

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 866

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN.

Read 1st time January 13, 2020, and ordered printed.

Read 2nd time February 20, 2020, and referred to the Committee on Professional Registration.

Reported from the Committee March 5, 2020, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 12, 2020. Read 3rd time and placed upon its final passage; bill passed.

ADRIANE D. CROUSE, Secretary.

4849S.01P

AN ACT

To repeal sections 190.094, 190.105, 190.143, and 190.196, RSMo, and to enact in lieu thereof four new sections relating to physician assistants.

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

Section A. Sections 190.094, 190.105, 190.143, and 190.196, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 190.094, 190.105, 190.143, and 190.196, to read as follows:

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, **physician**
5 **assistant**, or someone who has an emergency medical responder certification.

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

190.105. 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

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

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,
14 **or a duly licensed physician assistant** be required to hold an emergency
15 medical technician's license. **When a physician assistant is in attendance**
16 **with a patient on an ambulance, the physician assistant shall be exempt**
17 **from any mileage limitations in any collaborative practice arrangement**
18 **prescribed under law.** Each ambulance service is responsible for assuring that
19 any person driving its ambulance is competent in emergency vehicle operations
20 and has a safe driving record. Each ground ambulance shall be staffed with at
21 least two licensed individuals when transporting a patient, except as provided in
22 section 190.094. In emergency situations which require additional medical
23 personnel to assist the patient during transportation, an emergency medical
24 responder, firefighter, or law enforcement personnel with a valid driver's license
25 and prior experience with driving emergency vehicles may drive the ground
26 ambulance provided the ground ambulance service stipulates to this practice in
27 operational policies.

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

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

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

38 4. The issuance of a license pursuant to the provisions of sections 190.001
39 to 190.245 shall not be construed so as to authorize any person to provide

40 ambulance services or to operate any ambulances without a franchise in any city
41 not within a county or in a political subdivision in any county with a population
42 of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid
43 agreement in any other political subdivision which has enacted an ordinance
44 making it unlawful to do so.

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

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

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

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

66 9. A political subdivision that is authorized to operate a licensed
67 ambulance service may establish, operate, maintain and manage its ambulance
68 service, and select and contract with a licensed ambulance service. Any political
69 subdivision may contract with a licensed ambulance service.

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

76 operates an ambulance service established prior to August 28, 1998.

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

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

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

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

 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, registered nurse, **physician assistant**, or
21 physician who is currently licensed, without restrictions, to practice in Missouri.

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

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 an emergency medical responder, emergency medical dispatcher, emergency
8 medical technician, registered nurse, **physician assistant**, or physician shall
9 cooperate with the department's efforts to monitor and enforce compliance by
10 those individuals subject to the requirements of sections 190.001 to 190.245.

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

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

17 (2) Crimes of violence; or

18 (3) Rape or sexual abuse.

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

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