

SECOND REGULAR SESSION

SENATE BILL NO. 1292

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

4147S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 190.103 and 190.105, RSMo, and to enact in lieu thereof two new sections relating to emergency medical transportation of patients to abortion facilities.

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

Section A. Sections 190.103 and 190.105, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 190.103 and 190.105, to read as follows:

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

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

27 2. A medical director is required for all ambulance
28 services and emergency medical response agencies that
29 provide: advanced life support services; basic life support
30 services utilizing medications or providing assistance with
31 patients' medications; or basic life support services
32 performing invasive procedures including invasive airway
33 procedures. The medical director shall provide medical
34 direction to these services and agencies in these instances.

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

50 4. All ambulance services and emergency medical
51 response agencies that are required to have a medical
52 director shall establish an agreement between the service or
53 agency and their medical director. The agreement will
54 include the roles, responsibilities and authority of the
55 medical director beyond what is granted in accordance with
56 sections 190.001 to 190.245 and rules adopted by the
57 department pursuant to sections 190.001 to 190.245. The
58 agreement shall also include grievance procedures regarding
59 the emergency medical response agency or ambulance service,
60 personnel and the medical director.

61 5. Regional EMS medical directors and the state EMS
62 medical director elected as provided under subsection 1 of
63 this section shall be considered public officials for
64 purposes of sovereign immunity, official immunity, and the
65 Missouri public duty doctrine defenses.

66 6. The state EMS medical director's advisory committee
67 shall be considered a peer review committee under section
68 537.035.

69 7. Regional EMS medical directors may act to provide
70 online telecommunication medical direction to AEMTs, EMTs,
71 paramedics, and community paramedics and provide offline
72 medical direction per standardized treatment, triage, and
73 transport protocols when EMS personnel, including AEMTs,
74 EMTs, paramedics, and community paramedics, are providing
75 care to special needs patients or at the request of a local
76 EMS agency or medical director.

77 8. When developing treatment protocols for special
78 needs patients, regional EMS medical directors may
79 promulgate such protocols on a regional basis across
80 multiple political subdivisions' jurisdictional boundaries,
81 and such protocols may be used by multiple agencies

82 including, but not limited to, ambulance services, emergency
83 response agencies, and public health departments. Treatment
84 protocols shall include steps to ensure the receiving
85 hospital is informed of the pending arrival of the special
86 needs patient, the condition of the patient, and the
87 treatment instituted.

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

94 10. When regional EMS medical directors develop and
95 implement treatment protocols for patients or provide online
96 medical direction for patients, such activity shall not be
97 construed as having usurped local medical direction
98 authority in any manner.

99 11. The state EMS medical directors advisory committee
100 shall review and make recommendations regarding all proposed
101 community and regional time-critical diagnosis plans.

102 12. Notwithstanding any other provision of law to the
103 contrary, when regional EMS medical directors are providing
104 either online telecommunication medical direction to AEMTs,
105 EMTs, paramedics, and community paramedics, or offline
106 medical direction per standardized EMS treatment, triage,
107 and transport protocols for patients, those medical
108 directions or treatment protocols may include the
109 administration of the patient's own prescription medications.

110 **13. Notwithstanding any provision of law to the**
111 **contrary, no transportation protocol or physician order**
112 **shall direct an ambulance service to transport a patient to**

113 **an abortion facility, as such term is defined in section**
114 **188.015.**

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

10 2. No ground ambulance shall be operated for ambulance
11 purposes, and no individual shall drive, attend or permit it
12 to be operated for such purposes in the state of Missouri
13 unless the ground ambulance is under the immediate
14 supervision and direction of a person who is holding a
15 currently valid Missouri license as an emergency medical
16 technician. Nothing in this section shall be construed to
17 mean that a duly registered nurse, a duly licensed
18 physician, or a duly licensed physician assistant be
19 required to hold an emergency medical technician's license.
20 When a physician assistant is in attendance with a patient
21 on an ambulance, the physician assistant shall be exempt
22 from any mileage limitations in any collaborative practice
23 arrangement prescribed under law. Each ambulance service is
24 responsible for assuring that any person driving its
25 ambulance is competent in emergency vehicle operations and
26 has a safe driving record. Each ground ambulance shall be
27 staffed with at least two licensed individuals when
28 transporting a patient, except as provided in section
29 190.094. In emergency situations which require additional
30 medical personnel to assist the patient during

31 transportation, an emergency medical responder, firefighter,
32 or law enforcement personnel with a valid driver's license
33 and prior experience with driving emergency vehicles may
34 drive the ground ambulance provided the ground ambulance
35 service stipulates to this practice in operational policies.

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

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

43 (2) Is operated from a location or headquarters
44 outside of Missouri in order to transport patients who are
45 picked up beyond the limits of Missouri to locations within
46 or outside of Missouri, but no such outside ambulance shall
47 be used to pick up patients within Missouri for
48 transportation to locations within Missouri, except as
49 provided in subdivision (1) of this subsection.

50 4. The issuance of a license pursuant to the
51 provisions of sections 190.001 to 190.245 shall not be
52 construed so as to authorize any person to provide ambulance
53 services or to operate any ambulances without a franchise in
54 any city not within a county or in a political subdivision
55 in any county with a population of over nine hundred
56 thousand inhabitants, or a franchise, contract or mutual-aid
57 agreement in any other political subdivision which has
58 enacted an ordinance making it unlawful to do so.

59 5. Sections 190.001 to 190.245 shall not preclude the
60 adoption of any law, ordinance or regulation not in conflict
61 with such sections by any city not within a county, or at
62 least as strict as such sections by any county, municipality

63 or political subdivision except that no such regulations or
64 ordinances shall be adopted by a political subdivision in a
65 county with a population of over nine hundred thousand
66 inhabitants except by the county's governing body.

67 6. In a county with a population of over nine hundred
68 thousand inhabitants, the governing body of the county shall
69 set the standards for all ambulance services which shall
70 comply with subsection 5 of this section. All such
71 ambulance services must be licensed by the department. The
72 governing body of such county shall not prohibit a licensed
73 ambulance service from operating in the county, as long as
74 the ambulance service meets county standards.

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

80 8. Sections 190.001 to 190.245 shall not apply to, nor
81 be construed to include, any motor vehicle used by an
82 employer for the transportation of such employer's employees
83 whose illness or injury occurs on private property, and not
84 on a public highway or property, nor to any person operating
85 such a motor vehicle.

86 9. A political subdivision that is authorized to
87 operate a licensed ambulance service may establish, operate,
88 maintain and manage its ambulance service, and select and
89 contract with a licensed ambulance service. Any political
90 subdivision may contract with a licensed ambulance service.

91 10. Except as provided in subsections 5 and 6, nothing
92 in section 67.300, or subsection 2 of section 190.109, shall
93 be construed to authorize any municipality or county which
94 is located within an ambulance district or a fire protection

95 district that is authorized to provide ambulance service to
96 promulgate laws, ordinances or regulations related to the
97 provision of ambulance services. This provision shall not
98 apply to any municipality or county which operates an
99 ambulance service established prior to August 28, 1998.

100 11. Nothing in section 67.300 or subsection 2 of
101 section 190.109 shall be construed to authorize any
102 municipality or county which is located within an ambulance
103 district or a fire protection district that is authorized to
104 provide ambulance service to operate an ambulance service
105 without a franchise in an ambulance district or a fire
106 protection district that is authorized to provide ambulance
107 service which has enacted an ordinance making it unlawful to
108 do so. This provision shall not apply to any municipality
109 or county which operates an ambulance service established
110 prior to August 28, 1998.

111 12. No provider of ambulance service within the state
112 of Missouri which is licensed by the department to provide
113 such service shall discriminate regarding treatment or
114 transportation of emergency patients on the basis of race,
115 sex, age, color, religion, sexual preference, national
116 origin, ancestry, handicap, medical condition or ability to
117 pay.

118 13. No provision of this section, other than
119 subsections 5, 6, 10 and 11 of this section, is intended to
120 limit or supersede the powers given to ambulance districts
121 pursuant to this chapter or to fire protection districts
122 pursuant to chapter 321, or to counties, cities, towns and
123 villages pursuant to chapter 67.

124 14. Upon the sale or transfer of any ground ambulance
125 service ownership, the owner of such service shall notify
126 the department of the change in ownership within thirty days

127 of such sale or transfer. After receipt of such notice, the
128 department shall conduct an inspection of the ambulance
129 service to verify compliance with the licensure standards of
130 sections 190.001 to 190.245.

131 **15. Notwithstanding any provision of law to the**
132 **contrary, no provider of ambulance service within the state**
133 **of Missouri that is licensed by the department to provide**
134 **such service shall transport a patient to an abortion**
135 **facility, as such term is defined in section 188.015.**

✓