

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 870

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Offered March 14, 2018.

Senate Substitute adopted, March 14, 2018.

Taken up for Perfection March 14, 2018. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

5721S.04P

AN ACT

To repeal sections 99.848, 100.050, 100.059, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, and 353.110, RSMo, and to enact in lieu thereof thirty-four new sections relating to emergency medical services, with existing penalty provisions.

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

Section A. Sections 99.848, 100.050, 100.059, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, and 353.110, RSMo, are repealed and thirty-four new sections enacted in lieu thereof, to be known as sections 99.848, 100.050, 100.059, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.147, 190.165, 190.173, 190.196, 190.246, 190.900, 190.903, 190.906, 190.909, 190.912, 190.915, 190.918, 190.921, 190.924, 190.927, 190.930, 190.933, 190.936, 190.939, 191.630, 217.151, 221.520, and 353.110, to read as follows:

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

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

8 **2. Beginning August 28, 2018, an ambulance district board**
9 **operating under chapter 190, a fire protection district board operating**
10 **under chapter 321, or the governing body of a county operating a 911**
11 **center providing emergency or dispatch services under chapter 190 or**
12 **chapter 321 shall annually set the reimbursement rate under subsection**
13 **1 of this section prior to the time the assessment is paid into the special**
14 **allocation fund. If the redevelopment plan, area, or project is amended**
15 **by ordinance or by other means after August 28, 2018, the ambulance**
16 **or fire protection district board or the governing body of a county**
17 **operating a 911 center providing emergency or dispatch services under**
18 **chapter 190 or chapter 321 shall have the right to recalculate the**
19 **reimbursement rate under this section.**

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

- 5 (1) A description of the project;
- 6 (2) An estimate of the cost of the project;
- 7 (3) A statement of the source of funds to be expended for the project;
- 8 (4) A statement of the terms upon which the facilities to be provided by
9 the project are to be leased or otherwise disposed of by the municipality; and
- 10 (5) Such other information necessary to meet the requirements of sections
11 100.010 to 100.200.

12 2. If the plan for the project is approved after August 28, 2003, and the
13 project plan involves issuance of revenue bonds or involves conveyance of a fee
14 interest in property to a municipality, the project plan shall additionally include
15 the following information:

- 16 (1) A statement identifying each school district, community college
17 district, **ambulance district board operating under chapter 190, fire**
18 **protection district board operating under chapter 321**, county, or city
19 affected by such project except property assessed by the state tax commission
20 pursuant to chapters 151 and 153;
- 21 (2) The most recent equalized assessed valuation of the real property and
22 personal property included in the project, and an estimate as to the equalized
23 assessed valuation of real property and personal property included in the project
24 after development;

25 (3) An analysis of the costs and benefits of the project on each school
26 district, community college district, **ambulance district board operating**
27 **under chapter 190, fire protection district board operating under**
28 **chapter 321**, county, or city; and

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

32 3. If the plan for the project is approved after August 28, 2003, any
33 payments in lieu of taxes expected to be made by any lessee of the project shall
34 be applied in accordance with this section. The lessee may reimburse the
35 municipality for its actual costs of issuing the bonds and administering the plan.
36 All amounts paid in excess of such actual costs shall, immediately upon receipt
37 thereof, be disbursed by the municipality's treasurer or other financial officer to
38 each school district, community college district, **ambulance district board**
39 **operating under chapter 190, fire protection district board operating**
40 **under chapter 321**, county, or city in proportion to the current ad valorem tax
41 levy of each school district, community college district, **ambulance district**
42 **board operating under chapter 190, fire protection district board**
43 **operating under chapter 321**, county, or city; however, in any county of the
44 first classification with more than ninety-three thousand eight hundred but fewer
45 than ninety-three thousand nine hundred inhabitants, or any county of the first
46 classification with more than one hundred thirty-five thousand four hundred but
47 fewer than one hundred thirty-five thousand five hundred inhabitants, if the plan
48 for the project is approved after May 15, 2005, such amounts shall be disbursed
49 by the municipality's treasurer or other financial officer to each affected taxing
50 entity in proportion to the current ad valorem tax levy of each affected taxing
51 entity.

52 4. **Notwithstanding the provisions of subsection 3 of this section**
53 **to the contrary, beginning August 28, 2018, any district or county**
54 **imposing a property tax for the purposes of providing emergency**
55 **services under chapter 190 or 321 to the project area shall be entitled**
56 **to be reimbursed in an amount that is at least fifty percent but not**
57 **more than one hundred percent of the amount of ad valorem property**
58 **tax revenues that such district or county would have received in the**
59 **absence of a tax abatement or exemption provided to property included**
60 **in the project. An ambulance district board operating under chapter**

61 **190, a fire protection district board operating under chapter 321, or the**
62 **governing body of a county operating a 911 center providing emergency**
63 **or dispatch services under chapter 190 or chapter 321 shall annually set**
64 **the reimbursement rate provided in this subsection prior to the time**
65 **the assessment is determined by the assessor of the county in which the**
66 **project is located, or, if not located within a county, then the assessor**
67 **of such city. If the plan is amended by ordinance or by any other**
68 **means after August 28, 2018, the ambulance or fire protection district**
69 **or the governing body of a county operating a 911 center providing**
70 **emergency or dispatch services under chapter 190 or chapter 321 shall**
71 **have the right to recalculate the reimbursement rate pursuant to this**
72 **subsection.**

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

22 2. Notwithstanding any other provisions of this section to the contrary,
23 for purposes of determining the limitation on indebtedness of local government
24 pursuant to Section 26(b), Article VI, Constitution of Missouri, the current

25 equalized assessed value of the property in an area selected for redevelopment
26 attributable to the increase above the total initial equalized assessed valuation
27 shall be included in the value of taxable tangible property as shown on the last
28 completed assessment for state or county purposes.

29 3. The county assessor shall include the current assessed value of all
30 property within the school district, community college district, **ambulance**
31 **district board operating under chapter 190, fire protection district**
32 **board operating under chapter 321**, county, or city in the aggregate
33 valuation of assessed property entered upon the assessor's book and verified
34 pursuant to section 137.245, and such value shall be utilized for the purpose of
35 the debt limitation on local government pursuant to Section 26(b), Article VI,
36 Constitution of Missouri.

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

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

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

6 (2) "Public safety officer", any firefighter, police officer, capitol police
7 officer, parole officer, probation officer, correctional employee, water patrol officer,
8 park ranger, conservation officer, commercial motor **vehicle** enforcement officer,
9 emergency medical technician, **emergency medical responder, as defined in**
10 **section 190.100**, first responder, or highway patrolman employed by the state
11 of Missouri or a political subdivision thereof who is killed in the line of duty,
12 unless the death was the result of the officer's own misconduct or abuse of alcohol
13 or drugs;

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

16 2. For all tax years beginning on or after January 1, 2008, a surviving
17 spouse shall be allowed a credit against the tax otherwise due under chapter 143,
18 excluding withholding tax imposed by sections 143.191 to 143.265, in an amount
19 equal to the total amount of the property taxes on the surviving spouse's
20 homestead paid during the tax year for which the credit is claimed. A surviving
21 spouse may claim the credit authorized under this section for each tax year
22 beginning the year of death of the public safety officer spouse until the tax year

23 in which the surviving spouse remarries. No credit shall be allowed for the tax
24 year in which the surviving spouse remarries. If the amount allowable as a credit
25 exceeds the income tax reduced by other credits, then the excess shall be
26 considered an overpayment of the income tax.

27 3. The department of revenue shall promulgate rules to implement the
28 provisions of this section.

29 4. Any rule or portion of a rule, as that term is defined in section 536.010,
30 that is created under the authority delegated in this section shall become effective
31 only if it complies with and is subject to all of the provisions of chapter 536 and,
32 if applicable, section 536.028. This section and chapter 536 are nonseverable and
33 if any of the powers vested with the general assembly pursuant to chapter 536 to
34 review, to delay the effective date, or to disapprove and annul a rule are
35 subsequently held unconstitutional, then the grant of rulemaking authority and
36 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

38 (1) The program authorized under this section shall expire on December
39 31, 2019, unless reauthorized by the general assembly; and

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

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

190.094. 1. Any ambulance licensed in this state, when used as an
2 ambulance and staffed with volunteer staff, shall be staffed with a minimum of
3 one emergency medical technician and one other crew member who may be a
4 licensed emergency medical technician, registered nurse, physician, or someone
5 who has a [first] **emergency medical** responder certification.

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

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

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

3 (1) **"Advanced emergency medical technician" or "AEMT", a person**
4 **who has successfully completed a course of instruction in certain**
5 **aspects of advanced life support care as prescribed by the department**
6 **and is licensed by the department in accordance with sections 190.001**
7 **to 190.245 and rules and regulations adopted by the department**
8 **pursuant to sections 190.001 to 190.245;**

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

13 [(2)] (3) "Ambulance", any privately or publicly owned vehicle or craft
14 that is specially designed, constructed or modified, staffed or equipped for, and
15 is intended or used, maintained or operated for the transportation of persons who
16 are sick, injured, wounded or otherwise incapacitated or helpless, or who require
17 the presence of medical equipment being used on such individuals, but the term
18 does not include any motor vehicle specially designed, constructed or converted
19 for the regular transportation of persons who are disabled, handicapped, normally
20 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used
21 within airports;

22 [(3)] (4) "Ambulance service", a person or entity that provides emergency
23 or nonemergency ambulance transportation and services, or both, in compliance
24 with sections 190.001 to 190.245, and the rules promulgated by the department
25 pursuant to sections 190.001 to 190.245;

26 [(4)] (5) "Ambulance service area", a specific geographic area in which
27 an ambulance service has been authorized to operate;

28 [(5)] (6) "Basic life support (BLS)", a basic level of care, as provided to
29 the adult and pediatric patient as defined by national curricula, and any
30 modifications to that curricula specified in rules adopted by the department
31 pursuant to sections 190.001 to 190.245;

32 [(6)] (7) "Council", the state advisory council on emergency medical
33 services;

34 [(7)] (8) "Department", the department of health and senior services,
35 state of Missouri;

36 [(8)] (9) "Director", the director of the department of health and senior

37 services or the director's duly authorized representative;

38 [(9)] (10) "Dispatch agency", any person or organization that receives
39 requests for emergency medical services from the public, by telephone or other
40 means, and is responsible for dispatching emergency medical services;

41 [(10)] (11) "Emergency", the sudden and, at the time, unexpected onset
42 of a health condition that manifests itself by symptoms of sufficient severity that
43 would lead a prudent layperson, possessing an average knowledge of health and
44 medicine, to believe that the absence of immediate medical care could result in:

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

47 (b) Serious impairment to a bodily function;

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

49 (d) Inadequately controlled pain;

50 [(11)] (12) "Emergency medical dispatcher", a person who receives
51 emergency calls from the public and has successfully completed an emergency
52 medical dispatcher course, meeting or exceeding the national curriculum of the
53 United States Department of Transportation and any modifications to such
54 curricula specified by the department through rules adopted pursuant to sections
55 190.001 to 190.245;

56 **(13) "Emergency medical responder", a person who has**
57 **successfully completed an emergency first response course meeting or**
58 **exceeding the national curriculum of the U.S. Department of**
59 **Transportation and any modifications to such curricula specified by the**
60 **department through rules adopted under sections 190.001 to 190.245**
61 **and who provides emergency medical care through employment by or**
62 **in association with an emergency medical response agency;**

63 [(12)] (14) "Emergency medical response agency", any person that
64 regularly provides a level of care that includes first response, basic life support
65 or advanced life support, exclusive of patient transportation;

66 [(13)] (15) "Emergency medical services for children (EMS-C) system",
67 the arrangement of personnel, facilities and equipment for effective and
68 coordinated delivery of pediatric emergency medical services required in
69 prevention and management of incidents which occur as a result of a medical
70 emergency or of an injury event, natural disaster or similar situation;

71 [(14)] (16) "Emergency medical services (EMS) system", the arrangement
72 of personnel, facilities and equipment for the effective and coordinated delivery

73 of emergency medical services required in prevention and management of
74 incidents occurring as a result of an illness, injury, natural disaster or similar
75 situation;

76 [(15)] **(17)** "Emergency medical technician", a person licensed in
77 emergency medical care in accordance with standards prescribed by sections
78 190.001 to 190.245, and by rules adopted by the department pursuant to sections
79 190.001 to 190.245;

80 [(16)] **(18)** "Emergency medical technician-basic" or "EMT-B", a person
81 who has successfully completed a course of instruction in basic life support as
82 prescribed by the department and is licensed by the department in accordance
83 with standards prescribed by sections 190.001 to 190.245 and rules adopted by
84 the department pursuant to sections 190.001 to 190.245;

85 [(17)] **(19)** "Emergency medical technician-community paramedic",
86 "community paramedic", or "EMT-CP", a person who is certified as an emergency
87 medical technician-paramedic and is certified by the department in accordance
88 with standards prescribed in section 190.098;

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

94 [(19)] **(20)** "Emergency medical technician-paramedic" or "EMT-P", a
95 person who has successfully completed a course of instruction in advanced life
96 support care as prescribed by the department and is licensed by the department
97 in accordance with sections 190.001 to 190.245 and rules adopted by the
98 department pursuant to sections 190.001 to 190.245;

99 [(20)] **(21)** "Emergency services", health care items and services
100 furnished or required to screen and stabilize an emergency which may include,
101 but shall not be limited to, health care services that are provided in a licensed
102 hospital's emergency facility by an appropriate provider or by an ambulance
103 service or emergency medical response agency;

104 [(21)] "First responder", a person who has successfully completed an
105 emergency first response course meeting or exceeding the national curriculum of
106 the United States Department of Transportation and any modifications to such
107 curricula specified by the department through rules adopted pursuant to sections
108 190.001 to 190.245 and who provides emergency medical care through

- 109 employment by or in association with an emergency medical response agency;]
- 110 (22) "Health care facility", a hospital, nursing home, physician's office or
111 other fixed location at which medical and health care services are performed;
- 112 (23) "Hospital", an establishment as defined in the hospital licensing law,
113 subsection 2 of section 197.020, or a hospital operated by the state;
- 114 (24) "Medical control", supervision provided by or under the direction of
115 physicians [to providers by written or verbal communications], **or their**
116 **designated registered nurse, including both online medical control,**
117 **instructions by radio, telephone, or other means of direct**
118 **communications, and offline medical control through supervision by**
119 **treatment protocols, case review, training, and standing orders for**
120 **treatment;**
- 121 (25) "Medical direction", medical guidance and supervision provided by a
122 physician to an emergency services provider or emergency medical services
123 system;
- 124 (26) "Medical director", a physician licensed pursuant to chapter 334
125 designated by the ambulance service or emergency medical response agency and
126 who meets criteria specified by the department by rules pursuant to sections
127 190.001 to 190.245;
- 128 (27) "Memorandum of understanding", an agreement between an
129 emergency medical response agency or dispatch agency and an ambulance service
130 or services within whose territory the agency operates, in order to coordinate
131 emergency medical services;
- 132 (28) "Patient", an individual who is sick, injured, wounded, diseased, or
133 otherwise incapacitated or helpless, or dead, excluding deceased individuals being
134 transported from or between private or public institutions, homes or cemeteries,
135 and individuals declared dead prior to the time an ambulance is called for
136 assistance;
- 137 (29) "Person", as used in these definitions and elsewhere in sections
138 190.001 to 190.245, any individual, firm, partnership, copartnership, joint
139 venture, association, cooperative organization, corporation, municipal or private,
140 and whether organized for profit or not, state, county, political subdivision, state
141 department, commission, board, bureau or fraternal organization, estate, public
142 trust, business or common law trust, receiver, assignee for the benefit of creditors,
143 trustee or trustee in bankruptcy, or any other service user or provider;
- 144 (30) "Physician", a person licensed as a physician pursuant to chapter 334;

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

148 (32) "Professional organization", any organized group or association with
149 an ongoing interest regarding emergency medical services. Such groups and
150 associations could include those representing volunteers, labor, management,
151 firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists
152 and instructors. Organizations could also represent the interests of ground
153 ambulance services, air ambulance services, fire service organizations, law
154 enforcement, hospitals, trauma centers, communication centers, pediatric
155 services, labor unions and poison control services;

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

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

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

167 (36) "Specialty care transportation", the transportation of a patient
168 requiring the services of an emergency medical technician-paramedic who has
169 received additional training beyond the training prescribed by the
170 department. Specialty care transportation services shall be defined in writing in
171 the appropriate local protocols for ground and air ambulance services and
172 approved by the local physician medical director. The protocols shall be
173 maintained by the local ambulance service and shall define the additional
174 training required of the emergency medical technician-paramedic;

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

180 (38) "State advisory council on emergency medical services", a committee

181 formed to advise the department on policy affecting emergency medical service
182 throughout the state;

183 (39) "State EMS medical directors advisory committee", a subcommittee
184 of the state advisory council on emergency medical services formed to advise the
185 state advisory council on emergency medical services and the department on
186 medical issues;

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

191 (41) "STEMI care", includes education and prevention, emergency
192 transport, triage, and acute care and rehabilitative services for STEMI that
193 requires immediate medical or surgical intervention or treatment;

194 (42) "STEMI center", a hospital that is currently designated as such by
195 the department to care for patients with ST-segment elevation myocardial
196 infarctions;

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

199 (44) "Stroke care", includes emergency transport, triage, and acute
200 intervention and other acute care services for stroke that potentially require
201 immediate medical or surgical intervention or treatment, and may include
202 education, primary prevention, acute intervention, acute and subacute
203 management, prevention of complications, secondary stroke prevention, and
204 rehabilitative services;

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

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

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

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

190.103. 1. One physician with expertise in emergency medical services
2 from each of the EMS regions shall be elected by that region's EMS medical
3 directors to serve as a regional EMS medical director. The regional EMS medical

4 directors shall constitute the state EMS medical director's advisory committee
5 and shall advise the department and their region's ambulance services on matters
6 relating to medical control and medical direction in accordance with sections
7 190.001 to 190.245 and rules adopted by the department pursuant to sections
8 190.001 to 190.245. The regional EMS medical director shall serve a term of four
9 years. The southwest, northwest, and Kansas City regional EMS medical
10 directors shall be elected to an initial two-year term. The central, east central,
11 and southeast regional EMS medical directors shall be elected to an initial
12 four-year term. All subsequent terms following the initial terms shall be four
13 years. The state EMS medical director shall be the chair of the state EMS
14 medical director's advisory committee, **and shall be elected by the members**
15 **of the regional EMS medical director's advisory committee, shall serve**
16 **a term of four years, and shall seek to coordinate EMS services between**
17 **the EMS regions, promote educational efforts for agency medical**
18 **directors, represent Missouri EMS nationally in the role of the state**
19 **EMS medical director, and seek to incorporate the EMS system into the**
20 **health care system serving Missouri.**

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

27 3. The medical director, in cooperation with the ambulance service or
28 emergency medical response agency administrator, shall have the responsibility
29 and the authority to ensure that the personnel working under their supervision
30 are able to provide care meeting established standards of care with consideration
31 for state and national standards as well as local area needs and resources. The
32 medical director, in cooperation with the ambulance service or emergency medical
33 response agency administrator, shall establish and develop triage, treatment and
34 transport protocols, which may include authorization for standing
35 orders. **Emergency medical technicians shall only perform those**
36 **medical procedures as directed by treatment protocols approved by the**
37 **local medical director or when authorized through direct**
38 **communication with online medical control.**

39 4. All ambulance services and emergency medical response agencies that

40 are required to have a medical director shall establish an agreement between the
41 service or agency and their medical director. The agreement will include the
42 roles, responsibilities and authority of the medical director beyond what is
43 granted in accordance with sections 190.001 to 190.245 and rules adopted by the
44 department pursuant to sections 190.001 to 190.245. The agreement shall also
45 include grievance procedures regarding the emergency medical response agency
46 or ambulance service, personnel and the medical director.

47 5. Regional EMS medical directors **and the state EMS medical**
48 **director** elected as provided under subsection 1 of this section shall be
49 considered public officials for purposes of sovereign immunity, official immunity,
50 and the Missouri public duty doctrine defenses.

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

53 7. Regional EMS medical directors may act to provide online
54 telecommunication medical direction to **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and
55 community paramedics and provide offline medical direction per standardized
56 treatment, triage, and transport protocols when EMS personnel, including
57 **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics, are providing
58 care to special needs patients or at the request of a local EMS agency or medical
59 director.

60 8. When developing treatment protocols for special needs patients,
61 regional EMS medical directors may promulgate such protocols on a regional
62 basis across multiple political subdivisions' jurisdictional boundaries, and such
63 protocols may be used by multiple agencies including, but not limited to,
64 ambulance services, emergency response agencies, and public health
65 departments. Treatment protocols shall include steps to ensure the receiving
66 hospital is informed of the pending arrival of the special needs patient, the
67 condition of the patient, and the treatment instituted.

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

73 10. When regional EMS medical directors develop and implement
74 treatment protocols for patients or provide online medical direction for patients,
75 such activity shall not be construed as having usurped local medical direction

76 authority in any manner.

77 11. Notwithstanding any other provision of law to the contrary, when
78 regional EMS medical directors are providing either online telecommunication
79 medical direction to **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community
80 paramedics, or offline medical direction per standardized EMS treatment, triage,
81 and transport protocols for patients, those medical directions or treatment
82 protocols may include the administration of the patient's own prescription
83 medications.

190.105. 1. No person, either as owner, agent or otherwise, shall furnish,
2 operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be
3 engaged in the business or service of the transportation of patients by ambulance
4 in the air, upon the streets, alleys, or any public way or place of the state of
5 Missouri unless such person holds a currently valid license from the department
6 for an ambulance service issued pursuant to the provisions of sections 190.001 to
7 190.245.

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

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

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

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

34 4. The issuance of a license pursuant to the provisions of sections 190.001
35 to 190.245 shall not be construed so as to authorize any person to provide
36 ambulance services or to operate any ambulances without a franchise in any city
37 not within a county or in a political subdivision in any county with a population
38 of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid
39 agreement in any other political subdivision which has enacted an ordinance
40 making it unlawful to do so.

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

47 6. In a county with a population of over nine hundred thousand
48 inhabitants, the governing body of the county shall set the standards for all
49 ambulance services which shall comply with subsection 5 of this section. All such
50 ambulance services must be licensed by the department. The governing body of
51 such county shall not prohibit a licensed ambulance service from operating in the
52 county, as long as the ambulance service meets county standards.

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

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

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

65 subdivision may contract with a licensed ambulance service.

66 10. Except as provided in subsections 5 and 6, nothing in section 67.300,
67 or subsection 2 of section 190.109, shall be construed to authorize any
68 municipality or county which is located within an ambulance district or a fire
69 protection district that is authorized to provide ambulance service to promulgate
70 laws, ordinances or regulations related to the provision of ambulance
71 services. This provision shall not apply to any municipality or county which
72 operates an ambulance service established prior to August 28, 1998.

73 11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be
74 construed to authorize any municipality or county which is located within an
75 ambulance district or a fire protection district that is authorized to provide
76 ambulance service to operate an ambulance service without a franchise in an
77 ambulance district or a fire protection district that is authorized to provide
78 ambulance service which has enacted an ordinance making it unlawful to do
79 so. This provision shall not apply to any municipality or county which operates
80 an ambulance service established prior to August 28, 1998.

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

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

90 14. Upon the sale or transfer of any ground ambulance service ownership,
91 the owner of such service shall notify the department of the change in ownership
92 within thirty days of such sale or transfer. After receipt of such notice, the
93 department shall conduct an inspection of the ambulance service to verify
94 compliance with the licensure standards of sections 190.001 to 190.245.

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

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

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

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

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

25 6. Subsequent to the issuance of a training entity accreditation or
26 certification, the department shall cause a periodic review of the training entity
27 to assure continued compliance with the requirements of sections 190.001 to
28 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

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

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

6 **(2) For applications submitted after the recognition of EMS**
7 **personnel licensure interstate compact under sections 190.900 to**
8 **190.939 takes effect, an applicant for initial licensure as an emergency**
9 **medical technician in this state shall submit to a background check by**
10 **the Missouri state highway patrol and the Federal Bureau of**
11 **Investigation through a process approved by the department of health**
12 **and senior services. Such processes may include the use of vendors or**

13 systems administered by the Missouri state highway patrol. The
14 department may share the results of such a criminal background check
15 with any emergency services licensing agency in any member state, as
16 that term is defined under section 190.900, of the recognition of EMS
17 personnel licensure interstate compact. The department shall not issue
18 a license until the department receives the results of an applicant's
19 criminal background check from the Missouri state highway patrol and
20 the Federal Bureau of Investigation, but, notwithstanding this
21 subsection, the department may issue a temporary license as provided
22 under section 190.143. Any fees due for a criminal background check
23 shall be paid by the applicant.

24 The director may authorize investigations into criminal records in other states for
25 any applicant.

26 2. The department shall issue a license to all levels of emergency medical
27 technicians, for a period of five years, if the applicant meets the requirements
28 established pursuant to sections 190.001 to 190.245 and the rules adopted by the
29 department pursuant to sections 190.001 to 190.245. The department may
30 promulgate rules relating to the requirements for an emergency medical
31 technician including but not limited to:

32 (1) Age requirements;

33 (2) **Emergency medical technician and paramedic** education and
34 training requirements based on respective [national curricula of the United
35 States Department of Transportation] **National Emergency Medical Services**
36 **Education Standards** and any modification to such curricula specified by the
37 department through rules adopted pursuant to sections 190.001 to 190.245;

38 (3) **Paramedic accreditation requirements. Paramedic training**
39 **programs shall be accredited by the Commission on Accreditation of**
40 **Allied Health Education Program (CAAHEP) or hold a CAAHEP letter**
41 **of review;**

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

45 [(4)] (5) Continuing education and relicensure requirements; and

46 [(5)] (6) Ability to speak, read and write the English language.

47 3. Application for all levels of emergency medical technician license shall
48 be made upon such forms as prescribed by the department in rules adopted

49 pursuant to sections 190.001 to 190.245. The application form shall contain such
50 information as the department deems necessary to make a determination as to
51 whether the emergency medical technician meets all the requirements of sections
52 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to
53 190.245.

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

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

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

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

63 6. Any rule or portion of a rule, as that term is defined in section 536.010,
64 that is created under the authority delegated in this section shall become effective
65 only if it complies with and is subject to all of the provisions of chapter 536 and,
66 if applicable, section 536.028. This section and chapter 536 are nonseverable and
67 if any of the powers vested with the general assembly pursuant to chapter 536 to
68 review, to delay the effective date, or to disapprove and annul a rule are
69 subsequently held unconstitutional, then the grant of rulemaking authority and
70 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

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

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

6 (2) Are not currently licensed as an emergency medical technician in
7 Missouri or have been licensed as an emergency medical technician in Missouri
8 and fingerprints need to be submitted to the Federal Bureau of Investigation to
9 verify the existence or absence of a criminal history, or they are currently
10 licensed and the license will expire before a verification can be completed of the
11 existence or absence of a criminal history;

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

14 (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and

15 rules promulgated pursuant to sections 190.001 to 190.245;

16 (5) Meet all the requirements of rules promulgated pursuant to sections
17 190.001 to 190.245.

18 2. A temporary emergency medical technician license shall only authorize
19 the license to practice while under the immediate supervision of a licensed
20 emergency medical [technician-basic, emergency medical technician-intermediate,
21 emergency medical technician-paramedic] **technician**, registered nurse, or
22 physician who is currently licensed, without restrictions, to practice in Missouri.

23 3. A temporary emergency medical technician license shall automatically
24 expire either ninety days from the date of issuance or upon the issuance of a
25 five-year emergency medical technician license.

190.147. 1. Emergency medical technician paramedics (EMT-Ps):

2 (1) **Who have completed a standard crisis intervention training**
3 **course as endorsed and developed by the state EMS medical director's**
4 **advisory committee;**

5 (2) **Who have been authorized by their ground or air ambulance**
6 **service's administration and medical director under subsection 3 of**
7 **section 190.103; and**

8 (3) **Whose ground or air ambulance service has developed and**
9 **adopted standardized triage, treatment, and transport protocols under**
10 **subsection 3 of section 190.103, which address the challenge of treating**
11 **and transporting behavioral health patients who present a likelihood**
12 **of serious harm to themselves or others as the term "likelihood of**
13 **serious harm" is defined under section 632.005 or who are significantly**
14 **incapacitated by alcohol or drugs; provided, that such protocols shall be**
15 **reviewed and approved by the state EMS medical director's advisory**
16 **committee and that such protocols shall direct the EMT-P regarding the**
17 **proper use of patient restraint and coordination with area law**
18 **enforcement. Patient restraint protocols shall be based upon current**
19 **applicable national guidelines;**

20 **may make a good faith determination that such patients shall be placed**
21 **into a temporary hold for the sole purposes of transport to the nearest**
22 **appropriate facility; provided, that such determination shall be made**
23 **in cooperation with at least one other EMT-P or other medical**
24 **professional involved in the transport. Once in a temporary hold, the**
25 **patient shall be treated with humane care in a manner that preserves**
26 **human dignity, consistent with applicable federal regulations and**

27 nationally-recognized guidelines regarding the appropriate use of
28 temporary holds and restraints in medical transport.

29 2. In any instance in which a good faith determination for a
30 temporary hold of a patient has been made, such hold shall be made in
31 a clinically appropriate and adequately justified manner, and shall be
32 documented and attested to in writing. The writing shall be retained
33 by the ambulance service and included as part of the patient's medical
34 file.

35 3. EMT-Ps who have made a good faith decision for a temporary
36 hold of a patient as authorized by this section shall no longer have to
37 rely on the common law doctrine of implied consent and therefore shall
38 not be civilly liable for a good faith determination made in accordance
39 with this section and shall not have waived any sovereign immunity
40 defense, official immunity defense, or Missouri public duty doctrine
41 defense if employed at the time of the good faith determination by a
42 government employer.

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

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

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

55 (3) Field interaction between paramedics and law enforcement,
56 including patient destination and transportation; and

57 (4) Coordination of program quality assurance.

58 5. The physical restraint of a patient by an emergency medical
59 technician under the authority of this section shall be permitted only
60 in order to provide for the safety of bystanders, the patient, or
61 emergency personnel due to an imminent or immediate danger, or upon
62 approval by local medical control through direct
63 communications. Restraint shall also be permitted through cooperation

64 **with on-scene law enforcement officers. All incidents involving patient**
65 **restraint used under the authority of this section shall be reviewed by**
66 **the ambulance service physician medical director.**

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

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

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

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

27 (3) Use of fraud, deception, misrepresentation or bribery in securing any
28 certificate, permit or license issued pursuant to sections 190.100 to 190.245 or in
29 obtaining permission to take any examination given or required pursuant to
30 sections 190.100 to 190.245;

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

33 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation

34 or dishonesty in the performance of the functions or duties of any activity licensed
35 or regulated by sections 190.100 to 190.245;

36 (6) Violation of, or assisting or enabling any person to violate, any
37 provision of sections 190.100 to 190.245, or of any lawful rule or regulation
38 adopted by the department pursuant to sections 190.100 to 190.245;

39 (7) Impersonation of any person holding a certificate, permit or license or
40 allowing any person to use his or her certificate, permit, license or diploma from
41 any school;

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

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

48 (10) Assisting or enabling any person to practice or offer to practice any
49 activity licensed or regulated by sections 190.100 to 190.245 who is not licensed
50 and currently eligible to practice pursuant to sections 190.100 to 190.245;

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

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

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

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

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

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

65 (17) Repeated acts of negligence or recklessness in the performance of the
66 functions or duties of any activity licensed or regulated by sections 190.100 to
67 190.245.

68 3. If the department conducts investigations, the department, prior to
69 interviewing a licensee who is the subject of the investigation, shall explain to the

70 licensee that he or she has the right to:

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

72 (2) Have anyone present whom he or she deems to be necessary or
73 desirable[, except for any holder of any certificate, permit, or license required by
74 sections 190.100 to 190.245]; and

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

77 The assertion of any right listed in this subsection shall not be deemed by the
78 department to be a failure to cooperate with any department investigation.

79 4. After the filing of such complaint, the proceedings shall be conducted
80 in accordance with the provisions of chapter 621. Upon a finding by the
81 administrative hearing commission that the grounds, provided in subsection 2 of
82 this section, for disciplinary action are met, the department may, singly or in
83 combination, censure or place the person named in the complaint on probation on
84 such terms and conditions as the department deems appropriate for a period not
85 to exceed five years, or may suspend, for a period not to exceed three years, or
86 revoke the license, certificate or permit. Notwithstanding any provision of law
87 to the contrary, the department shall be authorized to impose a suspension or
88 revocation as a disciplinary action only if it first files the requisite complaint with
89 the administrative hearing commission. **The administrative hearing**
90 **commission shall hear all relevant evidence on remediation activities**
91 **of the licensee and shall make a recommendation to the department of**
92 **health and senior services as to licensure disposition based on such**
93 **evidence.**

94 5. An individual whose license has been revoked shall wait one year from
95 the date of revocation to apply for relicensure. Relicensure shall be at the
96 discretion of the department after compliance with all the requirements of
97 sections 190.100 to 190.245 relative to the licensing of an applicant for the first
98 time. Any individual whose license has been revoked twice within a ten-year
99 period shall not be eligible for relicensure.

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

103 7. Any person, organization, association or corporation who reports or
104 provides information to the department pursuant to the provisions of sections
105 190.100 to 190.245 and who does so in good faith shall not be subject to an action

106 for civil damages as a result thereof.

107 8. The department of health and senior services may suspend any
108 certificate, permit or license required pursuant to sections 190.100 to 190.245
109 simultaneously with the filing of the complaint with the administrative hearing
110 commission as set forth in subsection 2 of this section, if the department finds
111 that there is an imminent threat to the public health. The notice of suspension
112 shall include the basis of the suspension and notice of the right to appeal such
113 suspension. The licensee may appeal the decision to suspend the license,
114 certificate or permit to the department. The appeal shall be filed within ten days
115 from the date of the filing of the complaint. A hearing shall be conducted by the
116 department within ten days from the date the appeal is filed. The suspension
117 shall continue in effect until the conclusion of the proceedings, including review
118 thereof, unless sooner withdrawn by the department, dissolved by a court of
119 competent jurisdiction or stayed by the administrative hearing commission.

 190.173. 1. All complaints, investigatory reports, and information
2 pertaining to any applicant, holder of any certificate, permit, or license, or other
3 individual are confidential and shall only be disclosed upon written consent of the
4 person whose records are involved or to other administrative or law enforcement
5 agencies acting within the scope of their statutory authority. However, no
6 applicant, holder of any certificate, permit, or license, or other individual shall
7 have access to any complaints, investigatory reports, or information concerning
8 an investigation in progress until such time as the investigation has been
9 completed as required by subsection 1 of section 190.248.

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

14 3. **Any information regarding the physical address, mailing**
15 **address, phone number, fax number, or email address of a licensed**
16 **ambulance service or a certified training entity, including the name of**
17 **the medical director and organizational contact information, shall not**
18 **be confidential.**

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

23 **5. Nothing in this section shall prohibit the department from**
24 **releasing aggregate information in accordance with section 192.067.**

190.196. 1. No employer shall knowingly employ or permit any employee
2 to perform any services for which a license, certificate or other authorization is
3 required by sections 190.001 to 190.245, or by rules adopted pursuant to sections
4 190.001 to 190.245, unless and until the person so employed possesses all
5 licenses, certificates or authorizations that are required.

6 2. Any person or entity that employs or supervises a person's activities as
7 **[a first] an emergency medical** responder, emergency medical dispatcher,
8 emergency medical **[technician-basic, emergency medical technician-intermediate,**
9 **emergency medical technician-paramedic] technician**, registered nurse, or
10 physician shall cooperate with the department's efforts to monitor and enforce
11 compliance by those individuals subject to the requirements of sections 190.001
12 to 190.245.

13 3. Any person or entity who employs individuals licensed by the
14 department pursuant to sections 190.001 to 190.245 shall report to the
15 department within seventy-two hours of their having knowledge of any charges
16 filed against a licensee in their employ for possible criminal action involving the
17 following felony offenses:

- 18 (1) Child abuse or sexual abuse of a child;
19 (2) Crimes of violence; or
20 (3) Rape or sexual abuse.

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

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

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

2 (1) "Eligible person, firm, organization or other entity", an ambulance
3 service or emergency medical response agency, **[a certified first] an emergency**
4 **medical** responder, **[emergency medical technical-basic]** or **an** emergency
5 medical **[technician-paramedic] technician** who is employed by, or an enrolled
6 member, person, firm, organization or entity designated by, rule of the
7 department of health and senior services in consultation with other appropriate
8 agencies. All such eligible persons, firms, organizations or other entities shall be
9 subject to the rules promulgated by the director of the department of health and

10 senior services;

11 (2) "Emergency health care provider":

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

14 (b) A hospital licensed pursuant to chapter 197 that provides emergency
15 care.

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

18 (1) No person shall use an epinephrine auto-injector device unless such
19 person has successfully completed a training course in the use of epinephrine
20 auto-injector devices approved by the director of the department of health and
21 senior services. Nothing in this section shall prohibit the use of an epinephrine
22 auto-injector device:

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

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

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

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

31 3. (1) Use of an epinephrine auto-injector device pursuant to this section
32 shall be considered first aid or emergency treatment for the purpose of any law
33 relating to liability.

34 (2) Purchase, acquisition, possession or use of an epinephrine auto-injector
35 device pursuant to this section shall not constitute the unlawful practice of
36 medicine or the unlawful practice of a profession.

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

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

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

5 2. As used in sections 190.900 to 190.939, the following terms
6 mean:

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

11 (2) "Adverse action", any administrative, civil, equitable, or
12 criminal action permitted by a state's laws that may be imposed against
13 licensed EMS personnel by a state EMS authority or state court
14 including, but not limited to, actions against an individual's license
15 such as revocation, suspension, probation, consent agreement,
16 monitoring or other limitation, or encumbrance on the individual's
17 practice, letters of reprimand or admonition, fines, criminal
18 convictions, and state court judgments enforcing adverse actions by the
19 state EMS authority;

20 (3) "Certification", the successful verification of entry-level
21 cognitive and psychomotor competency using a reliable, validated, and
22 legally defensible examination;

23 (4) "Commission", the national administrative body of which all
24 states that have enacted the compact are members;

25 (5) "Emergency medical technician" or "EMT", an individual
26 licensed with cognitive knowledge and a scope of practice that
27 corresponds to that level in the National EMS Education Standards and
28 National EMS Scope of Practice Model;

29 (6) "EMS", emergency medical services;

30 (7) "Home state", a member state where an individual is licensed
31 to practice emergency medical services;

32 (8) "License", the authorization by a state for an individual to
33 practice as an EMT, AEMT, paramedic, or a level in between EMT and
34 paramedic;

35 (9) "Medical director", a physician licensed in a member state
36 who is accountable for the care delivered by EMS personnel;

37 (10) "Member state", a state that has enacted this compact;

38 (11) "Paramedic", an individual licensed with cognitive
39 knowledge and a scope of practice that corresponds to that level in the
40 National EMS Education Standards and National EMS Scope of Practice
41 Model;

42 **(12) "Privilege to practice", an individual's authority to deliver**
43 **emergency medical services in remote states as authorized under this**
44 **compact;**

45 **(13) "Remote state", a member state in which an individual is not**
46 **licensed;**

47 **(14) "Restricted", the outcome of an adverse action that limits a**
48 **license or the privilege to practice;**

49 **(15) "Rule", a written statement by the interstate commission**
50 **promulgated under section 190.930 of this compact that is of general**
51 **applicability; implements, interprets, or prescribes a policy or**
52 **provision of the compact; or is an organizational, procedural, or**
53 **practice requirement of the commission and has the force and effect of**
54 **statutory law in a member state and includes the amendment, repeal,**
55 **or suspension of an existing rule;**

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

60 **(17) "Significant investigatory information":**

61 **(a) Investigative information that a state EMS authority, after a**
62 **preliminary inquiry that includes notification and an opportunity to**
63 **respond if required by state law, has reason to believe, if proven true,**
64 **would result in the imposition of an adverse action on a license or**
65 **privilege to practice; or**

66 **(b) Investigative information that indicates that the individual**
67 **represents an immediate threat to public health and safety, regardless**
68 **of whether the individual has been notified and had an opportunity to**
69 **respond;**

70 **(18) "State", any state, commonwealth, district, or territory of the**
71 **United States;**

72 **(19) "State EMS authority", the board, office, or other agency**
73 **with the legislative mandate to license EMS personnel.**

190.903. 1. Any member state in which an individual holds a
2 **current license shall be deemed a home state for purposes of this**
3 **compact.**

4 **2. Any member state may require an individual to obtain and**
5 **retain a license to be authorized to practice in the member state under**

6 circumstances not authorized by the privilege to practice under the
7 terms of this compact.

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

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

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

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

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

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

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

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

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

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

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

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

16 4. Except as provided in subsection 3 of this section, an

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

24 5. If an individual's license in any home state is restricted,
25 suspended, or revoked, the individual shall not be eligible to practice
26 in a remote state under the privilege to practice until the individual's
27 home state license is restored.

28 6. If an individual's privilege to practice in any remote state is
29 restricted, suspended, or revoked, the individual shall not be eligible
30 to practice in any remote state until the individual's privilege to
31 practice is restored.

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

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

7 (2) The individual originates in the home state and enters a
8 remote state to pick up a patient and provides care and transport of
9 the patient to the home state;

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

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

14 (5) Other conditions as determined by rules promulgated by the
15 commission.

190.912. Upon a member state's governor's declaration of a state
2 of emergency or disaster that activates the Emergency Management
3 Assistance Compact (EMAC), all relevant terms and provisions of EMAC
4 shall apply, and to the extent any terms or provisions of this compact
5 conflict with EMAC, the terms of EMAC shall prevail with respect to
6 any individual practicing in the remote state in response to such
7 declaration.

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

7 2. Member states shall expedite the process of licensure
8 applications submitted by veterans, active military service members,
9 or members of the National Guard and Reserves separating from an
10 active duty tour, or their spouses.

11 3. All individuals functioning with a privilege to practice under
12 this section remain subject to the adverse action provisions of section
13 190.918.

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

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

7 (1) All home state adverse action orders shall include a
8 statement that the individual's compact privileges are inactive. The
9 order may allow the individual to practice in remote states with prior
10 written authorization from both the home state and the remote state's
11 EMS authority.

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

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

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

22 5. Any member state may take adverse action against an
23 individual's privilege to practice in that state based on the factual
24 findings of another member state, so long as each state follows its own

25 procedures for imposing such adverse action.

26 6. A home state's EMS authority shall coordinate investigative
27 activities, share information via the coordinated database, and take
28 appropriate action with respect to reported conduct in a remote state
29 as it would if such conduct had occurred within the home state. In
30 such cases, the home state's law shall control in determining the
31 appropriate adverse action.

32 7. Nothing in this compact shall override a member state's
33 decision that participation in an alternative program may be used in
34 lieu of adverse action and that such participation shall remain
35 nonpublic if required by the member state's laws. Member states shall
36 require individuals who enter any alternative programs to agree not to
37 practice in any other member state during the term of the alternative
38 program without prior authorization from such other member state.

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

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

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

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

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

6 (2) Venue is proper and judicial proceedings by or against the
7 commission shall be brought solely and exclusively in a court of
8 competent jurisdiction where the principal office of the commission is

9 located. The commission may waive venue and jurisdictional defenses
10 to the extent it adopts or consents to participate in alternative dispute
11 resolution proceedings.

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

14 2. Each member state shall have and be limited to one
15 delegate. The responsible official of the state EMS authority or his or
16 her designee shall be the delegate to this compact for each member
17 state. Any delegate may be removed or suspended from office as
18 provided by the law of the state from which the delegate is
19 appointed. Any vacancy occurring in the commission shall be filled in
20 accordance with the laws of the member state in which the vacancy
21 exists. In the event that more than one board, office, or other agency
22 with the legislative mandate to license EMS personnel at and above the
23 level of EMT exists, the governor of the state shall determine which
24 entity shall be responsible for assigning the delegate.

25 (1) Each delegate shall be entitled to one vote with regard to the
26 promulgation of rules and creation of bylaws, and shall otherwise have
27 an opportunity to participate in the business and affairs of the
28 commission. A delegate shall vote in person or by such other means as
29 provided in the bylaws. The bylaws may provide for delegates'
30 participation in meetings by telephone or other means of
31 communication.

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

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

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

39 (a) Noncompliance of a member state with its obligations under
40 the compact;

41 (b) The employment, compensation, discipline or other personnel
42 matters, practices, or procedures related to specific employees, or other
43 matters related to the commission's internal personnel practices and
44 procedures;

45 (c) Current, threatened, or reasonably anticipated litigation;

46 **(d) Negotiation of contracts for the purchase or sale of goods,**
47 **services, or real estate;**

48 **(e) Accusing any person of a crime or formally censuring any**
49 **person;**

50 **(f) Disclosure of trade secrets or commercial or financial**
51 **information that is privileged or confidential;**

52 **(g) Disclosure of information of a personal nature if disclosure**
53 **would constitute a clearly unwarranted invasion of personal privacy;**

54 **(h) Disclosure of investigatory records compiled for law**
55 **enforcement purposes;**

56 **(i) Disclosure of information related to any investigatory reports**
57 **prepared by or on behalf of or for use of the commission or other**
58 **committee charged with responsibility of investigation or**
59 **determination of compliance issues pursuant to the compact; or**

60 **(j) Matters specifically exempted from disclosure by federal or**
61 **member state statute.**

62 **(5) If a meeting or portion of a meeting is closed under this**
63 **section, the commission's legal counsel or designee shall certify that the**
64 **meeting may be closed and shall reference each relevant exempting**
65 **provision. The commission shall keep minutes that fully and clearly**
66 **describe all matters discussed in a meeting and shall provide a full and**
67 **accurate summary of actions taken and the reasons therefor, including**
68 **a description of the views expressed. All documents considered in**
69 **connection with an action shall be identified in such minutes. All**
70 **minutes and documents of a closed meeting shall remain under seal,**
71 **subject to release by a majority vote of the commission or order of a**
72 **court of competent jurisdiction.**

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

77 **(1) Establishing the fiscal year of the commission;**

78 **(2) Providing reasonable standards and procedures:**

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

80 **(b) Governing any general or specific delegation of any authority**
81 **or function of the commission;**

82 **(3) Providing reasonable procedures for calling and conducting**

83 meetings of the commission, ensuring reasonable advance notice of all
84 meetings, and providing an opportunity for attendance of such
85 meetings by interested parties, with enumerated exceptions designed
86 to protect the public's interest, the privacy of individuals, and
87 proprietary information, including trade secrets. The commission may
88 meet in closed session only after a majority of the membership votes to
89 close a meeting in whole or in part. As soon as practicable, the
90 commission shall make public a copy of the vote to close the meeting
91 revealing the vote of each member with no proxy votes allowed;

92 (4) Establishing the titles, duties and authority, and reasonable
93 procedures for the election of the officers of the commission;

94 (5) Providing reasonable standards and procedures for the
95 establishment of the personnel policies and programs of the
96 commission. Notwithstanding any civil service or other similar laws of
97 any member state, the bylaws shall exclusively govern the personnel
98 policies and programs of the commission;

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

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

105 (8) The commission shall publish its bylaws and file a copy
106 thereof, and a copy of any amendment thereto, with the appropriate
107 agency or officer in each of the member states, if any;

108 (9) The commission shall maintain its financial records in
109 accordance with the bylaws; and

110 (10) The commission shall meet and take such actions as are
111 consistent with the provisions of this compact and the bylaws.

112 4. The commission shall have the following powers:

113 (1) To promulgate uniform rules to facilitate and coordinate
114 implementation and administration of this compact. The rules shall
115 have the force and effect of law and shall be binding on all member
116 states;

117 (2) To bring and prosecute legal proceedings or actions in the
118 name of the commission; provided that, the standing of any state EMS
119 authority or other regulatory body responsible for EMS personnel

- 120 licensure to sue or be sued under applicable law shall not be affected;
- 121 (3) To purchase and maintain insurance and bonds;
- 122 (4) To borrow, accept, or contract for services of personnel
123 including, but not limited to, employees of a member state;
- 124 (5) To hire employees, elect or appoint officers, fix compensation,
125 define duties, grant such individuals appropriate authority to carry out
126 the purposes of the compact, and to establish the commission's
127 personnel policies and programs relating to conflicts of interest,
128 qualifications of personnel, and other related personnel matters;
- 129 (6) To accept any and all appropriate donations and grants of
130 money, equipment, supplies, materials, and services, and to receive,
131 utilize, and dispose of the same; provided that, at all times the
132 commission shall strive to avoid any appearance of impropriety and
133 conflict of interest;
- 134 (7) To lease, purchase, accept appropriate gifts or donations of,
135 or otherwise to own, hold, improve, or use any property, real, personal,
136 or mixed; provided that, at all times the commission shall strive to
137 avoid any appearance of impropriety;
- 138 (8) To sell, convey, mortgage, pledge, lease, exchange, abandon,
139 or otherwise dispose of any property, real, personal, or mixed;
- 140 (9) To establish a budget and make expenditures;
- 141 (10) To borrow money;
- 142 (11) To appoint committees, including advisory committees
143 comprised of members, state regulators, state legislators or their
144 representatives, consumer representatives, and such other interested
145 persons as may be designated in this compact and the bylaws;
- 146 (12) To provide and receive information from, and to cooperate
147 with, law enforcement agencies;
- 148 (13) To adopt and use an official seal; and
- 149 (14) To perform such other functions as may be necessary or
150 appropriate to achieve the purposes of this compact consistent with the
151 state regulation of EMS personnel licensure and practice.
- 152 5. (1) The commission shall pay, or provide for the payment of,
153 the reasonable expenses of its establishment, organization, and ongoing
154 activities.
- 155 (2) The commission may accept any and all appropriate revenue
156 sources, donations, and grants of money, equipment, supplies,

157 materials, and services.

158 (3) The commission may levy on and collect an annual
159 assessment from each member state or impose fees on other parties to
160 cover the cost of the operations and activities of the commission and its
161 staff, which shall be in a total amount sufficient to cover its annual
162 budget as approved each year for which revenue is not provided by
163 other sources. The aggregate annual assessment amount shall be
164 allocated based upon a formula to be determined by the commission,
165 which shall promulgate a rule binding upon all member states.

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

170 (5) The commission shall keep accurate accounts of all receipts
171 and disbursements. The receipts and disbursements of the commission
172 shall be subject to the audit and accounting procedures established
173 under its bylaws. However, all receipts and disbursements of funds
174 handled by the commission shall be audited yearly by a certified or
175 licensed public accountant, and the report of the audit shall be
176 included in and become part of the annual report of the commission.

177 6. (1) The members, officers, executive director, employees, and
178 representatives of the commission shall be immune from suit and
179 liability, either personally or in their official capacity, for any claim,
180 damage to or loss of property, personal injury, or other civil liability
181 caused by or arising out of any actual or alleged act, error, or omission
182 that occurred or that the person against whom the claim is made had
183 a reasonable basis for believing occurred within the scope of
184 commission employment, duties, or responsibilities; provided that,
185 nothing in this subdivision shall be construed to protect any such
186 person from suit or liability for any damage, loss, injury, or liability
187 caused by the intentional, willful, or wanton misconduct of that person.

188 (2) The commission shall defend any member, officer, executive
189 director, employee, or representative of the commission in any civil
190 action seeking to impose liability arising out of any actual or alleged
191 act, error, or omission that occurred within the scope of commission
192 employment, duties, or responsibilities, or that the person against
193 whom the claim is made had a reasonable basis for believing occurred

194 within the scope of commission employment, duties, or responsibilities;
195 provided that, nothing herein shall be construed to prohibit that person
196 from retaining his or her own counsel; and provided further, that the
197 actual or alleged act, error, or omission did not result from that
198 person's intentional, willful, or wanton misconduct.

199 (3) The commission shall indemnify and hold harmless any
200 member, officer, executive director, employee, or representative of the
201 commission for the amount of any settlement or judgment obtained
202 against that person arising out of any actual or alleged act, error, or
203 omission that occurred within the scope of commission employment,
204 duties, or responsibilities, or that such person had a reasonable basis
205 for believing occurred within the scope of commission employment,
206 duties, or responsibilities; provided that, the actual or alleged act,
207 error, or omission did not result from the intentional, willful, or wanton
208 misconduct of the person.

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

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

9 (1) Identifying information;

10 (2) Licensure data;

11 (3) Significant investigatory information;

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

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

15 (6) Nonconfidential information related to alternative program
16 participation;

17 (7) Any denial of application for licensure and the reasons for
18 such denial; and

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

21 3. The coordinated database administrator shall promptly notify
22 all member states of any adverse action taken against, or significant

23 **investigative information on, any individual in a member state.**

24 **4. Member states contributing information to the coordinated**
25 **database may designate information that shall not be shared with the**
26 **public without the express permission of the contributing state.**

27 **5. Any information submitted to the coordinated database that**
28 **is subsequently required to be expunged by the laws of the member**
29 **state contributing the information shall be removed from the**
30 **coordinated database.**

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

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

9 **3. Rules or amendments to the rules shall be adopted at a regular**
10 **or special meeting of the commission.**

11 **4. Prior to promulgation and adoption of a final rule or rules by**
12 **the commission, and at least sixty days in advance of the meeting at**
13 **which the rule or rules shall be considered and voted upon, the**
14 **commission shall file a notice of proposed rulemaking:**

15 **(1) On the website of the commission; and**

16 **(2) On the website of each member state's EMS authority or the**
17 **publication in which each state would otherwise publish proposed**
18 **rules.**

19 **5. The notice of proposed rulemaking shall include:**

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

22 **(2) The text of the proposed rule or amendment and the reason**
23 **for the proposed rule;**

24 **(3) A request for comments on the proposed rule from any**
25 **interested person; and**

26 **(4) The manner in which interested parties may submit notice to**
27 **the commission of their intention to attend the public hearing and any**
28 **written comments.**

29 **6. Prior to adoption of a proposed rule, the commission shall**

30 allow persons to submit written data, facts, opinions, and arguments
31 that shall be made available to the public.

32 7. The commission shall grant an opportunity for a public
33 hearing before it adopts a rule or amendment if a hearing is requested
34 by:

35 (1) At least twenty-five persons;

36 (2) A governmental subdivision or agency; or

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

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

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

45 (2) Hearings shall be conducted in a manner providing each
46 person who wishes to comment a fair and reasonable opportunity to
47 comment orally or in writing.

48 (3) No transcript of the hearing is required, unless a written
49 request for a transcript is made, in which case the person requesting
50 the transcript shall bear the cost of producing the transcript. A
51 recording may be made in lieu of a transcript under the same terms
52 and conditions as a transcript. This subdivision shall not preclude the
53 commission from making a transcript or recording of the hearing if it
54 so chooses.

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

58 9. Following the scheduled hearing date, or by the close of
59 business on the scheduled hearing date if the hearing was not held, the
60 commission shall consider all written and oral comments received.

61 10. The commission shall, by majority vote of all members, take
62 final action on the proposed rule and shall determine the effective date
63 of the rule, if any, based on the rulemaking record and the full text of
64 the rule.

65 11. If no written notice of intent to attend the public hearing by
66 interested parties is received, the commission may proceed with

67 promulgation of the proposed rule without a public hearing.

68 12. Upon determination that an emergency exists, the
69 commission may consider and adopt an emergency rule without prior
70 notice, opportunity for comment, or hearing; provided that, the usual
71 rulemaking procedures provided in the compact and in this section
72 shall be retroactively applied to the rule as soon as reasonably possible,
73 in no event later than ninety days after the effective date of the
74 rule. For the purposes of this provision, an emergency rule is one that
75 shall be adopted immediately in order to:

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

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

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

80 (4) Protect public health and safety.

81 13. The commission or an authorized committee of the
82 commission may direct revisions to a previously adopted rule or
83 amendment for purposes of correcting typographical errors, errors in
84 format, errors in consistency, or grammatical errors. Public notice of
85 any revisions shall be posted on the website of the commission. The
86 revision shall be subject to challenge by any person for a period of
87 thirty days after posting. The revision may be challenged only on
88 grounds that the revision results in a material change to a rule. A
89 challenge shall be made in writing and delivered to the chair of the
90 commission prior to the end of the notice period. If no challenge is
91 made, the revision shall take effect without further action. If the
92 revision is challenged, the revision may not take effect without the
93 approval of the commission.

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

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

10 3. The commission shall be entitled to receive service of process

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

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

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

22 (2) Provide remedial training and specific technical assistance
23 regarding the default.

24 5. If a state in default fails to cure the default, the defaulting
25 state may be terminated from the compact upon an affirmative vote of
26 a majority of the member states, and all rights, privileges, and benefits
27 conferred by this compact may be terminated on the effective date of
28 termination. A cure of the default does not relieve the offending state
29 of obligations or liabilities incurred during the period of default.

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

35 7. A state that has been terminated is responsible for all
36 assessments, obligations, and liabilities incurred through the effective
37 date of termination, including obligations that extend beyond the
38 effective date of termination.

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

43 9. The defaulting state may appeal the action of the commission
44 by petitioning the United States District Court for the District of
45 Columbia or the federal district where the commission has its principal
46 offices. The prevailing member shall be awarded all costs of such
47 litigation, including reasonable attorney's fees.

48 **10. Upon a request by a member state, the commission shall**
49 **attempt to resolve disputes related to the compact that arise among**
50 **member states and between member and nonmember states.**

51 **11. The commission shall promulgate a rule providing for both**
52 **mediation and binding dispute resolution for disputes as appropriate.**

53 **12. The commission, in the reasonable exercise of its discretion,**
54 **shall enforce the provisions and rules of this compact.**

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

63 **14. The remedies herein shall not be the exclusive remedies of**
64 **the commission. The commission may pursue any other remedies**
65 **available under federal or state law.**

190.936. 1. The compact shall come into effect on the date on
2 **which the compact statute is enacted into law in the tenth member**
3 **state. The provisions, which become effective at that time, shall be**
4 **limited to the powers granted to the commission relating to assembly**
5 **and the promulgation of rules. Thereafter, the commission shall meet**
6 **and exercise rulemaking powers necessary to the implementation and**
7 **administration of the compact.**

8 **2. Any state that joins the compact subsequent to the**
9 **commission's initial adoption of the rules shall be subject to the rules**
10 **as they exist on the date on which the compact becomes law in that**
11 **state. Any rule that has been previously adopted by the commission**
12 **shall have the full force and effect of law on the day the compact**
13 **becomes law in that state.**

14 **3. Any member state may withdraw from this compact by**
15 **enacting a statute repealing the same.**

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

18 **(2) Withdrawal shall not affect the continuing requirement of the**
19 **withdrawing state's EMS authority to comply with the investigative and**

20 **adverse action reporting requirements of this act prior to the effective**
21 **date of withdrawal.**

22 **4. Nothing contained in this compact shall be construed to**
23 **invalidate or prevent any EMS personnel licensure agreement or other**
24 **cooperative arrangement between a member state and a nonmember**
25 **state that does not conflict with the provisions of this compact.**

26 **5. This compact may be amended by the member states. No**
27 **amendment to this compact shall become effective and binding upon**
28 **any member state until it is enacted into the laws of all member states.**

190.939. This compact shall be liberally construed so as to
2 **effectuate the purposes thereof. If this compact shall be held contrary**
3 **to the constitution of any member state thereto, the compact shall**
4 **remain in full force and effect as to the remaining member**
5 **states. Nothing in this compact supersedes state law or rules related**
6 **to licensure of EMS agencies.**

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

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

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

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

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

17 (5) "Designated infection control officer", the person or persons within the
18 entity or agency who are responsible for managing the infection control program
19 and for coordinating efforts surrounding the investigation of an exposure such as:

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

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

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

28 (6) "Emergency care provider", a person who is serving as a licensed or
29 certified person trained to provide emergency and nonemergency medical care as
30 a first responder, emergency **medical** responder, [EMT-B, EMT-I, or EMT-P] **as**
31 **defined in section 190.100, emergency medical technician**, as defined in
32 section 190.100, firefighter, law enforcement officer, sheriff, deputy sheriff,
33 registered nurse, physician, medical helicopter pilot, or other certification or
34 licensure levels adopted by rule of the department;

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

38 (8) "Good Samaritan", any person who renders emergency medical
39 assistance or aid within his or her level of training or skill until such time as he
40 or she is relieved of those duties by an emergency care provider;

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

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

**217.151. 1. As used in this section, the following terms shall
2 mean:**

3 (1) "Extraordinary circumstance", a substantial flight risk or
4 some other extraordinary medical or security circumstance that
5 dictates restraints be used to ensure the safety and security of a
6 pregnant offender in her third trimester, a postpartum offender forty-
7 eight hours postdelivery, the staff of the correctional center or medical
8 facility, other offenders, or the public;

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

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

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

16 **2. Unless extraordinary circumstances exist as determined by a**
17 **corrections officer, a correctional center shall not use restraints on a**
18 **pregnant offender in her third trimester during transportation to and**
19 **from visits to health care providers or court proceedings, or during**
20 **medical appointments and examinations, labor, delivery, or forty-eight**
21 **hours postdelivery.**

22 **3. In the event a corrections officer determines that**
23 **extraordinary circumstances exist and restraints are necessary, the**
24 **corrections officer shall fully document in writing within forty-eight**
25 **hours of the incident the reasons he or she determined such**
26 **extraordinary circumstances existed, the type of restraints used, and**
27 **the reasons those restraints were considered the least restrictive**
28 **available and the most reasonable under the circumstances. Such**
29 **documents shall be kept on file by the correctional center for at least**
30 **ten years from the date the restraints were used.**

31 **4. Any time restraints are used on a pregnant offender in her**
32 **third trimester or on a postpartum offender forty-eight hours**
33 **postdelivery, the restraints shall be the least restrictive available and**
34 **the most reasonable under the circumstances. In no case shall leg,**
35 **ankle, or waist restraints or any mechanical restraints be used on any**
36 **such offender, and if wrist restraints are used, such restraints shall be**
37 **placed in the front of such offender's body to protect the offender and**
38 **unborn child in the case of a forward fall.**

39 **5. If a doctor, nurse, or other health care provider treating the**
40 **pregnant offender in her third trimester or the postpartum offender**
41 **forty-eight hours postdelivery requests that restraints not be used, the**
42 **corrections officer accompanying such offender shall immediately**
43 **remove all restraints.**

44 **6. Pregnant offenders shall be transported in vehicles equipped**
45 **with seatbelts.**

46 **7. The sentencing and corrections oversight commission**
47 **established under section 217.147 and the advisory committee**
48 **established under section 217.015 shall conduct biannual reviews of**
49 **every report written on the use of restraints on a pregnant offender in**
50 **her third trimester or on a postpartum offender forty-eight hours**

51 postdelivery in accordance with subsection 3 of this section to
52 determine compliance with this section. The written reports shall be
53 kept on file by the department for ten years.

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

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

59 (2) Inform female offenders, in writing and orally, of any policies
60 and practices developed in accordance with this section and section
61 217.149 upon admission to the correctional center, including policies
62 and practices in any offender handbook, and post the policies and
63 practices in locations in the correctional center where such notices are
64 commonly posted and will be seen by female offenders, including
65 common housing areas and health care facilities.

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

3 (1) "Extraordinary circumstance", a substantial flight risk or
4 some other extraordinary medical or security circumstance that
5 dictates restraints be used to ensure the safety and security of a
6 pregnant prisoner in her third trimester, a postpartum prisoner forty-
7 eight hours postdelivery, the staff of the county or city jail or medical
8 facility, other prisoners, or the public;

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

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

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

16 2. Unless extraordinary circumstances exist as determined by a
17 sheriff or jailer, a county or city jail shall not use restraints on a
18 pregnant prisoner in her third trimester during transportation to and
19 from visits to health care providers or court proceedings, medical
20 appointments and examinations, or during labor, delivery, or forty-
21 eight hours postdelivery.

22 3. In the event a sheriff or jailer determines that extraordinary

23 circumstances exist and restraints are necessary, the sheriff or jailer
24 shall fully document in writing within forty-eight hours of the incident
25 the reasons he or she determined such extraordinary circumstances
26 existed, the type of restraints used, and the reasons those restraints
27 were considered the least restrictive available and the most reasonable
28 under the circumstances. Such documents shall be kept on file by the
29 county or city jail for at least five years from the date the restraints
30 were used.

31 4. Anytime restraints are used on a pregnant prisoner in her
32 third trimester or on a postpartum prisoner forty-eight hours
33 postdelivery, the restraints shall be the least restrictive available and
34 the most reasonable under the circumstances. In no case shall leg,
35 ankle, or waist restraints or any mechanical restraints be used on any
36 such prisoner, and if wrist restraints are used, such restraints shall be
37 placed in the front of such prisoner's body to protect the prisoner and
38 unborn child in the case of a forward fall.

39 5. If a doctor, nurse, or other health care provider treating the
40 pregnant prisoner in her third trimester or the postpartum prisoner
41 forty-eight hours postdelivery requests that restraints not be used, the
42 sheriff or jailer accompanying such prisoner shall immediately remove
43 all restraints.

44 6. Pregnant prisoners shall be transported in vehicles equipped
45 with seatbelts.

46 7. The county or city jail shall:

47 (1) Ensure that employees of the jail are provided with training,
48 which may include online training, on the provisions of this section and
49 section 221.520; and

50 (2) Inform female prisoners, in writing and orally, of any policies
51 and practices developed in accordance with this section and section
52 221.520 upon admission to the jail, and post the policies and practices
53 in locations in the jail where such notices are commonly posted and
54 will be seen by female prisoners.

55 8. The provisions of this section shall only apply to jails located
56 in a county with a charter form of government, any city located in a
57 county with a charter form of government, or any city not within a
58 county.

353.110. 1. Once the requirements of this section have been complied

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

19 2. In the event, however, that any such real property was tax exempt
20 immediately prior to ownership by any urban redevelopment corporation, such
21 assessor or assessors shall, upon acquisition of title thereto by the urban
22 redevelopment corporation, promptly assess such land, exclusive of improvements,
23 at such valuation as shall conform to but not exceed the assessed valuation made
24 during the preceding calendar year of other land, exclusive of improvements,
25 adjacent thereto or in the same general neighborhood, and the amount of such
26 assessed valuation shall not be increased during the period set pursuant to
27 subsection 1 of this section so long as the real property is owned by an urban
28 redevelopment corporation and used in accordance with a development plan
29 authorized by the legislative authority of such cities. For the next ensuing period
30 not in excess of fifteen years, ad valorem taxes upon such real property shall be
31 measured by the assessed valuation thereof as determined by such assessor or
32 assessors upon the basis of not to exceed fifty percent of the true value of such
33 real property, including any improvements thereon, nor shall such valuations be
34 increased above fifty percent of the true value of such real property from year to
35 year during such next ensuing period so long as the real property is owned by an
36 urban redevelopment corporation and used in accordance with an authorized
37 development plan. After a period totaling not more than twenty-five years, such

38 real property shall be subject to assessment and payment of all ad valorem taxes,
39 based on the full true value of the real property; provided, that after the
40 completion of the redevelopment project, as authorized by law or ordinance
41 whenever any urban redevelopment corporation shall elect to pay full taxes, or
42 at the expiration of the period, such real property shall be owned and operated
43 free from any of the conditions, restrictions or provisions of this chapter, and of
44 any ordinance, rule or regulation adopted pursuant thereto, any other law
45 limiting the right of domestic and foreign insurance companies to own and
46 operate real estate to the contrary notwithstanding.

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

49 (1) Furnishes each political subdivision whose boundaries for ad valorem
50 taxation purposes include any portion of the real property to be affected by such
51 tax abatement or exemption with a written statement of the impact on ad valorem
52 taxes such tax abatement or exemption will have on such political subdivisions
53 and written notice of the hearing to be held in accordance with subdivision (2) of
54 this subsection. The written statement and notice required by this subdivision
55 shall be furnished as provided by local ordinance before the hearing and shall
56 include, but need not be limited to, an estimate of the amount of ad valorem tax
57 revenues of each political subdivision which will be affected by the proposed tax
58 abatement or exemption, based on the estimated assessed valuation of the real
59 property involved as such property would exist before and after it is redeveloped;

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

64 (3) Enacts an ordinance which provides for expiration of development
65 rights, including the rights of eminent domain and tax abatement, in the event
66 of failure of the urban redevelopment corporation to acquire ownership of
67 property within the area of the development plan. Such ordinance shall provide
68 for a duration of time within which such property must be acquired, and may
69 allow for acquisition of property under the plan in phases.

70 4. (1) Notwithstanding any other provision of law to the contrary,
71 payments in lieu of taxes may be imposed by contract between a city and an
72 urban redevelopment corporation which receives tax abatement or exemption on
73 property pursuant to this section. Such payments shall be made to the collector

74 of revenue of the county or city not within a county by December thirty-first of
75 each year payments are due. The governing body of the city shall furnish the
76 collector a copy of any such contract requiring payment in lieu of taxes. The
77 collector shall allocate all revenues received from such payment in lieu of taxes
78 among all taxing authorities whose property tax revenues are affected by the
79 exemption or abatement on the same pro rata basis and in the same manner as
80 the ad valorem property tax revenues received by each taxing authority from such
81 property in the year such payments are due.

82 **(2) (a) The provisions of subsection 1 of this section and**
83 **subdivision (1) of this subsection notwithstanding, beginning August 28,**
84 **2018, any district or county imposing a property tax for the purposes**
85 **of providing emergency services under chapter 190 or 321 shall be**
86 **entitled to be reimbursed in an amount that is at least fifty percent but**
87 **not more than one hundred percent of the amount of ad valorem**
88 **property tax revenues that the district or county would have received**
89 **in the absence of the tax abatement or exemption provided under this**
90 **section.**

91 **(b) An ambulance district board operating under chapter 190, a**
92 **fire protection district board operating under chapter 321, or the**
93 **governing body of a county operating a 911 center providing emergency**
94 **or dispatch services under chapter 190 or chapter 321 shall annually set**
95 **the reimbursement rate under paragraph (a) of this subdivision prior**
96 **to the time the assessment is determined by the assessor of the county**
97 **in which such district is located, or, if not located within a county, then**
98 **the assessor of such city. If the development plan or redevelopment**
99 **project is amended by ordinance or by any other means after August 28,**
100 **2018, the ambulance or fire protection district board shall have the**
101 **right to recalculate the reimbursement rate under this subdivision.**

102 5. The provisions of subsection 3 of this section shall not apply to any
103 amendment or future amendment to a phased development plan approved by the
104 governing body of the city prior to the effective date of the provisions of
105 subsection 3 of this section and upon which construction has been in progress
106 pursuant to such phased plan.

✓