

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE BILL NO. 870
99TH GENERAL ASSEMBLY

5721H.05C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 99.848, 100.050, 100.059, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 320.094, 320.202, 353.110, 650.277, and 701.377, RSMo, and to enact in lieu thereof thirty-eight new sections relating to emergency medical services, with existing penalty provisions.

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

Section A. Sections 99.848, 100.050, 100.059, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 320.094, 320.202, 353.110, 650.277, and 701.377, RSMo, are repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 99.848, 100.050, 100.059, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.147, 190.165, 190.173, 190.196, 190.246, 190.900, 190.903, 190.906, 190.909, 190.912, 190.915, 190.918, 190.921, 190.924, 190.927, 190.930, 190.933, 190.936, 190.939, 191.630, 217.151, 221.520, 320.094, 320.202, 353.110, 650.277, and 701.377, to read as follows:

99.848. **1.** Notwithstanding subsection 1 of section ~~[99.847]~~ **99.845**, any district **or county imposing a property tax for the purposes of** providing emergency services pursuant to chapter 190 or 321 shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent ~~[not]~~ **but not** more than one hundred percent of the district's tax increment. This section shall not apply to tax increment financing projects or districts approved prior to August 28, 2004.

2. Beginning August 28, 2018, an ambulance district board operating under chapter 190, a fire protection district board operating under chapter 321, or the governing body of a county operating a 911 center providing emergency or dispatch services under chapter

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.

10 **190 or chapter 321 shall annually set the reimbursement rate under subsection 1 of this**
11 **section prior to the time the assessment is paid into the special allocation fund. If the**
12 **redevelopment plan, area, or project is amended by ordinance or by other means after**
13 **August 28, 2018, the ambulance or fire protection district board or the governing body of**
14 **a county operating a 911 center providing emergency or dispatch services under chapter**
15 **190 or chapter 321 shall have the right to recalculate the reimbursement rate under this**
16 **section.**

100.050. 1. Any municipality proposing to carry out a project for industrial development
2 shall first, by majority vote of the governing body of the municipality, approve the plan for the
3 project. The plan shall include the following information pertaining to the proposed project:

- 4 (1) A description of the project;
- 5 (2) An estimate of the cost of the project;
- 6 (3) A statement of the source of funds to be expended for the project;
- 7 (4) A statement of the terms upon which the facilities to be provided by the project are
8 to be leased or otherwise disposed of by the municipality; and
- 9 (5) Such other information necessary to meet the requirements of sections 100.010 to
10 100.200.

11 2. If the plan for the project is approved after August 28, 2003, and the project plan
12 involves issuance of revenue bonds or involves conveyance of a fee interest in property to a
13 municipality, the project plan shall additionally include the following information:

14 (1) A statement identifying each school district, community college district, **ambulance**
15 **district board operating under chapter 190, fire protection district board operating under**
16 **chapter 321**, county, or city affected by such project except property assessed by the state tax
17 commission pursuant to chapters 151 and 153;

18 (2) The most recent equalized assessed valuation of the real property and personal
19 property included in the project, and an estimate as to the equalized assessed valuation of real
20 property and personal property included in the project after development;

21 (3) An analysis of the costs and benefits of the project on each school district,
22 community college district, **ambulance district board operating under chapter 190, fire**
23 **protection district board operating under chapter 321**, county, or city; and

24 (4) Identification of any payments in lieu of taxes expected to be made by any lessee of
25 the project, and the disposition of any such payments by the municipality.

26 3. If the plan for the project is approved after August 28, 2003, any payments in lieu of
27 taxes expected to be made by any lessee of the project shall be applied in accordance with this
28 section. The lessee may reimburse the municipality for its actual costs of issuing the bonds and
29 administering the plan. All amounts paid in excess of such actual costs shall, immediately upon

30 receipt thereof, be disbursed by the municipality's treasurer or other financial officer to each
31 school district, community college district, **ambulance district board operating under chapter**
32 **190, fire protection district board operating under chapter 321**, county, or city in proportion
33 to the current ad valorem tax levy of each school district, community college district, **ambulance**
34 **district board operating under chapter 190, fire protection district board operating under**
35 **chapter 321**, county, or city; however, in any county of the first classification with more than
36 ninety-three thousand eight hundred but fewer than ninety-three thousand nine hundred
37 inhabitants, or any county of the first classification with more than one hundred thirty-five
38 thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants,
39 if the plan for the project is approved after May 15, 2005, such amounts shall be disbursed by
40 the municipality's treasurer or other financial officer to each affected taxing entity in proportion
41 to the current ad valorem tax levy of each affected taxing entity.

42 **4. Notwithstanding the provisions of subsection 3 of this section to the contrary,**
43 **beginning August 28, 2018, any district or county imposing a property tax for the purposes**
44 **of providing emergency services under chapter 190 or 321 to the project area shall be**
45 **entitled to be reimbursed in an amount that is at least fifty percent but not more than one**
46 **hundred percent of the amount of ad valorem property tax revenues that such district or**
47 **county would have received in the absence of a tax abatement or exemption provided to**
48 **property included in the project. An ambulance district board operating under chapter**
49 **190, a fire protection district board operating under chapter 321, or the governing body**
50 **of a county operating a 911 center providing emergency or dispatch services under chapter**
51 **190 or chapter 321 shall annually set the reimbursement rate provided in this subsection**
52 **prior to the time the assessment is determined by the assessor of the county in which the**
53 **project is located, or, if not located within a county, then the assessor of such city. If the**
54 **plan is amended by ordinance or by any other means after August 28, 2018, the ambulance**
55 **or fire protection district or the governing body of a county operating a 911 center**
56 **providing emergency or dispatch services under chapter 190 or chapter 321 shall have the**
57 **right to recalculate the reimbursement rate pursuant to this subsection.**

100.059. 1. The governing body of any municipality proposing a project for industrial
2 development which involves issuance of revenue bonds or involves conveyance of a fee interest
3 in property to a municipality shall, not less than twenty days before approving the plan for a
4 project as required by section 100.050, provide notice of the proposed project to the county in
5 which the municipality is located and any school district that is a school district, community
6 college district, **ambulance district board operating under chapter 190, fire protection**
7 **district board operating under chapter 321**, county, or city; however, in any county of the first
8 classification with more than ninety-three thousand eight hundred but fewer than ninety-three

9 thousand nine hundred inhabitants, or any county of the first classification with more than one
10 hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five
11 hundred inhabitants, if the plan for the project is approved after May 15, 2005, such notice shall
12 be provided to all affected taxing entities in the county. Such notice shall include the
13 information required in section 100.050, shall state the date on which the governing body of the
14 municipality will first consider approval of the plan, and shall invite such school districts,
15 community college districts, **ambulance district board operating under chapter 190, fire**
16 **protection district board operating under chapter 321**, counties, or cities to submit comments
17 to the governing body and the comments shall be fairly and duly considered.

18 2. Notwithstanding any other provisions of this section to the contrary, for purposes of
19 determining the limitation on indebtedness of local government pursuant to Section 26(b),
20 Article VI, Constitution of Missouri, the current equalized assessed value of the property in an
21 area selected for redevelopment attributable to the increase above the total initial equalized
22 assessed valuation shall be included in the value of taxable tangible property as shown on the last
23 completed assessment for state or county purposes.

24 3. The county assessor shall include the current assessed value of all property within the
25 school district, community college district, **ambulance district board operating under chapter**
26 **190, fire protection district board operating under chapter 321**, county, or city in the
27 aggregate valuation of assessed property entered upon the assessor's book and verified pursuant
28 to section 137.245, and such value shall be utilized for the purpose of the debt limitation on local
29 government pursuant to Section 26(b), Article VI, Constitution of Missouri.

30 4. This section is applicable only if the plan for the project is approved after August 28,
31 2003.

135.090. 1. As used in this section, the following terms mean:

2 (1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not
3 exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as
4 a home. As used in this section, "homestead" shall not include any dwelling which is occupied
5 by more than two families;

6 (2) "Public safety officer", any firefighter, police officer, capitol police officer, parole
7 officer, probation officer, correctional employee, water patrol officer, park ranger, conservation
8 officer, commercial motor **vehicle** enforcement officer, emergency medical technician,
9 **emergency medical responder, as defined in section 190.100**, first responder, or highway
10 patrolman employed by the state of Missouri or a political subdivision thereof who is killed in
11 the line of duty, unless the death was the result of the officer's own misconduct or abuse of
12 alcohol or drugs;

13 (3) "Surviving spouse", a spouse, who has not remarried, of a public safety officer.

14 2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be
15 allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax
16 imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property
17 taxes on the surviving spouse's homestead paid during the tax year for which the credit is
18 claimed. A surviving spouse may claim the credit authorized under this section for each tax year
19 beginning the year of death of the public safety officer spouse until the tax year in which the
20 surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving
21 spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other
22 credits, then the excess shall be considered an overpayment of the income tax.

23 3. The department of revenue shall promulgate rules to implement the provisions of this
24 section.

25 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
26 under the authority delegated in this section shall become effective only if it complies with and
27 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
28 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
29 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
30 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
31 proposed or adopted after August 28, 2007, shall be invalid and void.

32 5. Pursuant to section 23.253 of the Missouri sunset act:

33 (1) The program authorized under this section shall expire on December 31, 2019, unless
34 reauthorized by the general assembly; and

35 (2) This section shall terminate on September first of the calendar year immediately
36 following the calendar year in which the program authorized under this section is sunset; and

37 (3) The provisions of this subsection shall not be construed to limit or in any way impair
38 the department's ability to redeem tax credits authorized on or before the date the program
39 authorized under this section expires or a taxpayer's ability to redeem such tax credits.

190.094. 1. Any ambulance licensed in this state, when used as an ambulance and
2 staffed with volunteer staff, shall be staffed with a minimum of one emergency medical
3 technician and one other crew member who may be a licensed emergency medical technician,
4 registered nurse, physician, or someone who has a ~~first~~ **emergency medical** responder
5 certification.

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

9 3. For purposes of this section, "volunteer" shall mean an individual who performs hours
10 of service without promise, expectation or receipt of compensation for services rendered.

11 Compensation such as a nominal stipend per call to compensate for fuel, uniforms, and training
12 shall not nullify the volunteer status.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

2 (1) **"Advanced emergency medical technician" or "AEMT", a person who has**
3 **successfully completed a course of instruction in certain aspects of advanced life support**
4 **care as prescribed by the department and is licensed by the department in accordance with**
5 **sections 190.001 to 190.245 and rules and regulations adopted by the department pursuant**
6 **to sections 190.001 to 190.245;**

7 (2) "Advanced life support (ALS)", an advanced level of care as provided to the adult
8 and pediatric patient such as defined by national curricula, and any modifications to that curricula
9 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

10 ~~[(2)]~~ (3) "Ambulance", any privately or publicly owned vehicle or craft that is specially
11 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained
12 or operated for the transportation of persons who are sick, injured, wounded or otherwise
13 incapacitated or helpless, or who require the presence of medical equipment being used on such
14 individuals, but the term does not include any motor vehicle specially designed, constructed or
15 converted for the regular transportation of persons who are disabled, handicapped, normally
16 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;

17 ~~[(3)]~~ (4) "Ambulance service", a person or entity that provides emergency or
18 nonemergency ambulance transportation and services, or both, in compliance with sections
19 190.001 to 190.245, and the rules promulgated by the department pursuant to sections 190.001
20 to 190.245;

21 ~~[(4)]~~ (5) "Ambulance service area", a specific geographic area in which an ambulance
22 service has been authorized to operate;

23 ~~[(5)]~~ (6) "Basic life support (BLS)", a basic level of care, as provided to the adult and
24 pediatric patient as defined by national curricula, and any modifications to that curricula
25 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;

26 ~~[(6)]~~ (7) "Council", the state advisory council on emergency medical services;

27 ~~[(7)]~~ (8) "Department", the department of health and senior services, state of Missouri;

28 ~~[(8)]~~ (9) "Director", the director of the department of health and senior services or the
29 director's duly authorized representative;

30 ~~[(9)]~~ (10) "Dispatch agency", any person or organization that receives requests for
31 emergency medical services from the public, by telephone or other means, and is responsible for
32 dispatching emergency medical services;

33 ~~[(10)]~~ (11) "Emergency", the sudden and, at the time, unexpected onset of a health
34 condition that manifests itself by symptoms of sufficient severity that would lead a prudent

35 layperson, possessing an average knowledge of health and medicine, to believe that the absence
36 of immediate medical care could result in:

37 (a) Placing the person's health, or with respect to a pregnant woman, the health of the
38 woman or her unborn child, in significant jeopardy;

39 (b) Serious impairment to a bodily function;

40 (c) Serious dysfunction of any bodily organ or part;

41 (d) Inadequately controlled pain;

42 ~~[(11)]~~ **(12)** "Emergency medical dispatcher", a person who receives emergency calls
43 from the public and has successfully completed an emergency medical dispatcher course,
44 meeting or exceeding the national curriculum of the United States Department of Transportation
45 and any modifications to such curricula specified by the department through rules adopted
46 pursuant to sections 190.001 to 190.245;

47 **(13)** "Emergency medical responder", a person who has successfully completed an
48 emergency first response course meeting or exceeding the national curriculum of the U.S.
49 Department of Transportation and any modifications to such curricula specified by the
50 department through rules adopted under sections 190.001 to 190.245 and who provides
51 emergency medical care through employment by or in association with an emergency
52 medical response agency;

53 ~~[(12)]~~ **(14)** "Emergency medical response agency", any person that regularly provides
54 a level of care that includes first response, basic life support or advanced life support, exclusive
55 of patient transportation;

56 ~~[(13)]~~ **(15)** "Emergency medical services for children (EMS-C) system", the
57 arrangement of personnel, facilities and equipment for effective and coordinated delivery of
58 pediatric emergency medical services required in prevention and management of incidents which
59 occur as a result of a medical emergency or of an injury event, natural disaster or similar
60 situation;

61 ~~[(14)]~~ **(16)** "Emergency medical services (EMS) system", the arrangement of personnel,
62 facilities and equipment for the effective and coordinated delivery of emergency medical services
63 required in prevention and management of incidents occurring as a result of an illness, injury,
64 natural disaster or similar situation;

65 ~~[(15)]~~ **(17)** "Emergency medical technician", a person licensed in emergency medical
66 care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules
67 adopted by the department pursuant to sections 190.001 to 190.245;

68 ~~[(16)]~~ **(18)** "Emergency medical technician-basic" or "EMT-B", a person who has
69 successfully completed a course of instruction in basic life support as prescribed by the
70 department and is licensed by the department in accordance with standards prescribed by sections

71 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to
72 190.245;

73 ~~[(17)]~~ **(19)** "Emergency medical technician-community paramedic", "community
74 paramedic", or "EMT-CP", a person who is certified as an emergency medical
75 technician-paramedic and is certified by the department in accordance with standards prescribed
76 in section 190.098;

77 ~~[(18)]~~ ~~"Emergency medical technician-intermediate" or "EMT-I", a person who has~~
78 ~~successfully completed a course of instruction in certain aspects of advanced life support care~~
79 ~~as prescribed by the department and is licensed by the department in accordance with sections~~
80 ~~190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections~~
81 ~~190.001 to 190.245;]~~

82 ~~[(19)]~~ **(20)** "Emergency medical technician-paramedic" or "EMT-P", a person who has
83 successfully completed a course of instruction in advanced life support care as prescribed by the
84 department and is licensed by the department in accordance with sections 190.001 to 190.245
85 and rules adopted by the department pursuant to sections 190.001 to 190.245;

86 ~~[(20)]~~ **(21)** "Emergency services", health care items and services furnished or required
87 to screen and stabilize an emergency which may include, but shall not be limited to, health care
88 services that are provided in a licensed hospital's emergency facility by an appropriate provider
89 or by an ambulance service or emergency medical response agency;

90 ~~[(21)]~~ ~~"First responder", a person who has successfully completed an emergency first~~
91 ~~response course meeting or exceeding the national curriculum of the United States Department~~
92 ~~of Transportation and any modifications to such curricula specified by the department through~~
93 ~~rules adopted pursuant to sections 190.001 to 190.245 and who provides emergency medical care~~
94 ~~through employment by or in association with an emergency medical response agency;]~~

95 (22) "Health care facility", a hospital, nursing home, physician's office or other fixed
96 location at which medical and health care services are performed;

97 (23) "Hospital", an establishment as defined in the hospital licensing law, subsection 2
98 of section 197.020, or a hospital operated by the state;

99 (24) "Medical control", supervision provided by or under the direction of physicians ~~[to~~
100 ~~providers by written or verbal communications]~~ , **or their designated registered nurse,**
101 **including both online medical control, instructions by radio, telephone, or other means of**
102 **direct communications, and offline medical control through supervision by treatment**
103 **protocols, case review, training, and standing orders for treatment;**

104 (25) "Medical direction", medical guidance and supervision provided by a physician to
105 an emergency services provider or emergency medical services system;

106 (26) "Medical director", a physician licensed pursuant to chapter 334 designated by the
107 ambulance service or emergency medical response agency and who meets criteria specified by
108 the department by rules pursuant to sections 190.001 to 190.245;

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

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

116 (29) "Person", as used in these definitions and elsewhere in sections 190.001 to 190.245,
117 any individual, firm, partnership, copartnership, joint venture, association, cooperative
118 organization, corporation, municipal or private, and whether organized for profit or not, state,
119 county, political subdivision, state department, commission, board, bureau or fraternal
120 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit
121 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;

122 (30) "Physician", a person licensed as a physician pursuant to chapter 334;

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

126 (32) "Professional organization", any organized group or association with an ongoing
127 interest regarding emergency medical services. Such groups and associations could include those
128 representing volunteers, labor, management, firefighters, EMT-B's, nurses, EMT-P's, physicians,
129 communications specialists and instructors. Organizations could also represent the interests of
130 ground ambulance services, air ambulance services, fire service organizations, law enforcement,
131 hospitals, trauma centers, communication centers, pediatric services, labor unions and poison
132 control services;

133 (33) "Proof of financial responsibility", proof of ability to respond to damages for
134 liability, on account of accidents occurring subsequent to the effective date of such proof, arising
135 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules
136 promulgated by the department, but in no event less than the statutory minimum required for
137 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

138 (34) "Protocol", a predetermined, written medical care guideline, which may include
139 standing orders;

140 (35) "Regional EMS advisory committee", a committee formed within an emergency
141 medical services (EMS) region to advise ambulance services, the state advisory council on EMS
142 and the department;

143 (36) "Specialty care transportation", the transportation of a patient requiring the services
144 of an emergency medical technician-paramedic who has received additional training beyond the
145 training prescribed by the department. Specialty care transportation services shall be defined in
146 writing in the appropriate local protocols for ground and air ambulance services and approved
147 by the local physician medical director. The protocols shall be maintained by the local
148 ambulance service and shall define the additional training required of the emergency medical
149 technician-paramedic;

150 (37) "Stabilize", with respect to an emergency, the provision of such medical treatment
151 as may be necessary to attempt to assure within reasonable medical probability that no material
152 deterioration of an individual's medical condition is likely to result from or occur during
153 ambulance transportation unless the likely benefits of such transportation outweigh the risks;

154 (38) "State advisory council on emergency medical services", a committee formed to
155 advise the department on policy affecting emergency medical service throughout the state;

156 (39) "State EMS medical directors advisory committee", a subcommittee of the state
157 advisory council on emergency medical services formed to advise the state advisory council on
158 emergency medical services and the department on medical issues;

159 (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in which
160 impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in
161 electrocardiogram analysis, and as further defined in rules promulgated by the department under
162 sections 190.001 to 190.250;

163 (41) "STEMI care", includes education and prevention, emergency transport, triage, and
164 acute care and rehabilitative services for STEMI that requires immediate medical or surgical
165 intervention or treatment;

166 (42) "STEMI center", a hospital that is currently designated as such by the department
167 to care for patients with ST-segment elevation myocardial infarctions;

168 (43) "Stroke", a condition of impaired blood flow to a patient's brain as defined by the
169 department;

170 (44) "Stroke care", includes emergency transport, triage, and acute intervention and other
171 acute care services for stroke that potentially require immediate medical or surgical intervention
172 or treatment, and may include education, primary prevention, acute intervention, acute and
173 subacute management, prevention of complications, secondary stroke prevention, and
174 rehabilitative services;

175 (45) "Stroke center", a hospital that is currently designated as such by the department;

176 (46) "Trauma", an injury to human tissues and organs resulting from the transfer of
177 energy from the environment;

178 (47) "Trauma care" includes injury prevention, triage, acute care and rehabilitative
179 services for major single system or multisystem injuries that potentially require immediate
180 medical or surgical intervention or treatment;

181 (48) "Trauma center", a hospital that is currently designated as such by the department.

190.103. 1. One physician with expertise in emergency medical services from each of
2 the EMS regions shall be elected by that region's EMS medical directors to serve as a regional
3 EMS medical director. The regional EMS medical directors shall constitute the state EMS
4 medical director's advisory committee and shall advise the department and their region's
5 ambulance services on matters relating to medical control and medical direction in accordance
6 with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections
7 190.001 to 190.245. The regional EMS medical director shall serve a term of four years. The
8 southwest, northwest, and Kansas City regional EMS medical directors shall be elected to an
9 initial two-year term. The central, east central, and southeast regional EMS medical directors
10 shall be elected to an initial four-year term. All subsequent terms following the initial terms shall
11 be four years. The state EMS medical director shall be the chair of the state EMS medical
12 director's advisory committee, **and shall be elected by the members of the regional EMS**
13 **medical director's advisory committee, shall serve a term of four years, and shall seek to**
14 **coordinate EMS services between the EMS regions, promote educational efforts for agency**
15 **medical directors, represent Missouri EMS nationally in the role of the state EMS medical**
16 **director, and seek to incorporate the EMS system into the health care system serving**
17 **Missouri.**

18 2. A medical director is required for all ambulance services and emergency medical
19 response agencies that provide: advanced life support services; basic life support services
20 utilizing medications or providing assistance with patients' medications; or basic life support
21 services performing invasive procedures including invasive airway procedures. The medical
22 director shall provide medical direction to these services and agencies in these instances.

23 3. The medical director, in cooperation with the ambulance service or emergency
24 medical response agency administrator, shall have the responsibility and the authority to ensure
25 that the personnel working under their supervision are able to provide care meeting established
26 standards of care with consideration for state and national standards as well as local area needs
27 and resources. The medical director, in cooperation with the ambulance service or emergency
28 medical response agency administrator, shall establish and develop triage, treatment and
29 transport protocols, which may include authorization for standing orders. **Emergency medical**
30 **technicians shall only perform those medical procedures as directed by treatment protocols**

31 **approved by the local medical director or when authorized through direct communication**
32 **with online medical control.**

33 4. All ambulance services and emergency medical response agencies that are required
34 to have a medical director shall establish an agreement between the service or agency and their
35 medical director. The agreement will include the roles, responsibilities and authority of the
36 medical director beyond what is granted in accordance with sections 190.001 to 190.245 and
37 rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall
38 also include grievance procedures regarding the emergency medical response agency or
39 ambulance service, personnel and the medical director.

40 5. Regional EMS medical directors **and the state EMS medical director** elected as
41 provided under subsection 1 of this section shall be considered public officials for purposes of
42 sovereign immunity, official immunity, and the Missouri public duty doctrine defenses.

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

45 7. Regional EMS medical directors may act to provide online telecommunication
46 medical direction to **AEMTs**, EMT-Bs, [~~EMT-Is,~~] EMT-Ps, and community paramedics and
47 provide offline medical direction per standardized treatment, triage, and transport protocols when
48 EMS personnel, including **AEMTs**, EMT-Bs, [~~EMT-Is,~~] EMT-Ps, and community paramedics,
49 are providing care to special needs patients or at the request of a local EMS agency or medical
50 director.

51 8. When developing treatment protocols for special needs patients, regional EMS
52 medical directors may promulgate such protocols on a regional basis across multiple political
53 subdivisions' jurisdictional boundaries, and such protocols may be used by multiple agencies
54 including, but not limited to, ambulance services, emergency response agencies, and public
55 health departments. Treatment protocols shall include steps to ensure the receiving hospital is
56 informed of the pending arrival of the special needs patient, the condition of the patient, and the
57 treatment instituted.

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

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

65 11. Notwithstanding any other provision of law to the contrary, when regional EMS
66 medical directors are providing either online telecommunication medical direction to **AEMTs**,

67 EMT-Bs, ~~[EMT-Is,]~~ EMT-Ps, and community paramedics, or offline medical direction per
68 standardized EMS treatment, triage, and transport protocols for patients, those medical directions
69 or treatment protocols may include the administration of the patient's own prescription
70 medications.

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

7 2. No ground ambulance shall be operated for ambulance purposes, and no individual
8 shall drive, attend or permit it to be operated for such purposes in the state of Missouri unless
9 the ground ambulance is under the immediate supervision and direction of a person who is
10 holding a currently valid Missouri license as an emergency medical technician. Nothing in this
11 section shall be construed to mean that a duly registered nurse or a duly licensed physician be
12 required to hold an emergency medical technician's license. Each ambulance service is
13 responsible for assuring that any person driving its ambulance is competent in emergency vehicle
14 operations and has a safe driving record. Each ground ambulance shall be staffed with at least
15 two licensed individuals when transporting a patient, except as provided in section 190.094. In
16 emergency situations which require additional medical personnel to assist the patient during
17 transportation, ~~[a-first]~~ **an emergency medical** responder, firefighter, or law enforcement
18 personnel with a valid driver's license and prior experience with driving emergency vehicles may
19 drive the ground ambulance provided the ground ambulance service stipulates to this practice
20 in operational policies.

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

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

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

31 4. The issuance of a license pursuant to the provisions of sections 190.001 to 190.245
32 shall not be construed so as to authorize any person to provide ambulance services or to operate

33 any ambulances without a franchise in any city not within a county or in a political subdivision
34 in any county with a population of over nine hundred thousand inhabitants, or a franchise,
35 contract or mutual-aid agreement in any other political subdivision which has enacted an
36 ordinance making it unlawful to do so.

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

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

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

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

55 9. A political subdivision that is authorized to operate a licensed ambulance service may
56 establish, operate, maintain and manage its ambulance service, and select and contract with a
57 licensed ambulance service. Any political subdivision may contract with a licensed ambulance
58 service.

59 10. Except as provided in subsections 5 and 6, nothing in section 67.300, or subsection
60 2 of section 190.109, shall be construed to authorize any municipality or county which is located
61 within an ambulance district or a fire protection district that is authorized to provide ambulance
62 service to promulgate laws, ordinances or regulations related to the provision of ambulance
63 services. This provision shall not apply to any municipality or county which operates an
64 ambulance service established prior to August 28, 1998.

65 11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be construed to
66 authorize any municipality or county which is located within an ambulance district or a fire
67 protection district that is authorized to provide ambulance service to operate an ambulance
68 service without a franchise in an ambulance district or a fire protection district that is authorized

69 to provide ambulance service which has enacted an ordinance making it unlawful to do so. This
70 provision shall not apply to any municipality or county which operates an ambulance service
71 established prior to August 28, 1998.

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

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

80 14. Upon the sale or transfer of any ground ambulance service ownership, the owner of
81 such service shall notify the department of the change in ownership within thirty days of such
82 sale or transfer. After receipt of such notice, the department shall conduct an inspection of the
83 ambulance service to verify compliance with the licensure standards of sections 190.001 to
84 190.245.

190.131. 1. The department shall accredit or certify training entities for ~~[first]~~
2 **emergency medical** responders, emergency medical dispatchers, **and** emergency medical
3 ~~[technicians-basic, emergency medical technicians-intermediate, and emergency medical~~
4 ~~technicians-paramedic]~~ **technicians**, for a period of five years, if the applicant meets the
5 requirements established pursuant to sections 190.001 to 190.245.

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

9 3. Application for training entity accreditation or certification shall be made upon such
10 forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245.
11 The application form shall contain such information as the department deems reasonably
12 necessary to make a determination as to whether the training entity meets all requirements of
13 sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

14 4. Upon receipt of such application for training entity accreditation or certification, the
15 department shall determine whether the training entity, its instructors, facilities, equipment,
16 curricula and medical oversight meet the requirements of sections 190.001 to 190.245 and rules
17 promulgated pursuant to sections 190.001 to 190.245.

18 5. Upon finding these requirements satisfied, the department shall issue a training entity
19 accreditation or certification in accordance with rules promulgated by the department pursuant
20 to sections 190.001 to 190.245.

21 6. Subsequent to the issuance of a training entity accreditation or certification, the
22 department shall cause a periodic review of the training entity to assure continued compliance
23 with the requirements of sections 190.001 to 190.245 and all rules promulgated pursuant to
24 sections 190.001 to 190.245.

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

 190.142. 1. **(1) For applications submitted before the recognition of EMS personnel**
2 **licensure interstate compact under sections 190.900 to 190.939 takes effect**, the department
3 shall, within a reasonable time after receipt of an application, cause such investigation as it
4 deems necessary to be made of the applicant for an emergency medical technician's license; **and**

5 **(2) For applications submitted after the recognition of EMS personnel licensure**
6 **interstate compact under sections 190.900 to 190.939 takes effect, an applicant for initial**
7 **licensure as an emergency medical technician in this state shall submit to a background**
8 **check by the Missouri state highway patrol and the Federal Bureau of Investigation**
9 **through a process approved by the department of health and senior services. Such**
10 **processes may include the use of vendors or systems administered by the Missouri state**
11 **highway patrol. The department may share the results of such a criminal background**
12 **check with any emergency services licensing agency in any member state, as that term is**
13 **defined under section 190.900, of the recognition of EMS personnel licensure interstate**
14 **compact. The department shall not issue a license until the department receives the results**
15 **of an applicant's criminal background check from the Missouri state highway patrol and**
16 **the Federal Bureau of Investigation, but, notwithstanding this subsection, the department**
17 **may issue a temporary license as provided under section 190.143. Any fees due for a**
18 **criminal background check shall be paid by the applicant.**

19

20 The director may authorize investigations into criminal records in other states for any applicant.

21 2. The department shall issue a license to all levels of emergency medical technicians,
22 for a period of five years, if the applicant meets the requirements established pursuant to sections
23 190.001 to 190.245 and the rules adopted by the department pursuant to sections 190.001 to
24 190.245. The department may promulgate rules relating to the requirements for an emergency
25 medical technician including but not limited to:

26 (1) Age requirements;

27 (2) **Emergency medical technician and paramedic** education and training
28 requirements based on respective [~~national curricula of the United States Department of~~
29 ~~Transportation~~] **National Emergency Medical Services Education Standards** and any

30 modification to such curricula specified by the department through rules adopted pursuant to
31 sections 190.001 to 190.245;

32 **(3) Paramedic accreditation requirements. Paramedic training programs shall be**
33 **accredited by the Commission on Accreditation of Allied Health Education Program**
34 **(CAAHEP) or hold a CAAHEP letter of review;**

35 **(4) Initial licensure testing requirements.** Initial EMT-P licensure testing shall be
36 through the national registry of EMTs [~~or examinations developed and administered by the~~
37 ~~department of health and senior services~~];

38 [~~(4)~~] **(5) Continuing education and relicensure requirements;** and

39 [~~(5)~~] **(6) Ability to speak, read and write the English language.**

40 3. Application for all levels of emergency medical technician license shall be made upon
41 such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to
42 190.245. The application form shall contain such information as the department deems
43 necessary to make a determination as to whether the emergency medical technician meets all the
44 requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001
45 to 190.245.

46 4. All levels of emergency medical technicians may perform only that patient care which
47 is:

48 (1) Consistent with the training, education and experience of the particular emergency
49 medical technician; and

50 (2) Ordered by a physician or set forth in protocols approved by the medical director.

51 5. No person shall hold themselves out as an emergency medical technician or provide
52 the services of an emergency medical technician unless such person is licensed by the
53 department.

54 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
55 under the authority delegated in this section shall become effective only if it complies with and
56 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
57 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
58 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
59 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
60 proposed or adopted after August 28, 2002, shall be invalid and void.

190.143. 1. Notwithstanding any other provisions of law, the department may grant a
2 ninety-day temporary emergency medical technician license to all levels of emergency medical
3 technicians who meet the following:

4 (1) Can demonstrate that they have, or will have, employment requiring an emergency
5 medical technician license;

6 (2) Are not currently licensed as an emergency medical technician in Missouri or have
7 been licensed as an emergency medical technician in Missouri and fingerprints need to be
8 submitted to the Federal Bureau of Investigation to verify the existence or absence of a criminal
9 history, or they are currently licensed and the license will expire before a verification can be
10 completed of the existence or absence of a criminal history;

11 (3) Have submitted a complete application upon such forms as prescribed by the
12 department in rules adopted pursuant to sections 190.001 to 190.245;

13 (4) Have not been disciplined pursuant to sections 190.001 to 190.245 and rules
14 promulgated pursuant to sections 190.001 to 190.245;

15 (5) Meet all the requirements of rules promulgated pursuant to sections 190.001 to
16 190.245.

17 2. A temporary emergency medical technician license shall only authorize the license to
18 practice while under the immediate supervision of a licensed emergency medical
19 ~~[technician-basic, emergency medical technician-intermediate, emergency medical~~
20 ~~technician-paramedic]~~ **technician**, registered nurse, or physician who is currently licensed,
21 without restrictions, to practice in Missouri.

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

190.147. 1. Emergency medical technician paramedics (EMT-Ps):

2 (1) **Who have completed a standard crisis intervention training course as endorsed**
3 **and developed by the state EMS medical director's advisory committee;**

4 (2) **Who have been authorized by their ground or air ambulance service's**
5 **administration and medical director under subsection 3 of section 190.103; and**

6 (3) **Whose ground or air ambulance service has developed and adopted**
7 **standardized triage, treatment, and transport protocols under subsection 3 of section**
8 **190.103, which address the challenge of treating and transporting behavioral health**
9 **patients who present a likelihood of serious harm to themselves or others as the term**
10 **"likelihood of serious harm" is defined under section 632.005 or who are significantly**
11 **incapacitated by alcohol or drugs; provided, that such protocols shall be reviewed and**
12 **approved by the state EMS medical director's advisory committee and that such protocols**
13 **shall direct the EMT-P regarding the proper use of patient restraint and coordination with**
14 **area law enforcement. Patient restraint protocols shall be based upon current applicable**
15 **national guidelines;**

16

17 may make a good faith determination that such patients shall be placed into a temporary
18 hold for the sole purposes of transport to the nearest appropriate facility; provided, that
19 such determination shall be made in cooperation with at least one other EMT-P or other
20 medical professional involved in the transport. Once in a temporary hold, the patient shall
21 be treated with humane care in a manner that preserves human dignity, consistent with
22 applicable federal regulations and nationally-recognized guidelines regarding the
23 appropriate use of temporary holds and restraints in medical transport.

24 2. In any instance in which a good faith determination for a temporary hold of a
25 patient has been made, such hold shall be made in a clinically appropriate and adequately
26 justified manner, and shall be documented and attested to in writing. The writing shall be
27 retained by the ambulance service and included as part of the patient's medical file.

28 3. EMT-Ps who have made a good faith decision for a temporary hold of a patient
29 as authorized by this section shall no longer have to rely on the common law doctrine of
30 implied consent and therefore shall not be civilly liable for a good faith determination
31 made in accordance with this section and shall not have waived any sovereign immunity
32 defense, official immunity defense, or Missouri public duty doctrine defense if employed
33 at the time of the good faith determination by a government employer.

34 4. Any ground or air ambulance service that adopts the authority and protocols
35 provided for by this section shall have a memorandum of understanding with applicable
36 local law enforcement agencies in order to achieve a collaborative and coordinated
37 response to patients displaying symptoms of either a likelihood of serious harm to
38 themselves or others or significant incapacitation by alcohol or drugs, which require a
39 crisis intervention response. The memorandum of understanding shall include, but not be
40 limited to, the following:

41 (1) Administrative oversight, including coordination between ambulance services
42 and law enforcement agencies;

43 (2) Patient restraint techniques and coordination of agency responses to situations
44 in which patient restraint may be required;

45 (3) Field interaction between paramedics and law enforcement, including patient
46 destination and transportation; and

47 (4) Coordination of program quality assurance.

48 5. The physical restraint of a patient by an emergency medical technician under the
49 authority of this section shall be permitted only in order to provide for the safety of
50 bystanders, the patient, or emergency personnel due to an imminent or immediate danger,
51 or upon approval by local medical control through direct communications. Restraint shall
52 also be permitted through cooperation with on-scene law enforcement officers. All

53 **incidents involving patient restraint used under the authority of this section shall be**
54 **reviewed by the ambulance service physician medical director.**

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

8 2. The department may cause a complaint to be filed with the administrative hearing
9 commission as provided by chapter 621 against any holder of any certificate, permit or license
10 required by sections 190.100 to 190.245 or any person who has failed to renew or has
11 surrendered his or her certificate, permit or license for failure to comply with the provisions of
12 sections 190.100 to 190.245 or any lawful regulations promulgated by the department to
13 implement such sections. Those regulations shall be limited to the following:

14 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,
15 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work
16 of any activity licensed or regulated by sections 190.100 to 190.245;

17 (2) Being finally adjudicated and found guilty, or having entered a plea of guilty or nolo
18 contendere, in a criminal prosecution under the laws of any state or of the United States, for any
19 offense reasonably related to the qualifications, functions or duties of any activity licensed or
20 regulated pursuant to sections 190.100 to 190.245, for any offense an essential element of which
21 is fraud, dishonesty or an act of violence, or for any offense involving moral turpitude, whether
22 or not sentence is imposed;

23 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate,
24 permit or license issued pursuant to sections 190.100 to 190.245 or in obtaining permission to
25 take any examination given or required pursuant to sections 190.100 to 190.245;

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

28 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty
29 in the performance of the functions or duties of any activity licensed or regulated by sections
30 190.100 to 190.245;

31 (6) Violation of, or assisting or enabling any person to violate, any provision of sections
32 190.100 to 190.245, or of any lawful rule or regulation adopted by the department pursuant to
33 sections 190.100 to 190.245;

34 (7) Impersonation of any person holding a certificate, permit or license or allowing any
35 person to use his or her certificate, permit, license or diploma from any school;

36 (8) Disciplinary action against the holder of a license or other right to practice any
37 activity regulated by sections 190.100 to 190.245 granted by another state, territory, federal
38 agency or country upon grounds for which revocation or suspension is authorized in this state;

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

41 (10) Assisting or enabling any person to practice or offer to practice any activity licensed
42 or regulated by sections 190.100 to 190.245 who is not licensed and currently eligible to practice
43 pursuant to sections 190.100 to 190.245;

44 (11) Issuance of a certificate, permit or license based upon a material mistake of fact;

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

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

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

51 (15) Refusal of any applicant or licensee to respond to reasonable department of health
52 and senior services' requests for necessary information to process an application or to determine
53 license status or license eligibility;

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

56 (17) Repeated acts of negligence or recklessness in the performance of the functions or
57 duties of any activity licensed or regulated by sections 190.100 to 190.245.

58 3. If the department conducts investigations, the department, prior to interviewing a
59 licensee who is the subject of the investigation, shall explain to the licensee that he or she has
60 the right to:

61 (1) Consult legal counsel or have legal counsel present;

62 (2) Have anyone present whom he or she deems to be necessary or desirable~~], except for~~
63 ~~any holder of any certificate, permit, or license required by sections 190.100 to 190.245];~~ and

64 (3) Refuse to answer any question or refuse to provide or sign any written statement.
65

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

68 4. After the filing of such complaint, the proceedings shall be conducted in accordance
69 with the provisions of chapter 621. Upon a finding by the administrative hearing commission

70 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the
71 department may, singly or in combination, censure or place the person named in the complaint
72 on probation on such terms and conditions as the department deems appropriate for a period not
73 to exceed five years, or may suspend, for a period not to exceed three years, or revoke the
74 license, certificate or permit. Notwithstanding any provision of law to the contrary, the
75 department shall be authorized to impose a suspension or revocation as a disciplinary action only
76 if it first files the requisite complaint with the administrative hearing commission. **The**
77 **administrative hearing commission shall hear all relevant evidence on remediation**
78 **activities of the licensee and shall make a recommendation to the department of health and**
79 **senior services as to licensure disposition based on such evidence.**

80 5. An individual whose license has been revoked shall wait one year from the date of
81 revocation to apply for relicensure. Relicensure shall be at the discretion of the department after
82 compliance with all the requirements of sections 190.100 to 190.245 relative to the licensing of
83 an applicant for the first time. Any individual whose license has been revoked twice within a
84 ten-year period shall not be eligible for relicensure.

85 6. The department may notify the proper licensing authority of any other state in which
86 the person whose license was suspended or revoked was also licensed of the suspension or
87 revocation.

88 7. Any person, organization, association or corporation who reports or provides
89 information to the department pursuant to the provisions of sections 190.100 to 190.245 and who
90 does so in good faith shall not be subject to an action for civil damages as a result thereof.

91 8. The department of health and senior services may suspend any certificate, permit or
92 license required pursuant to sections 190.100 to 190.245 simultaneously with the filing of the
93 complaint with the administrative hearing commission as set forth in subsection 2 of this section,
94 if the department finds that there is an imminent threat to the public health. The notice of
95 suspension shall include the basis of the suspension and notice of the right to appeal such
96 suspension. The licensee may appeal the decision to suspend the license, certificate or permit
97 to the department. The appeal shall be filed within ten days from the date of the filing of the
98 complaint. A hearing shall be conducted by the department within ten days from the date the
99 appeal is filed. The suspension shall continue in effect until the conclusion of the proceedings,
100 including review thereof, unless sooner withdrawn by the department, dissolved by a court of
101 competent jurisdiction or stayed by the administrative hearing commission.

190.173. 1. All complaints, investigatory reports, and information pertaining to any
2 applicant, holder of any certificate, permit, or license, or other individual are confidential and
3 shall only be disclosed upon written consent of the person whose records are involved or to other
4 administrative or law enforcement agencies acting within the scope of their statutory authority.

5 However, no applicant, holder of any certificate, permit, or license, or other individual shall have
6 access to any complaints, investigatory reports, or information concerning an investigation in
7 progress until such time as the investigation has been completed as required by subsection 1 of
8 section 190.248.

9 2. Any information regarding the identity, name, address, license, final disciplinary
10 action taken, currency of the license, permit, or certificate of an applicant for or a person
11 possessing a license, permit, or certificate in accordance with sections 190.100 to 190.245 shall
12 not be confidential.

13 3. **Any information regarding the physical address, mailing address, phone
14 number, fax number, or email address of a licensed ambulance service or a certified
15 training entity, including the name of the medical director and organizational contact
16 information, shall not be confidential.**

17 4. This section shall not be construed to authorize the release of records, reports, or other
18 information which may be held in department files for any holder of or applicant for any
19 certificate, permit, or license that is subject to other specific state or federal laws concerning their
20 disclosure.

21 **5. Nothing in this section shall prohibit the department from releasing aggregate
22 information in accordance with section 192.067.**

190.196. 1. No employer shall knowingly employ or permit any employee to perform
2 any services for which a license, certificate or other authorization is required by sections 190.001
3 to 190.245, or by rules adopted pursuant to sections 190.001 to 190.245, unless and until the
4 person so employed possesses all licenses, certificates or authorizations that are required.

5 2. Any person or entity that employs or supervises a person's activities as ~~[a first]~~ **an
6 emergency medical** responder, emergency medical dispatcher, emergency medical
7 ~~[technician-basic, emergency medical technician-intermediate, emergency medical
8 technician-paramedic]~~ **technician**, registered nurse, or physician shall cooperate with the
9 department's efforts to monitor and enforce compliance by those individuals subject to the
10 requirements of sections 190.001 to 190.245.

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

- 15 (1) Child abuse or sexual abuse of a child;
16 (2) Crimes of violence; or
17 (3) Rape or sexual abuse.

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

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

190.246. 1. As used in this section, the following terms shall mean:

2 (1) "Eligible person, firm, organization or other entity", an ambulance service or
3 emergency medical response agency, [~~a certified first~~] **an emergency medical responder**,
4 [~~emergency medical technical basic~~] or **an emergency medical [technician-paramedic]**
5 **technician** who is employed by, or an enrolled member, person, firm, organization or entity
6 designated by, rule of the department of health and senior services in consultation with other
7 appropriate agencies. All such eligible persons, firms, organizations or other entities shall be
8 subject to the rules promulgated by the director of the department of health and senior services;

9 (2) "Emergency health care provider":

10 (a) A physician licensed pursuant to chapter 334 with knowledge and experience in the
11 delivery of emergency care; or

12 (b) A hospital licensed pursuant to chapter 197 that provides emergency care.

13 2. Possession and use of epinephrine auto-injector devices shall be limited as follows:

14 (1) No person shall use an epinephrine auto-injector device unless such person has
15 successfully completed a training course in the use of epinephrine auto-injector devices approved
16 by the director of the department of health and senior services. Nothing in this section shall
17 prohibit the use of an epinephrine auto-injector device:

18 (a) By a health care professional licensed or certified by this state who is acting within
19 the scope of his or her practice; or

20 (b) By a person acting pursuant to a lawful prescription;

21 (2) Every person, firm, organization and entity authorized to possess and use epinephrine
22 auto-injector devices pursuant to this section shall use, maintain and dispose of such devices in
23 accordance with the rules of the department;

24 (3) Every use of an epinephrine auto-injector device pursuant to this section shall
25 immediately be reported to the emergency health care provider.

26 3. (1) Use of an epinephrine auto-injector device pursuant to this section shall be
27 considered first aid or emergency treatment for the purpose of any law relating to liability.

28 (2) Purchase, acquisition, possession or use of an epinephrine auto-injector device
29 pursuant to this section shall not constitute the unlawful practice of medicine or the unlawful
30 practice of a profession.

31 (3) Any person otherwise authorized to sell or provide an epinephrine auto-injector
32 device may sell or provide it to a person authorized to possess it pursuant to this section.

33 4. Any person, firm, organization or entity that violates the provisions of this section is
34 guilty of a class B misdemeanor.

**190.900. 1. The "Recognition of EMS Personnel Licensure Interstate Compact"
2 (REPLICA) is hereby enacted into law and entered into with all other jurisdictions legally
3 joining therein, in the form substantially as follows in sections 190.900 to 190.939.**

4 2. As used in sections 190.900 to 190.939, the following terms mean:

**5 (1) "Advanced emergency medical technician" or "AEMT", an individual licensed
6 with cognitive knowledge and a scope of practice that corresponds to that level in the
7 National EMS Education Standards and National EMS Scope of Practice Model;**

**8 (2) "Adverse action", any administrative, civil, equitable, or criminal action
9 permitted by a state's laws that may be imposed against licensed EMS personnel by a state
10 EMS authority or state court including, but not limited to, actions against an individual's
11 license such as revocation, suspension, probation, consent agreement, monitoring or other
12 limitation, or encumbrance on the individual's practice, letters of reprimand or
13 admonition, fines, criminal convictions, and state court judgments enforcing adverse
14 actions by the state EMS authority;**

**15 (3) "Certification", the successful verification of entry-level cognitive and
16 psychomotor competency using a reliable, validated, and legally defensible examination;**

**17 (4) "Commission", the national administrative body of which all states that have
18 enacted the compact are members;**

**19 (5) "Emergency medical technician" or "EMT", an individual licensed with
20 cognitive knowledge and a scope of practice that corresponds to that level in the National
21 EMS Education Standards and National EMS Scope of Practice Model;**

22 (6) "EMS", emergency medical services;

**23 (7) "Home state", a member state where an individual is licensed to practice
24 emergency medical services;**

**25 (8) "License", the authorization by a state for an individual to practice as an EMT,
26 AEMT, paramedic, or a level in between EMT and paramedic;**

**27 (9) "Medical director", a physician licensed in a member state who is accountable
28 for the care delivered by EMS personnel;**

29 (10) "Member state", a state that has enacted this compact;

**30 (11) "Paramedic", an individual licensed with cognitive knowledge and a scope of
31 practice that corresponds to that level in the National EMS Education Standards and
32 National EMS Scope of Practice Model;**

33 (12) "Privilege to practice", an individual's authority to deliver emergency medical
34 services in remote states as authorized under this compact;

35 (13) "Remote state", a member state in which an individual is not licensed;

36 (14) "Restricted", the outcome of an adverse action that limits a license or the
37 privilege to practice;

38 (15) "Rule", a written statement by the interstate commission promulgated under
39 section 190.930 of this compact that is of general applicability; implements, interprets, or
40 prescribes a policy or provision of the compact; or is an organizational, procedural, or
41 practice requirement of the commission and has the force and effect of statutory law in a
42 member state and includes the amendment, repeal, or suspension of an existing rule;

43 (16) "Scope of practice", defined parameters of various duties or services that may
44 be provided by an individual with specific credentials. Whether regulated by rule, statute,
45 or court decision, it tends to represent the limits of services an individual may perform;

46 (17) "Significant investigatory information":

47 (a) Investigative information that a state EMS authority, after a preliminary
48 inquiry that includes notification and an opportunity to respond if required by state law,
49 has reason to believe, if proven true, would result in the imposition of an adverse action on
50 a license or privilege to practice; or

51 (b) Investigative information that indicates that the individual represents an
52 immediate threat to public health and safety, regardless of whether the individual has been
53 notified and had an opportunity to respond;

54 (18) "State", any state, commonwealth, district, or territory of the United States;

55 (19) "State EMS authority", the board, office, or other agency with the legislative
56 mandate to license EMS personnel.

 190.903. 1. Any member state in which an individual holds a current license shall
2 be deemed a home state for purposes of this compact.

3 2. Any member state may require an individual to obtain and retain a license to be
4 authorized to practice in the member state under circumstances not authorized by the
5 privilege to practice under the terms of this compact.

6 3. A home state's license authorizes an individual to practice in a remote state
7 under the privilege to practice only if the home state:

8 (1) Currently requires the use of the National Registry of Emergency Medical
9 Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT
10 and paramedic levels;

11 (2) Has a mechanism in place for receiving and investigating complaints about
12 individuals;

13 **(3) Notifies the commission, in compliance with the terms herein, of any adverse**
14 **action or significant investigatory information regarding an individual;**

15 **(4) No later than five years after activation of the compact, requires a criminal**
16 **background check of all applicants for initial licensure, including the use of the results of**
17 **fingerprint or other biometric data checks compliant with the requirements of the Federal**
18 **Bureau of Investigation, with the exception of federal employees who have suitability**
19 **determination in accordance with 5 CFR 731.202 and submit documentation of such as**
20 **promulgated in the rules of the commission; and**

21 **(5) Complies with the rules of the commission.**

190.906. 1. Member states shall recognize the privilege to practice of an individual
2 **licensed in another member state that is in conformance with section 190.903.**

3 **2. To exercise the privilege to practice under the terms and provisions of this**
4 **compact, an individual shall:**

5 **(1) Be at least eighteen years of age;**

6 **(2) Possess a current unrestricted license in a member state as an EMT, AEMT,**
7 **paramedic, or state-recognized and licensed level with a scope of practice and authority**
8 **between EMT and paramedic; and**

9 **(3) Practice under the supervision of a medical director.**

10 **3. An individual providing patient care in a remote state under the privilege to**
11 **practice shall function within the scope of practice authorized by the home state unless and**
12 **until modified by an appropriate authority in the remote state, as may be defined in the**
13 **rules of the commission.**

14 **4. Except as provided in subsection 3 of this section, an individual practicing in a**
15 **remote state shall be subject to the remote state's authority and laws. A remote state may,**
16 **in accordance with due process and that state's laws, restrict, suspend, or revoke an**
17 **individual's privilege to practice in the remote state and may take any other necessary**
18 **actions to protect the health and safety of its citizens. If a remote state takes action, it shall**
19 **promptly notify the home state and the commission.**

20 **5. If an individual's license in any home state is restricted, suspended, or revoked,**
21 **the individual shall not be eligible to practice in a remote state under the privilege to**
22 **practice until the individual's home state license is restored.**

23 **6. If an individual's privilege to practice in any remote state is restricted,**
24 **suspended, or revoked, the individual shall not be eligible to practice in any remote state**
25 **until the individual's privilege to practice is restored.**

190.909. An individual may practice in a remote state under a privilege to practice
2 **only in the performance of the individual's EMS duties as assigned by an appropriate**

3 authority, as defined in the rules of the commission, and under the following
4 circumstances:

5 (1) The individual originates a patient transport in a home state and transports the
6 patient to a remote state;

7 (2) The individual originates in the home state and enters a remote state to pick up
8 a patient and provides care and transport of the patient to the home state;

9 (3) The individual enters a remote state to provide patient care or transport within
10 that remote state;

11 (4) The individual enters a remote state to pick up a patient and provides care and
12 transport to a third member state; or

13 (5) Other conditions as determined by rules promulgated by the commission.

190.912. Upon a member state's governor's declaration of a state of emergency or
2 disaster that activates the Emergency Management Assistance Compact (EMAC), all
3 relevant terms and provisions of EMAC shall apply, and to the extent any terms or
4 provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with
5 respect to any individual practicing in the remote state in response to such declaration.

190.915. 1. Member states shall consider a veteran, active military service member,
2 or member of the National Guard and Reserves separating from an active duty tour, or a
3 spouse thereof, who holds a current, valid, and unrestricted NREMT certification at or
4 above the level of the state license being sought as satisfying the minimum training and
5 examination requirements for such licensure.

6 2. Member states shall expedite the process of licensure applications submitted by
7 veterans, active military service members, or members of the National Guard and Reserves
8 separating from an active duty tour, or their spouses.

9 3. All individuals functioning with a privilege to practice under this section remain
10 subject to the adverse action provisions of section 190.918.

190.918. 1. A home state shall have exclusive power to impose adverse action
2 against an individual's license issued by the home state.

3 2. If an individual's license in any home state is restricted, suspended, or revoked,
4 the individual shall not be eligible to practice in a remote state under the privilege to
5 practice until the individual's home state license is restored.

6 (1) All home state adverse action orders shall include a statement that the
7 individual's compact privileges are inactive. The order may allow the individual to
8 practice in remote states with prior written authorization from both the home state and the
9 remote state's EMS authority.

10 **(2) An individual currently subject to adverse action in the home state shall not**
11 **practice in any remote state without prior written authorization from both the home state**
12 **and remote state's EMS authority.**

13 **3. A member state shall report adverse actions and any occurrences that the**
14 **individual's compact privileges are restricted, suspended, or revoked to the commission in**
15 **accordance with the rules of the commission.**

16 **4. A remote state may take adverse action on an individual's privilege to practice**
17 **within that state.**

18 **5. Any member state may take adverse action against an individual's privilege to**
19 **practice in that state based on the factual findings of another member state, so long as each**
20 **state follows its own procedures for imposing such adverse action.**

21 **6. A home state's EMS authority shall coordinate investigative activities, share**
22 **information via the coordinated database, and take appropriate action with respect to**
23 **reported conduct in a remote state as it would if such conduct had occurred within the**
24 **home state. In such cases, the home state's law shall control in determining the**
25 **appropriate adverse action.**

26 **7. Nothing in this compact shall override a member state's decision that**
27 **participation in an alternative program may be used in lieu of adverse action and that such**
28 **participation shall remain nonpublic if required by the member state's laws. Member**
29 **states shall require individuals who enter any alternative programs to agree not to practice**
30 **in any other member state during the term of the alternative program without prior**
31 **authorization from such other member state.**

190.921. A member state's EMS authority, in addition to any other powers granted
2 **under state law, is authorized under this compact to:**

3 **(1) Issue subpoenas for both hearings and investigations that require the**
4 **attendance and testimony of witnesses and the production of evidence. Subpoenas issued**
5 **by a member state's EMS authority for the attendance and testimony of witnesses or the**
6 **production of evidence from another member state shall be enforced in the remote state**
7 **by any court of competent jurisdiction according to that court's practice and procedure in**
8 **considering subpoenas issued in its own proceedings. The issuing state's EMS authority**
9 **shall pay any witness fees, travel expenses, mileage, and other fees required by the service**
10 **statutes of the state where the witnesses or evidence is located; and**

11 **(2) Issue cease and desist orders to restrict, suspend, or revoke an individual's**
12 **privilege to practice in the state.**

190.924. 1. The compact states hereby create and establish a joint public agency
2 **known as the "Interstate Commission for EMS Personnel Practice".**

3 **(1) The commission is a body politic and an instrumentality of the compact states.**

4 **(2) Venue is proper and judicial proceedings by or against the commission shall be**
5 **brought solely and exclusively in a court of competent jurisdiction where the principal**
6 **office of the commission is located. The commission may waive venue and jurisdictional**
7 **defenses to the extent it adopts or consents to participate in alternative dispute resolution**
8 **proceedings.**

9 **(3) Nothing in this compact shall be construed to be a waiver of sovereign**
10 **immunity.**

11 **2. Each member state shall have and be limited to one delegate. The responsible**
12 **official of the state EMS authority or his or her designee shall be the delegate to this**
13 **compact for each member state. Any delegate may be removed or suspended from office**
14 **as provided by the law of the state from which the delegate is appointed. Any vacancy**
15 **occurring in the commission shall be filled in accordance with the laws of the member state**
16 **in which the vacancy exists. In the event that more than one board, office, or other agency**
17 **with the legislative mandate to license EMS personnel at and above the level of EMT exists,**
18 **the governor of the state shall determine which entity shall be responsible for assigning the**
19 **delegate.**

20 **(1) Each delegate shall be entitled to one vote with regard to the promulgation of**
21 **rules and creation of bylaws, and shall otherwise have an opportunity to participate in the**
22 **business and affairs of the commission. A delegate shall vote in person or by such other**
23 **means as provided in the bylaws. The bylaws may provide for delegates' participation in**
24 **meetings by telephone or other means of communication.**

25 **(2) The commission shall meet at least once during each calendar year. Additional**
26 **meetings shall be held as set forth in the bylaws.**

27 **(3) All meetings shall be open to the public, and public notice of meetings shall be**
28 **given in the same manner as required under the rulemaking provisions in section 190.930.**

29 **(4) The commission may convene in a closed, nonpublic meeting if the commission**
30 **must discuss:**

31 **(a) Noncompliance of a member state with its obligations under the compact;**

32 **(b) The employment, compensation, discipline or other personnel matters,**
33 **practices, or procedures related to specific employees, or other matters related to the**
34 **commission's internal personnel practices and procedures;**

35 **(c) Current, threatened, or reasonably anticipated litigation;**

36 **(d) Negotiation of contracts for the purchase or sale of goods, services, or real**
37 **estate;**

38 **(e) Accusing any person of a crime or formally censuring any person;**

39 (f) Disclosure of trade secrets or commercial or financial information that is
40 privileged or confidential;

41 (g) Disclosure of information of a personal nature if disclosure would constitute a
42 clearly unwarranted invasion of personal privacy;

43 (h) Disclosure of investigatory records compiled for law enforcement purposes;

44 (i) Disclosure of information related to any investigatory reports prepared by or
45 on behalf of or for use of the commission or other committee charged with responsibility
46 of investigation or determination of compliance issues pursuant to the compact; or

47 (j) Matters specifically exempted from disclosure by federal or member state
48 statute.

49 (5) If a meeting or portion of a meeting is closed under this section, the
50 commission's legal counsel or designee shall certify that the meeting may be closed and
51 shall reference each relevant exempting provision. The commission shall keep minutes that
52 fully and clearly describe all matters discussed in a meeting and shall provide a full and
53 accurate summary of actions taken and the reasons therefor, including a description of the
54 views expressed. All documents considered in connection with an action shall be identified
55 in such minutes. All minutes and documents of a closed meeting shall remain under seal,
56 subject to release by a majority vote of the commission or order of a court of competent
57 jurisdiction.

58 3. The commission shall, by a majority vote of the delegates, prescribe bylaws and
59 rules to govern its conduct as may be necessary or appropriate to carry out the purposes
60 and exercise the powers of the compact including, but not limited to:

61 (1) Establishing the fiscal year of the commission;

62 (2) Providing reasonable standards and procedures:

63 (a) For the establishment and meetings of other committees; and

64 (b) Governing any general or specific delegation of any authority or function of the
65 commission;

66 (3) Providing reasonable procedures for calling and conducting meetings of the
67 commission, ensuring reasonable advance notice of all meetings, and providing an
68 opportunity for attendance of such meetings by interested parties, with enumerated
69 exceptions designed to protect the public's interest, the privacy of individuals, and
70 proprietary information, including trade secrets. The commission may meet in closed
71 session only after a majority of the membership votes to close a meeting in whole or in part.
72 As soon as practicable, the commission shall make public a copy of the vote to close the
73 meeting revealing the vote of each member with no proxy votes allowed;

74 (4) Establishing the titles, duties and authority, and reasonable procedures for the
75 election of the officers of the commission;

76 (5) Providing reasonable standards and procedures for the establishment of the
77 personnel policies and programs of the commission. Notwithstanding any civil service or
78 other similar laws of any member state, the bylaws shall exclusively govern the personnel
79 policies and programs of the commission;

80 (6) Promulgating a code of ethics to address permissible and prohibited activities
81 of commission members and employees;

82 (7) Providing a mechanism for winding up the operations of the commission and
83 the equitable disposition of any surplus funds that may exist after the termination of the
84 compact after the payment or reserving of all of its debts and obligations;

85 (8) The commission shall publish its bylaws and file a copy thereof, and a copy of
86 any amendment thereto, with the appropriate agency or officer in each of the member
87 states, if any;

88 (9) The commission shall maintain its financial records in accordance with the
89 bylaws; and

90 (10) The commission shall meet and take such actions as are consistent with the
91 provisions of this compact and the bylaws.

92 4. The commission shall have the following powers:

93 (1) To promulgate uniform rules to facilitate and coordinate implementation and
94 administration of this compact. The rules shall have the force and effect of law and shall
95 be binding on all member states;

96 (2) To bring and prosecute legal proceedings or actions in the name of the
97 commission; provided that, the standing of any state EMS authority or other regulatory
98 body responsible for EMS personnel licensure to sue or be sued under applicable law shall
99 not be affected;

100 (3) To purchase and maintain insurance and bonds;

101 (4) To borrow, accept, or contract for services of personnel including, but not
102 limited to, employees of a member state;

103 (5) To hire employees, elect or appoint officers, fix compensation, define duties,
104 grant such individuals appropriate authority to carry out the purposes of the compact, and
105 to establish the commission's personnel policies and programs relating to conflicts of
106 interest, qualifications of personnel, and other related personnel matters;

107 (6) To accept any and all appropriate donations and grants of money, equipment,
108 supplies, materials, and services, and to receive, utilize, and dispose of the same; provided

109 **that, at all times the commission shall strive to avoid any appearance of impropriety and**
110 **conflict of interest;**

111 **(7) To lease, purchase, accept appropriate gifts or donations of, or otherwise to**
112 **own, hold, improve, or use any property, real, personal, or mixed; provided that, at all**
113 **times the commission shall strive to avoid any appearance of impropriety;**

114 **(8) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise**
115 **dispose of any property, real, personal, or mixed;**

116 **(9) To establish a budget and make expenditures;**

117 **(10) To borrow money;**

118 **(11) To appoint committees, including advisory committees comprised of members,**
119 **state regulators, state legislators or their representatives, consumer representatives, and**
120 **such other interested persons as may be designated in this compact and the bylaws;**

121 **(12) To provide and receive information from, and to cooperate with, law**
122 **enforcement agencies;**

123 **(13) To adopt and use an official seal; and**

124 **(14) To perform such other functions as may be necessary or appropriate to achieve**
125 **the purposes of this compact consistent with the state regulation of EMS personnel**
126 **licensure and practice.**

127 **5. (1) The commission shall pay, or provide for the payment of, the reasonable**
128 **expenses of its establishment, organization, and ongoing activities.**

129 **(2) The commission may accept any and all appropriate revenue sources, donations,**
130 **and grants of money, equipment, supplies, materials, and services.**

131 **(3) The commission may levy on and collect an annual assessment from each**
132 **member state or impose fees on other parties to cover the cost of the operations and**
133 **activities of the commission and its staff, which shall be in a total amount sufficient to cover**
134 **its annual budget as approved each year for which revenue is not provided by other**
135 **sources. The aggregate annual assessment amount shall be allocated based upon a formula**
136 **to be determined by the commission, which shall promulgate a rule binding upon all**
137 **member states.**

138 **(4) The commission shall not incur obligations of any kind prior to securing the**
139 **funds adequate to meet the same; nor shall the commission pledge the credit of any of the**
140 **member states, except by and with the authority of the member state.**

141 **(5) The commission shall keep accurate accounts of all receipts and disbursements.**
142 **The receipts and disbursements of the commission shall be subject to the audit and**
143 **accounting procedures established under its bylaws. However, all receipts and**
144 **disbursements of funds handled by the commission shall be audited yearly by a certified**

145 or licensed public accountant, and the report of the audit shall be included in and become
146 part of the annual report of the commission.

147 **6. (1) The members, officers, executive director, employees, and representatives of**
148 **the commission shall be immune from suit and liability, either personally or in their official**
149 **capacity, for any claim, damage to or loss of property, personal injury, or other civil**
150 **liability caused by or arising out of any actual or alleged act, error, or omission that**
151 **occurred or that the person against whom the claim is made had a reasonable basis for**
152 **believing occurred within the scope of commission employment, duties, or responsibilities;**
153 **provided that, nothing in this subdivision shall be construed to protect any such person**
154 **from suit or liability for any damage, loss, injury, or liability caused by the intentional,**
155 **willful, or wanton misconduct of that person.**

156 **(2) The commission shall defend any member, officer, executive director, employee,**
157 **or representative of the commission in any civil action seeking to impose liability arising**
158 **out of any actual or alleged act, error, or omission that occurred within the scope of**
159 **commission employment, duties, or responsibilities, or that the person against whom the**
160 **claim is made had a reasonable basis for believing occurred within the scope of commission**
161 **employment, duties, or responsibilities; provided that, nothing herein shall be construed**
162 **to prohibit that person from retaining his or her own counsel; and provided further, that**
163 **the actual or alleged act, error, or omission did not result from that person's intentional,**
164 **willful, or wanton misconduct.**

165 **(3) The commission shall indemnify and hold harmless any member, officer,**
166 **executive director, employee, or representative of the commission for the amount of any**
167 **settlement or judgment obtained against that person arising out of any actual or alleged**
168 **act, error, or omission that occurred within the scope of commission employment, duties,**
169 **or responsibilities, or that such person had a reasonable basis for believing occurred within**
170 **the scope of commission employment, duties, or responsibilities; provided that, the actual**
171 **or alleged act, error, or omission did not result from the intentional, willful, or wanton**
172 **misconduct of the person.**

190.927. 1. The commission shall provide for the development and maintenance
2 **of a coordinated database and reporting system containing licensure, adverse action, and**
3 **significant investigatory information on all licensed individuals in member states.**

4 **2. Notwithstanding any other provision of state law to the contrary, a member state**
5 **shall submit a uniform data set to the coordinated database on all individuals to whom this**
6 **compact is applicable as required by the rules of the commission, including:**

7 **(1) Identifying information;**

8 **(2) Licensure data;**

- 9 **(3) Significant investigatory information;**
10 **(4) Adverse actions against an individual's license;**
11 **(5) An indicator that an individual's privilege to practice is restricted, suspended,**
12 **or revoked;**
13 **(6) Nonconfidential information related to alternative program participation;**
14 **(7) Any denial of application for licensure and the reasons for such denial; and**
15 **(8) Other information that may facilitate the administration of this compact, as**
16 **determined by the rules of the commission.**

17 **3. The coordinated database administrator shall promptly notify all member states**
18 **of any adverse action taken against, or significant investigative information on, any**
19 **individual in a member state.**

20 **4. Member states contributing information to the coordinated database may**
21 **designate information that shall not be shared with the public without the express**
22 **permission of the contributing state.**

23 **5. Any information submitted to the coordinated database that is subsequently**
24 **required to be expunged by the laws of the member state contributing the information shall**
25 **be removed from the coordinated database.**

190.930. 1. The commission shall exercise its rulemaking powers pursuant to the
2 **criteria set forth in this section and the rules adopted thereunder. Rules and amendments**
3 **shall become binding as of the date specified in each rule or amendment.**

4 **2. If a majority of the legislatures of the member states rejects a rule by enactment**
5 **of a statute or resolution in the same manner used to adopt the compact, then such rule**
6 **shall have no further force and effect in any member state.**

7 **3. Rules or amendments to the rules shall be adopted at a regular or special meeting**
8 **of the commission.**

9 **4. Prior to promulgation and adoption of a final rule or rules by the commission,**
10 **and at least sixty days in advance of the meeting at which the rule or rules shall be**
11 **considered and voted upon, the commission shall file a notice of proposed rulemaking:**

12 **(1) On the website of the commission; and**

13 **(2) On the website of each member state's EMS authority or the publication in**
14 **which each state would otherwise publish proposed rules.**

15 **5. The notice of proposed rulemaking shall include:**

16 **(1) The proposed time, date, and location of the meeting at which the rule shall be**
17 **considered and voted upon;**

18 **(2) The text of the proposed rule or amendment and the reason for the proposed**
19 **rule;**

20 **(3) A request for comments on the proposed rule from any interested person; and**

21 **(4) The manner in which interested parties may submit notice to the commission**
22 **of their intention to attend the public hearing and any written comments.**

23 **6. Prior to adoption of a proposed rule, the commission shall allow persons to**
24 **submit written data, facts, opinions, and arguments that shall be made available to the**
25 **public.**

26 **7. The commission shall grant an opportunity for a public hearing before it adopts**
27 **a rule or amendment if a hearing is requested by:**

28 **(1) At least twenty-five persons;**

29 **(2) A governmental subdivision or agency; or**

30 **(3) An association having at least twenty-five members.**

31 **8. If a hearing is held on the proposed rule or amendment, the commission shall**
32 **publish the place, time, and date of the scheduled public hearing.**

33 **(1) All persons wishing to be heard at the hearing shall notify the executive director**
34 **of the commission or other designated member in writing of their desire to appear and**
35 **testify at the hearing not less than five business days before the scheduled date of the**
36 **hearing.**

37 **(2) Hearings shall be conducted in a manner providing each person who wishes to**
38 **comment a fair and reasonable opportunity to comment orally or in writing.**

39 **(3) No transcript of the hearing is required, unless a written request for a transcript**
40 **is made, in which case the person requesting the transcript shall bear the cost of producing**
41 **the transcript. A recording may be made in lieu of a transcript under the same terms and**
42 **conditions as a transcript. This subdivision shall not preclude the commission from**
43 **making a transcript or recording of the hearing if it so chooses.**

44 **(4) Nothing in this section shall be construed as requiring a separate hearing on**
45 **each rule. Rules may be grouped for the convenience of the commission at hearings**
46 **required by this section.**

47 **9. Following the scheduled hearing date, or by the close of business on the**
48 **scheduled hearing date if the hearing was not held, the commission shall consider all**
49 **written and oral comments received.**

50 **10. The commission shall, by majority vote of all members, take final action on the**
51 **proposed rule and shall determine the effective date of the rule, if any, based on the**
52 **rulemaking record and the full text of the rule.**

53 **11. If no written notice of intent to attend the public hearing by interested parties**
54 **is received, the commission may proceed with promulgation of the proposed rule without**
55 **a public hearing.**

56 **12. Upon determination that an emergency exists, the commission may consider and**
57 **adopt an emergency rule without prior notice, opportunity for comment, or hearing;**
58 **provided that, the usual rulemaking procedures provided in the compact and in this section**
59 **shall be retroactively applied to the rule as soon as reasonably possible, in no event later**
60 **than ninety days after the effective date of the rule. For the purposes of this provision, an**
61 **emergency rule is one that shall be adopted immediately in order to:**

62 **(1) Meet an imminent threat to public health, safety, or welfare;**

63 **(2) Prevent a loss of commission or member state funds;**

64 **(3) Meet a deadline for the promulgation of an administrative rule that is**
65 **established by federal law or rule; or**

66 **(4) Protect public health and safety.**

67 **13. The commission or an authorized committee of the commission may direct**
68 **revisions to a previously adopted rule or amendment for purposes of correcting**
69 **typographical errors, errors in format, errors in consistency, or grammatical errors.**
70 **Public notice of any revisions shall be posted on the website of the commission. The**
71 **revision shall be subject to challenge by any person for a period of thirty days after**
72 **posting. The revision may be challenged only on grounds that the revision results in a**
73 **material change to a rule. A challenge shall be made in writing and delivered to the chair**
74 **of the commission prior to the end of the notice period. If no challenge is made, the**
75 **revision shall take effect without further action. If the revision is challenged, the revision**
76 **may not take effect without the approval of the commission.**

190.933. 1. The executive, legislative, and judicial branches of state government in
2 **each member state shall enforce this compact and take all actions necessary and**
3 **appropriate to effectuate the compact's purposes and intent. The provisions of this**
4 **compact and the rules promulgated hereunder shall have standing as statutory law.**

5 **2. All courts shall take judicial notice of the compact and the rules in any judicial**
6 **or administrative proceedings in a member state pertaining to the subject matter of this**
7 **compact which may affect the powers, responsibilities, or actions of the commission.**

8 **3. The commission shall be entitled to receive service of process in any such**
9 **proceeding and shall have standing to intervene in such a proceeding for all purposes.**
10 **Failure to provide service of process to the commission shall render a judgment or order**
11 **void as to the commission, this compact, or promulgated rules.**

12 **4. If the commission determines that a member state has defaulted in the**
13 **performance of its obligations or responsibilities under this compact or the promulgated**
14 **rules, the commission shall:**

15 **(1) Provide written notice to the defaulting state and other member states of the**
16 **nature of the default, the proposed means of curing the default, or any other action to be**
17 **taken by the commission; and**

18 **(2) Provide remedial training and specific technical assistance regarding the**
19 **default.**

20 **5. If a state in default fails to cure the default, the defaulting state may be**
21 **terminated from the compact upon an affirmative vote of a majority of the member states,**
22 **and all rights, privileges, and benefits conferred by this compact may be terminated on the**
23 **effective date of termination. A cure of the default does not relieve the offending state of**
24 **obligations or liabilities incurred during the period of default.**

25 **6. Termination of membership in the compact shall be imposed only after all other**
26 **means of securing compliance have been exhausted. Notice of intent to suspend or**
27 **terminate shall be given by the commission to the governor, the majority and minority**
28 **leaders of the defaulting state's legislature, and each of the member states.**

29 **7. A state that has been terminated is responsible for all assessments, obligations,**
30 **and liabilities incurred through the effective date of termination, including obligations that**
31 **extend beyond the effective date of termination.**

32 **8. The commission shall not bear any costs related to a state that is found to be in**
33 **default or that has been terminated from the compact unless agreed upon in writing**
34 **between the commission and the defaulting state.**

35 **9. The defaulting state may appeal the action of the commission by petitioning the**
36 **United States District Court for the District of Columbia or the federal district where the**
37 **commission has its principal offices. The prevailing member shall be awarded all costs of**
38 **such litigation, including reasonable attorney's fees.**

39 **10. Upon a request by a member state, the commission shall attempt to resolve**
40 **disputes related to the compact that arise among member states and between member and**
41 **nonmember states.**

42 **11. The commission shall promulgate a rule providing for both mediation and**
43 **binding dispute resolution for disputes as appropriate.**

44 **12. The commission, in the reasonable exercise of its discretion, shall enforce the**
45 **provisions and rules of this compact.**

46 **13. By majority vote, the commission may initiate legal action in the United States**
47 **District Court for the District of Columbia or the federal district where the commission has**
48 **its principal offices against a member state in default to enforce compliance with the**
49 **provisions of the compact and its promulgated rules and bylaws. The relief sought may**
50 **include both injunctive relief and damages. In the event judicial enforcement is necessary,**

51 the prevailing member shall be awarded all costs of such litigation, including reasonable
52 attorney's fees.

53 14. The remedies herein shall not be the exclusive remedies of the commission. The
54 commission may pursue any other remedies available under federal or state law.

190.936. 1. The compact shall come into effect on the date on which the compact
2 statute is enacted into law in the tenth member state. The provisions, which become
3 effective at that time, shall be limited to the powers granted to the commission relating to
4 assembly and the promulgation of rules. Thereafter, the commission shall meet and
5 exercise rulemaking powers necessary to the implementation and administration of the
6 compact.

7 2. Any state that joins the compact subsequent to the commission's initial adoption
8 of the rules shall be subject to the rules as they exist on the date on which the compact
9 becomes law in that state. Any rule that has been previously adopted by the commission
10 shall have the full force and effect of law on the day the compact becomes law in that state.

11 3. Any member state may withdraw from this compact by enacting a statute
12 repealing the same.

13 (1) A member state's withdrawal shall not take effect until six months after
14 enactment of the repealing statute.

15 (2) Withdrawal shall not affect the continuing requirement of the withdrawing
16 state's EMS authority to comply with the investigative and adverse action reporting
17 requirements of this act prior to the effective date of withdrawal.

18 4. Nothing contained in this compact shall be construed to invalidate or prevent any
19 EMS personnel licensure agreement or other cooperative arrangement between a member
20 state and a nonmember state that does not conflict with the provisions of this compact.

21 5. This compact may be amended by the member states. No amendment to this
22 compact shall become effective and binding upon any member state until it is enacted into
23 the laws of all member states.

190.939. This compact shall be liberally construed so as to effectuate the purposes
2 thereof. If this compact shall be held contrary to the constitution of any member state
3 thereto, the compact shall remain in full force and effect as to the remaining member
4 states. Nothing in this compact supersedes state law or rules related to licensure of EMS
5 agencies.

191.630. As used in sections 191.630 and 191.631, the following terms mean:

2 (1) "Communicable disease", acquired immunodeficiency syndrome (AIDS), cutaneous
3 anthrax, hepatitis in any form, human immunodeficiency virus (HIV), measles, meningococcal
4 disease, mumps, pertussis, pneumonic plague, rubella, severe acute respiratory syndrome

- 5 (SARS-CoV), smallpox, tuberculosis, varicella disease, vaccinia, viral hemorrhagic fevers, and
6 other such diseases as the department may define by rule or regulation;
- 7 (2) "Communicable disease tests", tests designed for detection of communicable
8 diseases. Rapid testing of the source patient in accordance with the Occupational Safety and
9 Health Administration (OSHA) enforcement of the Centers for Disease Control and Prevention
10 (CDC) guidelines shall be recommended;
- 11 (3) "Coroner or medical examiner", the same meaning as defined in chapter 58;
- 12 (4) "Department", the Missouri department of health and senior services;
- 13 (5) "Designated infection control officer", the person or persons within the entity or
14 agency who are responsible for managing the infection control program and for coordinating
15 efforts surrounding the investigation of an exposure such as:
- 16 (a) Collecting, upon request, facts surrounding possible exposure of an emergency care
17 provider or Good Samaritan to a communicable disease;
- 18 (b) Contacting facilities that receive patients or clients of potentially exposed emergency
19 care providers or Good Samaritans to ascertain if a determination has been made as to whether
20 the patient or client has had a communicable disease and to ascertain the results of that
21 determination; and
- 22 (c) Notifying the emergency care provider or Good Samaritan as to whether there is
23 reason for concern regarding possible exposure;
- 24 (6) "Emergency care provider", a person who is serving as a licensed or certified person
25 trained to provide emergency and nonemergency medical care as a first responder, emergency
26 **medical responder**, ~~[EMT-B, EMT-I, or EMT-P]~~ **as defined in section 190.100, emergency**
27 **medical technician**, as defined in section 190.100, firefighter, law enforcement officer, sheriff,
28 deputy sheriff, registered nurse, physician, medical helicopter pilot, or other certification or
29 licensure levels adopted by rule of the department;
- 30 (7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact skin, or
31 parenteral contact with blood or other potentially infectious materials that results from the
32 performance of an employee's duties;
- 33 (8) "Good Samaritan", any person who renders emergency medical assistance or aid
34 within his or her level of training or skill until such time as he or she is relieved of those duties
35 by an emergency care provider;
- 36 (9) "Hospital", the same meaning as defined in section 197.020;
- 37 (10) "Source patient", any person who is sick or injured and requiring the care or services
38 of a Good Samaritan or emergency care provider, for whose blood or other potentially infectious
39 materials have resulted in exposure.

217.151. 1. As used in this section, the following terms shall mean:

2 (1) "Extraordinary circumstance", a substantial flight risk or some other
3 extraordinary medical or security circumstance that dictates restraints be used to ensure
4 the safety and security of a pregnant offender in her third trimester, a postpartum offender
5 forty-eight hours postdelivery, the staff of the correctional center or medical facility, other
6 offenders, or the public;

7 (2) "Labor", the period of time before a birth during which contractions are
8 present;

9 (3) "Postpartum", the period of recovery immediately following childbirth, which
10 is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so
11 determined by a physician or nurse;

12 (4) "Restraints", any physical restraint or other device used to control the
13 movement of a person's body or limbs.

14 2. Unless extraordinary circumstances exist as determined by a corrections officer,
15 a correctional center shall not use restraints on a pregnant offender in her third trimester
16 during transportation to and from visits to health care providers or court proceedings, or
17 during medical appointments and examinations, labor, delivery, or forty-eight hours
18 postdelivery.

19 3. In the event a corrections officer determines that extraordinary circumstances
20 exist and restraints are necessary, the corrections officer shall fully document in writing
21 within forty-eight hours of the incident the reasons he or she determined such
22 extraordinary circumstances existed, the type of restraints used, and the reasons those
23 restraints were considered the least restrictive available and the most reasonable under the
24 circumstances. Such documents shall be kept on file by the correctional center for at least
25 ten years from the date the restraints were used.

26 4. Any time restraints are used on a pregnant offender in her third trimester or on
27 a postpartum offender forty-eight hours postdelivery, the restraints shall be the least
28 restrictive available and the most reasonable under the circumstances. In no case shall leg,
29 ankle, or waist restraints or any mechanical restraints be used on any such offender, and
30 if wrist restraints are used, such restraints shall be placed in the front of such offender's
31 body to protect the offender and unborn child in the case of a forward fall.

32 5. If a doctor, nurse, or other health care provider treating the pregnant offender
33 in her third trimester or the postpartum offender forty-eight hours postdelivery requests
34 that restraints not be used, the corrections officer accompanying such offender shall
35 immediately remove all restraints.

36 6. Pregnant offenders shall be transported in vehicles equipped with seatbelts.

37 **7. The sentencing and corrections oversight commission established under section**
38 **217.147 and the advisory committee established under section 217.015 shall conduct**
39 **biannual reviews of every report written on the use of restraints on a pregnant offender**
40 **in her third trimester or on a postpartum offender forty-eight hours postdelivery in**
41 **accordance with subsection 3 of this section to determine compliance with this section. The**
42 **written reports shall be kept on file by the department for ten years.**

43 **8. The chief administrative officer, or equivalent position, of each correctional**
44 **center shall:**

45 **(1) Ensure that employees of the correctional center are provided with training,**
46 **which may include online training, on the provisions of this section and section 217.147;**
47 **and**

48 **(2) Inform female offenders, in writing and orally, of any policies and practices**
49 **developed in accordance with this section and section 217.149 upon admission to the**
50 **correctional center, including policies and practices in any offender handbook, and post**
51 **the policies and practices in locations in the correctional center where such notices are**
52 **commonly posted and will be seen by female offenders, including common housing areas**
53 **and health care facilities.**

221.520. 1. As used in this section, the following terms shall mean:

2 **(1) "Extraordinary circumstance", a substantial flight risk or some other**
3 **extraordinary medical or security circumstance that dictates restraints be used to ensure**
4 **the safety and security of a pregnant prisoner in her third trimester, a postpartum prisoner**
5 **forty-eight hours postdelivery, the staff of the county or city jail or medical facility, other**
6 **prisoners, or the public;**

7 **(2) "Labor", the period of time before a birth during which contractions are**
8 **present;**

9 **(3) "Postpartum", the period of recovery immediately following childbirth, which**
10 **is six weeks for a vaginal birth or eight weeks for a cesarean birth, or longer if so**
11 **determined by a physician or nurse;**

12 **(4) "Restraints", any physical restraint or other device used to control the**
13 **movement of a person's body or limbs.**

14 **2. Unless extraordinary circumstances exist as determined by a sheriff or jailer, a**
15 **county or city jail shall not use restraints on a pregnant prisoner in her third trimester**
16 **during transportation to and from visits to health care providers or court proceedings,**
17 **medical appointments and examinations, or during labor, delivery, or forty-eight hours**
18 **postdelivery.**

19 **3. In the event a sheriff or jailer determines that extraordinary circumstances exist**
20 **and restraints are necessary, the sheriff or jailer shall fully document in writing within**
21 **forty-eight hours of the incident the reasons he or she determined such extraordinary**
22 **circumstances existed, the type of restraints used, and the reasons those restraints were**
23 **considered the least restrictive available and the most reasonable under the circumstances.**
24 **Such documents shall be kept on file by the county or city jail for at least five years from**
25 **the date the restraints were used.**

26 **4. Anytime restraints are used on a pregnant prisoner in her third trimester or on**
27 **a postpartum prisoner forty-eight hours postdelivery, the restraints shall be the least**
28 **restrictive available and the most reasonable under the circumstances. In no case shall leg,**
29 **ankle, or waist restraints or any mechanical restraints be used on any such prisoner, and**
30 **if wrist restraints are used, such restraints shall be placed in the front of such prisoner's**
31 **body to protect the prisoner and unborn child in the case of a forward fall.**

32 **5. If a doctor, nurse, or other health care provider treating the pregnant prisoner**
33 **in her third trimester or the postpartum prisoner forty-eight hours postdelivery requests**
34 **that restraints not be used, the sheriff or jailer accompanying such prisoner shall**
35 **immediately remove all restraints.**

36 **6. Pregnant prisoners shall be transported in vehicles equipped with seatbelts.**

37 **7. The county or city jail shall:**

38 **(1) Ensure that employees of the jail are provided with training, which may include**
39 **online training, on the provisions of this section and section 221.520; and**

40 **(2) Inform female prisoners, in writing and orally, of any policies and practices**
41 **developed in accordance with this section and section 221.520 upon admission to the jail,**
42 **and post the policies and practices in locations in the jail where such notices are commonly**
43 **posted and will be seen by female prisoners.**

44 **8. The provisions of this section shall only apply to jails located in a county with a**
45 **charter form of government, any city located in a county with a charter form of**
46 **government, or any city not within a county.**

320.094. 1. The state treasurer shall annually transfer an amount prescribed in
2 subsection 2 of this section out of the state revenues derived from premium taxes levied on
3 insurance companies pursuant to sections 148.310 to 148.461 which are deposited by the director
4 of revenue in the general revenue fund pursuant to section 148.330 in a fund hereby created in
5 the state treasury, to be known as the "Fire Education Fund". Any interest earned from
6 investment of moneys in the fund, and all moneys received from gifts, grants, or other moneys
7 appropriated by the general assembly, shall be credited to the fund. The state treasurer shall
8 administer the fund, and the moneys in such fund shall be used solely as prescribed in this

9 section. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fire
10 education fund at the end of any biennium shall not be transferred to the credit of the general
11 revenue fund.

12 2. Beginning July 1, 1998, three percent of the amount of premium taxes collected in the
13 immediately preceding fiscal year pursuant to sections 148.310 to 148.461 which are deposited
14 in the general revenue fund that exceeds the amount of premium taxes which were deposited in
15 the general revenue fund in the 1997 fiscal year shall be transferred from the general revenue
16 fund to the credit of the fire education fund. At the end of each fiscal year, the commissioner of
17 administration shall determine the amount transferred to the credit of the fire education fund in
18 each fiscal year by computing the premium taxes deposited in the general revenue fund in the
19 prior fiscal year and comparing such amount to the amount of premium taxes deposited in the
20 general revenue fund in the 1997 fiscal year. An amount equal to three percent of the increase
21 computed pursuant to this section shall be transferred by the state treasurer to the credit of the
22 fire education fund; however, such transfer in any fiscal year shall not exceed one million five
23 hundred thousand dollars.

24 3. There is hereby established a special trust fund, to be known as the "Missouri Fire
25 Education Trust Fund", which shall consist of all moneys collected per subsection 2 of this
26 section transferred to the fund from the fire education fund pursuant to this subsection, any
27 earnings resulting from the investment of moneys in the fund, and all moneys received from
28 gifts, grants, or other moneys appropriated by the general assembly. Each fiscal year, an amount
29 equal to forty percent of the moneys transferred to the fire education fund collected pursuant to
30 subsection 2 of this section shall be transferred by the state treasurer to the credit of the Missouri
31 fire education trust fund. The fund shall be administered by the Missouri fire safety
32 education/advisory commission. Subject to appropriations, moneys in the fund shall be used
33 solely for the purposes described in this section. Moneys shall accumulate in the trust fund until
34 the earnings from investment of moneys in the fund can adequately support the activities
35 described in this section, as determined by the commission. Notwithstanding the provisions of
36 section 33.080 to the contrary, moneys in the Missouri fire education trust fund at the end of any
37 biennium shall not be transferred to the credit of the general revenue fund.

38 4. The moneys in the fire education fund shall be appropriated to the division of fire
39 safety to coordinate education needs in cooperation with community colleges, colleges, regional
40 training facilities, fire and emergency services training entities and universities of this state and
41 shall provide training and continuing education to firefighters in this state relating to fire
42 department operations and the personal safety of firefighters while performing fire department
43 activities. Programs and activities funded under this subsection shall be approved by the
44 Missouri fire safety education/advisory commission established in subsection 5 of this section.

45 These funds shall primarily be used to provide field education throughout the state~~[-with not~~
46 ~~more than two percent of funds under this subsection expended on administrative costs].~~

47 5. There is established the "Missouri Fire Safety Education/Advisory Commission", to
48 be domiciled in the division of fire safety within the department of public safety. The
49 commission shall be composed of nine members appointed by the governor with the advice and
50 consent of the senate, consisting of two firefighters, with one serving as a volunteer of a
51 recognized fire department and one serving as a full-time firefighter employed by a recognized
52 fire department, two members shall be fire service training officers, one member shall be a
53 person with expertise in fire investigation, one member shall be an insurer licensed to provide
54 insurance coverage for losses due to fire, one member who provides fire safety appliances or
55 equipment, one member who is serving as the chief of a recognized volunteer fire department,
56 and one member serving as the full-time chief of a recognized paid fire department. No more
57 than five members appointed by the governor shall be of the same political party. The terms of
58 office for the members appointed by the governor shall be four years and until their successors
59 are selected and qualified, except that, of those first appointed, two shall have a term of four
60 years, two shall have a term of three years and one shall have a term of two years. There is no
61 limitation on the number of terms an appointed member may serve. The governor may appoint
62 a member for the remaining portion of the unexpired term created by a vacancy. The governor
63 may remove any appointed member for cause. The members shall at their initial meeting select
64 a chair. All members of the commission shall serve without compensation for their duties, but
65 shall be reimbursed for necessary travel and other expenses incurred in the performance of their
66 official duties. The commission shall meet at least quarterly at the call of the chair and shall
67 review and determine appropriate programs and activities for which funds may be expended
68 under subsection 4 of this section.

320.202. 1. There is hereby established within the department of public safety a
2 "Division of Fire Safety", which shall have as its chief executive officer the fire marshal
3 appointed under section 320.205. The fire marshal and the division shall be responsible for:

4 (1) The voluntary training of firefighters, investigators, inspectors, and public or private
5 employees or volunteers in the field of emergency response, rescue, fire prevention or
6 preparedness;

7 (2) Establishing and maintaining a statewide reporting system, which shall, as a
8 minimum, include the records required by section 320.235 and a record of all fires occurring in
9 Missouri showing:

10 (a) The name of all owners of personal and real property affected by the fire;

11 (b) The name of each occupant of each building in which a fire occurred;

12 (c) The total amount of insurance carried by, the total amount of insurance collected by,
13 and the total amount of loss to each owner of property affected by the fire; and

14 (d) All the facts, statistics and circumstances, including, but not limited to, the origin of
15 the fire, which are or may be determined by any investigation conducted by the division or any
16 local firefighting agency under the laws of this state. All records maintained under this
17 subdivision shall be open to public inspections during all normal business hours of the division;

18 (3) Conducting all investigations of fires mandated by sections 320.200 to 320.270;

19 (4) Conducting all fire inspections required of any private premises in order for any
20 license relating to such private premises to be issued under any licensing law of this state, except
21 those organizations and institutions licensed pursuant to chapter 197;

22 (5) Establishing and maintaining a voluntary training and certification program based
23 upon nationally recognized standards. A certification testing fee and recertification fee shall be
24 established by promulgated rules and regulations by the state fire marshal under the provisions
25 of section 536.024. Fees collected shall be deposited into the ~~[general revenue]~~ **fire education**
26 fund.

27 2. The state fire marshal shall exercise and perform all powers and duties necessary to
28 carry out the responsibilities imposed by subsection 1 of this section, including, but not limited
29 to, the power to contract with any person, firm, corporation, state agency, or political subdivision
30 for services necessary to accomplish any of the responsibilities imposed by subsection 1 of this
31 section.

32 3. The state fire marshal shall have the authority to promulgate rules and regulations
33 under the provisions of section 536.024 to carry out the provisions of this section.

353.110. 1. Once the requirements of this section have been complied with, the real
2 property of urban redevelopment corporations acquired pursuant to this chapter shall not be
3 subject to assessment or payment of general ad valorem taxes imposed by the cities affected by
4 this law, or by the state or any political subdivision thereof, for a period not in excess of ten years
5 after the date upon which such corporations become owners of such real property, except to such
6 extent and in such amount as may be imposed upon such real property during such period
7 measured solely by the amount of the assessed valuation of the land, exclusive of improvements,
8 acquired pursuant to this chapter and owned by such urban redevelopment corporation, as was
9 determined by the assessor of the county in which such real property is located, or, if not located
10 within a county, then by the assessor of such city, for taxes due and payable thereon during the
11 calendar year preceding the calendar year during which the corporation acquired title to such real
12 property. The amounts of such tax assessments shall not be increased during such period so long
13 as the real property is owned by an urban redevelopment corporation and used in accordance

14 with a development plan authorized by the legislative authority of such cities, **except as**
15 **provided under subsection 4 of this section.**

16 2. In the event, however, that any such real property was tax exempt immediately prior
17 to ownership by any urban redevelopment corporation, such assessor or assessors shall, upon
18 acquisition of title thereto by the urban redevelopment corporation, promptly assess such land,
19 exclusive of improvements, at such valuation as shall conform to but not exceed the assessed
20 valuation made during the preceding calendar year of other land, exclusive of improvements,
21 adjacent thereto or in the same general neighborhood, and the amount of such assessed valuation
22 shall not be increased during the period set pursuant to subsection 1 of this section so long as the
23 real property is owned by an urban redevelopment corporation and used in accordance with a
24 development plan authorized by the legislative authority of such cities. For the next ensuing
25 period not in excess of fifteen years, ad valorem taxes upon such real property shall be measured
26 by the assessed valuation thereof as determined by such assessor or assessors upon the basis of
27 not to exceed fifty percent of the true value of such real property, including any improvements
28 thereon, nor shall such valuations be increased above fifty percent of the true value of such real
29 property from year to year during such next ensuing period so long as the real property is owned
30 by an urban redevelopment corporation and used in accordance with an authorized development
31 plan. After a period totaling not more than twenty-five years, such real property shall be subject
32 to assessment and payment of all ad valorem taxes, based on the full true value of the real
33 property; provided, that after the completion of the redevelopment project, as authorized by law
34 or ordinance whenever any urban redevelopment corporation shall elect to pay full taxes, or at
35 the expiration of the period, such real property shall be owned and operated free from any of the
36 conditions, restrictions or provisions of this chapter, and of any ordinance, rule or regulation
37 adopted pursuant thereto, any other law limiting the right of domestic and foreign insurance
38 companies to own and operate real estate to the contrary notwithstanding.

39 3. No tax abatement or exemption authorized by this section shall become effective
40 unless and until the governing body of the city:

41 (1) Furnishes each political subdivision whose boundaries for ad valorem taxation
42 purposes include any portion of the real property to be affected by such tax abatement or
43 exemption with a written statement of the impact on ad valorem taxes such tax abatement or
44 exemption will have on such political subdivisions and written notice of the hearing to be held
45 in accordance with subdivision (2) of this subsection. The written statement and notice required
46 by this subdivision shall be furnished as provided by local ordinance before the hearing and shall
47 include, but need not be limited to, an estimate of the amount of ad valorem tax revenues of each
48 political subdivision which will be affected by the proposed tax abatement or exemption, based

49 on the estimated assessed valuation of the real property involved as such property would exist
50 before and after it is redeveloped;

51 (2) Conducts a public hearing regarding such tax abatement or exemption, at which
52 hearing all political subdivisions described in subdivision (1) of this subsection shall have the
53 right to be heard on such grant of tax abatement or exemption;

54 (3) Enacts an ordinance which provides for expiration of development rights, including
55 the rights of eminent domain and tax abatement, in the event of failure of the urban
56 redevelopment corporation to acquire ownership of property within the area of the development
57 plan. Such ordinance shall provide for a duration of time within which such property must be
58 acquired, and may allow for acquisition of property under the plan in phases.

59 4. (1) Notwithstanding any other provision of law to the contrary, payments in lieu of
60 taxes may be imposed by contract between a city and an urban redevelopment corporation which
61 receives tax abatement or exemption on property pursuant to this section. Such payments shall
62 be made to the collector of revenue of the county or city not within a county by December
63 thirty-first of each year payments are due. The governing body of the city shall furnish the
64 collector a copy of any such contract requiring payment in lieu of taxes. The collector shall
65 allocate all revenues received from such payment in lieu of taxes among all taxing authorities
66 whose property tax revenues are affected by the exemption or abatement on the same pro rata
67 basis and in the same manner as the ad valorem property tax revenues received by each taxing
68 authority from such property in the year such payments are due.

69 (2) (a) **The provisions of subsection 1 of this section and subdivision (1) of this**
70 **subsection notwithstanding, beginning August 28, 2018, any district or county imposing**
71 **a property tax for the purposes of providing emergency services under chapter 190 or 321**
72 **shall be entitled to be reimbursed in an amount that is at least fifty percent but not more**
73 **than one hundred percent of the amount of ad valorem property tax revenues that the**
74 **district or county would have received in the absence of the tax abatement or exemption**
75 **provided under this section.**

76 (b) **An ambulance district board operating under chapter 190, a fire protection**
77 **district board operating under chapter 321, or the governing body of a county operating**
78 **a 911 center providing emergency or dispatch services under chapter 190 or chapter 321**
79 **shall annually set the reimbursement rate under paragraph (a) of this subdivision prior to**
80 **the time the assessment is determined by the assessor of the county in which such district**
81 **is located, or, if not located within a county, then the assessor of such city. If the**
82 **development plan or redevelopment project is amended by ordinance or by any other**
83 **means after August 28, 2018, the ambulance or fire protection district board shall have the**
84 **right to recalculate the reimbursement rate under this subdivision.**

85 5. The provisions of subsection 3 of this section shall not apply to any amendment or
86 future amendment to a phased development plan approved by the governing body of the city
87 prior to the effective date of the provisions of subsection 3 of this section and upon which
88 construction has been in progress pursuant to such phased plan.

650.277. 1. As otherwise provided by sections 650.200 to 650.295, the boiler and
2 pressure vessel board shall set fees for inspection, permits, licenses, and certificates required by
3 sections 650.200 to 650.295. Fees shall be determined by the board to provide sufficient funds
4 for the operation of the board and shall be set by rule or regulation promulgated in accordance
5 with the provisions of section 536.021. The board may alter the fee schedule once every two
6 years. Any funds collected pursuant to sections 650.200 to 650.295 shall be deposited in the
7 "Boiler and Pressure Vessels Safety Fund", which is hereby created. Beginning July 1, 2003,
8 moneys in the fund shall be appropriated from the fund for the ~~[expenses of the board]~~
9 **enforcement and regulatory functions of the division**. A municipality or other political
10 subdivision enforcing the provisions of sections 650.200 to 650.295 and which performs the
11 inspections, permitting, licensing, and certification as required, the fee for such inspection shall
12 be paid directly to the municipality or political subdivision and shall not be preempted by
13 sections 650.200 to 650.295, except that any fee established by the board for the issuance of
14 appropriate state certificates shall be paid to the board.

15 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
16 under the authority delegated in this section or under the authority of sections 650.210 to 650.275
17 shall become effective only if it complies with and is subject to all of the provisions of chapter
18 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
19 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
20 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
22 invalid and void.

701.377. As otherwise provided by sections 701.350 to 701.380, the elevator safety
2 board shall set fees for inspection, permits, licenses, certificates, and plan review required by the
3 provisions of sections 701.350 to 701.380. Fees shall be determined by the elevator safety board
4 to provide sufficient funds for the operation of the board, except that no fee for the certificate
5 shall exceed twenty-five dollars. The elevator safety board may alter the fee schedule once each
6 year. Any funds collected pursuant to sections 701.350 to 701.380 and sections 316.200 to
7 316.237 shall be deposited in the "Elevator Safety Fund" which is hereby created. Moneys shall
8 be appropriated from the fund for the ~~[expense and functions of the elevator safety and
9 amusement ride safety boards. Any unexpended funds in the elevator safety fund at the close of
10 the biennium shall revert to the general revenue as required by section 33.080]~~ **enforcement and**

11 **regulatory functions of the division.** A municipality or other political subdivision enforcing
12 the provisions of sections 701.350 to 701.380 under the provisions of subsection 2 of section
13 701.365 and which performs the plan review, permitting, inspections, and certifications as
14 required, the fee for that inspection shall be paid directly to the municipality or political
15 subdivision and shall not be preempted by sections 701.350 to 701.380, except that any fee
16 established by the elevator safety board for the issuance of appropriate state certificates shall be
17 paid to the elevator safety board.

✓