

SECOND REGULAR SESSION
[P E R F E C T E D]
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 625
89TH GENERAL ASSEMBLY

Reported from the Committee on Corrections and General Laws, February 9, 1998, with recommendation that the Senate Committee Substitute do pass.

Senate Committee Substitute for Senate Bill No. 625, adopted February 24, 1998.

Taken up for Perfection February 24, 1998. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

S1889.06P

AN ACT

To repeal sections 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180 and 190.190, RSMo 1994, and sections 190.145 and 190.185, RSMo Supp. 1997, relating to emergency services, and to enact in lieu thereof eighteen new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 190.100, 190.105, 190.110, 190.115, 190.120, 190.125, 190.130, 190.140, 190.141, 190.150, 190.155, 190.160, 190.165, 190.171, 190.175, 190.180 and 190.190, RSMo 1994, and sections 190.145 and 190.185, RSMo Supp. 1997, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 190.044, 190.100, 190.105, 190.108, 190.120, 190.131, 190.133, 190.134, 190.142, 190.160, 190.165, 190.171, 190.175, 190.176, 190.180, 190.185, 190.197 and 190.199, to read as follows:

190.044. 1. No taxpayer shall be required to pay property taxes for ground ambulance service to both an ambulance district and a fire protection district which operates a ground ambulance service, unless reaffirmed and authorized pursuant to this section. In the event that a taxpayer in a third class county is paying taxes to both entities to provide ground ambulance service, any taxpayer residing in the area subject to the double tax may file a petition with the county clerk in which the area, or greatest part thereof, is situated requesting that the double tax be eliminated and that the area

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

only pay a tax to one entity.

2. Upon receipt of such petition, the county clerk shall determine the area taxed by two such entities and place the question before the voters of such area at the next state or municipal election. The petition shall request that the following question be submitted to the voters residing within the geographic limits of the area:

The (description of area) is currently paying a tax to provide ambulance service to the (name of entity created first) and the (name of entity created second). As a result, shall the tax paid to provide ambulance service to the (name of entity created second) be eliminated?

G Yes

G No

3. If a majority of the votes cast are in favor of the elimination of the tax levied and collected by the entity providing ambulance service, then the remaining entity will be declared as the single taxing entity for the area in question. The taxpayers within the area shall thereafter only pay one tax to the remaining entity following a three-year period, over which the tax rate levied and collected shall be decreased by one-third each year until such tax is no longer levied or collected by the entity whose tax was proposed for elimination by the petition. If a majority of the votes cast are opposed to the elimination of the tax, then the tax shall be reaffirmed.

4. All costs incurred by the county clerk as a result of this section, including election costs, shall be paid by the entity whose tax was proposed for termination by the petition.

5. The boundaries and service area of the entities providing ambulance service will reflect the change as determined by the election.

190.100. As used in sections [190.100 to 190.190] **190.100 to 190.199**, the following words and terms mean:

(1) "Advance life support (ALS)", an advanced level of care as provided to the adult and pediatric patient as defined by national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections **190.100 to 190.199**;

(2) "Ambulance", any privately or publicly owned [motor vehicle or, on or after January 1, 1988, any aircraft, if such motor vehicle or aircraft] **vehicle or aircraft that** is specially designed [or constructed and equipped and is intended to be used for and is maintained or operated for the transportation of patients, including dual-purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of sections 190.100 to 190.190], **constructed or modified, staffed or equipped for, and is intended or used, maintained or operated for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or who require the presence of medical equipment being used on such individuals or medical personnel**, but the term does not include any

motor vehicle specially designed, constructed or converted for the transportation of persons [permanently disabled and] **who are disabled, handicapped**, normally using a wheelchair, or [handicapped persons] **otherwise** not acutely ill, or emergency vehicles [at] **used within** airports;

(2) "Apprentice", any individual who is not a licensed attendant or attendant-driver, but who holds a certificate of apprenticeship issued by the license officer;

(3) "Attendant", a trained and qualified individual responsible for the operation of an ambulance and the care of the patients transported thereby whether or not the attendant also serves as driver;

(4) "Attendant-driver", a person who is qualified as an attendant and a driver;

(5) "Board", the state board of health of Missouri;

(6) "Dual-purpose police patrol car", a vehicle, operated by a police department, which is equipped as an ambulance, even though it is also used for patrol or other police purposes;

(7) "Emergency medical technician", any person who has successfully completed a course of training approved by the health officer and is certified by the health officer in preliminary emergency medical care;

(8) "Health officer", the director of the department of health of the state of Missouri or his duly authorized representative;

(9) "License officer", the director of the department of health of the state of Missouri or his duly authorized representative;

(10) "Local physician medical advisor" or "local physician medical advisory committee", a physician or group of physicians licensed pursuant to chapter 334, RSMo, appointed by the ambulance service and who meet criteria established by the department of health. The local physician medical advisor or local physician medical advisory committee shall have the responsibility to monitor prehospital medical care and ensure that prehospital standards of care and protocols are met;]

(3) "Ambulance service", a person or entity that provides emergency or nonemergency medical transportation and services, or both, in compliance with sections 190.100 to 190.199, and the rules promulgated by the department pursuant to sections 190.100 to 190.199;

(4) "Ambulance service area", a specific geographic area in which an ambulance service has been licensed to operate;

(5) "Basic life support", a basic level of care, as provided to the adult and pediatric patient as defined by the national curricula, and any modifications to that curricula specified in rules adopted by the department pursuant to sections 190.100 to 190.199;

(6) "Department", the department of health, state of Missouri;

(7) "Director", the director of the department of health or the director's duly authorized representative;

(8) "Dispatch agency", any person or organization that receives requests for emergency medical services from the public, by telephone or other means, and is responsible for dispatching emergency medical services;

(9) "Emergency medical dispatcher", a person who receives emergency calls from the public and has successfully completed an emergency medical dispatcher course, meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.100 to 190.199;

(10) "Emergency medical response agency", any person that uses public highways or streets to regularly provide a level of care that includes first response, basic life support or advanced life support, exclusive of patient transportation;

(11) "Emergency medical technician", a person licensed as an EMT-B or EMT-P by the department;

(12) "Emergency medical technician-basic" or "EMT-B", a person who has successfully completed a course of instruction in basic life support as prescribed by the department and is licensed by the department in accordance with standards prescribed by sections 190.100 to 190.199 and rules adopted by the department pursuant to sections 190.100 to 190.199;

(13) "Emergency medical technician-paramedic" or "EMT-P", a person who has successfully completed a course of instruction in advanced life support care as prescribed by the department and is licensed by the department in accordance with sections 190.100 to 190.199 and rules adopted by the department pursuant to sections 190.100 to 190.199;

(14) "Emergency services", health care items and services furnished or required to screen and stabilize an emergency medical condition, which may include, but shall not be limited to, health care services that are provided in a licensed hospital's emergency facility by an appropriate provider;

(15) "First responder", a person who has successfully completed an emergency first response course meeting or exceeding the national curriculum of the United States Department of Transportation and any modifications to such curricula specified by the department through rules adopted pursuant to sections 190.100 to 190.199 and who provides emergency medical care through employment by or in association with an emergency medical response agency;

(16) "Medical director", a physician licensed pursuant to chapter 334, RSMo, designated by the ambulance service or emergency medical response agency and who meets criteria specified in rules adopted by the department pursuant to sections 190.100

to 190.199;

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

[(11)] (18) "Patient", an individual who is sick, injured, wounded, diseased, or otherwise incapacitated or helpless, or dead, excluding deceased individuals being transported from or between private or public institutions, homes or cemeteries, and individuals declared dead prior to the time an ambulance is called for assistance;

[(12)] (19) "Person", **as used in these definitions and elsewhere in sections 190.100 to 190.199**, any individual, firm, partnership, **copartnership, joint venture**, association, **cooperative organization**, corporation, [company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States or the state of Missouri;

(13) "Mobile emergency medical technician", a licensed attendant who has been specially trained in emergency cardiac and noncardiac care, and who has successfully completed an emergency service training program certified by the health officer as meeting the requirements of sections 190.100 to 190.190.] **municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, estate, public trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other service user or provider;**

(20) **"Physician", a person licensed as a physician pursuant to chapter 334, RSMo;**

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

(22) **"Protocol", a predetermined, written medical care guideline, which may include standing orders.**

190.105. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients [upon the streets, alleys, or any public way or place of] **in** the state of Missouri unless [he] **such person** holds a currently valid license **from the department** for an ambulance **service** issued pursuant to the provisions of sections [190.100 to 190.195] **190.100 to 190.199.**

2. No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes [on the streets, alleys, or any public way or place of] **in** the state of Missouri unless [it] **the ambulance** is under the immediate supervision

and direction of a person who is holding a currently valid [license as an attendant-driver or attendant; except that, nothing in this section shall be construed to mean that a duly licensed registered nurse or a duly licensed physician be required to hold an attendant-driver or attendant license.] **Missouri license as an emergency medical technician; except that nothing in this section shall be construed to mean that a duly registered nurse or a duly licensed physician be required to hold an emergency medical technician's license. Each ambulance service is responsible for assuring that any person driving its ambulance is competent in emergency vehicle operations and has a safe driving record.**

3. [No person, as either owner, agent or otherwise, who holds a currently valid license for an ambulance, shall, incident to his business or service of transporting patients, transport, carry or convey patients in any vehicle other than an ambulance, but no such licenses] **No license** shall be required for an ambulance **service**, or for the **emergency medical technician** [attendant, attendant-driver, or certificated apprentice] of an ambulance, which:

(1) Is rendering assistance [to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of that locality are insufficient or unable to cope] **in the case of an emergency, major catastrophe or any other unforeseen event or series of events which jeopardize the ability of the ambulance service to promptly respond to emergencies; or**

(2) Is operated from a location or headquarters outside of Missouri in order to transport patients who are picked up beyond the limits of Missouri to locations within or outside of Missouri, but no such outside ambulance **service** shall be used to pick up patients within Missouri for transportation to locations within Missouri, [except in emergency, unless the driver, attendant and attendant-driver and the person subject to the provisions of sections 190.100 to 190.195 in respect of such ambulance hold currently valid licenses issued pursuant to sections 190.100 to 190.195] **except as provided in subdivision (1) of this subsection.**

4. The issuance of a license under the provisions of sections [190.100 to 190.195] **190.100 to 190.199** shall not be construed so as to authorize any person[, firm, corporation, or association] to provide ambulance services or to operate any ambulances without a franchise in any [county, municipality or] political subdivision which has enacted an ordinance making it unlawful to do so.

5. **Notwithstanding any law to the contrary, any person or entity that owned and operated a licensed ambulance on December 31, 1997, shall have the right to maintain as its ambulance service area, or similar designation, that geographic area which was, on December 31, 1997, described as the primary service area for its licensed vehicles, and any subsequent franchise requirements lawfully imposed by a political subdivision shall not limit or otherwise affect the ability of such person or entity to fully operate as it was operating on December 31, 1997, provided that the person or entity obtains an ambulance service license as set forth under this act.**

6. A legally enforceable contract to provide emergency ambulance service for a political subdivision shall expand, without further action by the department, the ambulance service area of the licensed ambulance service under contract with the political subdivision to include the political subdivision for the term of the contract, provided the licensed ambulance service meets all other requirements for licensure under this act. Subsequent termination of the contract shall result in the corresponding reduction of such service area by removing such political subdivision from the ambulance service area of said ambulance service.

7. All ambulance services shall operate in accordance with state regulations. No provider of ambulance service within the state of Missouri which is licensed by the department to provide such service shall discriminate regarding treatment or transportation of emergency patients on the basis of race, sex, age, color, religion, sexual preference, national origin, ancestry, handicap, medical condition or ability to pay.

[5.] **8.** Sections 190.100 to [190.195] **190.245** shall [not] preclude the adoption of any law, ordinance or regulation [not] in conflict with this statute by any county, municipality or political subdivision.

[6.] **9.** An ambulance **service** when operated for the purpose of transporting persons who are sick, injured, or otherwise incapacitated shall not be treated as a common or contract carrier under the jurisdiction of the Missouri public service commission.

[7.] **10.** Sections 190.100 to [190.195] **190.245** shall not apply to, nor be construed to include, any motor vehicle used by an employer for the transportation of [his] **such employer's** employees whose illness or injury occurs on private property, and not on a public highway, nor to any person operating such a motor vehicle.

190.108. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an ambulance service license.

2. The department shall issue an ambulance service license, for a period of three years, if the applicant meets the requirements established pursuant to sections 190.100 to 190.199, and the rules adopted by the department. Except as provided in subsections 5 and 6 of section 190.105, before the department shall issue any new or expanded service area associated with any ambulance service license, the applicant must submit, at its sole cost and expense, a certification from each political subdivision in which it proposes to operate, that the proposed ambulance service:

- (1) Provides benefits to the public health that outweigh the associated costs;**
- (2) Enhances the public's access to ambulance service; and**
- (3) Will coordinate with existing ambulance services.**

3. The department may promulgate rules relating to the requirements for an

ambulance service license, including but not limited to:

- (1) Response, patient care and transportation standards;**
- (2) Vehicle design, specification, operation and maintenance standards;**
- (3) Equipment requirements;**
- (4) Staffing requirements;**
- (5) Licensure fees;**
- (6) Ambulance service areas;**
- (7) Records and forms;**
- (8) Medical control plans;**
- (9) Medical director qualifications;**
- (10) Standards for medical communications; and**
- (11) Memoranda of understanding with emergency medical response agencies that provide advanced life support.**

4. Application for an ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.100 to 190.199. The application form shall contain such information as the department deems necessary to make a determination as to whether the ambulance service meets all the requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

5. No fee will be required for an ambulance owned or operated by a political subdivision of the state.

[190.110. 1. An application for an ambulance license shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:

- (1) The name and address of the applicant and of the owner of the ambulance;
- (2) The trade or other fictitious name, if any, under which the applicant does business and proposes to do business;
- (3) The training and experience of the applicant in the transportation and care of patients;
- (4) A description of each ambulance, including the make, model, year of manufacture, motor and chassis number or other distinguishing number; current state license number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance;

- (5) The location and description of the place from which it is intended to operate;
- (6) Such other information as the license officer shall deem reasonably necessary to a fair determination of compliance with sections 190.100 to 190.195.

2. An annual license fee of twenty dollars shall accompany each application for each ambulance, but no fee will be required for an ambulance owned or operated by a

political subdivision of the state.]

[190.115. 1. Each ambulance shall, at all times when in use as such:

(1) Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises;

(2) Contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;

(3) Currently comply with all applicable laws and local ordinances relating to health, sanitation and safety;

(4) Be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed in reasonable regulations promulgated by the board;

(5) Be equipped with approved safety belts for the driver, and for a passenger in the front seat if such seat is provided;

(6) Be equipped with an approved safety belt for the attendant in the patient compartment and an approved restraining device for the litter and patient; and

(7) Be covered by an insurance policy in conformance with section 190.120.

2. Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license and conformance with all the requirements of sections 190.100 to 190.195 as upon original licensing.

3. Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of sections 190.100 to 190.195 as upon original licensing and approval of the licensing officer. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without prior approval of the license officer and a finding by him of conformance with all the requirements of sections 190.100 to 190.195 as upon original licensing.

4. Each licensed ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the health officer or his designated representative during usual hours of operation.

5. No official entry made upon a license may be defaced, removed or obliterated.]

190.120. 1. No ambulance **service** license shall be issued [under] **pursuant to** sections [190.100 to 190.195] **190.100 to 190.199**, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage issued by an insurance company for each and every ambulance owned or operated by or for the applicant or licensee, or unless any city not within a county which owns or operates the license has at all times sufficient self-insurance coverage to provide for the payment of damages

in an amount as prescribed [by the board] **in regulation:**

(1) For injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or **[his] the owner's** agent; and

(2) For the loss of or damage to the property of another, including personal property, under like circumstances.

2. The insurance policy, or in the case of a self-insured city not within a county, proof of self-insurance, shall be submitted by all licensees required to provide such insurance **[under] pursuant to** sections [190.100 to 190.195] **190.100 to 190.199**. The insurance policy, or proof of the existence of self-insurance of a city not within a county, shall be submitted to the **[license officer] director**, in such form as **[he] the director** may specify, for **[his] the director's** approval prior to the issuance of each ambulance **service** license.

3. Every insurance policy required by the provisions of this section shall contain or in the case of a self-insured city not within a county shall have proof of a provision for a continuing liability thereunder to the full amount thereof, notwithstanding any recovery thereon; that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured; and that until the policy is revoked the insurance company or self-insured city not within a county will not be relieved from liability on account of nonpayment of premium, failure to renew license at the end of the year, or any act or omission of the named assured. Such policy of insurance or self-insurance shall be further conditioned for the payment of any judgments up to the limits of said policy, recovered against any person other than the owner, **[his] the owner's** agent or employee, who may operate the same with the consent of the owner.

4. Every insurance policy or self-insured city not within a county as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the **[license officer] director** and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the **[ambulances] ambulance service** covered by such policy unless covered by another insurance policy in compliance with sections [190.100 to 190.195] **190.100 to 190.199**.

[190.125. 1. The license officer shall, upon receipt of an application for an ambulance license as provided for by the provisions of sections 190.100 to 190.195, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.

2. The license officer shall issue a license hereunder for a specified ambulance, to be valid for a period of one year, unless suspended, revoked or terminated, when he finds, upon proper notice and hearing:

(1) That the public convenience and necessity require the proposed ambulance service;

(2) That each ambulance, its required equipment and the premises designated in the application, have been certified by the health officer as provided herein;

(3) That the applicant is a responsible person who bears a good reputation for honesty, integrity, fair dealing, and is competent to operate an ambulance service;

(4) That the ambulance will be operated only by duly licensed attendants, attendant-drivers, and certificated apprentices;

(5) That all the requirements of sections 190.100 to 190.195 and all other applicable laws and ordinances have been met.

3. Prior to the issuance of any ambulance license hereunder, the license officer shall cause an inspection to be made of the vehicles, equipment and premises designated in each application hereunder, and shall certify his approval in a written report when he finds compliance with the standards prescribed in subdivision (1) of section 190.115, section 190.120 and in section 190.130, and with the regulations promulgated under such sections; but the license officer shall have no responsibility, and shall exercise no authority in connection with laws and ordinances of general applicability which deal with motor vehicle inspection.

4. Subsequent to the issuance of an ambulance license under the provisions of sections 190.100 to 190.195, the license officer shall cause a periodic inspection to be made of each licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary, and shall promptly file a written report of his findings with the department of health. The periodic inspection hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under general law or ordinances, and shall not excuse compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law or ordinance.

5. A copy of each ambulance, equipment and premises inspection report submitted by the license officer under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.

6. The license officer may change periods to equalize work:

(1) Whenever he shall determine from an increase or decrease in the number of ambulance licenses in any given month, that the volume of clerical work and inspections of licensing of ambulances in such month has become so disproportionate to the volume of work in the remaining months, he is authorized and empowered to change the license period of such number of ambulances as may be necessary to increase or reduce the volume

of licenses in one or more months by advancing the renewal date and shortening the license period of such ambulances.

(2) Such shifting of license months shall be accomplished by notifying the licensees of the change, giving them credit for the portion of the license period not yet elapsed. In such instances the license officer shall assign and issue a new license for the ambulance designating the new license expiration date.]

[190.130. Each licensee of an ambulance shall comply with such reasonable regulations as may be promulgated by the board and shall maintain in each such ambulance, at all times when it is in use as an ambulance, all equipment required in regulations promulgated by the board. In promulgating equipment regulations, the board shall take into consideration the current list of essential equipment for ambulances adopted by the American College of Surgeons.]

190.131. 1. The department shall accredit or certify training entities for first responders, emergency medical dispatchers, emergency medical technicians-basic and emergency medical technicians-paramedic if the applicant meets the requirements established pursuant to sections 190.100 to 190.199, and the rules adopted by the department pursuant to sections 190.100 to 190.199, and fix reasonable application, accreditation and certification fees as are necessary to accomplish this purpose.

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

3. Application for training entity accreditation or certification shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.100 to 190.199. The application form shall contain such information as the department deems reasonably necessary to make a determination as to whether the training entity meets all requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

4. Upon receipt of such application for training entity accreditation or certification, the department shall determine whether the training entity, its instructors, facilities, equipment, curricula and medical oversight meet the requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

5. Upon finding these requirements satisfied, the department shall issue a training entity accreditation or certification in accordance with rules promulgated by the department pursuant to sections 190.100 to 190.199.

6. Subsequent to the issuance of a training entity accreditation or certification, the department shall cause a periodic review of the training entity to assure continued compliance with the requirements of sections 190.100 to 190.199 and all rules

promulgated pursuant to sections 190.100 to 190.199.

7. No person or entity shall hold itself out or provide training required by section 190.131 without accreditation or certification by the department.

190.133. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as the department deems necessary to be made of the applicant for an emergency medical response agency license.

2. The department shall issue a license to any emergency medical response agency which provides advanced life support, for a period of three years, if the applicant meets the requirements established pursuant to sections 190.100 to 190.199, and the rules adopted by the department. The department may promulgate rules relating to the requirements for an emergency medical response agency, including, but not limited to:

(1) Licensure and relicensure;

(2) License fees;

(3) Medical direction;

(4) Records and forms; and

(5) Memorandum of understanding with local ambulance services and other operational procedures.

3. Application for an emergency medical response agency license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.100 to 190.199. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical response agency meets all the requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

4. No person or entity shall hold itself out or provide the services of an emergency medical response agency which provides advanced life support unless it is licensed by the department.

5. No fee will be required for an emergency medical response agency owned or operated by a political subdivision of the state.

190.134. A dispatch agency is required to have a memorandum of understanding with all ambulance services that it dispatches. If a dispatch agency provides prearrival medical instructions, it is required to have a medical director, whose duties include the maintenance of standards and protocol approval.

190.142. 1. The department shall, within a reasonable time after receipt of an application, cause such investigation as it deems necessary to be made of the applicant for an emergency medical technician's license. The director may authorize investigations into criminal records in other states for any applicant.

2. The department shall issue a license to all levels of emergency medical

technicians, for a period of three years, if the applicant meets the requirements established pursuant to sections 190.100 to 190.199 and the rules adopted by the department. The department may promulgate rules relating to the requirements for emergency medical technician licensure, including but not limited to:

- (1) Age requirements;
- (2) Criminal history, meaning a final adjudication and finding of guilt, or the entering of a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States whether or not sentence is imposed pursuant to rules adopted by the department;
- (3) Ability to speak, read and write the English language;
- (4) Sound physique and possession of visual acuity, as found by a physician licensed under chapter 334, RSMo, upon examination attested to on a form provided by the department, conforming to that required for a chauffeur's license to be able to drive or attend an ambulance;
- (5) Education and training requirements based on respective national curricula of the United States Department of Transportation and any modification to such curricula specified by the department through rules adopted pursuant to sections 190.100 to 190.199;
- (6) Initial licensure testing requirements;
- (7) Continuing education and relicensure requirements; and
- (8) Licensure fees.

3. Application for all levels of emergency medical technician license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.100 to 190.199. The application form shall contain such information as the department deems necessary to make a determination as to whether the emergency medical technician meets all the requirements of sections 190.100 to 190.199 and rules promulgated pursuant to sections 190.100 to 190.199.

4. All emergency medical technicians may perform only that patient care which is:

- (1) Consistent with the training, education and experience of emergency medical technicians as determine by the requirements of sections 190.100 to 190.199 and in the rules adopted by the department;
- (2) Consistent with acceptable standard of patient care for emergency medical technicians;
- (3) Ordered by a physician or set forth in protocols approved by the medical director; and
- (4) Consistent with the rules adopted by the department pursuant to sections 190.100 to 190.199.

5. Each ambulance, when in use as an ambulance, shall be staffed with a minimum of one emergency medical technician and one other crew member as set forth in rules adopted by the department. When transporting a patient, at least one licensed emergency medical technician, registered nurse, or physician shall be in attendance with the patient in the patient compartment at all times.

6. No person shall hold himself or herself out or provide the services of an emergency medical technician unless that person is licensed by the department.

7. No fee will be required for an emergency medical technician employed by a political subdivision of the state.

[190.140. Notwithstanding any other provision of sections 190.100 to 190.190, mobile emergency medical technicians may do any of the following at the scene of the accident in an ambulance or at the emergency room of a licensed hospital:

(1) Render rescue, first-aid and resuscitation services;

(2) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, nonbreathing patient, and:

(a) For the cardiac arrest patient, the mobile emergency medical technician may initiate advanced cardiac life support procedures such as endotracheal intubation, initiation of intravenous lines, and administration of initial medications, according to current nationally acceptable emergency cardiac guidelines when approved by the department of health and the local physician medical advisor or local physician medical advisory committee;

(b) For the patient with severe, multisystem trauma or with compromised vital signs the mobile emergency medical technician may establish airway, apply and inflate the PAST garment, initiate intravenous therapy or administer initial medications according to protocols which have been approved by the department of health and the local physician medical advisor or local physician medical advisory committee;

(c) Notwithstanding the provisions of subdivision (4) of this section, procedures may be initiated pursuant to paragraphs (a) and (b) of this subdivision prior to any radio or telephone contact with a physician or registered nurse. After initiating procedures pursuant to paragraphs (a) and (b) of this subdivision, the mobile emergency medical technician shall immediately make radio or telephone contact with a physician or registered nurse designated by a physician;

(3) During training at the hospital and while caring for patients in the hospital administer parenteral medications under the direct supervision of a physician or a registered nurse; and

(4) Where voice contact or a telemetered electrocardiogram is monitored by a physician or a registered nurse authorized by a physician, and direct communication is

maintained, mobile emergency medical technicians may upon order of such licensed physician or such licensed registered nurse do any of the following:

- (a) Administer intravenous saline or glucose solutions;
- (b) Perform gastric suction by intubation;
- (c) Perform endotracheal intubation; and
- (d) Administer parenteral injections of any of the following classes of drugs:
 - a. Antiarrhythmic agents;
 - b. Vagolytic agents;
 - c. Chronotropic agents;
 - d. Analgesic agents;
 - e. Alkalinizing agents;
 - f. Vasopressor agents; and
 - g. Other drugs which may be deemed necessary by such ordering physician;

(5) Deliver emergency medical care to the sick and injured while in the emergency department of a licensed hospital and until care responsibility is assumed by a licensed physician or a licensed registered nurse.]

[190.141. 1. Notwithstanding any other provisions of sections 190.100 to 190.190, emergency medical technicians may perform any of the following at the scene of an emergency or in an ambulance:

- (1) Patient assessment and vital signs;
- (2) Airway maintenance to include use of:
 - (a) Oropharyngeal and nasopharyngeal airways;
 - (b) Esophageal obturator airways with or without gastric suction device; and
 - (c) Oxygen demand valves;
- (3) Oxygen therapy;
- (4) Oropharyngeal suctioning;
- (5) Cardiopulmonary resuscitation procedures;
- (6) Control accessible bleeding;
- (7) Application of pneumatic anti-shock garment;
- (8) Management of outpatient medical emergencies;
- (9) Extrication of patients and lifting and moving techniques;
- (10) Management of musculoskeletal and soft tissue injuries to include dressing and bandaging wounds or the splinting of fractures, dislocations, sprains or strains and rendering first aid services;
- (11) Use of backboards to immobilize the spine;
- (12) Defibrillate a pulseless patient under the following conditions:
 - (a) Perform, when approved by the local physician medical advisor or local

physician medical advisory committee and where voice contact by radio or telephone is monitored by a person licensed to practice medicine or a registered nurse, where authorized by a person licensed to practice medicine, and direct communication is maintained, upon order of such person or such nurse, defibrillation with an automatic external defibrillator with data recording capabilities; or

(b) Perform, during an emergency, that activity specified in paragraph (a) of this subsection, before contacting the person licensed to practice medicine and surgery or authorized registered nurse when specifically authorized to perform such activities by written protocols approved by the local physician medical advisory or local physician medical advisory committee and the department of health.

2. An employer of the paid or volunteer emergency medical technician shall have the same physician medical advisor or local physician advisory committee as the local licensed ambulance service, to review, approve and monitor the activities which include but are not limited to recordkeeping, equipment maintenance, quality assurance and operation standards of the emergency medical technician.]

[190.145. 1. The license officer shall, within a reasonable time after receipt of an application, cause such investigation as he deems necessary to be made of the applicant for an attendant's or attendant-driver's license. The director of the department of health may authorize investigations into criminal and driving records in other states for any applicant.

2. The license officer shall issue a license to an attendant or attendant-driver, valid for a period of three years, unless earlier suspended, revoked or terminated, when he finds that the applicant:

(1) Is eighteen years of age or older;

(2) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(3) Is able to speak, read and write the English language;

(4) Has been found by a duly licensed physician, upon examination attested to on a form provided by the health officer, to be of sound physique, possessing visual acuity conforming to that required for a chauffeur's license, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance;

(5) For each applicant applying for relicensure for an attendant or attendant-driver's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training, as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo. For each applicant applying for initial licensure for an attendant or attendant-driver's license, that such applicant has a currently valid certificate evidencing

successful completion of a course of training as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo, which incorporates the curriculum of the EMT-basic training for ambulance personnel recommended by the United States Department of Transportation. No one shall be licensed as an attendant-driver unless he holds a currently valid motor vehicle operator's license from the state of Missouri or another state; and

(6) For each applicant applying for relicensure for a mobile emergency medical technician's license, that such applicant meets the requirements for attendant, subdivisions (1) to (5) of this subsection, and in addition has a currently valid certificate evidencing successful completion of a course of training, as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo. For each applicant applying for initial licensure for a mobile emergency medical technician's license, that such applicant has a currently valid certificate evidencing successful completion of a course of training as presently defined by the state board of health through its rules and regulations in accordance with section 190.185 and chapter 536, RSMo, which incorporates the curriculum of the EMT-paramedic training for ambulance personnel recommended by the United States Department of Transportation.

3. A license as attendant mobile emergency medical technician or attendant-driver is not assignable or transferable.

4. No official entry made upon a license may be defaced, removed or obliterated.

5. Notwithstanding anything herein to the contrary, ground ambulance services located in a city not within a county may maintain their ambulance service areas, and nothing in this section shall authorize the limitation or other restriction of the ambulance service area of ground ambulance services located in a city not within a county.]

[190.150. 1. An application for a certificate of apprenticeship shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:

(1) The applicant's full name, current residence and the addresses of all places of residence for two years previous to his present address;

(2) The applicant's age, height, weight, color of eyes and hair;

(3) The applicant's current operator's or chauffeur's license number;

(4) Whether his operator's or chauffeur's license has ever been suspended or revoked, and if so, when and where and for what cause;

(5) Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause;

(6) Whether he has ever been convicted of driving while intoxicated, and if so, when and where;

(7) Whether he has ever been convicted of any moving motor vehicle violation, and if so, when and where and for what cause;

(8) The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a chauffeur, attendant, or attendant-driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause;

(9) A description of the apprenticeship in which the applicant is currently engaged, or which is proposed, including a detailed description of the training which the applicant will receive, the location of the training, the names and qualifications of all instructors or supervising personnel, and the approximate length of the apprenticeship;

(10) Two recent photographs of the applicant, of a size designated by the license officer, one of which shall be attached by the license officer to the certificate of apprenticeship;

(11) Such other information as the licensing officer shall deem reasonably necessary to be a fair determination of compliance with sections 190.100 to 190.195.

2. Each application shall be accompanied by a certificate fee of three dollars, but no fee will be required for applicants who are employed for such duties by the state or a political subdivision of the state.]

[190.155. 1. The license officer shall, within a reasonable time after receipt of an application, cause such investigation as he deems necessary to be made of the applicant for a certificate of apprenticeship.

2. The license officer shall issue a certificate of apprenticeship, for not more than one year, unless earlier suspended, revoked or terminated, when he finds that the applicant:

(1) Is eighteen years of age or older;

(2) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;

(3) Is able to speak, read and write the English language;

(4) Has been found by a duly licensed physician, upon examination attested to on a form provided by the health officer, to be of sound physique, and free of physical defects or diseases which might impair the ability to attend an ambulance; and

(5) Is engaged in or proposes to be engaged in a course of training, the successful completion of which will be equivalent to completion of an advanced course in first aid given by the American Red Cross or the United States Bureau of Mines.]

190.160. The renewal of any license shall require conformance with [all the requirements of sections 190.100 to 190.195 as upon original licensing] **sections 190.100 to 190.199 and rules adopted by the department pursuant to sections 190.100 to 190.199, as upon original**

licensing.

190.165. 1. The [license officer may] **department may deny a license or license renewal application, or** suspend or revoke a license issued under the provisions of sections [190.100 to 190.195] **190.100 to 190.199** for failure of a licensee to comply with the provisions of sections [190.100 to 190.195] **190.100 to 190.199**, or of regulations promulgated hereunder, or of any other applicable laws or ordinances or regulations, or [he] **the department** may place the licensee on probation for any of the same reasons.

2. [The initial or other ambulance, equipment and premises inspection reports of the health officer provided for by the provisions of sections 190.100 to 190.195 shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided herein, and of the regulations promulgated hereunder, for the licensing of ambulances.] **Grounds for taking action may include but are not limited to:**

(1) **Incompetency;**
(2) **Gross negligence or repeated negligence;**
(3) **Falsifying any application or record required pursuant to sections 190.100 to 190.199;**

(4) **Being finally adjudicated and found guilty, or entering a plea of guilty or nolo contendere, in a criminal prosecution under the laws of any state or of the United States whether or not sentence is imposed, pursuant to rules adopted by the department; or**

(5) **Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any person licensed or regulated by this chapter.**

3. Upon suspension, revocation or termination of an ambulance **service or emergency medical response agency** license hereunder, no person shall be permitted to operate [the] **such ambulance service or emergency medical response agency, provided an alternate ambulance service or agency is available for the area served by the entity being disciplined.** Upon suspension, revocation or termination of an [attendant's or attendant-driver's] **EMT-B or EMT-P** license, the [attendant or attendant-driver] **EMT-B or EMT-P** shall cease to [drive or attend an ambulance, and no person shall employ or permit such individual to drive or attend an ambulance] **function as an EMT-B or EMT-P.**

4. Any license suspended, revoked or terminated under any provision of sections [190.100 to 190.195] **190.100 to 190.199** will be returned to the [license officer] **department** within ten days of such suspension, revocation or termination.

190.171. Any person aggrieved by an official action of the department of health affecting the licensed status of a person under the provisions of sections [190.100 to 190.195] **190.100 to 190.199**, including the refusal to grant, [the grant,] the revocation, the suspension, or the failure

to renew a license, may seek a determination thereon by the administrative hearing commission pursuant to the provisions of section 621.045, RSMo, and it shall not be a condition to such determination that the person aggrieved seek a reconsideration, a rehearing, or exhaust any other procedure within the department [of health of or the department of social services].

190.175. 1. Each [licensee of an ambulance] **ambulance service licensee or emergency medical response agency licensee** shall maintain accurate records, which contain [the following] information concerning the **care and, if applicable, the** transportation of each patient [within the state of Missouri, from one place herein to another place within or beyond its limits:].

[(1) Each ambulance licensee will maintain a daily log to contain such data as the license officer may prescribe on each and every ambulance run which he or a duly authorized agent accepts;

(2) The entries will be consecutive, with no blank spaces or blank paper.] **2.** Records will be maintained by [the ambulance licensee] **ambulance service licensees and emergency medical response agency licensees** for five years, readily available for inspection by [the license officer] **the department**, notwithstanding transfer, sale or discontinuance of the ambulance services or business[;].

[(3) Trip tickets] **3. An ambulance report, approved by the department, shall be completed** for each ambulance run on which are entered pertinent remarks by the [ambulance attendant, or attendant-driver, signed instructions of the physician requesting special service, official receipt for patient at destination.] **emergency medical technician** and such other items as [the license officer may prescribe] **adopted by rules by the department.**

[2.] **4.** Such records shall be available for inspection by the [health officer] **department** at any reasonable time during business hours.

5. Nothing in this section shall be construed as protecting from disclosure or discovery, in any civil action, information and documents otherwise discoverable from any person or entity providing information to the department pursuant to the provisions of this section.

190.176. 1. The department shall develop and administer a uniform data collection system on all ambulance runs and injured patients, as adopted in rules by the department for the purpose of injury etiology, patient care outcome, injury prevention and research purposes. The department shall not require disclosure by hospitals of data elements pursuant to this section unless those data elements are required by a federal agency or were submitted to the department as of January 1, 1997, pursuant to:

- (1) Departmental regulation of trauma centers; or**
- (2) The Missouri head and spinal cord injury registry established by sections 192.735 to 192.745, RSMo; or**
- (3) Abstracts of inpatient hospital data; or**

(4) If such data elements are requested by a lawful subpoena or subpoena duces tecum.

2. The department shall maintain the confidentiality of all medical record information abstracted by or reported to the department. Medical information secured pursuant to the provisions of subsection 1 of this section may be released by the department only in a statistical aggregate form that precludes and prevents the identification of patient, physician, or medical facility except that medical information may be shared with other public health authorities and coinvestigators of a health study if they abide by the same confidentiality restrictions required of the department. The department, public health authorities, and coinvestigators shall use the information collected only for purposes provided for in this section.

3. No individual or organization providing information to the department in accordance with this section shall be deemed to be or shall be held liable, either civilly or criminally, for divulging confidential information unless such individual or organization acted in bad faith or with malicious purpose.

190.180. 1. Any person violating, or failing to comply with, the provisions of sections [190.100 to 190.195] **190.100 to 190.199** is guilty of a **class B** misdemeanor and, upon conviction thereof, shall be [fined an amount not exceeding one thousand dollars or imprisonment for a period not exceeding thirty days, or by both such fine and imprisonment] **sentenced to pay a fine in accordance with chapter 560, RSMo, or to imprisonment in accordance with chapter 558, RSMo, or by both such fine and imprisonment**, for each offense.

2. Each day that any violation of, or failure to comply with, sections [190.100 to 190.195] **190.100 to 190.199** is committed or permitted to continue shall constitute a separate and distinct offense and shall be punishable as such hereunder; but the court may, in appropriate cases, stay the cumulation of penalties.

3. The attorney general of Missouri shall have concurrent jurisdiction with any and all prosecuting attorneys to prosecute persons in violation of sections [190.100 to 190.195] **190.100 to 190.199**, and the attorney general or prosecuting attorney may institute injunctive proceedings against any person operating an ambulance service in violation of sections [190.100 to 190.195] **190.100 to 190.199**.

4. The prosecuting attorney for the county in which the violation of a law or ordinance regarding emergency medical services occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the ambulance district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation.

190.185. The [state board of health of Missouri] **department of health** shall adopt, amend, promulgate, and enforce such rules, regulations and standards [with respect to all ambulances, ambulance services, attendant mobile emergency medical technicians, attendant-

drivers, and certified apprentices] **as to ambulance services, emergency medical technicians, and emergency medical response agencies to be licensed and training entities for first responders, emergency medical dispatchers, and emergency medical technicians to be accredited** under the provisions of sections [190.093 to 190.249, and all emergency medical technicians to be certified under the provisions of section 190.093 to 190.249] **190.093 to 190.199**, as may be designed to further the accomplishment of the purpose of this law in promoting safe and adequate ambulance services in the interest of public health, safety, and welfare. [No rule or portion of a rule promulgated under the authority of sections 190.093 to 190.249 shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.] **Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is promulgated under the authority delegated in sections 190.100 to 190.199 shall become effective only if it has been promulgated pursuant to the provisions of chapter 536, RSMo. All rulemaking authority delegated prior to the effective date of this section is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to the effective date of this section if it fully complied with the provisions of chapter 536, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.**

[190.190. Any ambulance, attendant or attendant-driver which is engaged in the business or service of the transportation of patients at the time of the promulgation of any applicable rule or regulation or minimum standard under this law shall be given a reasonable time under the particular circumstances, not to exceed six months from the date of such promulgation, within which to comply with such rules and regulations and minimum standards.]

190.197. 1. All ambulance vehicles or aircraft that have or are qualified to have a valid license issued by the department of health on the day that sections 190.100 to 190.199 take effect will have their ambulance vehicle or aircraft license expiration date extended to a date that is one year after the effective date of sections 190.100 to 190.199.

2. All ambulance services shall have until one year after the effective date of sections 190.100 to 190.199 to comply with the provisions of 190.100 to 190.199 and the rules developed pursuant to sections 190.100 to 190.199. Pursuant to sections 190.100 to 190.199 the department may adjust the initial period of licensure, from one year to three years, of any ambulance service licensed pursuant to sections 190.100 to 190.199, to equalize the number of licenses that may be renewed during each year of any three year licensure period.

3. License fees shall be pro rata for any ambulance service license issued by the department with an adjusted license period.

190.199. In order to ensure public health and safety:

(1) All persons who have access to or use an automatic external defibrillator must obtain appropriate training to include completion of a course in cardiopulmonary resuscitation or successful completion of a basic first aid course that includes cardiopulmonary resuscitation training and demonstrated proficiency in the use of an automatic external defibrillator; except in the absence of trained personnel any person may utilize an automatic external defibrillator to attempt to revive a person or persons;

(2) Any person or entity in possession of an automatic external defibrillator is encouraged to register with the local emergency medical services medical director the existence and location of the automatic external defibrillator;

(3) Any person who uses an automatic external defibrillator is required to activate the emergency medical services system as soon as possible upon use of the automatic external defibrillator; and

(4) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment by the use of or provision of an automatic external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

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