

SECOND REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 975

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLACK.

5215S.04P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 190.050, 190.051, 190.052, 190.070, 190.090, 190.098, 190.165, and 590.192, RSMo, and to enact in lieu thereof eight new sections relating to ambulance districts.

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

Section A. Sections 190.050, 190.051, 190.052, 190.070,  
2 190.090, 190.098, 190.165, and 590.192, RSMo, are repealed and  
3 eight new sections enacted in lieu thereof, to be known as  
4 sections 190.050, 190.051, 190.052, 190.070, 190.090, 190.098,  
5 190.165, and 590.192, to read as follows:

190.050. 1. After the ambulance district has been  
2 declared organized, the declaring county commission[, except  
3 in counties of the second class having more than one hundred  
4 five thousand inhabitants located adjacent to a county of  
5 the first class having a charter form of government which  
6 has a population of over nine hundred thousand inhabitants,  
7 shall divide the district into six election districts as  
8 equal in population as possible, and shall by lot number the  
9 districts from one to six inclusive. The county commission  
10 shall cause an election to be held in the ambulance district  
11 within ninety days after the order establishing the  
12 ambulance district to elect ambulance district directors.  
13 Each voter shall vote for one director from the ambulance

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

14 election district in which the voter resides. The directors  
15 elected from districts one and four shall serve for a term  
16 of one year, the directors elected from districts two and  
17 five shall serve for a term of two years, and the directors  
18 from districts three and six shall serve for a term of three  
19 years; thereafter, the terms of all directors shall be three  
20 years. All directors shall serve the term to which they  
21 were elected or appointed, and until their successors are  
22 elected and qualified, except in cases of resignation or  
23 disqualification. The county commission shall reapportion  
24 the ambulance districts within sixty days after the  
25 population of the county is reported to the governor for  
26 each decennial census of the United States. Notwithstanding  
27 any other provision of law, if the number of candidates for  
28 the office of director is no greater than the number of  
29 directors to be elected, no election shall be held, and the  
30 candidates shall assume the responsibilities of their  
31 offices at the same time and in the same manner as if they  
32 have been elected.

33 2. In all counties of the second class having more  
34 than one hundred five thousand inhabitants located adjacent  
35 to a county of the first class having a charter form of  
36 government which has a population of over nine hundred  
37 thousand inhabitants,] **shall order an election be held on**  
38 **the next regularly scheduled election date and** the voters  
39 shall vote for six directors elected at large from within  
40 the district for a term of three years. [Those directors  
41 holding office in any district in such a county on August  
42 13, 1976, shall continue to hold office until the expiration  
43 of their terms, and their successors shall be elected from  
44 the district at large for a term of three years. In any  
45 district formed in such counties after August 13, 1976, the

46 governing body of the county shall cause an election to be  
47 held in that district within ninety days after the order  
48 establishing the ambulance district to elect ambulance  
49 district directors.] Each voter shall vote for six  
50 directors. The two candidates receiving the highest number  
51 of votes at such election shall be elected for a term of  
52 three years, the two candidates receiving the third and  
53 fourth highest number of votes shall be elected for a term  
54 of two years, the two candidates receiving the fifth and  
55 sixth highest number of votes shall be elected for a term of  
56 one year; thereafter, the term of all directors shall be  
57 three years. **A director holding office as of August 28,**  
58 **2026, shall continue as an at-large director for the**  
59 **remainder of such director's existing term.**

60 [3.] 2. A candidate for director of the ambulance  
61 district shall, at the time of filing, be a citizen of the  
62 United States, [a qualified voter of the election district  
63 as provided in subsection 1 of this section,] a resident of  
64 the district for two years next preceding the election, and  
65 shall be at least twenty-four years of age. In an  
66 established district which is located within the  
67 jurisdiction of more than one election authority, the  
68 candidate shall file his or her declaration of candidacy  
69 with the secretary of the board. In all other districts, a  
70 candidate shall file a declaration of candidacy with the  
71 county clerk of the county in which he or she resides. A  
72 candidate shall file a statement under oath that he or she  
73 possesses the required qualifications. No candidate's name  
74 shall be printed on any official ballot unless the candidate  
75 has filed a written declaration of candidacy pursuant to  
76 subsection 5 of section 115.127. If the time between the  
77 county commission's call for a special election and the date

78 of the election is not sufficient to allow compliance with  
79 subsection 5 of section 115.127, the county commission  
80 shall, at the time it calls the special election, set the  
81 closing date for filing declarations of candidacy.

82       **3. Any ambulance district may adopt and establish**  
83 **election subdistricts by ordinance, providing that each**  
84 **election subdistrict shall be composed of contiguous**  
85 **territory as compact and as nearly equal in population as**  
86 **may be, and that each board member shall be a resident of**  
87 **the election subdistrict that they represent at the time of**  
88 **their election and for the duration of their term. Such**  
89 **ordinance shall only be adopted, amended, or repealed by a**  
90 **two-thirds majority vote of the board of directors.**

91       **4. Notwithstanding any other provision of law to the**  
92 **contrary, if the number of candidates for the office of**  
93 **director is less than the number of directors to be elected,**  
94 **no election shall be held, and the candidates shall assume**  
95 **the responsibilities of their offices at the same time and**  
96 **in the same manner as if they were elected.**

190.051. 1. Notwithstanding the provisions of  
2 sections 190.050 and 190.052 to the contrary, upon a  
3 **[motion] resolution adopted** by the board of directors in  
4 districts where there are six-member boards, and upon  
5 approval by the voters in the district, the number of  
6 directors may be increased to seven **[with one board member**  
7 **running district wide,]** or decreased to five or three board  
8 members. **The resolution shall state the names of the**  
9 **existing directors who will fill the positions on the board**  
10 **if such measure is approved by the voters, as well as any**  
11 **vacancies to be filled by subsequent election, and shall**  
12 **state the dates on which those terms shall conclude.**



44 shall serve the term to which they were elected or appointed  
45 and until their successors are elected and qualified.]

190.052. Any member of the board of directors who  
2 moves **their** residency from the district [from which the  
3 member was elected] shall be disqualified as a member of the  
4 board. If one or two vacancies occur in the membership of  
5 the board as a result of death, resignation, or  
6 disqualification, the remaining members shall appoint one or  
7 two qualified persons, as provided in section 190.050, to  
8 fill the vacancies until the end of the unexpired term.  
9 Such appointment shall be made with the consent of a  
10 majority of the remaining members of the board. If the  
11 board is unable to agree in filling a vacancy [within sixty  
12 days or if there are more than two vacancies at any one  
13 time], the county commission, upon [notice from the board of  
14 failure to agree in filling the vacancies] **the written**  
15 **request of a majority of the remaining board members or the**  
16 **ambulance service administrator, as described in section**  
17 **190.112**, shall within [ten] **thirty calendar** days fill them  
18 by appointment of qualified persons, as provided in section  
19 190.050, and shall notify the persons in writing of their  
20 appointment. The persons appointed shall serve for the  
21 unexpired term.

190.070. 1. A petition for annexation of land to an  
2 ambulance district shall be signed by not less than ten  
3 percent or fifty voters, whichever is fewer, residing within  
4 the territory therein described proposed for annexation and  
5 shall be [filed with the county clerk of the county in which  
6 the district or the greater portion thereof is situated, and  
7 shall be addressed to the commissioners of the county  
8 commission] **presented to the board of directors of the**  
9 **ambulance district**. A hearing shall be held thereon as

10 nearly as possible as in the case of a formation petition.  
11 If upon the hearing the [commissioners of the county  
12 commission find] **board of directors finds** that the petition  
13 is in compliance with the provisions of sections 190.005 to  
14 190.085, they shall order the question to be submitted to  
15 the voters within the territory and within the district.

16 2. The question shall be submitted in substantially  
17 the following form **to all of the voters in the existing**  
18 **ambulance district and the area proposed to be annexed:**

19 Shall \_\_\_\_\_ (description of territory) be  
20 annexed to the \_\_\_\_\_ ambulance district, **and a**  
21 **tax imposed within such annexed area equal to**  
22 **the existing rate of the \_\_\_\_\_ ambulance**  
23 **district?**

24 3. If a majority of the votes cast on the question [in  
25 the district and in the territory described in the petition,  
26 respectively,] are in favor of the annexation, the  
27 [commissioners of the county commission shall by order  
28 declare] **board of directors shall enact an ordinance**  
29 **incorporating** the territory annexed and shall describe the  
30 altered boundaries of the district. **A copy of the same**  
31 **shall be filed with the county clerk.**

190.090. 1. Two or more organized ambulance districts  
2 may consolidate into one ambulance district by following the  
3 procedures set forth in this section.

4 2. If the consolidation of existing ambulance  
5 districts is desired, a number of voters residing in an  
6 existing ambulance district equal to ten percent of the vote  
7 cast for governor in the existing district in the next  
8 preceding gubernatorial election may file with the county  
9 clerk in which the territory or greater part of the proposed

10 consolidated district is situated a petition requesting the  
11 consolidation of two or more existing ambulance districts.

12 3. The petition shall be in the following form:

13 We, the undersigned voters of the \_\_\_\_\_  
14 ambulance district do hereby petition that  
15 \_\_\_\_\_ existing ambulance districts be  
16 consolidated into one consolidated ambulance  
17 district **to be known as the \_\_\_\_\_ Ambulance**  
18 **District, subject to the attached consolidation**  
19 **plan.**

20 4. An alternative procedure of consolidation may be  
21 followed, if the board of directors of the existing  
22 ambulance districts pass a resolution in the following form:

23 Be it resolved by the board of directors of  
24 the ambulance district that the \_\_\_\_\_ ambulance  
25 districts be consolidated into one consolidated  
26 ambulance district **to be known as the \_\_\_\_\_**  
27 **Ambulance District, subject to the attached**  
28 **consolidation plan.**

29 5. **Every petition or resolution shall be accompanied**  
30 **by a consolidation plan outlining the process for the**  
31 **proposed consolidation. At a minimum, the consolidation**  
32 **plan shall include the following:**

33 (1) **The name of the proposed consolidated district, a**  
34 **legal description of the boundaries of such consolidated**  
35 **district, and the proposed tax levy to be imposed by the**  
36 **consolidated district. In the event that the proposed plan**  
37 **is for the consolidation into an existing district, the**  
38 **consolidation plan shall clearly state that the existing**  
39 **district shall continue as the legal entity into which the**  
40 **other districts are consolidated;**

41           (2) The names of the districts to be consolidated,  
42 accompanied by a list of all real property owned and  
43 financial assets currently held by the district, all  
44 outstanding bonds or debts of each of said districts, and  
45 the current tax levies imposed by each of said districts;

46           (3) The name of the district which shall be  
47 responsible for maintaining ambulance service during the  
48 consolidation, including continuing operations,  
49 administration, and governance of the consolidated district,  
50 provided that there shall be a presumption that the district  
51 with the largest operating budget in the preceding fiscal  
52 year shall assume such responsibility;

53           (4) The proposed number of board members and specific  
54 individuals who will serve as the initial directors,  
55 provided that such directors shall be chosen from among the  
56 existing board members of the districts to be consolidated  
57 such that there is at least one director from each of the  
58 districts to be consolidated; and

59           (5) A proposed time line for consolidation, which  
60 shall not exceed one hundred eighty days, provided that such  
61 time line shall be subject to modification by the board of  
62 the consolidated district for good cause.

63           6. Upon the filing of a petition, or a resolution, **and**  
64 **a consolidation plan** with the county clerk from each of the  
65 ambulance districts proposed to be consolidated, the county  
66 clerk shall present the petition or resolution **and**  
67 **consolidation plan** to the commissioners of the county  
68 commission [having jurisdiction who shall thereupon order  
69 the submission of the question to the voters of the  
70 districts. The filing of each of the petitions in the  
71 ambulance districts shall have occurred within a continuous  
72 twelve-month period.

73 6. The notice shall set forth the names of the  
74 existing ambulance districts to be included in the  
75 consolidated district.

76 7. The question shall be submitted in substantially  
77 the following form:

78 Shall the existing \_\_\_\_\_ ambulance  
79 districts be consolidated into one ambulance  
80 district?

81 8. If the county commission having jurisdiction finds  
82 that the question to consolidate the districts received a  
83 majority of the votes cast, the commission shall make and  
84 enter its order declaring that the proposition passed.

85 9. Within thirty days after the district has been  
86 declared consolidated, the county commission shall divide  
87 the district into six election districts and shall order an  
88 election to be held and conducted as provided in section  
89 190.050 for the election of directors.

90 10. Within thirty days after the election of the  
91 initial board of directors of the district, the directors  
92 shall meet and the time and place of the first meeting of  
93 the board shall be designated by the county commission. At  
94 the first meeting the newly elected board of directors shall  
95 choose a name for the consolidated district and shall notify  
96 the clerk of the county commission of each county within  
97 which the consolidated district is located of the name of  
98 the consolidated district.

99 11. On the thirtieth day following the election of the  
100 board of directors, the existing ambulance districts shall  
101 cease to exist and the consolidated district shall assume  
102 all of the powers and duties exercised by those districts.  
103 All assets and obligations of the existing ambulance  
104 districts shall become assets and obligations of the

105 consolidated district], who shall record such documents in  
106 the records of the county. A petition or resolution for a  
107 proposed consolidation shall be received from all ambulance  
108 districts within the same calendar year or shall be  
109 considered null and void.

110 7. Each of the ambulance districts seeking to  
111 consolidate shall post the notice of the intent to  
112 consolidate in the same manner as district public meetings  
113 are posted. In addition, publication of such notice of  
114 intent shall be made in a newspaper of general circulation  
115 in every county in which the proposed consolidated ambulance  
116 district shall be located, with publication to be made once  
117 per week for two consecutive weeks. A public hearing shall  
118 be held jointly by all ambulance districts seeking to  
119 consolidate at a location within the boundaries of the  
120 proposed consolidated ambulance district, provided that such  
121 hearing shall be no more than ten days after the date of the  
122 second publication. The notice of intent shall be in  
123 substantially the following form:

124 NOTICE OF THE FILING OF A PETITION/RESOLUTION  
125 FOR CONSOLIDATION OF THE \_\_\_\_\_ AMBULANCE  
126 DISTRICTS

127 To all voters, residents, and interested persons  
128 within the boundaries of the above described  
129 ambulance districts: You are hereby notified  
130 that a petition/resolution has been filed for  
131 the consolidation of the above named ambulance  
132 districts into one consolidated ambulance  
133 district to be known as \_\_\_\_\_ Ambulance  
134 District. A proposed consolidation plan is  
135 available for inspection at the office of the  
136 County Clerk of \_\_\_\_\_ County.

137 A public hearing will be held on \_\_\_\_\_ (date)  
138 at \_\_\_\_\_ (time) at the following location:  
139 \_\_\_\_\_. The purpose of this public hearing  
140 shall be to explain the reasons for the  
141 consolidation and answer questions from the  
142 public.

143 Objections to this consolidation may be filed  
144 with the County Clerk of \_\_\_\_\_ County, provided  
145 such objections are filed in writing not less  
146 than thirty days after the public hearing. Any  
147 such objection must be signed by a number of  
148 voters not less than five percent of the votes  
149 cast for governor in the most recent  
150 gubernatorial election.

151 8. If no objections are filed with the county clerk  
152 within thirty days after the public hearing, then within  
153 forty-five days following the date of the public hearing,  
154 the county commission shall order the districts consolidated  
155 pursuant to the terms of the consolidation plan and shall  
156 further appoint as directors those individuals identified in  
157 the consolidation plan. The county commission shall further  
158 set a date, time, and location for the first meeting of the  
159 directors of the newly consolidated district.

160 9. Upon receipt of any objections filed, the county  
161 clerk shall verify that such objections are signed by the  
162 necessary number of voters of the district. If said  
163 objections are signed by an appropriate number of voters,  
164 the county commission of each county in which the proposed  
165 consolidated district is to be located shall thereupon order  
166 the submission of the question to the voters of the  
167 districts. The question shall be submitted in substantially  
168 the following form:

169            Shall the existing \_\_\_\_\_ ambulance districts  
170            be consolidated into one ambulance district to  
171            be known as the \_\_\_\_\_ Ambulance District,  
172            with such consolidated district authorized to  
173            levy a property tax not to exceed the annual  
174            rate of \_\_\_\_\_ cents on the hundred dollars  
175            assessed valuation or a sales tax in an amount  
176            not to exceed \_\_\_\_\_ percent, or a combination  
177            of both?

178            If the county commission having jurisdiction finds that the  
179            question to consolidate the districts received a majority of  
180            the votes cast, the commission shall make and enter its  
181            order declaring that the proposition passed. The county  
182            commission shall further order the districts consolidated  
183            pursuant to the terms of the consolidation plan and shall  
184            further appoint as directors those individuals identified in  
185            the consolidation plan. The county commission shall further  
186            set a date, time, and location for the first meeting of the  
187            directors of the newly consolidated district.

188            10. Notwithstanding any other provision of law to the  
189            contrary, the consolidated district may impose an initial  
190            tax levy up to the highest tax levy of the consolidating  
191            districts, provided such tax levy is specifically set forth  
192            in the ballot language submitted to and approved by the  
193            voters of the consolidating district.

194            11. Without a vote of the residents of the  
195            consolidated district as provided in this section, no  
196            consolidated ambulance district shall be permitted to impose  
197            a property tax greater than the lowest of any existing  
198            property tax rate of the districts to be consolidated, nor  
199            shall the consolidated ambulance district be permitted to

200 impose any sales tax greater than the lowest of any existing  
201 sales tax rate of the districts to be consolidated.

202 12. Upon written certification by the board of  
203 directors of the consolidated district to the prior district  
204 that the consolidated district has obtained the necessary  
205 licenses and permits to operate an ambulance service and all  
206 directors of such consolidated district have completed the  
207 training required by section 190.053, the existing ambulance  
208 districts shall cease to exist and the consolidated district  
209 shall assume all of the powers and duties exercised by those  
210 districts. All assets and obligations of the existing  
211 ambulance districts shall become assets and obligations of  
212 the consolidated district.

190.098. 1. As used in this section, the term

2 "community paramedic services" means services that are:

3 (1) Provided by any entity that:

4 (a) Employs licensed paramedics who are certified as  
5 community paramedics by the department; and

6 (b) Has received an endorsement by the department as a  
7 community paramedic service entity;

8 (2) Provided in a nonemergent setting, independent of  
9 a 911 system or emergency summons;

10 (3) Consistent with the training and education, as  
11 well as within the scope of skill and practice, of the  
12 personnel and with the supervisory standard approved by the  
13 medical director; and

14 (4) Reflected and documented in the entity's patient  
15 care plans or protocols approved by the medical director in  
16 accordance with section 190.142.

17 2. In order for a person to be eligible for  
18 certification by the department as a community paramedic, an  
19 individual shall:

- 20 (1) Be currently [certified] **licensed** as a paramedic;  
21 (2) Successfully complete or have successfully  
22 completed a community paramedic certification program from a  
23 college, university, or educational institution that has  
24 been approved by the department or accredited by a national  
25 accreditation organization approved by the department; and  
26 (3) Complete an application form approved by the  
27 department.

28 [2.] **3.** A community paramedic shall practice in  
29 accordance with protocols and supervisory standards  
30 established by the medical director[. A community paramedic  
31 shall provide services of a health care plan if the plan has  
32 been developed by the patient's physician or by an advanced  
33 practice registered nurse through a collaborative practice  
34 arrangement with a physician or a physician assistant  
35 through a collaborative practice arrangement with a  
36 physician and there is no duplication of services to the  
37 patient from another provider] **in collaboration with the  
38 ambulance service or emergency medical response agency  
39 administrator. Patient care plans that are developed by the  
40 patient's physician, advanced practice nurse practitioner,  
41 or physician assistant shall be implemented through a  
42 collaboration with the medical director and emergency  
43 response agency or ambulance service.**

44 [3.] **4.** (1) Any ambulance service [shall enter into a  
45 written contract to provide community paramedic services in  
46 another ambulance service area, as that term is defined in  
47 section 190.100. The contract that is agreed upon may be  
48 for an indefinite period of time, as long as it includes at  
49 least a sixty-day cancellation notice by either ambulance  
50 service] **that seeks to provide community paramedic services  
51 outside of its ambulance service area, as described in**

52 subdivision (5) of section 190.100 and section 190.109, and  
53 administered by the department, and in the service area of  
54 another ambulance service that currently provides community  
55 paramedic services shall be required to have a memorandum of  
56 understanding with that ambulance service regarding the  
57 provision of such community paramedic services. An  
58 ambulance service that provides community paramedic services  
59 may provide community paramedic services without a  
60 memorandum of understanding in the ambulance service area of  
61 an ambulance service that is not providing community  
62 paramedic services, but the ambulance service providing  
63 community paramedic services shall provide notification,  
64 within ninety days, to the ambulance service with emergency  
65 service responsibilities in the service area of the general  
66 community paramedic activities being performed.

67 (2) An ambulance service that provides community  
68 paramedic services and that has executed formal contracts or  
69 agreements with health care institutions, hospitals, health  
70 clinics, or insurance companies for the provision of  
71 community paramedic services shall be permitted to honor  
72 those agreements.

73 (3) For sustained services provided outside the county  
74 of the ambulance services' primary 911 response territory  
75 where another licensed ambulance service also offers  
76 community paramedic services, the community paramedic  
77 program shall coordinate with the local ambulance service.

78 (4) Any emergency medical response agency seeking to  
79 provide community paramedic services within its designated  
80 response service area may do so if the ground ambulance  
81 service covering the area within which the emergency medical  
82 response agency is located does not provide community  
83 paramedic services. If such ground ambulance service does

84 provide community paramedic services, the ground ambulance  
85 service may establish, at its sole discretion, a memorandum  
86 of understanding with the emergency medical response agency  
87 planning to offer community paramedic services in order to  
88 coordinate programs and avoid service duplication. If an  
89 emergency medical response agency is providing community  
90 paramedic services in a service area before the ground  
91 ambulance service in that service area begins offering  
92 community paramedic services, the emergency medical response  
93 agency and the ground ambulance service shall establish a  
94 memorandum of understanding for the coordination of services.

95 (5) A community paramedic program shall notify the  
96 appropriate local ambulance service when providing services  
97 within the service area of an ambulance service.

98 (6) The department shall establish regulations for the  
99 purpose of recognizing community paramedic service entities  
100 that have met the standards necessary to provide community  
101 paramedic services, including physician medical oversight,  
102 training, patient record keeping, formal relationships with  
103 primary care services where necessary, and quality  
104 improvement policies. The department shall issue an  
105 endorsement to any community paramedic service entity that  
106 meets such standards that allow the entity to provide  
107 community paramedic services for a period of five years.

108 [4.] 5. A community paramedic is subject to the  
109 provisions of sections 190.001 to 190.245 and rules  
110 promulgated under sections 190.001 to 190.245.

111 [5.] 6. No person shall hold himself or herself out as  
112 a community paramedic or provide the services of a community  
113 paramedic unless such person is certified by the department.

114 [6.] 7. The medical director shall approve the  
115 implementation of the community paramedic program.

116 [7.] 8. Any rule or portion of a rule, as that term is  
117 defined in section 536.010, that is created under the  
118 authority delegated in this section shall become effective  
119 only if it complies with and is subject to all of the  
120 provisions of chapter 536 and, if applicable, section  
121 536.028. This section and chapter 536 are nonseverable and  
122 if any of the powers vested with the general assembly  
123 pursuant to chapter 536 to review, to delay the effective  
124 date, or to disapprove and annul a rule are subsequently  
125 held unconstitutional, then the grant of rulemaking  
126 authority and any rule proposed or adopted after August 28,  
127 2013, shall be invalid and void.

190.165. 1. The department may refuse to issue or  
2 deny renewal of any **endorsement**, certificate, permit or  
3 license required pursuant to sections [190.100] **190.098** to  
4 190.245 for failure to comply with the provisions of  
5 sections [190.100] **190.098** to 190.245 or any lawful  
6 regulations promulgated by the department to implement its  
7 provisions as described in subsection 2 of this section.  
8 The department shall notify the applicant in writing of the  
9 reasons for the refusal and shall advise the applicant of  
10 his or her right to file a complaint with the administrative  
11 hearing commission as provided by chapter 621.

12 2. The department may cause a complaint to be filed  
13 with the administrative hearing commission as provided by  
14 chapter 621 against any holder of any **endorsement**,  
15 certificate, permit or license required by sections  
16 [190.100] **190.098** to 190.245 or any person who has failed to  
17 renew or has surrendered his or her certificate, permit or  
18 license for failure to comply with the provisions of  
19 sections [190.100] **190.098** to 190.245 or any lawful  
20 regulations promulgated by the department to implement such

21 sections. Those regulations shall be limited to the  
22 following:

23 (1) Use or unlawful possession of any controlled  
24 substance, as defined in chapter 195, or alcoholic beverage  
25 to an extent that such use impairs a person's ability to  
26 perform the work of any activity licensed or regulated by  
27 sections [190.100] **190.098** to 190.245;

28 (2) Being finally adjudicated and found guilty, or  
29 having entered a plea of guilty or nolo contendere, in a  
30 criminal prosecution under the laws of any state or of the  
31 United States, for any offense reasonably related to the  
32 qualifications, functions or duties of any activity licensed  
33 or regulated pursuant to sections [190.100] **190.098** to  
34 190.245, for any offense an essential element of which is  
35 fraud, dishonesty or an act of violence, or for any offense  
36 involving moral turpitude, whether or not sentence is  
37 imposed;

38 (3) Use of fraud, deception, misrepresentation or  
39 bribery in securing any **endorsement**, certificate, permit or  
40 license issued pursuant to sections [190.100] **190.098** to  
41 190.245 or in obtaining permission to take any examination  
42 given or required pursuant to sections [190.100] **190.098** to  
43 190.245;

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

47 (5) Incompetency, misconduct, gross negligence, fraud,  
48 misrepresentation or dishonesty in the performance of the  
49 functions or duties of any activity licensed or regulated by  
50 sections [190.100] **190.098** to 190.245;

51 (6) Violation of, or assisting or enabling any person  
52 to violate, any provision of sections [190.100] **190.098** to

53 190.245, or of any lawful rule or regulation adopted by the  
54 department pursuant to sections [190.100] **190.098** to 190.245;

55 (7) Impersonation of any person holding [a] **an**  
56 **endorsement**, certificate, permit or license or allowing any  
57 person to use his or her **endorsement**, certificate, permit,  
58 license or diploma from any school;

59 (8) Disciplinary action against the holder of a  
60 license or other right to practice any activity regulated by  
61 sections [190.100] **190.098** to 190.245 granted by another  
62 state, territory, federal agency or country upon grounds for  
63 which revocation or suspension is authorized in this state;

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

66 (10) Assisting or enabling any person to practice or  
67 offer to practice any activity licensed or regulated by  
68 sections [190.100] **190.098** to 190.245 who is not licensed  
69 and currently eligible to practice pursuant to sections  
70 [190.100] **190.098** to 190.245;

71 (11) Issuance of [a] **an endorsement**, certificate,  
72 permit or license based upon a material mistake of fact;

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

76 (13) Use of any advertisement or solicitation which is  
77 false, misleading or deceptive to the general public or  
78 persons to whom the advertisement or solicitation is  
79 primarily directed;

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

83 (15) Refusal of any applicant or licensee to respond  
84 to reasonable department of health and senior services'

85 requests for necessary information to process an application  
86 or to determine license status or license eligibility;

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

90 (17) Repeated acts of negligence or recklessness in  
91 the performance of the functions or duties of any activity  
92 licensed or regulated by sections **[190.100] 190.098** to  
93 190.245.

94 3. If the department conducts investigations, the  
95 department, prior to interviewing a licensee who is the  
96 subject of the investigation, shall explain to the licensee  
97 that he or she has the right to:

98 (1) Consult legal counsel or have legal counsel  
99 present;

100 (2) Have anyone present whom he or she deems to be  
101 necessary or desirable; and

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

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

107 4. After the filing of such complaint, the proceedings  
108 shall be conducted in accordance with the provisions of  
109 chapter 621. Upon a finding by the administrative hearing  
110 commission that the grounds, provided in subsection 2 of  
111 this section, for disciplinary action are met, the  
112 department may, singly or in combination, censure or place  
113 the person named in the complaint on probation on such terms  
114 and conditions as the department deems appropriate for a  
115 period not to exceed five years, or may suspend, for a

116 period not to exceed three years, or revoke the license,  
117 certificate **endorsement**, or permit. Notwithstanding any  
118 provision of law to the contrary, the department shall be  
119 authorized to impose a suspension or revocation as a  
120 disciplinary action only if it first files the requisite  
121 complaint with the administrative hearing commission. The  
122 administrative hearing commission shall hear all relevant  
123 evidence on remediation activities of the licensee and shall  
124 make a recommendation to the department of health and senior  
125 services as to licensure disposition based on such evidence.

126 5. An individual whose license has been revoked shall  
127 wait one year from the date of revocation to apply for  
128 relicensure. Relicensure shall be at the discretion of the  
129 department after compliance with all the requirements of  
130 sections [190.100] **190.098** to 190.245 relative to the  
131 licensing of an applicant for the first time. Any  
132 individual whose license has been revoked twice within a ten-  
133 year period shall not be eligible for relicensure.

134 6. The department may notify the proper licensing  
135 authority of any other state in which the person whose  
136 license was suspended or revoked was also licensed of the  
137 suspension or revocation.

138 7. Any person, organization, association or  
139 corporation who reports or provides information to the  
140 department pursuant to the provisions of sections [190.100]  
141 **190.098** to 190.245 and who does so in good faith shall not  
142 be subject to an action for civil damages as a result  
143 thereof.

144 8. The department of health and senior services may  
145 suspend any **endorsement**, certificate, permit or license  
146 required pursuant to sections [190.100] **190.098** to 190.245  
147 simultaneously with the filing of the complaint with the

148 administrative hearing commission as set forth in subsection  
149 2 of this section, if the department finds that there is an  
150 imminent threat to the public health. The notice of  
151 suspension shall include the basis of the suspension and  
152 notice of the right to appeal such suspension. The licensee  
153 may appeal the decision to suspend the license, certificate  
154 **endorsement**, or permit to the department. The appeal shall  
155 be filed within ten days from the date of the filing of the  
156 complaint. A hearing shall be conducted by the department  
157 within ten days from the date the appeal is filed. The  
158 suspension shall continue in effect until the conclusion of  
159 the proceedings, including review thereof, unless sooner  
160 withdrawn by the department, dissolved by a court of  
161 competent jurisdiction or stayed by the administrative  
162 hearing commission.

590.192. 1. There is hereby established the "Critical  
2 Incident Stress Management Program" within the department of  
3 public safety. The program shall provide services for peace  
4 officers and first responders to assist in coping with  
5 stress and potential psychological trauma resulting from a  
6 response to a critical incident or emotionally difficult  
7 event. Such services may include consultation, risk  
8 assessment, education, intervention, and other crisis  
9 intervention services provided by the department to peace  
10 officers and first responders affected by a critical  
11 incident. For purposes of this section, a "critical  
12 incident" shall mean any event outside the usual realm of  
13 human experience that is markedly distressing or evokes  
14 reactions of intense fear, helplessness, or horror and  
15 involves the perceived threat to a person's physical  
16 integrity or the physical integrity of someone else. For

17 purposes of this section, the term "first responder" shall  
18 have the same meaning as first responder in section 190.1010.

19 2. All peace officers and first responders shall be  
20 required to meet with a program service provider once every  
21 three to five years for a mental health check-in, **or a**  
22 **department established behavioral health or mental health**  
23 **program that meets the requirements of subsection 1 which**  
24 **shall satisfy this requirement.** The program service  
25 provider shall send a notification to the peace officer's  
26 commanding officer, **or first responder's commanding officer,**  
27 or first responder's director or supervisor that he or she  
28 completed such check-in.

29 3. Any information disclosed by a peace officer or  
30 first responder shall be privileged and shall not be used as  
31 evidence in criminal, administrative, or civil proceedings  
32 against the peace officer or first responder unless:

33 (1) A program representative reasonably believes the  
34 disclosure is necessary to prevent harm to a person who  
35 received services or to prevent harm to another person;

36 (2) The person who received the services provides  
37 written consent to the disclosure; or

38 (3) The person receiving services discloses  
39 information that is required to be reported under mandatory  
40 reporting laws.

41 4. (1) There is hereby created in the state treasury  
42 the "988 Public Safety Fund", which shall consist of moneys  
43 appropriated by the general assembly. The state treasurer  
44 shall be custodian of the fund. In accordance with sections  
45 30.170 and 30.180, the state treasurer may approve  
46 disbursements. The fund shall be a dedicated fund and  
47 moneys in the fund shall be used solely by the department of  
48 public safety for the purposes of providing services for

49 peace officers and first responders to assist in coping with  
50 stress and potential psychological trauma resulting from a  
51 response to a critical incident or emotionally difficult  
52 event pursuant to subsection 1 of this section. Such  
53 services may include consultation, risk assessment,  
54 education, intervention, and other crisis intervention  
55 services provided by the department to peace officers or  
56 first responders affected by a critical incident. The  
57 director of public safety may prescribe rules and  
58 regulations necessary to carry out the provisions of this  
59 section. Any rule or portion of a rule, as that term is  
60 defined in section 536.010, that is created under the  
61 authority delegated in this section shall become effective  
62 only if it complies with and is subject to all of the  
63 provisions of chapter 536 and, if applicable, section  
64 536.028. This section and chapter 536 are nonseverable and  
65 if any of the powers vested with the general assembly  
66 pursuant to chapter 536 to review, to delay the effective  
67 date, or to disapprove and annul a rule are subsequently  
68 held unconstitutional, then the grant of rulemaking  
69 authority and any rule proposed or adopted after August 28,  
70 2021, shall be invalid and void.

71 (2) Notwithstanding the provisions of section 33.080  
72 to the contrary, any moneys remaining in the fund at the end  
73 of the biennium shall not revert to the credit of the  
74 general revenue fund.

75 (3) The state treasurer shall invest moneys in the  
76 fund in the same manner as other funds are invested. Any  
77 interest and moneys earned on such investments shall be  
78 credited to the fund.

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