

HOUSE BILL NO. 2458

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

4889H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 190.053 and 190.109, RSMo, and to enact in lieu thereof five new sections relating to emergency medical services.

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

Section A. Sections 190.053 and 190.109, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 190.053, 190.076, 190.109, 190.112, and 190.166, to read as follows:

190.053. 1. All members of the board of directors of an ambulance district first elected on or after January 1, 2008, shall attend and complete an educational seminar or conference or other suitable training on the role and duties of a board member of an ambulance district. The training required under this section shall be offered by a statewide association organized for the benefit of ambulance districts or be approved by the state advisory council on emergency medical services. Such training shall include, at a minimum:

- (1) Information relating to the roles and duties of an ambulance district director;
- (2) A review of all state statutes and regulations relevant to ambulance districts;
- (3) State ethics laws;
- (4) State sunshine laws, chapter 610;
- (5) Financial and fiduciary responsibility;
- (6) State laws relating to the setting of tax rates; and
- (7) State laws relating to revenue limitations.

2. ~~[If any ambulance district board member fails to attend a training session within twelve months after taking office, the board member shall not be compensated for attendance at meetings thereafter until the board member has completed such training session. If any~~

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

~~17 ambulance district board member fails to attend a training session within twelve months of~~
~~18 taking office regardless of whether the board member received an attendance fee for a~~
~~19 training session, the board member shall be ineligible to run for reelection for another term of~~
~~20 office until the board member satisfies the training requirement of this section; however, this~~
~~21 requirement shall only apply to board members elected after August 28, 2022]~~ **All members**
22 of the board of directors of an ambulance district shall complete three hours of
23 continuing education for each term of office. The continuing education shall be offered
24 by a statewide association organized for the benefit of ambulance districts or be
25 approved by the state advisory council on emergency medical services.

26 3. Any ambulance district board member who fails to complete the initial
27 training and continuing education requirements on or before the anniversary date of the
28 member's election or appointment as required under this section shall immediately be
29 disqualified from office. Upon such disqualification, the member's position shall be
30 deemed vacant without further process or declaration. The vacancy shall be filled in the
31 manner provided for in section 190.052.

190.076. In addition to the annual audit required under section 190.075, each
2 ambulance district shall, at least once every three years, arrange for a certified public
3 accountant or a firm of certified public accountants to audit the records and accounts of
4 the district. The audit shall be made freely available to the public on the district's
5 website or by other electronic means.

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

4 2. Any person that owned and operated a licensed ambulance on December 31, 1997,
5 shall receive an ambulance service license from the department, unless suspended, revoked or
6 terminated, for that ambulance service area which was, on December 31, 1997, described and
7 filed with the department as the primary service area for its licensed ambulances on August
8 28, 1998, provided that the person makes application and adheres to the rules and regulations
9 promulgated by the department pursuant to sections 190.001 to 190.245.

10 3. The department shall issue a new ground ambulance service license to an
11 ambulance service that is not currently licensed by the department, or is currently licensed by
12 the department and is seeking to expand its ambulance service area, except as provided in
13 subsection 4 of this section, to be valid for a period of five years, unless suspended, revoked
14 or terminated, when the director finds that the applicant meets the requirements of ambulance
15 service licensure established pursuant to sections 190.100 to 190.245 and the rules adopted by
16 the department pursuant to sections 190.001 to 190.245. In order to be considered for a new
17 ambulance service license, an ambulance service shall submit to the department a letter of

18 endorsement from each ambulance district or fire protection district that is authorized to
19 provide ambulance service, or from each municipality not within an ambulance district or fire
20 protection district that is authorized to provide ambulance service, in which the ambulance
21 service proposes to operate. If an ambulance service proposes to operate in unincorporated
22 portions of a county not within an ambulance district or fire protection district that is
23 authorized to provide ambulance service, in order to be considered for a new ambulance
24 service license, the ambulance service shall submit to the department a letter of endorsement
25 from the county. Any letter of endorsement required pursuant to this section shall verify that
26 the political subdivision has conducted a public hearing regarding the endorsement and that
27 the governing body of the political subdivision has adopted a resolution approving the
28 endorsement. The letter of endorsement shall affirmatively state that the proposed ambulance
29 service:

- 30 (1) Will provide a benefit to public health that outweighs the associated costs;
- 31 (2) Will maintain or enhance the public's access to ambulance services;
- 32 (3) Will maintain or improve the public health and promote the continued
33 development of the regional emergency medical service system;
- 34 (4) Has demonstrated the appropriate expertise in the operation of ambulance
35 services; and
- 36 (5) Has demonstrated the financial resources necessary for the operation of the
37 proposed ambulance service.

38 4. A contract between a political subdivision and a licensed ambulance service for the
39 provision of ambulance services for that political subdivision shall expand, without further
40 action by the department, the ambulance service area of the licensed ambulance service to
41 include the jurisdictional boundaries of the political subdivision. The termination of the
42 aforementioned contract shall result in a reduction of the licensed ambulance service's
43 ambulance service area by removing the geographic area of the political subdivision from its
44 ambulance service area, except that licensed ambulance service providers may provide
45 ambulance services as are needed at and around the state fair grounds for protection of
46 attendees at the state fair.

47 5. The department shall renew a ground ambulance service license if the applicant
48 meets the requirements established pursuant to sections 190.001 to 190.245, and the rules
49 adopted by the department pursuant to sections 190.001 to 190.245.

50 6. The department shall promulgate rules relating to the requirements for a ground
51 ambulance service license including, but not limited to:

- 52 (1) Vehicle design, specification, operation and maintenance standards;
- 53 (2) Equipment requirements;
- 54 (3) Staffing requirements;

- 55 (4) Five-year license renewal;
56 (5) Records and forms;
57 (6) Medical control plans;
58 (7) Medical director qualifications;
59 (8) Standards for medical communications;
60 (9) Memorandums of understanding with emergency medical response agencies that
61 provide advanced life support;
62 (10) Quality improvement committees; ~~and~~
63 (11) Response time, patient care and transportation standards;
64 **(12) Participation with regional EMS advisory committees; and**
65 **(13) Ambulance service administrator qualifications.**
66 7. Application for a ground ambulance service license shall be made upon such forms
67 as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245.
68 The application form shall contain such information as the department deems necessary to
69 make a determination as to whether the ground ambulance service meets all the requirements
70 of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to
71 190.245.

190.112. 1. Each ambulance service licensed under sections 190.001 to 190.245 shall identify to the department an individual as the ambulance service administrator, who shall be responsible for the operations and staffing of the ambulance service.

2. Any individual identified as the ambulance service administrator under subsection 1 of this section shall be required to have achieved basic training of at least forty hours regarding the operations of an ambulance service and to complete two hours of annual continuing education to maintain the individual's status as the ambulance service administrator.

3. The training required under this section shall be offered by a statewide association organized for the benefit of ambulance districts or be approved by the state advisory council on emergency medical services. Such training shall include information on:

- 13 (1) **Basic principles of accounting and economics;**
14 (2) **State and federal laws applicable to ambulance services;**
15 (3) **Regulatory requirements applicable to ambulance services;**
16 (4) **Human resources management and laws;**
17 (5) **Grant writing, contracts, and fundraising;**
18 (6) **The state sunshine law requirements under chapter 610 and state ethics laws;**
19 **and**
20 (7) **Volunteer and community involvement.**

21 **4. Any individual serving as an ambulance service administrator as of August**
22 **28, 2024, shall have until January 1, 2026, to meet the training requirements of this**
23 **section.**

190.166. 1. In addition to the grounds for disciplinary action described in
2 **section 190.165, the department may refuse to issue, deny renewal of, or suspend a**
3 **license required under section 190.109, or take other corrective actions as described in**
4 **this section, based on any of the following considerations:**

5 **(1) The license holder is determined to be financially insolvent;**

6 **(2) The ambulance service has inadequate personnel to operate the ambulance**
7 **service to provide basic emergency operations. The ambulance service shall not be**
8 **deemed to have such inadequate personnel as long as the ambulance service has the**
9 **ability to staff a minimum of one ambulance unit twenty-four hours each day, seven**
10 **days each week, with at least two licensed emergency medical technicians, and has a**
11 **reasonable plan and schedule for the services of a second ambulance unit;**

12 **(3) The ambulance service requires an inordinate amount of mutual aid from**
13 **neighboring services, such as more than ten percent of the total runs in the jurisdiction**
14 **in any given month or more than would be considered prudent, and thus cannot provide**
15 **an appropriate level of emergency response for the service area that would be**
16 **considered prudent by the typical operator of emergency ambulance services;**

17 **(4) The principal manager or a board member or executive of the ambulance**
18 **service is determined to be criminally liable for actions related to the license or service**
19 **provided;**

20 **(5) The license holder or principal manager or a board member or other**
21 **executive of the ambulance service is determined by the Centers for Medicare and**
22 **Medicaid Services to be ineligible for participation in Medicare;**

23 **(6) The license holder or principal manager or a board member or other**
24 **executive of the ambulance service is determined by the MO HealthNet division to be**
25 **ineligible for participation in the MO HealthNet program;**

26 **(7) The ambulance service administrator has failed to meet the required**
27 **qualifications or failed to complete the training required in section 190.112; or**

28 **(8) If the ambulance service is an ambulance district, three or more board**
29 **members have failed to complete the training required in section 190.053.**

30 **2. If the department determines an ambulance service is financially insolvent or**
31 **its operations are insufficient as described in subsection 1 of this section, the department**
32 **may require the license holder to submit a corrective action plan within fifteen days and**
33 **require implementation of such corrective action plan within thirty days.**

34 **3. The department shall provide notice of any determination of insolvency or**
35 **insufficiency of operations of a license holder by the department to:**

36 **(1) Other license holders operating in the license holder's vicinity;**

37 **(2) Members of the general assembly who represent all or part of the license**
38 **holder's service area;**

39 **(3) The governing officials of any county or municipal entity in the license**
40 **holder's service area;**

41 **(4) The appropriate regional EMS advisory committee; and**

42 **(5) The state advisory council on emergency medical services.**

43 **4. Upon taking any corrective action under this section, the department shall**
44 **immediately engage with other license holders in the affected area to determine the**
45 **extent to which ground ambulance service may be provided to the affected service area**
46 **during the time in which the provisional or affected license holder is unable to provide**
47 **adequate services, including any long-term service arrangements. The holder of a**
48 **provisional or suspended license may enter into an agreement with other license holders**
49 **to provide services to the affected area. Such agreement may be in the form of an**
50 **agreement to provide services, a joint powers agreement, formal consideration, or**
51 **payment for services rendered.**

52 **5. Any ambulance service operator who provides assistance in the service area of**
53 **another ambulance service operator whose license to operate has been suspended under**
54 **this section shall have the right to seek reasonable compensation from the ambulance**
55 **service operator whose license to operate has been suspended under this section for all**
56 **calls, stand-by time, and responses to medical emergencies during such time the license**
57 **remains suspended. The reasonable compensation shall not be limited to only those**
58 **expenses incurred in actual responses, but may include reasonable expenses to maintain**
59 **the ambulance service including, but not limited to, the daily operation costs of**
60 **maintaining the service, personnel wages and benefits, equipment purchases and**
61 **maintenance, and other costs incurred in the operation of an ambulance service. The**
62 **ambulance service operator providing assistance shall be entitled to an award of costs**
63 **and reasonable attorney's fees in any action to enforce the provisions of this section.**

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