individual;

22 (4) No later than five years after activation of the
23 compact, requires a criminal background check of all applicants
24 for initial licensure, including the use of the results of
25 fingerprint or other biometric data checks compliant with the
26 requirements of the Federal Bureau of Investigation, with the
27 exception of federal employees who have suitability determination
28 in accordance with 5 CFR 731.202 and submit documentation of such

1 as promulgated in the rules of the commission; and

2 (5) Complies with the rules of the commission.

3 190.906. 1. Member states shall recognize the privilege to
4 practice of an individual licensed in another member state that
5 is in conformance with section 190.903.

6 2. To exercise the privilege to practice under the terms
7 and provisions of this compact, an individual shall:

8 (1) Be at least eighteen years of age;

9 (2) Possess a current unrestricted license in a member
10 state as an EMT, AEMT, paramedic, or state-recognized and
11 licensed level with a scope of practice and authority between EMT
12 and paramedic; and

13 (3) Practice under the supervision of a medical director.

14 3. An individual providing patient care in a remote state
15 under the privilege to practice shall function within the scope
16 of practice authorized by the home state unless and until
17 modified by an appropriate authority in the remote state, as may
18 be defined in the rules of the commission.

19 4. Except as provided in subsection 3 of this section, an
20 individual practicing in a remote state shall be subject to the
21 remote state's authority and laws. A remote state may, in
22 accordance with due process and that state's laws, restrict,
23 suspend, or revoke an individual's privilege to practice in the
24 remote state and may take any other necessary actions to protect
25 the health and safety of its citizens. If a remote state takes
26 action, it shall promptly notify the home state and the
27 commission.

28 5. If an individual's license in any home state is

1 restricted, suspended, or revoked, the individual shall not be
2 eligible to practice in a remote state under the privilege to
3 practice until the individual's home state license is restored.

4 6. If an individual's privilege to practice in any remote
5 state is restricted, suspended, or revoked, the individual shall
6 not be eligible to practice in any remote state until the
7 individual's privilege to practice is restored.

8 190.909. An individual may practice in a remote state under
9 a privilege to practice only in the performance of the
10 individual's EMS duties as assigned by an appropriate authority,
11 as defined in the rules of the commission, and under the
12 following circumstances:

13 (1) The individual originates a patient transport in a home
14 state and transports the patient to a remote state;

15 (2) The individual originates in the home state and enters
16 a remote state to pick up a patient and provides care and
17 transport of the patient to the home state;

18 (3) The individual enters a remote state to provide patient
19 care or transport within that remote state;

20 (4) The individual enters a remote state to pick up a
21 patient and provides care and transport to a third member state;
22 or

23 (5) Other conditions as determined by rules promulgated by
24 the commission.

25 190.912. Upon a member state's governor's declaration of a
26 state of emergency or disaster that activates the Emergency
27 Management Assistance Compact (EMAC), all relevant terms and
28 provisions of EMAC shall apply, and to the extent any terms or

1 provisions of this compact conflict with EMAC, the terms of EMAC
2 shall prevail with respect to any individual practicing in the
3 remote state in response to such declaration.

4 190.915. 1. Member states shall consider a veteran, active
5 military service member, or member of the National Guard and
6 Reserves separating from an active duty tour, or a spouse
7 thereof, who holds a current, valid, and unrestricted NREMT
8 certification at or above the level of the state license being
9 sought as satisfying the minimum training and examination
10 requirements for such licensure.

11 2. Member states shall expedite the process of licensure
12 applications submitted by veterans, active military service
13 members, or members of the National Guard and Reserves separating
14 from an active duty tour, or their spouses.

15 3. All individuals functioning with a privilege to practice
16 under this section remain subject to the adverse action
17 provisions of section 190.918.

18 190.918. 1. A home state shall have exclusive power to
19 impose adverse action against an individual's license issued by
20 the home state.

21 2. If an individual's license in any home state is
22 restricted, suspended, or revoked, the individual shall not be
23 eligible to practice in a remote state under the privilege to
24 practice until the individual's home state license is restored.

25 (1) All home state adverse action orders shall include a
26 statement that the individual's compact privileges are inactive.
27 The order may allow the individual to practice in remote states
28 with prior written authorization from both the home state and the

1 remote state's EMS authority.

2 (2) An individual currently subject to adverse action in
3 the home state shall not practice in any remote state without
4 prior written authorization from both the home state and remote
5 state's EMS authority.

6 3. A member state shall report adverse actions and any
7 occurrences that the individual's compact privileges are
8 restricted, suspended, or revoked to the commission in accordance
9 with the rules of the commission.

10 4. A remote state may take adverse action on an
11 individual's privilege to practice within that state.

12 5. Any member state may take adverse action against an
13 individual's privilege to practice in that state based on the
14 factual findings of another member state, so long as each state
15 follows its own procedures for imposing such adverse action.

16 6. A home state's EMS authority shall coordinate
17 investigative activities, share information via the coordinated
18 database, and take appropriate action with respect to reported
19 conduct in a remote state as it would if such conduct had
20 occurred within the home state. In such cases, the home state's
21 law shall control in determining the appropriate adverse action.

22 7. Nothing in this compact shall override a member state's
23 decision that participation in an alternative program may be used
24 in lieu of adverse action and that such participation shall
25 remain nonpublic if required by the member state's laws. Member
26 states shall require individuals who enter any alternative
27 programs to agree not to practice in any other member state
28 during the term of the alternative program without prior

1 authorization from such other member state.

2 190.921. A member state's EMS authority, in addition to any
3 other powers granted under state law, is authorized under this
4 compact to:

5 (1) Issue subpoenas for both hearings and investigations
6 that require the attendance and testimony of witnesses and the
7 production of evidence. Subpoenas issued by a member state's EMS
8 authority for the attendance and testimony of witnesses or the
9 production of evidence from another member state shall be
10 enforced in the remote state by any court of competent
11 jurisdiction according to that court's practice and procedure in
12 considering subpoenas issued in its own proceedings. The issuing
13 state's EMS authority shall pay any witness fees, travel
14 expenses, mileage, and other fees required by the service
15 statutes of the state where the witnesses or evidence is located;
16 and

17 (2) Issue cease and desist orders to restrict, suspend, or
18 revoke an individual's privilege to practice in the state.

19 190.924. 1. The compact states hereby create and establish
20 a joint public agency known as the "Interstate Commission for EMS
21 Personnel Practice".

22 (1) The commission is a body politic and an instrumentality
23 of the compact states.

24 (2) Venue is proper and judicial proceedings by or against
25 the commission shall be brought solely and exclusively in a court
26 of competent jurisdiction where the principal office of the
27 commission is located. The commission may waive venue and
28 jurisdictional defenses to the extent it adopts or consents to

1 participate in alternative dispute resolution proceedings.

2 (3) Nothing in this compact shall be construed to be a
3 waiver of sovereign immunity.

4 2. Each member state shall have and be limited to one
5 delegate. The responsible official of the state EMS authority or
6 his or her designee shall be the delegate to this compact for
7 each member state. Any delegate may be removed or suspended from
8 office as provided by the law of the state from which the
9 delegate is appointed. Any vacancy occurring in the commission
10 shall be filled in accordance with the laws of the member state
11 in which the vacancy exists. In the event that more than one
12 board, office, or other agency with the legislative mandate to
13 license EMS personnel at and above the level of EMT exists, the
14 governor of the state shall determine which entity shall be
15 responsible for assigning the delegate.

16 (1) Each delegate shall be entitled to one vote with regard
17 to the promulgation of rules and creation of bylaws, and shall
18 otherwise have an opportunity to participate in the business and
19 affairs of the commission. A delegate shall vote in person or by
20 such other means as provided in the bylaws. The bylaws may
21 provide for delegates' participation in meetings by telephone or
22 other means of communication.

23 (2) The commission shall meet at least once during each
24 calendar year. Additional meetings shall be held as set forth in
25 the bylaws.

26 (3) All meetings shall be open to the public, and public
27 notice of meetings shall be given in the same manner as required
28 under the rulemaking provisions in section 190.930.

1 (4) The commission may convene in a closed, nonpublic
2 meeting if the commission must discuss:

3 (a) Noncompliance of a member state with its obligations
4 under the compact;

5 (b) The employment, compensation, discipline or other
6 personnel matters, practices, or procedures related to specific
7 employees, or other matters related to the commission's internal
8 personnel practices and procedures;

9 (c) Current, threatened, or reasonably anticipated
10 litigation;

11 (d) Negotiation of contracts for the purchase or sale of
12 goods, services, or real estate;

13 (e) Accusing any person of a crime or formally censuring
14 any person;

15 (f) Disclosure of trade secrets or commercial or financial
16 information that is privileged or confidential;

17 (g) Disclosure of information of a personal nature if
18 disclosure would constitute a clearly unwarranted invasion of
19 personal privacy;

20 (h) Disclosure of investigatory records compiled for law
21 enforcement purposes;

22 (i) Disclosure of information related to any investigatory
23 reports prepared by or on behalf of or for use of the commission
24 or other committee charged with responsibility of investigation
25 or determination of compliance issues pursuant to the compact; or

26 (j) Matters specifically exempted from disclosure by
27 federal or member state statute.

28 (5) If a meeting or portion of a meeting is closed under

1 this section, the commission's legal counsel or designee shall
2 certify that the meeting may be closed and shall reference each
3 relevant exempting provision. The commission shall keep minutes
4 that fully and clearly describe all matters discussed in a
5 meeting and shall provide a full and accurate summary of actions
6 taken and the reasons therefor, including a description of the
7 views expressed. All documents considered in connection with an
8 action shall be identified in such minutes. All minutes and
9 documents of a closed meeting shall remain under seal, subject to
10 release by a majority vote of the commission or order of a court
11 of competent jurisdiction.

12 3. The commission shall, by a majority vote of the
13 delegates, prescribe bylaws and rules to govern its conduct as
14 may be necessary or appropriate to carry out the purposes and
15 exercise the powers of the compact including, but not limited to:

16 (1) Establishing the fiscal year of the commission;

17 (2) Providing reasonable standards and procedures:

18 (a) For the establishment and meetings of other committees;

19 and

20 (b) Governing any general or specific delegation of any
21 authority or function of the commission;

22 (3) Providing reasonable procedures for calling and
23 conducting meetings of the commission, ensuring reasonable
24 advance notice of all meetings, and providing an opportunity for
25 attendance of such meetings by interested parties, with
26 enumerated exceptions designed to protect the public's interest,
27 the privacy of individuals, and proprietary information,
28 including trade secrets. The commission may meet in closed

1 session only after a majority of the membership votes to close a
2 meeting in whole or in part. As soon as practicable, the
3 commission shall make public a copy of the vote to close the
4 meeting revealing the vote of each member with no proxy votes
5 allowed;

6 (4) Establishing the titles, duties and authority, and
7 reasonable procedures for the election of the officers of the
8 commission;

9 (5) Providing reasonable standards and procedures for the
10 establishment of the personnel policies and programs of the
11 commission. Notwithstanding any civil service or other similar
12 laws of any member state, the bylaws shall exclusively govern the
13 personnel policies and programs of the commission;

14 (6) Promulgating a code of ethics to address permissible
15 and prohibited activities of commission members and employees;

16 (7) Providing a mechanism for winding up the operations of
17 the commission and the equitable disposition of any surplus funds
18 that may exist after the termination of the compact after the
19 payment or reserving of all of its debts and obligations;

20 (8) Publishing its bylaws and file a copy thereof, and a
21 copy of any amendment thereto, with the appropriate agency or
22 officer in each of the member states, if any;

23 (9) Maintaining its financial records in accordance with
24 the bylaws; and

25 (10) Meeting and taking such actions as are consistent with
26 the provisions of this compact and the bylaws.

27 4. The commission shall have the following powers:

28 (1) To promulgate uniform rules to facilitate and

1 coordinate implementation and administration of this compact.
2 The rules shall have the force and effect of law and shall be
3 binding on all member states;

4 (2) To bring and prosecute legal proceedings or actions in
5 the name of the commission; provided that, the standing of any
6 state EMS authority or other regulatory body responsible for EMS
7 personnel licensure to sue or be sued under applicable law shall
8 not be affected;

9 (3) To purchase and maintain insurance and bonds;

10 (4) To borrow, accept, or contract for services of
11 personnel including, but not limited to, employees of a member
12 state;

13 (5) To hire employees, elect or appoint officers, fix
14 compensation, define duties, grant such individuals appropriate
15 authority to carry out the purposes of the compact, and to
16 establish the commission's personnel policies and programs
17 relating to conflicts of interest, qualifications of personnel,
18 and other related personnel matters;

19 (6) To accept any and all appropriate donations and grants
20 of money, equipment, supplies, materials, and services, and to
21 receive, utilize, and dispose of the same; provided that, at all
22 times the commission shall strive to avoid any appearance of
23 impropriety and conflict of interest;

24 (7) To lease, purchase, accept appropriate gifts or
25 donations of, or otherwise to own, hold, improve, or use any
26 property, real, personal, or mixed; provided that, at all times
27 the commission shall strive to avoid any appearance of
28 impropriety;

1 (8) To sell, convey, mortgage, pledge, lease, exchange,
2 abandon, or otherwise dispose of any property, real, personal, or
3 mixed;

4 (9) To establish a budget and make expenditures;

5 (10) To borrow money;

6 (11) To appoint committees, including advisory committees
7 comprised of members, state regulators, state legislators or
8 their representatives, consumer representatives, and such other
9 interested persons as may be designated in this compact and the
10 bylaws;

11 (12) To provide and receive information from, and to
12 cooperate with, law enforcement agencies;

13 (13) To adopt and use an official seal; and

14 (14) To perform such other functions as may be necessary or
15 appropriate to achieve the purposes of this compact consistent
16 with the state regulation of EMS personnel licensure and
17 practice.

18 5. (1) The commission shall pay, or provide for the
19 payment of, the reasonable expenses of its establishment,
20 organization, and ongoing activities.

21 (2) The commission may accept any and all appropriate
22 revenue sources, donations, and grants of money, equipment,
23 supplies, materials, and services.

24 (3) The commission may levy on and collect an annual
25 assessment from each member state or impose fees on other parties
26 to cover the cost of the operations and activities of the
27 commission and its staff, which shall be in a total amount
28 sufficient to cover its annual budget as approved each year for

1 which revenue is not provided by other sources. The aggregate
2 annual assessment amount shall be allocated based upon a formula
3 to be determined by the commission, which shall promulgate a rule
4 binding upon all member states; provided, that Missouri shall not
5 be assessed more than ten thousand dollars annually calculated
6 and the assessment amount shall not include an annual increase
7 equivalent to the annual average of the Consumer Price Index for
8 All Urban Consumers for the United States as reported by the
9 Bureau of Labor Statistics, or its successor index. Missouri
10 shall not authorize an annual assessment above this level.

11 (4) The commission shall not incur obligations of any kind
12 prior to securing the funds adequate to meet the same; nor shall
13 the commission pledge the credit of any of the member states,
14 except by and with the authority of the member state.

15 (5) The commission shall keep accurate accounts of all
16 receipts and disbursements. The receipts and disbursements of
17 the commission shall be subject to the audit and accounting
18 procedures established under its bylaws. However, all receipts
19 and disbursements of funds handled by the commission shall be
20 audited yearly by a certified or licensed public accountant, and
21 the report of the audit shall be included in and become part of
22 the annual report of the commission.

23 6. (1) The members, officers, executive director,
24 employees, and representatives of the commission shall be immune
25 from suit and liability, either personally or in their official
26 capacity, for any claim, damage to or loss of property, personal
27 injury, or other civil liability caused by or arising out of any
28 actual or alleged act, error, or omission that occurred or that

1 the person against whom the claim is made had a reasonable basis
2 for believing occurred within the scope of commission employment,
3 duties, or responsibilities; provided that, nothing in this
4 subdivision shall be construed to protect any such person from
5 suit or liability for any damage, loss, injury, or liability
6 caused by the intentional, willful, or wanton misconduct of that
7 person.

8 (2) The commission shall defend any member, officer,
9 executive director, employee, or representative of the commission
10 in any civil action seeking to impose liability arising out of
11 any actual or alleged act, error, or omission that occurred
12 within the scope of commission employment, duties, or
13 responsibilities, or that the person against whom the claim is
14 made had a reasonable basis for believing occurred within the
15 scope of commission employment, duties, or responsibilities;
16 provided that, nothing herein shall be construed to prohibit that
17 person from retaining his or her own counsel; and provided
18 further, that the actual or alleged act, error, or omission did
19 not result from that person's intentional, willful, or wanton
20 misconduct.

21 (3) The commission shall indemnify and hold harmless any
22 member, officer, executive director, employee, or representative
23 of the commission for the amount of any settlement or judgment
24 obtained against that person arising out of any actual or alleged
25 act, error, or omission that occurred within the scope of
26 commission employment, duties, or responsibilities, or that such
27 person had a reasonable basis for believing occurred within the
28 scope of commission employment, duties, or responsibilities;

1 provided that, the actual or alleged act, error, or omission did
2 not result from the person's intentional, willful, or wanton
3 misconduct.

4 190.927. 1. The commission shall provide for the
5 development and maintenance of a coordinated database and
6 reporting system containing licensure, adverse action, and
7 significant investigatory information on all licensed individuals
8 in member states.

9 2. Notwithstanding any other provision of state law to the
10 contrary, a member state shall submit a uniform data set to the
11 coordinated database on all individuals to whom this compact is
12 applicable as required by the rules of the commission, including:

13 (1) Identifying information;

14 (2) Licensure data;

15 (3) Significant investigatory information;

16 (4) Adverse actions against an individual's license;

17 (5) An indicator that an individual's privilege to practice
18 is restricted, suspended, or revoked;

19 (6) Nonconfidential information related to alternative
20 program participation;

21 (7) Any denial of application for licensure and the reasons
22 for such denial; and

23 (8) Other information that may facilitate the
24 administration of this compact, as determined by the rules of the
25 commission.

26 3. The coordinated database administrator shall promptly
27 notify all member states of any adverse action taken against, or
28 significant investigative information on, any individual in a

1 member state.

2 4. Member states contributing information to the
3 coordinated database may designate information that shall not be
4 shared with the public without the express permission of the
5 contributing state.

6 5. Any information submitted to the coordinated database
7 that is subsequently required to be expunged by the laws of the
8 member state contributing the information shall be removed from
9 the coordinated database.

10 190.930. 1. The commission shall exercise its rulemaking
11 powers pursuant to the criteria set forth in this section and the
12 rules adopted thereunder. Rules and amendments shall become
13 binding as of the date specified in each rule or amendment.

14 2. If a majority of the legislatures of the member states
15 rejects a rule by enactment of a statute or resolution in the
16 same manner used to adopt the compact, then such rule shall have
17 no further force and effect in any member state.

18 3. Rules or amendments to the rules shall be adopted at a
19 regular or special meeting of the commission.

20 4. Prior to promulgation and adoption of a final rule or
21 rules by the commission, and at least sixty days in advance of
22 the meeting at which the rule or rules shall be considered and
23 voted upon, the commission shall file a notice of proposed
24 rulemaking:

25 (1) On the website of the commission; and

26 (2) On the website of each member state's EMS authority or
27 the publication in which each state would otherwise publish
28 proposed rules.

1 5. The notice of proposed rulemaking shall include:

2 (1) The proposed time, date, and location of the meeting at
3 which the rule shall be considered and voted upon;

4 (2) The text of the proposed rule or amendment and the
5 reason for the proposed rule;

6 (3) A request for comments on the proposed rule from any
7 interested person; and

8 (4) The manner in which interested parties may submit
9 notice to the commission of their intention to attend the public
10 hearing and any written comments.

11 6. Prior to adoption of a proposed rule, the commission
12 shall allow persons to submit written data, facts, opinions, and
13 arguments that shall be made available to the public.

14 7. The commission shall grant an opportunity for a public
15 hearing before it adopts a rule or amendment if a hearing is
16 requested by:

17 (1) At least twenty-five persons;

18 (2) A governmental subdivision or agency; or

19 (3) An association having at least twenty-five members.

20 8. If a hearing is held on the proposed rule or amendment,
21 the commission shall publish the place, time, and date of the
22 scheduled public hearing.

23 (1) All persons wishing to be heard at the hearing shall
24 notify the executive director of the commission or other
25 designated member in writing of their desire to appear and
26 testify at the hearing not less than five business days before
27 the scheduled date of the hearing.

28 (2) Hearings shall be conducted in a manner providing each

1 person who wishes to comment a fair and reasonable opportunity to
2 comment orally or in writing.

3 (3) No transcript of the hearing is required, unless a
4 written request for a transcript is made, in which case the
5 person requesting the transcript shall bear the cost of producing
6 the transcript. A recording may be made in lieu of a transcript
7 under the same terms and conditions as a transcript. This
8 subdivision shall not preclude the commission from making a
9 transcript or recording of the hearing if it so chooses.

10 (4) Nothing in this section shall be construed as requiring
11 a separate hearing on each rule. Rules may be grouped for the
12 convenience of the commission at hearings required by this
13 section.

14 9. Following the scheduled hearing date, or by the close of
15 business on the scheduled hearing date if the hearing was not
16 held, the commission shall consider all written and oral comments
17 received.

18 10. The commission shall, by majority vote of all members,
19 take final action on the proposed rule and shall determine the
20 effective date of the rule, if any, based on the rulemaking
21 record and the full text of the rule.

22 11. If no written notice of intent to attend the public
23 hearing by interested parties is received, the commission may
24 proceed with promulgation of the proposed rule without a public
25 hearing.

26 12. Upon determination that an emergency exists, the
27 commission may consider and adopt an emergency rule without prior
28 notice, opportunity for comment, or hearing; provided that, the

1 usual rulemaking procedures provided in the compact and in this
2 section shall be retroactively applied to the rule as soon as
3 reasonably possible, in no event later than ninety days after the
4 effective date of the rule. For the purposes of this provision,
5 an emergency rule is one that shall be adopted immediately in
6 order to:

7 (1) Meet an imminent threat to public health, safety, or
8 welfare;

9 (2) Prevent a loss of commission or member state funds;

10 (3) Meet a deadline for the promulgation of an
11 administrative rule that is established by federal law or rule;
12 or

13 (4) Protect public health and safety.

14 13. The commission or an authorized committee of the
15 commission may direct revisions to a previously adopted rule or
16 amendment for purposes of correcting typographical errors, errors
17 in format, errors in consistency, or grammatical errors. Public
18 notice of any revisions shall be posted on the website of the
19 commission. The revision shall be subject to challenge by any
20 person for a period of thirty days after posting. The revision
21 may be challenged only on grounds that the revision results in a
22 material change to a rule. A challenge shall be made in writing
23 and delivered to the chair of the commission prior to the end of
24 the notice period. If no challenge is made, the revision shall
25 take effect without further action. If the revision is
26 challenged, the revision may not take effect without the approval
27 of the commission.

28 190.933. 1. The executive, legislative, and judicial

1 branches of state government in each member state shall enforce
2 this compact and take all actions necessary and appropriate to
3 effectuate the compact's purposes and intent. The provisions of
4 this compact and the rules promulgated hereunder shall have
5 standing as statutory law.

6 2. All courts shall take judicial notice of the compact and
7 the rules in any judicial or administrative proceedings in a
8 member state pertaining to the subject matter of this compact
9 which may affect the powers, responsibilities, or actions of the
10 commission.

11 3. The commission shall be entitled to receive service of
12 process in any such proceeding and shall have standing to
13 intervene in such a proceeding for all purposes. Failure to
14 provide service of process to the commission shall render a
15 judgment or order void as to the commission, this compact, or
16 promulgated rules.

17 4. If the commission determines that a member state has
18 defaulted in the performance of its obligations or
19 responsibilities under this compact or the promulgated rules, the
20 commission shall:

21 (1) Provide written notice to the defaulting state and
22 other member states of the nature of the default, the proposed
23 means of curing the default, or any other action to be taken by
24 the commission; and

25 (2) Provide remedial training and specific technical
26 assistance regarding the default.

27 5. If a state in default fails to cure the default, the
28 defaulting state may be terminated from the compact upon an

1 affirmative vote of a majority of the member states, and all
2 rights, privileges, and benefits conferred by this compact may be
3 terminated on the effective date of termination. A cure of the
4 default does not relieve the offending state of obligations or
5 liabilities incurred during the period of default.

6 6. Termination of membership in the compact shall be
7 imposed only after all other means of securing compliance have
8 been exhausted. Notice of intent to suspend or terminate shall
9 be given by the commission to the governor, the majority and
10 minority leaders of the defaulting state's legislature, and each
11 of the member states.

12 7. A state that has been terminated is responsible for all
13 assessments, obligations, and liabilities incurred through the
14 effective date of termination, including obligations that extend
15 beyond the effective date of termination.

16 8. The commission shall not bear any costs related to a
17 state that is found to be in default or that has been terminated
18 from the compact unless agreed upon in writing between the
19 commission and the defaulting state.

20 9. The defaulting state may appeal the action of the
21 commission by petitioning the United States District Court for
22 the District of Columbia or the federal district where the
23 commission has its principal offices. The prevailing member
24 shall be awarded all costs of such litigation, including
25 reasonable attorney's fees.

26 10. Upon a request by a member state, the commission shall
27 attempt to resolve disputes related to the compact that arise
28 among member states and between member and nonmember states.

1 11. The commission shall promulgate a rule providing for
2 both mediation and binding dispute resolution for disputes as
3 appropriate.

4 12. The commission, in the reasonable exercise of its
5 discretion, shall enforce the provisions and rules of this
6 compact.

7 13. By majority vote, the commission may initiate legal
8 action in the United States District Court for the District of
9 Columbia or the federal district where the commission has its
10 principal offices against a member state in default to enforce
11 compliance with the provisions of the compact and its promulgated
12 rules and bylaws. The relief sought may include both injunctive
13 relief and damages. In the event judicial enforcement is
14 necessary, the prevailing member shall be awarded all costs of
15 such litigation, including reasonable attorney's fees.

16 14. The remedies herein shall not be the exclusive remedies
17 of the commission. The commission may pursue any other remedies
18 available under federal or state law.

19 190.936. 1. The compact shall come into effect on the date
20 on which the compact statute is enacted into law in the tenth
21 member state. The provisions, which become effective at that
22 time, shall be limited to the powers granted to the commission
23 relating to assembly and the promulgation of rules. Thereafter,
24 the commission shall meet and exercise rulemaking powers
25 necessary to the implementation and administration of the
26 compact.

27 2. Any state that joins the compact subsequent to the
28 commission's initial adoption of the rules shall be subject to

1 the rules as they exist on the date on which the compact becomes
2 law in that state. Any rule that has been previously adopted by
3 the commission shall have the full force and effect of law on the
4 day the compact becomes law in that state.

5 3. Any member state may withdraw from this compact by
6 enacting a statute repealing the same.

7 (1) A member state's withdrawal shall not take effect until
8 six months after enactment of the repealing statute.

9 (2) Withdrawal shall not affect the continuing requirement
10 of the withdrawing state's EMS authority to comply with the
11 investigative and adverse action reporting requirements of this
12 act prior to the effective date of withdrawal.

13 4. Nothing contained in this compact shall be construed to
14 invalidate or prevent any EMS personnel licensure agreement or
15 other cooperative arrangement between a member state and a
16 nonmember state that does not conflict with the provisions of
17 this compact.

18 5. This compact may be amended by the member states. No
19 amendment to this compact shall become effective and binding upon
20 any member state until it is enacted into the laws of all member
21 states.

22 190.939. 1. This compact shall be liberally construed so
23 as to effectuate the purposes thereof. If this compact shall be
24 held contrary to the constitution of any member state thereto,
25 the compact shall remain in full force and effect as to the
26 remaining member states. Nothing in this compact supersedes
27 state law or rules related to licensure of EMS agencies.

28 2. The state advisory council on emergency medical services

1 established under section 190.101 shall review decisions of the
2 interstate commission for emergency medical services personnel
3 practice established under this compact and, upon approval by the
4 commission of any action that will have the result of increasing
5 the cost to the state of membership in the compact, the council
6 may recommend to the general assembly that the state withdraw
7 from the compact.

8 191.630. As used in sections 191.630 and 191.631, the
9 following terms mean:

10 (1) "Communicable disease", acquired immunodeficiency
11 syndrome (AIDS), cutaneous anthrax, hepatitis in any form, human
12 immunodeficiency virus (HIV), measles, meningococcal disease,
13 mumps, pertussis, pneumonic plague, rubella, severe acute
14 respiratory syndrome (SARS-CoV), smallpox, tuberculosis,
15 varicella disease, vaccinia, viral hemorrhagic fevers, and other
16 such diseases as the department may define by rule or regulation;

17 (2) "Communicable disease tests", tests designed for
18 detection of communicable diseases. Rapid testing of the source
19 patient in accordance with the Occupational Safety and Health
20 Administration (OSHA) enforcement of the Centers for Disease
21 Control and Prevention (CDC) guidelines shall be recommended;

22 (3) "Coroner or medical examiner", the same meaning as
23 defined in chapter 58;

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

26 (5) "Designated infection control officer", the person or
27 persons within the entity or agency who are responsible for
28 managing the infection control program and for coordinating

1 efforts surrounding the investigation of an exposure such as:

2 (a) Collecting, upon request, facts surrounding possible
3 exposure of an emergency care provider or Good Samaritan to a
4 communicable disease;

5 (b) Contacting facilities that receive patients or clients
6 of potentially exposed emergency care providers or Good
7 Samaritans to ascertain if a determination has been made as to
8 whether the patient or client has had a communicable disease and
9 to ascertain the results of that determination; and

10 (c) Notifying the emergency care provider or Good Samaritan
11 as to whether there is reason for concern regarding possible
12 exposure;

13 (6) "Emergency care provider", a person who is serving as a
14 licensed or certified person trained to provide emergency and
15 nonemergency medical care as a first responder, emergency medical
16 responder, [EMT-B, EMT-I, or EMT-P] as defined in section
17 190.100, emergency medical technician, as defined in section
18 190.100, firefighter, law enforcement officer, sheriff, deputy
19 sheriff, registered nurse, physician, medical helicopter pilot,
20 or other certification or licensure levels adopted by rule of the
21 department;

22 (7) "Exposure", a specific eye, mouth, other mucous
23 membrane, nonintact skin, or parenteral contact with blood or
24 other potentially infectious materials that results from the
25 performance of an employee's duties;

26 (8) "Good Samaritan", any person who renders emergency
27 medical assistance or aid within his or her level of training or
28 skill until such time as he or she is relieved of those duties by

1 an emergency care provider;

2 (9) "Hospital", the same meaning as defined in section
3 197.020;

4 (10) "Source patient", any person who is sick or injured
5 and requiring the care or services of a Good Samaritan or
6 emergency care provider, for whose blood or other potentially
7 infectious materials have resulted in exposure.

8 217.151. 1. As used in this section, the following terms
9 shall mean:

10 (1) "Extraordinary circumstance", a substantial flight risk
11 or some other extraordinary medical or security circumstance that
12 dictates restraints be used to ensure the safety and security of
13 a pregnant offender in her third trimester, a postpartum offender
14 forty-eight hours postdelivery, the staff of the correctional
15 center or medical facility, other offenders, or the public;

16 (2) "Labor", the period of time before a birth during which
17 contractions are present;

18 (3) "Postpartum", the period of recovery immediately
19 following childbirth, which is six weeks for a vaginal birth or
20 eight weeks for a cesarean birth, or longer if so determined by a
21 physician or nurse;

22 (4) "Restraints", any physical restraint or other device
23 used to control the movement of a person's body or limbs.

24 2. Unless extraordinary circumstances exist as determined
25 by a corrections officer, a correctional center shall not use
26 restraints on a pregnant offender in her third trimester during
27 transportation to and from visits to health care providers or
28 court proceedings, or during medical appointments and

1 examinations, labor, delivery, or forty-eight hours postdelivery.

2 3. In the event a corrections officer determines that
3 extraordinary circumstances exist and restraints are necessary,
4 the corrections officer shall fully document in writing within
5 forty-eight hours of the incident the reasons he or she
6 determined such extraordinary circumstances existed, the type of
7 restraints used, and the reasons those restraints were considered
8 the least restrictive available and the most reasonable under the
9 circumstances. Such documents shall be kept on file by the
10 correctional center for at least ten years from the date the
11 restraints were used.

12 4. Any time restraints are used on a pregnant offender in
13 her third trimester or on a postpartum offender forty-eight hours
14 postdelivery, the restraints shall be the least restrictive
15 available and the most reasonable under the circumstances. In no
16 case shall leg, ankle, or waist restraints or any mechanical
17 restraints be used on any such offender, and if wrist restraints
18 are used, such restraints shall be placed in the front of such
19 offender's body to protect the offender and unborn child in the
20 case of a forward fall.

21 5. If a doctor, nurse, or other health care provider
22 treating the pregnant offender in her third trimester or the
23 postpartum offender forty-eight hours postdelivery requests that
24 restraints not be used, the corrections officer accompanying such
25 offender shall immediately remove all restraints.

26 6. Pregnant offenders shall be transported in vehicles
27 equipped with seatbelts.

28 7. The sentencing and corrections oversight commission

1 established under section 217.147 and the advisory committee
2 established under section 217.015 shall conduct biannual reviews
3 of every report written on the use of restraints on a pregnant
4 offender in her third trimester or on a postpartum offender
5 forty-eight hours postdelivery in accordance with subsection 3 of
6 this section to determine compliance with this section. The
7 written reports shall be kept on file by the department for ten
8 years.

9 8. The chief administrative officer, or equivalent
10 position, of each correctional center shall:

11 (1) Ensure that employees of the correctional center are
12 provided with training, which may include online training, on the
13 provisions of this section and section 217.147; and

14 (2) Inform female offenders, in writing and orally, of any
15 policies and practices developed in accordance with this section
16 upon admission to the correctional center, including policies and
17 practices in any offender handbook, and post the policies and
18 practices in locations in the correctional center where such
19 notices are commonly posted and will be seen by female offenders,
20 including common housing areas and health care facilities.

21 9. The provisions of this section shall apply only to the
22 department of corrections.

23 287.243. 1. This section shall be known and may be cited
24 as the "Line of Duty Compensation Act".

25 2. As used in this section, unless otherwise provided, the
26 following words shall mean:

27 (1) "Air ambulance pilot", a person certified as an air
28 ambulance pilot in accordance with sections 190.001 to 190.245

1 and corresponding regulations applicable to air ambulances
2 adopted by the department of health and senior services[,
3 division of regulation and licensure, 19 CSR 30-40.005, et seq.];

4 (2) "Air ambulance registered professional nurse", a person
5 licensed as a registered professional nurse in accordance with
6 sections 335.011 to 335.096 and corresponding regulations adopted
7 by the state board of nursing, 20 CSR 2200-4, et seq., who
8 provides registered professional nursing services as a flight
9 nurse in conjunction with an air ambulance program that is
10 certified in accordance with sections 190.001 to 190.245 and the
11 corresponding regulations applicable to such programs;

12 (3) "Air ambulance registered respiratory therapist", a
13 person licensed as a registered respiratory therapist in
14 accordance with sections 334.800 to 334.930 and corresponding
15 regulations adopted by the state board for respiratory care, who
16 provides respiratory therapy services in conjunction with an air
17 ambulance program that is certified in accordance with sections
18 190.001 to 190.245 and corresponding regulations applicable to
19 such programs;

20 [(3)] (4) "Child", any natural, illegitimate, adopted, or
21 posthumous child or stepchild of a deceased [law enforcement
22 officer, emergency medical technician, air ambulance pilot, air
23 ambulance registered professional nurse, or firefighter] public
24 safety officer who, at the time of the [law enforcement
25 officer's, emergency medical technician's, air ambulance pilot's,
26 air ambulance registered professional nurse's, or firefighter's]
27 public safety officer's fatality is:

28 (a) Eighteen years of age or under;

1 (b) Over eighteen years of age and a student, as defined in
2 5 U.S.C. Section 8101; or

3 (c) Over eighteen years of age and incapable of self-
4 support because of physical or mental disability;

5 [(4)] (5) "Emergency medical technician", a person licensed
6 in emergency medical care in accordance with standards prescribed
7 by sections 190.001 to 190.245 and by rules adopted by the
8 department of health and senior services under sections 190.001
9 to 190.245;

10 [(5)] (6) "Firefighter", any person, including a volunteer
11 firefighter, employed by the state or a local governmental entity
12 as an employer defined under subsection 1 of section 287.030, or
13 otherwise serving as a member or officer of a fire department
14 either for the purpose of the prevention or control of fire or
15 the underwater recovery of drowning victims;

16 (7) "Flight crew member", an individual engaged in flight
17 responsibilities with an air ambulance licensed in accordance
18 with sections 190.001 to 190.245 and corresponding regulations
19 applicable to such programs;

20 [(6)] (8) "Killed in the line of duty", when any person
21 defined in this section loses his or her life when:

22 (a) Death is caused by an accident or the willful act of
23 violence of another;

24 (b) The [law enforcement officer, emergency medical
25 technician, air ambulance pilot, air ambulance registered
26 professional nurse, or firefighter] public safety officer is in
27 the active performance of his or her duties in his or her
28 respective profession and there is a relationship between the

1 accident or commission of the act of violence and the performance
2 of the duty, even if the individual is off duty; the [law
3 enforcement officer, emergency medical technician, air ambulance
4 pilot, air ambulance registered professional nurse, or
5 firefighter] public safety officer is traveling to or from
6 employment; or the [law enforcement officer, emergency medical
7 technician, air ambulance pilot, air ambulance registered
8 professional nurse, or firefighter] public safety officer is
9 taking any meal break or other break which takes place while that
10 individual is on duty;

11 (c) Death is the natural and probable consequence of the
12 injury; and

13 (d) Death occurs within three hundred weeks from the date
14 the injury was received.

15
16 The term excludes death resulting from the willful misconduct or
17 intoxication of the [law enforcement officer, emergency medical
18 technician, air ambulance pilot, air ambulance registered
19 professional nurse, or firefighter] public safety officer. The
20 division of workers' compensation shall have the burden of
21 proving such willful misconduct or intoxication;

22 [(7)] (9) "Law enforcement officer", any person employed by
23 the state or a local governmental entity as a police officer,
24 peace officer certified under chapter 590, or serving as an
25 auxiliary police officer or in some like position involving the
26 enforcement of the law and protection of the public interest at
27 the risk of that person's life;

28 [(8)] (10) "Local governmental entity", includes counties,

1 municipalities, townships, board or other political subdivision,
2 cities under special charter, or under the commission form of
3 government, fire protection districts, ambulance districts, and
4 municipal corporations;

5 (11) "Public safety officer", any law enforcement officer,
6 firefighter, uniformed employee of the office of the state fire
7 marshal, emergency medical technician, police officer, capitol
8 police officer, parole officer, probation officer, state
9 correctional employee, water safety officer, park ranger,
10 conservation officer, or highway patrolman employed by the state
11 of Missouri or a political subdivision thereof who is killed in
12 the line of duty or any emergency medical technician, air
13 ambulance pilot, air ambulance registered professional nurse, air
14 ambulance registered respiratory therapist, or flight crew member
15 who is killed in the line of duty;

16 [(9)] (12) "State", the state of Missouri and its
17 departments, divisions, boards, bureaus, commissions,
18 authorities, and colleges and universities;

19 [(10)] (13) "Volunteer firefighter", a person having
20 principal employment other than as a firefighter, but who is
21 carried on the rolls of a regularly constituted fire department
22 either for the purpose of the prevention or control of fire or
23 the underwater recovery of drowning victims, the members of which
24 are under the jurisdiction of the corporate authorities of a
25 city, village, incorporated town, or fire protection district.
26 Volunteer firefighter shall not mean an individual who volunteers
27 assistance without being regularly enrolled as a firefighter.

28 3. (1) A claim for compensation under this section shall

1 be filed by survivors of the deceased with the division of
2 workers' compensation not later than one year from the date of
3 death of a [law enforcement officer, emergency medical
4 technician, air ambulance pilot, air ambulance registered
5 professional nurse, or firefighter] public safety officer. If a
6 claim is made within one year of the date of death of a [law
7 enforcement officer, emergency medical technician, air ambulance
8 pilot, air ambulance registered professional nurse, or
9 firefighter] public safety officer killed in the line of duty,
10 compensation shall be paid, if the division finds that the
11 claimant is entitled to compensation under this section.

12 (2) The amount of compensation paid to the claimant shall
13 be twenty-five thousand dollars, subject to appropriation, for
14 death occurring on or after June 19, 2009.

15 4. Any compensation awarded under the provisions of this
16 section shall be distributed as follows:

17 (1) To the surviving spouse of the [law enforcement
18 officer, emergency medical technician, air ambulance pilot, air
19 ambulance registered professional nurse, or firefighter] public
20 safety officer if there is no child who survived the [law
21 enforcement officer, emergency medical technician, air ambulance
22 pilot, air ambulance registered professional nurse, or
23 firefighter] public safety officer;

24 (2) Fifty percent to the surviving child, or children, in
25 equal shares, and fifty percent to the surviving spouse if there
26 is at least one child who survived the [law enforcement officer,
27 emergency medical technician, air ambulance pilot, air ambulance
28 registered professional nurse, or firefighter] public safety

1 officer, and a surviving spouse of the [law enforcement officer,
2 emergency medical technician, air ambulance pilot, air ambulance
3 registered professional nurse, or firefighter] public safety
4 officer;

5 (3) To the surviving child, or children, in equal shares,
6 if there is no surviving spouse of the [law enforcement officer,
7 emergency medical technician, air ambulance pilot, air ambulance
8 registered professional nurse, or firefighter] public safety
9 officer;

10 (4) If there is no surviving spouse of the [law enforcement
11 officer, emergency medical technician, air ambulance pilot, air
12 ambulance registered professional nurse, or firefighter] public
13 safety officer and no surviving child:

14 (a) To the surviving individual, or individuals, in shares
15 per the designation or, otherwise, in equal shares, designated by
16 the [law enforcement officer, emergency medical technician, air
17 ambulance pilot, air ambulance registered professional nurse, or
18 firefighter] public safety officer to receive benefits under this
19 subsection in the most recently executed designation of
20 beneficiary of the [law enforcement officer, emergency medical
21 technician, air ambulance pilot, air ambulance registered
22 professional nurse, or firefighter] public safety officer on file
23 at the time of death with the public safety agency, organization,
24 or unit; or

25 (b) To the surviving individual, or individuals, in equal
26 shares, designated by the [law enforcement officer, emergency
27 medical technician, air ambulance pilot, air ambulance registered
28 professional nurse, or firefighter] public safety officer to

1 receive benefits under the most recently executed life insurance
2 policy of the [law enforcement officer, emergency medical
3 technician, air ambulance pilot, air ambulance registered
4 professional nurse, or firefighter] public safety officer on file
5 at the time of death with the public safety agency, organization,
6 or unit if there is no individual qualifying under paragraph (a);

7 (5) To the surviving parent, or parents, in equal shares,
8 of the [law enforcement officer, emergency medical technician,
9 air ambulance pilot, air ambulance registered professional nurse,
10 or firefighter] public safety officer if there is no individual
11 qualifying under subdivision (1), (2), (3), or (4) of this
12 subsection; or

13 (6) To the surviving individual, or individuals, in equal
14 shares, who would qualify under the definition of the term
15 "child" but for age if there is no individual qualifying under
16 subdivision (1), (2), (3), (4), or (5) of this subsection.

17 5. Notwithstanding subsection 3 of this section, no
18 compensation is payable under this section unless a claim is
19 filed within the time specified under this section setting forth:

20 (1) The name, address, and title or designation of the
21 position in which the [law enforcement officer, emergency medical
22 technician, air ambulance pilot, air ambulance registered
23 professional nurse, or firefighter] public safety officer was
24 serving at the time of his or her death;

25 (2) The name and address of the claimant;

26 (3) A full, factual account of the circumstances resulting
27 in or the course of events causing the death at issue; and

28 (4) Such other information that is reasonably required by

1 the division.

2

3 When a claim is filed, the division of workers' compensation
4 shall make an investigation for substantiation of matters set
5 forth in the application.

6 6. The compensation provided for under this section is in
7 addition to, and not exclusive of, any pension rights, death
8 benefits, or other compensation the claimant may otherwise be
9 entitled to by law.

10 7. Neither employers nor workers' compensation insurers
11 shall have subrogation rights against any compensation awarded
12 for claims under this section. Such compensation shall not be
13 assignable, shall be exempt from attachment, garnishment, and
14 execution, and shall not be subject to setoff or counterclaim, or
15 be in any way liable for any debt, except that the division or
16 commission may allow as lien on the compensation, reasonable
17 attorney's fees for services in connection with the proceedings
18 for compensation if the services are found to be necessary. Such
19 fees are subject to regulation as set forth in section 287.260.

20 8. Any person seeking compensation under this section who
21 is aggrieved by the decision of the division of workers'
22 compensation regarding his or her compensation claim, may make
23 application for a hearing as provided in section 287.450. The
24 procedures applicable to the processing of such hearings and
25 determinations shall be those established by this chapter.
26 Decisions of the administrative law judge under this section
27 shall be binding, subject to review by either party under the
28 provisions of section 287.480.

1 9. Pursuant to section 23.253 of the Missouri sunset act:

2 (1) The provisions of the new program authorized under this
3 section shall automatically sunset six years after June 19, 2019,
4 unless reauthorized by an act of the general assembly; and

5 (2) If such program is reauthorized, the program authorized
6 under this section shall automatically sunset twelve years after
7 the effective date of the reauthorization of this section; and

8 (3) This section shall terminate on September first of the
9 calendar year immediately following the calendar year in which
10 the program authorized under this section is sunset.

11 10. The provisions of this section, unless specified, shall
12 not be subject to other provisions of this chapter.

13 11. There is hereby created in the state treasury the "Line
14 of Duty Compensation Fund", which shall consist of moneys
15 appropriated to the fund and any voluntary contributions, gifts,
16 or bequests to the fund. The state treasurer shall be custodian
17 of the fund and shall approve disbursements from the fund in
18 accordance with sections 30.170 and 30.180. Upon appropriation,
19 money in the fund shall be used solely for paying claims under
20 this section. Notwithstanding the provisions of section 33.080
21 to the contrary, any moneys remaining in the fund at the end of
22 the biennium shall not revert to the credit of the general
23 revenue fund. The state treasurer shall invest moneys in the
24 fund in the same manner as other funds are invested. Any
25 interest and moneys earned on such investments shall be credited
26 to the fund.

27 12. The division shall promulgate rules to administer this
28 section, including but not limited to the appointment of claims

1 to multiple claimants, record retention, and procedures for
2 information requests. Any rule or portion of a rule, as that
3 term is defined in section 536.010, that is created under the
4 authority delegated in this section shall become effective only
5 if it complies with and is subject to all of the provisions of
6 chapter 536 and, if applicable, section 536.028. This section
7 and chapter 536 are nonseverable and if any of the powers vested
8 with the general assembly under chapter 536 to review, to delay
9 the effective date, or to disapprove and annul a rule are
10 subsequently held unconstitutional, then the grant of rulemaking
11 authority and any rule proposed or adopted after June 19, 2009,
12 shall be invalid and void.

13 320.086. 1. Nothing contained in sections 320.081 to
14 320.086 shall allow access to records otherwise closed under
15 sections 610.100 to 610.105[, RSMo Supp. 1982].

16 2. Nothing contained in sections 320.081 to 320.086 shall
17 restrict or waive the attorney-client privilege.

18 3. The portion of a record that is individually
19 identifiable health information, as defined by the Health
20 Insurance Portability and Accountability Act of 1996 (HIPAA),
21 P.L. 104-191, as amended, may be closed records, as provided
22 under sections 610.100 to 610.105, if maintained by fire
23 departments and fire protection districts. Notwithstanding the
24 foregoing, all fire departments and fire protection districts
25 shall produce for every call to the department or district an
26 "incident report", as defined in section 610.100, that shall
27 include the date, time, specific location, and name of the owner
28 of the specific location or any vehicle involved in the incident,

1 if known. All incident reports shall be open records under
2 section 610.100.

3 353.110. 1. Once the requirements of this section have
4 been complied with, the real property of urban redevelopment
5 corporations acquired pursuant to this chapter shall not be
6 subject to assessment or payment of general ad valorem taxes
7 imposed by the cities affected by this law, or by the state or
8 any political subdivision thereof, for a period not in excess of
9 ten years after the date upon which such corporations become
10 owners of such real property, except to such extent and in such
11 amount as may be imposed upon such real property during such
12 period measured solely by the amount of the assessed valuation of
13 the land, exclusive of improvements, acquired pursuant to this
14 chapter and owned by such urban redevelopment corporation, as was
15 determined by the assessor of the county in which such real
16 property is located, or, if not located within a county, then by
17 the assessor of such city, for taxes due and payable thereon
18 during the calendar year preceding the calendar year during which
19 the corporation acquired title to such real property. The
20 amounts of such tax assessments shall not be increased during
21 such period so long as the real property is owned by an urban
22 redevelopment corporation and used in accordance with a
23 development plan authorized by the legislative authority of such
24 cities, except as provided under subsection 4 of this section.

25 2. In the event, however, that any such real property was
26 tax exempt immediately prior to ownership by any urban
27 redevelopment corporation, such assessor or assessors shall, upon
28 acquisition of title thereto by the urban redevelopment

1 corporation, promptly assess such land, exclusive of
2 improvements, at such valuation as shall conform to but not
3 exceed the assessed valuation made during the preceding calendar
4 year of other land, exclusive of improvements, adjacent thereto
5 or in the same general neighborhood, and the amount of such
6 assessed valuation shall not be increased during the period set
7 pursuant to subsection 1 of this section so long as the real
8 property is owned by an urban redevelopment corporation and used
9 in accordance with a development plan authorized by the
10 legislative authority of such cities. For the next ensuing
11 period not in excess of fifteen years, ad valorem taxes upon such
12 real property shall be measured by the assessed valuation thereof
13 as determined by such assessor or assessors upon the basis of not
14 to exceed fifty percent of the true value of such real property,
15 including any improvements thereon, nor shall such valuations be
16 increased above fifty percent of the true value of such real
17 property from year to year during such next ensuing period so
18 long as the real property is owned by an urban redevelopment
19 corporation and used in accordance with an authorized development
20 plan. After a period totaling not more than twenty-five years,
21 such real property shall be subject to assessment and payment of
22 all ad valorem taxes, based on the full true value of the real
23 property; provided, that after the completion of the
24 redevelopment project, as authorized by law or ordinance whenever
25 any urban redevelopment corporation shall elect to pay full
26 taxes, or at the expiration of the period, such real property
27 shall be owned and operated free from any of the conditions,
28 restrictions or provisions of this chapter, and of any ordinance,

1 rule or regulation adopted pursuant thereto, any other law
2 limiting the right of domestic and foreign insurance companies to
3 own and operate real estate to the contrary notwithstanding.

4 3. No tax abatement or exemption authorized by this section
5 shall become effective unless and until the governing body of the
6 city:

7 (1) Furnishes each political subdivision whose boundaries
8 for ad valorem taxation purposes include any portion of the real
9 property to be affected by such tax abatement or exemption with a
10 written statement of the impact on ad valorem taxes such tax
11 abatement or exemption will have on such political subdivisions
12 and written notice of the hearing to be held in accordance with
13 subdivision (2) of this subsection. The written statement and
14 notice required by this subdivision shall be furnished as
15 provided by local ordinance before the hearing and shall include,
16 but need not be limited to, an estimate of the amount of ad
17 valorem tax revenues of each political subdivision which will be
18 affected by the proposed tax abatement or exemption, based on the
19 estimated assessed valuation of the real property involved as
20 such property would exist before and after it is redeveloped;

21 (2) Conducts a public hearing regarding such tax abatement
22 or exemption, at which hearing all political subdivisions
23 described in subdivision (1) of this subsection shall have the
24 right to be heard on such grant of tax abatement or exemption;

25 (3) Enacts an ordinance which provides for expiration of
26 development rights, including the rights of eminent domain and
27 tax abatement, in the event of failure of the urban redevelopment
28 corporation to acquire ownership of property within the area of

1 the development plan. Such ordinance shall provide for a
2 duration of time within which such property must be acquired, and
3 may allow for acquisition of property under the plan in phases.

4 4. (1) Notwithstanding any other provision of law to the
5 contrary, payments in lieu of taxes may be imposed by contract
6 between a city and an urban redevelopment corporation which
7 receives tax abatement or exemption on property pursuant to this
8 section. Such payments shall be made to the collector of revenue
9 of the county or city not within a county by December
10 thirty-first of each year payments are due. The governing body
11 of the city shall furnish the collector a copy of any such
12 contract requiring payment in lieu of taxes. The collector shall
13 allocate all revenues received from such payment in lieu of taxes
14 among all taxing authorities whose property tax revenues are
15 affected by the exemption or abatement on the same pro rata basis
16 and in the same manner as the ad valorem property tax revenues
17 received by each taxing authority from such property in the year
18 such payments are due.

19 (2) (a) The provisions of subsection 1 of this section and
20 subdivision (1) of this subsection notwithstanding, beginning
21 August 28, 2018, any district or county imposing a property tax
22 for the purposes of providing emergency services under chapter
23 190 or 321 shall be entitled to be reimbursed in an amount that
24 is at least fifty percent but not more than one hundred percent
25 of the amount of ad valorem property tax revenues that the
26 district or county would have received in the absence of the tax
27 abatement or exemption provided under this section.

28 (b) An ambulance district board operating under chapter

1 190, a fire protection district board operating under chapter
2 321, or the governing body of a county operating a 911 center
3 providing emergency or dispatch services under chapter 190 or
4 chapter 321 shall annually set the reimbursement rate under
5 paragraph (a) of this subdivision prior to the time the
6 assessment is determined by the assessor of the county in which
7 such district is located, or, if not located within a county,
8 then the assessor of such city. If the development plan or
9 redevelopment project is amended by ordinance or by any other
10 means after August 28, 2018, the ambulance or fire protection
11 district board shall have the right to recalculate the
12 reimbursement rate under this subdivision.

13 5. The provisions of subsection 3 of this section shall not
14 apply to any amendment or future amendment to a phased
15 development plan approved by the governing body of the city prior
16 to the effective date of the provisions of subsection 3 of this
17 section and upon which construction has been in progress pursuant
18 to such phased plan.

19 577.029. A licensed physician, registered nurse,
20 phlebotomist, or trained medical technician, acting at the
21 request and direction of the law enforcement officer under
22 section 577.020, shall, with the consent of the patient or a
23 warrant issued by a court of competent jurisdiction, withdraw
24 blood for the purpose of determining the alcohol content of the
25 blood, unless such medical personnel, in his or her good faith
26 medical judgment, believes such procedure would endanger the life
27 or health of the person in custody. Blood may be withdrawn only
28 by such medical personnel, but such restriction shall not apply

1 to the taking of a breath test, a saliva specimen, or a urine
2 specimen. In withdrawing blood for the purpose of determining
3 the alcohol content thereof, only a previously unused and sterile
4 needle and sterile vessel shall be utilized and the withdrawal
5 shall otherwise be in strict accord with accepted medical
6 practices. Upon the request of the person who is tested, full
7 information concerning the test taken at the direction of the law
8 enforcement officer shall be made available to him or her.

9 590.1040. 1. For purposes of this section, the following
10 terms mean:

11 (1) "Emergency services personnel", any employee or
12 volunteer of an emergency services provider who is engaged in
13 providing or supporting fire fighting, dispatching services, and
14 emergency medical services;

15 (2) "Emergency services provider", any public employer, or
16 ground or air ambulance service as those terms are used in
17 chapter 190, that employs persons to provide fire fighting,
18 dispatching services, and emergency medical services;

19 (3) "Employee assistance program", a program established by
20 a law enforcement agency or emergency services provider to
21 provide professional counseling or support services to employees
22 of a law enforcement agency, emergency services provider, or a
23 professional mental health provider associated with a peer
24 support team;

25 (4) "Law enforcement agency", any public agency that
26 employs law enforcement personnel;

27 (5) "Law enforcement personnel", any person who, by virtue
28 of office or public employment, is vested by law with a duty to

1 maintain public order or to make arrests for violation of the
2 laws of the state of Missouri or ordinances of any municipality
3 thereof, or with a duty to maintain or assert custody or
4 supervision over persons accused or convicted of a crime, while
5 acting within the scope of his or her authority as an employee or
6 volunteer of a law enforcement agency;

7 (6) "Peer support counseling session", any session
8 conducted by a peer support specialist that is called or
9 requested in response to a critical incident or traumatic event
10 involving the personnel of the law enforcement agency or
11 emergency services provider;

12 (7) "Peer support specialist", a person who:

13 (a) Is designated by a law enforcement agency, emergency
14 services provider, employee assistance program, or peer support
15 team leader to lead, moderate, or assist in a peer support
16 counseling session;

17 (b) Is a member of a peer support team; and

18 (c) Has received training in counseling and providing
19 emotional and moral support to law enforcement officers or
20 emergency services personnel who have been involved in
21 emotionally traumatic incidents by reason of his or her
22 employment;

23 (8) "Peer support team", a group of peer support
24 specialists serving one or more law enforcement providers or
25 emergency services providers.

26 2. Any communication made by a participant or peer support
27 specialist in a peer support counseling session, and any oral or
28 written information conveyed in or as the result of a peer

1 support counseling session, are confidential and may not be
2 disclosed by any person participating in the peer support
3 counseling session.

4 3. Any communication relating to a peer support counseling
5 session that is made between peer support specialists, between
6 peer support specialists and the supervisors or staff of an
7 employee assistance program, or between the supervisors or staff
8 of an employee assistance program is confidential and may not be
9 disclosed.

10 4. The provisions of this section shall apply only to peer
11 support counseling sessions conducted by a peer support
12 specialist.

13 5. The provisions of this section shall apply to all oral
14 communications, notes, records, and reports arising out of a peer
15 support counseling session. Any notes, records, or reports
16 arising out of a peer support counseling session shall not be
17 public records and shall not be subject to the provisions of
18 chapter 610. Nothing in this section limits the discovery or
19 introduction into evidence of knowledge acquired by any law
20 enforcement personnel or emergency services personnel from
21 observation made during the course of employment, or material or
22 information acquired during the course of employment, that is
23 otherwise subject to discovery or introduction into evidence.

24 6. The provisions of this section shall not apply to any:

25 (1) Threat of suicide or criminal act made by a participant
26 in a peer support counseling session, or any information conveyed
27 in a peer support counseling session relating to a threat of
28 suicide or criminal act;

