

SECOND REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR

SENATE BILL NO. 870

99TH GENERAL ASSEMBLY

2018

5721S.07T

AN ACT

To repeal sections 99.848, 100.050, 100.059, 105.666, 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 287.243, 320.086, 353.110, and 577.029, RSMo, and to enact in lieu thereof forty-one new sections relating to emergency 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, 105.666, 135.090, 173.260, 190.094, 190.100, 190.101, 190.103, 190.105, 190.131, 190.142, 190.143, 190.165, 190.173, 190.196, 190.246, 191.630, 287.243, 320.086, 353.110, and 577.029, RSMo, are repealed and forty-one new sections enacted in lieu thereof, to be known as sections 44.098, 99.848, 100.050, 100.059, 105.666, 135.090, 173.260, 190.094, 190.100, 190.101, 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, 287.243, 320.086, 353.110, 577.029, and 590.1040, to read as follows:

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

(1) "Critical incident", an incident that could result in serious physical injury or loss of life;

(2) "Kansas border county", the county of Cherokee;

(3) "Law enforcement mutual aid region", the counties of Jasper and Newton, including the Joplin metropolitan area, and the Kansas border county and Oklahoma border counties, as defined in this

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

8 section;

9 (4) "Missouri border counties", the counties of Jasper and
10 Newton;

11 (5) "Oklahoma border counties", the counties of Ottawa and
12 Delaware.

13 2. All law enforcement officers in the law enforcement mutual
14 aid region shall be permitted in critical incidents to respond to lawful
15 requests for aid in any other jurisdiction in the law enforcement
16 mutual aid region.

17 3. The on-scene incident commander, as defined by the National
18 Incident Management System, shall have the authority to make a
19 request for assistance in a critical incident and shall be responsible for
20 on-scene management until command authority is transferred to
21 another person.

22 4. In the event that an officer makes an arrest or apprehension
23 outside his or her home state, the offender shall be delivered to the
24 first officer who is commissioned in the jurisdiction in which the arrest
25 was made.

26 5. For the purposes of liability, all members of any political
27 subdivision or public safety agency responding under operational
28 control of the requesting political subdivision or public safety agency
29 are deemed employees of such responding political subdivision or
30 public safety agency and are subject to the liability and workers'
31 compensation provisions provided to them as employees of their
32 respective political subdivision or public safety agency. Qualified
33 immunity, sovereign immunity, official immunity, and the public duty
34 rule shall apply to the provisions of this section as interpreted by the
35 federal and state courts of the responding agency.

36 6. If the director of the Missouri department of public safety
37 determines that the state of Kansas has enacted legislation or the
38 governor of Kansas has issued an executive order or similar action that
39 permits the Kansas border county to enter into a similar mutual aid
40 agreement as described under this section, then the director shall
41 execute and deliver to the governor, the speaker of the house of
42 representatives, and the president pro tempore of the senate a written
43 certification of such determination. Upon the execution and delivery
44 of such written certification and the parties receiving such

45 **certification providing a unanimous written affirmation, the provisions**
46 **of this section shall be effective, unless otherwise provided by law.**

47 **7. If the director of the Missouri department of public safety**
48 **determines that the state of Oklahoma has enacted legislation or the**
49 **governor of Oklahoma has issued an executive order or similar action**
50 **that permits Oklahoma border counties to enter into a similar mutual**
51 **aid agreement as described under this section, then the director shall**
52 **execute and deliver to the governor, the speaker of the house of**
53 **representatives, and the president pro tempore of the senate a written**
54 **certification of such determination. Upon the execution and delivery**
55 **of such written certification and the parties receiving such**
56 **certification providing a unanimous written affirmation, the provisions**
57 **of this section shall be effective, unless otherwise provided by law.**

58 **8. The director of the Missouri department of public safety shall**
59 **notify the revisor of statutes of any changes that would render the**
60 **provisions of this section effective.**

99.848. 1. Notwithstanding subsection 1 of section [99.847] **99.845**, any
2 **district or county imposing a property tax for the purposes of providing**
3 **emergency services pursuant to chapter 190 or 321 shall be entitled to**
4 **reimbursement from the special allocation fund in the amount of at least fifty**
5 **percent [nor] but not more than one hundred percent of the district's tax**
6 **increment. This section shall not apply to tax increment financing projects or**
7 **districts approved prior to August 28, 2004.**

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

100.050. 1. Any municipality proposing to carry out a project for
2 industrial development shall first, by majority vote of the governing body of the

3 municipality, approve the plan for the project. The plan shall include the
4 following information pertaining to the proposed project:

5 (1) A description of the project;

6 (2) An estimate of the cost of the project;

7 (3) A statement of the source of funds to be expended for the project;

8 (4) A statement of the terms upon which the facilities to be provided by
9 the project are to be leased or otherwise disposed of by the municipality; and

10 (5) Such other information necessary to meet the requirements of sections
11 100.010 to 100.200.

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

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

21 (2) The most recent equalized assessed valuation of the real property and
22 personal property included in the project, and an estimate as to the equalized
23 assessed valuation of real property and personal property included in the project
24 after development;

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

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

32 3. If the plan for the project is approved after August 28, 2003, any
33 payments in lieu of taxes expected to be made by any lessee of the project shall
34 be applied in accordance with this section. The lessee may reimburse the
35 municipality for its actual costs of issuing the bonds and administering the plan.
36 All amounts paid in excess of such actual costs shall, immediately upon receipt
37 thereof, be disbursed by the municipality's treasurer or other financial officer to
38 each school district, community college district, **ambulance district board**
39 **operating under chapter 190, fire protection district board operating**

40 **under chapter 321**, county, or city in proportion to the current ad valorem tax
41 levy of each school district, community college district, **ambulance district**
42 **board operating under chapter 190**, **fire protection district board**
43 **operating under chapter 321**, county, or city; however, in any county of the
44 first classification with more than ninety-three thousand eight hundred but fewer
45 than ninety-three thousand nine hundred inhabitants, or any county of the first
46 classification with more than one hundred thirty-five thousand four hundred but
47 fewer than one hundred thirty-five thousand five hundred inhabitants, if the plan
48 for the project is approved after May 15, 2005, such amounts shall be disbursed
49 by the municipality's treasurer or other financial officer to each affected taxing
50 entity in proportion to the current ad valorem tax levy of each affected taxing
51 entity.

52 **4. Notwithstanding the provisions of subsection 3 of this section**
53 **to the contrary, beginning August 28, 2018, any district or county**
54 **imposing a property tax for the purposes of providing emergency**
55 **services under chapter 190 or 321 to the project area shall be entitled**
56 **to be reimbursed in an amount that is at least fifty percent but not**
57 **more than one hundred percent of the amount of ad valorem property**
58 **tax revenues that such district or county would have received in the**
59 **absence of a tax abatement or exemption provided to property included**
60 **in the project. An ambulance district board operating under chapter**
61 **190, a fire protection district board operating under chapter 321, or the**
62 **governing body of a county operating a 911 center providing emergency**
63 **or dispatch services under chapter 190 or chapter 321 shall annually set**
64 **the reimbursement rate provided in this subsection prior to the time**
65 **the assessment is determined by the assessor of the county in which the**
66 **project is located, or, if not located within a county, then the assessor**
67 **of such city. If the plan is amended by ordinance or by any other**
68 **means after August 28, 2018, the ambulance or fire protection district**
69 **or the governing body of a county operating a 911 center providing**
70 **emergency or dispatch services under chapter 190 or chapter 321 shall**
71 **have the right to recalculate the reimbursement rate pursuant to this**
72 **subsection.**

100.059. 1. The governing body of any municipality proposing a project
2 for industrial development which involves issuance of revenue bonds or involves
3 conveyance of a fee interest in property to a municipality shall, not less than
4 twenty days before approving the plan for a project as required by section

5 100.050, provide notice of the proposed project to the county in which the
6 municipality is located and any school district that is a school district, community
7 college district, **ambulance district board operating under chapter 190,**
8 **fire protection district board operating under chapter 321,** county, or
9 city; however, in any county of the first classification with more than ninety-three
10 thousand eight hundred but fewer than ninety-three thousand nine hundred
11 inhabitants, or any county of the first classification with more than one hundred
12 thirty-five thousand four hundred but fewer than one hundred thirty-five
13 thousand five hundred inhabitants, if the plan for the project is approved after
14 May 15, 2005, such notice shall be provided to all affected taxing entities in the
15 county. Such notice shall include the information required in section 100.050,
16 shall state the date on which the governing body of the municipality will first
17 consider approval of the plan, and shall invite such school districts, community
18 college districts, **ambulance district board operating under chapter 190,**
19 **fire protection district board operating under chapter 321,** counties, or
20 cities to submit comments to the governing body and the comments shall be fairly
21 and duly considered.

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

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

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

105.666. 1. Each plan shall, in conjunction with its staff and advisors,
2 establish a board member education program, which shall be in effect on or after
3 January 1, 2008. The curriculum shall include, at a minimum, education in the

4 areas of duties and responsibilities of board members as trustees, ethics,
5 governance process and procedures, pension plan design and administration of
6 benefits, investments including but not limited to the fiduciary duties as defined
7 under section 105.688, legal liability and risks associated with the administration
8 of a plan, sunshine law requirements under chapter 610, actuarial principles and
9 methods related to plan administration, and the role of staff and consultants in
10 plan administration. Board members appointed or elected on a board on or after
11 January 1, 2008, shall complete a board member education program **of at least**
12 **six hours** designated to orient new board members in the areas described in this
13 section within ninety days of becoming a new board member. Board members
14 who have served one or more years shall attend at least a total of **[six] two** hours
15 of continuing education programs each year in the areas described in this section.

16 2. Routine annual presentation by outside plan service providers shall not
17 be used to satisfy board member education or continuing education program
18 requirements contained in subsection 1 of this section. Such service providers
19 may be utilized to perform education programs with such programs being
20 separate and apart from routine annual presentations.

21 3. Plan governing body or staff shall maintain a record of board member
22 education including, but not limited to, date, time length, location, education
23 material, and any facilitator utilized. The record shall be signed and attested to
24 by the attending board member or board chairperson or designee. Such
25 information shall be maintained for public record and disclosure for at least three
26 years or until the expiration of such board member's term, whichever occurs first.

27 4. A board member who is knowingly not participating in the required
28 education programs under this section may be removed from such board by a
29 majority of the board members which shall result in a vacancy to be filled in
30 accordance with plan provisions except that ex officio board members shall not
31 be removed under this subsection.

32 5. Each plan shall, upon the request of any individual participant, provide
33 an annual pension benefit statement which shall be written in a manner
34 calculated to be understood by the average plan participant and may be delivered
35 in written, electronic, or other appropriate form to the extent such form is
36 reasonably accessible to each participant or beneficiary. Such pension benefit
37 statement shall include, but not be limited to, accrued participant contributions
38 to the plan, total benefits accrued, date first eligible for a normal retirement
39 benefit, and projected benefit at normal retirement. Any plan failing to do so
40 shall submit in writing to the joint committee on public employee retirement as

41 to why the information may not be provided as requested.

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

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

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

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

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

27 3. The department of revenue shall promulgate rules to implement the
28 provisions of this section.

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

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

38 (1) The program authorized under this section shall expire on December
39 31, 2019, unless reauthorized by the general assembly; and

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

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

173.260. 1. As used in this section, unless the context clearly requires
2 otherwise, the following terms mean:

3 (1) **"Air ambulance pilot", a person certified as an air ambulance**
4 **pilot in accordance with sections 190.001 to 190.245 and corresponding**
5 **regulations applicable to air ambulances adopted by the department of**
6 **health and senior services;**

7 (2) **"Air ambulance registered professional nurse", a person**
8 **licensed as a registered professional nurse in accordance with sections**
9 **335.011 to 335.096 and corresponding regulations adopted by the state**
10 **board of nursing, 20 CSR 2200-4, et seq., who provides registered**
11 **professional nursing services as a flight nurse in conjunction with an**
12 **air ambulance program that is certified in accordance with sections**
13 **190.001 to 190.245 and the corresponding regulations applicable to such**
14 **programs;**

15 (3) **"Air ambulance registered respiratory therapist", a person**
16 **licensed as a registered respiratory therapist in accordance with**
17 **sections 334.800 to 334.930 and corresponding regulations adopted by**
18 **the state board for respiratory care, who provides respiratory therapy**
19 **services in conjunction with an air ambulance program that is certified**
20 **in accordance with sections 190.001 to 190.245 and corresponding**
21 **regulations applicable to such programs;**

22 (4) "Board", the coordinating board for higher education;

23 [(2)] (5) "Eligible child", the natural, adopted or stepchild of a public
24 safety officer or employee, as defined in this section, who is less than twenty-four
25 years of age and who is a dependent of a public safety officer or employee or was
26 a dependent at the time of death or permanent and total disability of a public
27 safety officer or employee;

28 **(6) "Emergency medical technician", a person licensed in**
29 **emergency medical care in accordance with standards prescribed by**
30 **sections 190.001 to 190.245 and by rules adopted by the department of**
31 **health and senior services under sections 190.001 to 190.245;**

32 [(3)] **(7) "Employee", any full-time employee of the department of**
33 **transportation engaged in the construction or maintenance of the state's**
34 **highways, roads and bridges;**

35 **(8) "Flight crew member", an individual engaged in flight**
36 **responsibilities with an air ambulance licensed in accordance with**
37 **sections 190.001 to 190.245 and corresponding regulations applicable to**
38 **such programs;**

39 [(4)] **(9) "Grant", the public safety officer or employee survivor grant as**
40 **established by this section;**

41 [(5)] **(10) "Institution of postsecondary education", any approved public**
42 **or private institution as defined in section 173.205;**

43 [(6)] **(11) "Line of duty", any action of a public safety officer, whose**
44 **primary function is crime control or reduction, enforcement of the criminal law,**
45 **or suppression of fires, is authorized or obligated by law, rule, regulation or**
46 **condition of employment or service to perform;**

47 [(7)] **(12) "Public safety officer", any firefighter, **uniformed employee****
48 **of the office of the state fire marshal, emergency medical technician,**
49 **police officer, capitol police officer, parole officer, probation officer, state**
50 **correctional employee, water safety officer, park ranger, conservation officer or**
51 **highway patrolman employed by the state of Missouri or a political subdivision**
52 **thereof who is killed or permanently and totally disabled in the line of duty **or****
53 **any emergency medical technician, air ambulance pilot, air ambulance**
54 **registered professional nurse, air ambulance registered respiratory**
55 **therapist, or flight crew member who is killed or permanently and**
56 **totally disabled in the line of duty;**

57 [(8)] **(13) "Permanent and total disability", a disability which renders a**
58 **person unable to engage in any gainful work;**

59 [(9)] **(14) "Spouse", the husband, wife, widow or widower of a public**
60 **safety officer or employee at the time of death or permanent and total disability**
61 **of such public safety officer;**

62 [(10)] **(15) "Tuition", any tuition or incidental fee or both charged by an**
63 **institution of postsecondary education, as defined in this section, for attendance**
64 **at that institution by a student as a resident of this state.**

65 2. Within the limits of the amounts appropriated therefor, the
66 coordinating board for higher education shall provide, as defined in this section,
67 a grant for either of the following to attend an institution of postsecondary
68 education:

69 (1) An eligible child of a public safety officer or employee killed or
70 permanently and totally disabled in the line of duty; or

71 (2) A spouse of a public safety officer killed or permanently and totally
72 disabled in the line of duty.

73 3. An eligible child or spouse may receive a grant under this section only
74 so long as the child or spouse is enrolled in a program leading to a certificate, or
75 an associate or baccalaureate degree. In no event shall a child or spouse receive
76 a grant beyond the completion of the first baccalaureate degree or, in the case of
77 a child, age twenty-four years, except that the child may receive a grant through
78 the completion of the semester or similar grading period in which the child
79 reaches his twenty-fourth year. No child or spouse shall receive more than one
80 hundred percent of tuition when combined with similar funds made available to
81 such child or spouse.

82 4. The coordinating board for higher education shall:

83 (1) Promulgate all necessary rules and regulations for the implementation
84 of this section;

85 (2) Determine minimum standards of performance in order for a child or
86 spouse to remain eligible to receive a grant under this program;

87 (3) Make available on behalf of an eligible child or spouse an amount
88 toward the child's or spouse's tuition which is equal to the grant to which the
89 child or spouse is entitled under the provisions of this section;

90 (4) Provide the forms and determine the procedures necessary for an
91 eligible child or spouse to apply for and receive a grant under this program.

92 5. An eligible child or spouse who is enrolled or has been accepted for
93 enrollment as an undergraduate postsecondary student at an approved institution
94 of postsecondary education shall receive a grant in an amount not to exceed the
95 least of the following:

96 (1) The actual tuition, as defined in this section, charged at an approved
97 institution where the child or spouse is enrolled or accepted for enrollment; or

98 (2) The amount of tuition charged a Missouri resident at the University
99 of Missouri for attendance as a full-time student, as defined in section 173.205.

100 6. An eligible child or spouse who is a recipient of a grant may transfer
101 from one approved public or private institution of postsecondary education to

102 another without losing his entitlement under this section. The board shall make
103 necessary adjustments in the amount of the grant. If a grant recipient at
104 anytime withdraws from the institution of postsecondary education so that under
105 the rules and regulations of that institution he is entitled to a refund of any
106 tuition, fees, or other charges, the institution shall pay the portion of the refund
107 to which he is entitled attributable to the grant for that semester or similar
108 grading period to the board.

109 7. If an eligible child or spouse is granted financial assistance under any
110 other student aid program, public or private, the full amount of such aid shall be
111 reported to the board by the institution and the eligible child or spouse.

112 8. Nothing in this section shall be construed as a promise or guarantee
113 that a person will be admitted to an institution of postsecondary education or to
114 a particular institution of postsecondary education, will be allowed to continue to
115 attend an institution of postsecondary education after having been admitted, or
116 will be graduated from an institution of postsecondary education.

117 9. A public safety officer who is permanently and totally disabled shall be
118 eligible for a grant pursuant to the provisions of this section.

119 10. An eligible child of a public safety officer or employee, spouse of a
120 public safety officer or public safety officer shall cease to be eligible for a grant
121 pursuant to this section when such public safety officer or employee is no longer
122 permanently and totally disabled.

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

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

9 3. For purposes of this section, "volunteer" shall mean an individual who
10 performs hours of service without promise, expectation or receipt of compensation
11 for services rendered. Compensation such as a nominal stipend per call to
12 compensate for fuel, uniforms, and training shall not nullify the volunteer status.

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

3 (1) **"Advanced emergency medical technician" or "AEMT", a person**
4 **who has successfully completed a course of instruction in certain**

5 **aspects of advanced life support care as prescribed by the department**
6 **and is licensed by the department in accordance with sections 190.001**
7 **to 190.245 and rules and regulations adopted by the department**
8 **pursuant to sections 190.001 to 190.245;**

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

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

22 [(3)] (4) "Ambulance service", a person or entity that provides emergency
23 or nonemergency ambulance transportation and services, or both, in compliance
24 with sections 190.001 to 190.245, and the rules promulgated by the department
25 pursuant to sections 190.001 to 190.245;

26 [(4)] (5) "Ambulance service area", a specific geographic area in which
27 an ambulance service has been authorized to operate;

28 [(5)] (6) "Basic life support (BLS)", a basic level of care, as provided to
29 the adult and pediatric patient as defined by national curricula, and any
30 modifications to that curricula specified in rules adopted by the department
31 pursuant to sections 190.001 to 190.245;

32 [(6)] (7) "Council", the state advisory council on emergency medical
33 services;

34 [(7)] (8) "Department", the department of health and senior services,
35 state of Missouri;

36 [(8)] (9) "Director", the director of the department of health and senior
37 services or the director's duly authorized representative;

38 [(9)] (10) "Dispatch agency", any person or organization that receives
39 requests for emergency medical services from the public, by telephone or other
40 means, and is responsible for dispatching emergency medical services;

41 [(10)] (11) "Emergency", the sudden and, at the time, unexpected onset

42 of a health condition that manifests itself by symptoms of sufficient severity that
43 would lead a prudent layperson, possessing an average knowledge of health and
44 medicine, to believe that the absence of immediate medical care could result in:

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

47 (b) Serious impairment to a bodily function;

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

49 (d) Inadequately controlled pain;

50 [(11)] **(12)** "Emergency medical dispatcher", a person who receives
51 emergency calls from the public and has successfully completed an emergency
52 medical dispatcher course, meeting or exceeding the national curriculum of the
53 United States Department of Transportation and any modifications to such
54 curricula specified by the department through rules adopted pursuant to sections
55 190.001 to 190.245;

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

63 [(12)] **(14)** "Emergency medical response agency", any person that
64 regularly provides a level of care that includes first response, basic life support
65 or advanced life support, exclusive of patient transportation;

66 [(13)] **(15)** "Emergency medical services for children (EMS-C) system",
67 the arrangement of personnel, facilities and equipment for effective and
68 coordinated delivery of pediatric emergency medical services required in
69 prevention and management of incidents which occur as a result of a medical
70 emergency or of an injury event, natural disaster or similar situation;

71 [(14)] **(16)** "Emergency medical services (EMS) system", the arrangement
72 of personnel, facilities and equipment for the effective and coordinated delivery
73 of emergency medical services required in prevention and management of
74 incidents occurring as a result of an illness, injury, natural disaster or similar
75 situation;

76 [(15)] **(17)** "Emergency medical technician", a person licensed in
77 emergency medical care in accordance with standards prescribed by sections
78 190.001 to 190.245, and by rules adopted by the department pursuant to sections

79 190.001 to 190.245;

80 [(16)] (18) "Emergency medical technician-basic" or "EMT-B", a person
81 who has successfully completed a course of instruction in basic life support as
82 prescribed by the department and is licensed by the department in accordance
83 with standards prescribed by sections 190.001 to 190.245 and rules adopted by
84 the department pursuant to sections 190.001 to 190.245;

85 [(17)] (19) "Emergency medical technician-community paramedic",
86 "community paramedic", or "EMT-CP", a person who is certified as an emergency
87 medical technician-paramedic and is certified by the department in accordance
88 with standards prescribed in section 190.098;

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

94 [(19)] (20) "Emergency medical technician-paramedic" or "EMT-P", a
95 person who has successfully completed a course of instruction in advanced life
96 support care as prescribed by the department and is licensed by the department
97 in accordance with sections 190.001 to 190.245 and rules adopted by the
98 department pursuant to sections 190.001 to 190.245;

99 [(20)] (21) "Emergency services", health care items and services
100 furnished or required to screen and stabilize an emergency which may include,
101 but shall not be limited to, health care services that are provided in a licensed
102 hospital's emergency facility by an appropriate provider or by an ambulance
103 service or emergency medical response agency;

104 [(21)] "First responder", a person who has successfully completed an
105 emergency first response course meeting or exceeding the national curriculum of
106 the United States Department of Transportation and any modifications to such
107 curricula specified by the department through rules adopted pursuant to sections
108 190.001 to 190.245 and who provides emergency medical care through
109 employment by or in association with an emergency medical response agency;]

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

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

114 (24) "Medical control", supervision provided by or under the direction of
115 physicians [to providers by written or verbal communications], or their

116 **designated registered nurse, including both online medical control,**
117 **instructions by radio, telephone, or other means of direct**
118 **communications, and offline medical control through supervision by**
119 **treatment protocols, case review, training, and standing orders for**
120 **treatment;**

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

124 (26) "Medical director", a physician licensed pursuant to chapter 334
125 designated by the ambulance service or emergency medical response agency and
126 who meets criteria specified by the department by rules pursuant to sections
127 190.001 to 190.245;

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

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

137 (29) "Person", as used in these definitions and elsewhere in sections
138 190.001 to 190.245, any individual, firm, partnership, copartnership, joint
139 venture, association, cooperative organization, corporation, municipal or private,
140 and whether organized for profit or not, state, county, political subdivision, state
141 department, commission, board, bureau or fraternal organization, estate, public
142 trust, business or common law trust, receiver, assignee for the benefit of creditors,
143 trustee or trustee in bankruptcy, or any other service user or provider;

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

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

148 (32) "Professional organization", any organized group or association with
149 an ongoing interest regarding emergency medical services. Such groups and
150 associations could include those representing volunteers, labor, management,
151 firefighters, EMT-B's, nurses, EMT-P's, physicians, communications specialists
152 and instructors. Organizations could also represent the interests of ground

153 ambulance services, air ambulance services, fire service organizations, law
154 enforcement, hospitals, trauma centers, communication centers, pediatric
155 services, labor unions and poison control services;

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

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

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

167 (36) "Specialty care transportation", the transportation of a patient
168 requiring the services of an emergency medical technician-paramedic who has
169 received additional training beyond the training prescribed by the
170 department. Specialty care transportation services shall be defined in writing in
171 the appropriate local protocols for ground and air ambulance services and
172 approved by the local physician medical director. The protocols shall be
173 maintained by the local ambulance service and shall define the additional
174 training required of the emergency medical technician-paramedic;

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

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

183 (39) "State EMS medical directors advisory committee", a subcommittee
184 of the state advisory council on emergency medical services formed to advise the
185 state advisory council on emergency medical services and the department on
186 medical issues;

187 (40) "STEMI" or "ST-elevation myocardial infarction", a type of heart
188 attack in which impaired blood flow to the patient's heart muscle is evidenced by
189 ST-segment elevation in electrocardiogram analysis, and as further defined in

190 rules promulgated by the department under sections 190.001 to 190.250;

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

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

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

199 (44) "Stroke care", includes emergency transport, triage, and acute
200 intervention and other acute care services for stroke that potentially require
201 immediate medical or surgical intervention or treatment, and may include
202 education, primary prevention, acute intervention, acute and subacute
203 management, prevention of complications, secondary stroke prevention, and
204 rehabilitative services;

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

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

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

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

190.101. 1. There is hereby established a "State Advisory Council on
2 Emergency Medical Services" which shall consist of sixteen members, one of
3 which shall be a resident of a city not within a county. The members of the
4 council shall be appointed by the governor with the advice and consent of the
5 senate and shall serve terms of four years. The governor shall designate one of
6 the members as chairperson. The chairperson may appoint subcommittees that
7 include noncouncil members.

8 2. The state EMS medical directors advisory committee and the regional
9 EMS advisory committees will be recognized as subcommittees of the state
10 advisory council on emergency medical services.

11 3. The council shall have geographical representation and representation
12 from appropriate areas of expertise in emergency medical services including
13 volunteers, professional organizations involved in emergency medical services,

14 EMT's, paramedics, nurses, firefighters, physicians, ambulance service
15 administrators, hospital administrators and other health care providers concerned
16 with emergency medical services. The regional EMS advisory committees shall
17 serve as a resource for the identification of potential members of the state
18 advisory council on emergency medical services.

19 4. The members of the council and subcommittees shall serve without
20 compensation except that members of the council shall, subject to appropriations,
21 be reimbursed for reasonable travel expenses and meeting expenses related to the
22 functions of the council.

23 5. The purpose of the council is to make recommendations to the governor,
24 the general assembly, and the department on policies, plans, procedures and
25 proposed regulations on how to improve the statewide emergency medical services
26 system. The council shall advise the governor, the general assembly, and the
27 department on all aspects of the emergency medical services system.

28 **6. (1) There is hereby established a standing subcommittee of**
29 **the council to monitor the implementation of the recognition of the**
30 **EMS personnel licensure interstate compact under sections 190.900 to**
31 **190.939, the interstate commission for EMS personnel practice, and the**
32 **involvement of the state of Missouri. The subcommittee shall meet at**
33 **least biannually and receive reports from the Missouri delegate to the**
34 **interstate commission for EMS personnel practice. The subcommittee**
35 **shall consist of at least seven members appointed by the chair of the**
36 **council, to include at least two members as recommended by the**
37 **Missouri state council of firefighters and one member as recommended**
38 **by the Missouri Association of Fire Chiefs. The subcommittee may**
39 **submit reports and recommendations to the council, the department of**
40 **health and senior services, the general assembly, and the governor**
41 **regarding the participation of Missouri with the recognition of the EMS**
42 **personnel licensure interstate compact.**

43 **(2) The subcommittee shall formally request a public hearing for**
44 **any rule proposed by the interstate commission for EMS personnel**
45 **practice in accordance with subsection 7 of section 190.930. The**
46 **hearing request shall include the request that the hearing be presented**
47 **live through the internet. The Missouri delegate to the interstate**
48 **commission for EMS personnel practice shall be responsible for**
49 **ensuring that all hearings, notices of, and related rulemaking**
50 **communications as required by the compact be communicated to the**

51 **council and emergency medical services personnel under the provisions**
52 **of subsections 4, 5, 6, and 8 of section 190.930.**

53 **(3) The department of health and senior services shall not**
54 **establish or increase fees for Missouri emergency medical services**
55 **personnel licensure in accordance with this chapter for the purpose of**
56 **creating the funds necessary for payment of an annual assessment**
57 **under subdivision (3) of subsection 5 of section 190.924.**

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

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

27 3. The medical director, in cooperation with the ambulance service or
28 emergency medical response agency administrator, shall have the responsibility
29 and the authority to ensure that the personnel working under their supervision
30 are able to provide care meeting established standards of care with consideration

31 for state and national standards as well as local area needs and resources. The
32 medical director, in cooperation with the ambulance service or emergency medical
33 response agency administrator, shall establish and develop triage, treatment and
34 transport protocols, which may include authorization for standing
35 orders. **Emergency medical technicians shall only perform those**
36 **medical procedures as directed by treatment protocols approved by the**
37 **local medical director or when authorized through direct**
38 **communication with online medical control.**

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

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

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

53 7. Regional EMS medical directors may act to provide online
54 telecommunication medical direction to **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and
55 community paramedics and provide offline medical direction per standardized
56 treatment, triage, and transport protocols when EMS personnel, including
57 **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community paramedics, are providing
58 care to special needs patients or at the request of a local EMS agency or medical
59 director.

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

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

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

77 11. Notwithstanding any other provision of law to the contrary, when
78 regional EMS medical directors are providing either online telecommunication
79 medical direction to **AEMTs**, EMT-Bs, [EMT-Is,] EMT-Ps, and community
80 paramedics, or offline medical direction per standardized EMS treatment, triage,
81 and transport protocols for patients, those medical directions or treatment
82 protocols may include the administration of the patient's own prescription
83 medications.

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

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

22 driving emergency vehicles may drive the ground ambulance provided the ground
23 ambulance service stipulates to this practice in operational policies.

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

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

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

34 4. The issuance of a license pursuant to the provisions of sections 190.001
35 to 190.245 shall not be construed so as to authorize any person to provide
36 ambulance services or to operate any ambulances without a franchise in any city
37 not within a county or in a political subdivision in any county with a population
38 of over nine hundred thousand inhabitants, or a franchise, contract or mutual-aid
39 agreement in any other political subdivision which has enacted an ordinance
40 making it unlawful to do so.

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

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

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

57 8. Sections 190.001 to 190.245 shall not apply to, nor be construed to
58 include, any motor vehicle used by an employer for the transportation of such

59 employer's employees whose illness or injury occurs on private property, and not
60 on a public highway or property, nor to any person operating such a motor
61 vehicle.

62 9. A political subdivision that is authorized to operate a licensed
63 ambulance service may establish, operate, maintain and manage its ambulance
64 service, and select and contract with a licensed ambulance service. Any political
65 subdivision may contract with a licensed ambulance service.

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

73 11. Nothing in section 67.300 or subsection 2 of section 190.109 shall be
74 construed to authorize any municipality or county which is located within an
75 ambulance district or a fire protection district that is authorized to provide
76 ambulance service to operate an ambulance service without a franchise in an
77 ambulance district or a fire protection district that is authorized to provide
78 ambulance service which has enacted an ordinance making it unlawful to do
79 so. This provision shall not apply to any municipality or county which operates
80 an ambulance service established prior to August 28, 1998.

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

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

90 14. Upon the sale or transfer of any ground ambulance service ownership,
91 the owner of such service shall notify the department of the change in ownership
92 within thirty days of such sale or transfer. After receipt of such notice, the
93 department shall conduct an inspection of the ambulance service to verify
94 compliance with the licensure standards of sections 190.001 to 190.245.

190.131. 1. The department shall accredit or certify training entities for

2 [first] **emergency medical** responders, emergency medical dispatchers, **and**
3 emergency medical [technicians-basic, emergency medical
4 technicians-intermediate, and emergency medical technicians-paramedic]
5 **technicians**, for a period of five years, if the applicant meets the requirements
6 established pursuant to sections 190.001 to 190.245.

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

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

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

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

25 6. Subsequent to the issuance of a training entity accreditation or
26 certification, the department shall cause a periodic review of the training entity
27 to assure continued compliance with the requirements of sections 190.001 to
28 190.245 and all rules promulgated pursuant to sections 190.001 to 190.245.

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

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

6 **(2) For applications submitted after the recognition of EMS**
7 **personnel licensure interstate compact under sections 190.900 to**
8 **190.939 takes effect, an applicant for initial licensure as an emergency**

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

24 (3) The director may authorize investigations into criminal records in
25 other states for any applicant.

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

32 (1) Age requirements;

33 (2) **Emergency medical technician and paramedic** education and
34 training requirements based on respective [national curricula of the United
35 States Department of Transportation] **National Emergency Medical Services**
36 **Education Standards** and any modification to such curricula specified by the
37 department through rules adopted pursuant to sections 190.001 to 190.245;

38 (3) **Paramedic accreditation requirements. Paramedic training**
39 **programs shall be accredited by the Commission on Accreditation of**
40 **Allied Health Education Programs (CAAHEP) or hold a CAAHEP letter**
41 **of review;**

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

45 [(4)] (5) Continuing education and relicensure requirements; and

46 [(5)] **(6)** Ability to speak, read and write the English language.

47 3. Application for all levels of emergency medical technician license shall
48 be made upon such forms as prescribed by the department in rules adopted
49 pursuant to sections 190.001 to 190.245. The application form shall contain such
50 information as the department deems necessary to make a determination as to
51 whether the emergency medical technician meets all the requirements of sections
52 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to
53 190.245.

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

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

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

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

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

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

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

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

12 (3) Have submitted a complete application upon such forms as prescribed

13 by the department in rules adopted pursuant to sections 190.001 to 190.245;

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

16 (5) Meet all the requirements of rules promulgated pursuant to sections
17 190.001 to 190.245.

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

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

**190.147. 1. An EMT-P may make a good faith determination that
2 behavioral health patients who present a likelihood of serious harm to
3 themselves or others, as the term "likelihood of serious harm" is defined
4 under section 632.005, or who are significantly incapacitated by alcohol
5 or drugs shall be placed into a temporary hold for the sole purpose of
6 transport to the nearest appropriate facility. Such determination shall
7 be made in cooperation with at least one other EMT-P or other health
8 care professional involved in the transport. Once in a temporary hold,
9 the patient shall be treated with humane care in a manner that
10 preserves human dignity, consistent with applicable federal regulations
11 and nationally recognized guidelines regarding the appropriate use of
12 temporary holds and restraints in medical transport. Prior to making
13 such a determination:**

14 (1) The EMT-P shall have completed a standard crisis
15 intervention training course as endorsed and developed by the state
16 EMS medical director's advisory committee;

17 (2) The EMT-P shall have been authorized by his or her ground
18 or air ambulance service's administration and medical director under
19 subsection 3 of section 190.103; and

20 (3) The EMT-P's ground or air ambulance service has developed
21 and adopted standardized triage, treatment, and transport protocols
22 under subsection 3 of section 190.103, which address the challenge of
23 treating and transporting such patients. Such protocols shall:

24 (a) Be reviewed and approved by the state EMS medical

25 **director's advisory committee;**

26 **(b) Direct the EMT-P regarding the proper use of patient**
27 **restraint and coordination with area law enforcement; and**

28 **(c) Be based upon current applicable national guidelines.**

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

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

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

51 **(1) Administrative oversight, including coordination between**
52 **ambulance services and law enforcement agencies;**

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

55 **(3) Field interaction between paramedics and law enforcement,**
56 **including patient destination and transportation; and**

57 **(4) Coordination of program quality assurance.**

58 **5. The physical restraint of a patient by an emergency medical**
59 **technician under the authority of this section shall be permitted only**
60 **in order to provide for the safety of bystanders, the patient, or**
61 **emergency personnel due to an imminent or immediate danger, or upon**

62 **approval by local medical control through direct**
63 **communications. Restraint shall also be permitted through cooperation**
64 **with on-scene law enforcement officers. All incidents involving patient**
65 **restraint used under the authority of this section shall be reviewed by**
66 **the ambulance service physician medical director.**

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

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

16 (1) Use or unlawful possession of any controlled substance, as defined in
17 chapter 195, or alcoholic beverage to an extent that such use impairs a person's
18 ability to perform the work of any activity licensed or regulated by sections
19 190.100 to 190.245;

20 (2) Being finally adjudicated and found guilty, or having entered a plea
21 of guilty or nolo contendere, in a criminal prosecution under the laws of any state
22 or of the United States, for any offense reasonably related to the qualifications,
23 functions or duties of any activity licensed or regulated pursuant to sections
24 190.100 to 190.245, for any offense an essential element of which is fraud,
25 dishonesty or an act of violence, or for any offense involving moral turpitude,
26 whether or not sentence is imposed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

65 (17) Repeated acts of negligence or recklessness in the performance of the
66 functions or duties of any activity licensed or regulated by sections 190.100 to
67 190.245.

68 3. If the department conducts investigations, the department, prior to
69 interviewing a licensee who is the subject of the investigation, shall explain to the

70 licensee that he or she has the right to:

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

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

75 (3) Refuse to answer any question or refuse to provide or sign any written
76 statement.

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

79 4. After the filing of such complaint, the proceedings shall be conducted
80 in accordance with the provisions of chapter 621. Upon a finding by the
81 administrative hearing commission that the grounds, provided in subsection 2 of
82 this section, for disciplinary action are met, the department may, singly or in
83 combination, censure or place the person named in the complaint on probation on
84 such terms and conditions as the department deems appropriate for a period not
85 to exceed five years, or may suspend, for a period not to exceed three years, or
86 revoke the license, certificate or permit. Notwithstanding any provision of law
87 to the contrary, the department shall be authorized to impose a suspension or
88 revocation as a disciplinary action only if it first files the requisite complaint with
89 the administrative hearing commission. **The administrative hearing**
90 **commission shall hear all relevant evidence on remediation activities**
91 **of the licensee and shall make a recommendation to the department of**
92 **health and senior services as to licensure disposition based on such**
93 **evidence.**

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

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

103 7. Any person, organization, association or corporation who reports or
104 provides information to the department pursuant to the provisions of sections
105 190.100 to 190.245 and who does so in good faith shall not be subject to an action
106 for civil damages as a result thereof.

107 8. The department of health and senior services may suspend any
108 certificate, permit or license required pursuant to sections 190.100 to 190.245
109 simultaneously with the filing of the complaint with the administrative hearing
110 commission as set forth in subsection 2 of this section, if the department finds
111 that there is an imminent threat to the public health. The notice of suspension
112 shall include the basis of the suspension and notice of the right to appeal such
113 suspension. The licensee may appeal the decision to suspend the license,
114 certificate or permit to the department. The appeal shall be filed within ten days
115 from the date of the filing of the complaint. A hearing shall be conducted by the
116 department within ten days from the date the appeal is filed. The suspension
117 shall continue in effect until the conclusion of the proceedings, including review
118 thereof, unless sooner withdrawn by the department, dissolved by a court of
119 competent jurisdiction or stayed by the administrative hearing commission.

190.173. 1. All complaints, investigatory reports, and information
2 pertaining to any applicant, holder of any certificate, permit, or license, or other
3 individual are confidential and shall only be disclosed upon written consent of the
4 person whose records are involved or to other administrative or law enforcement
5 agencies acting within the scope of their statutory authority. However, no
6 applicant, holder of any certificate, permit, or license, or other individual shall
7 have access to any complaints, investigatory reports, or information concerning
8 an investigation in progress until such time as the investigation has been
9 completed as required by subsection 1 of section 190.248.

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

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

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

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

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

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

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

- 18 (1) Child abuse or sexual abuse of a child;
- 19 (2) Crimes of violence; or
- 20 (3) Rape or sexual abuse.

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

24 5. The department will monitor these reports for possible licensure action
25 authorized 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
3 service or emergency medical response agency, [a certified first] **an emergency**
4 **medical** responder, [emergency medical technical-basic] or **an** emergency
5 medical [technician-paramedic] **technician** who is employed by, or an enrolled
6 member, person, firm, organization or entity designated by, rule of the
7 department of health and senior services in consultation with other appropriate
8 agencies. All such eligible persons, firms, organizations or other entities shall be
9 subject to the rules promulgated by the director of the department of health and
10 senior services;

11 (2) "Emergency health care provider":

12 (a) A physician licensed pursuant to chapter 334 with knowledge and

13 experience in the delivery of emergency care; or

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

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

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

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

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

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

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

31 3. (1) Use of an epinephrine auto-injector device pursuant to this section
32 shall be considered first aid or emergency treatment for the purpose of any law
33 relating to liability.

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

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

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

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

5 **2. As used in sections 190.900 to 190.939, the following terms
6 mean:**

7 **(1) "Advanced emergency medical technician" or "AEMT", an
8 individual licensed with cognitive knowledge and a scope of practice**

9 that corresponds to that level in the National EMS Education Standards
10 and National EMS Scope of Practice Model;

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

20 (3) "Alternative program", a voluntary, nondisciplinary
21 substance abuse recovery program approved by the state EMS
22 authority;

23 (4) "Certification", the successful verification of entry-level
24 cognitive and psychomotor competency using a reliable, validated, and
25 legally defensible examination;

26 (5) "Commission", the national administrative body of which all
27 states that have enacted the compact are members;

28 (6) "Emergency medical technician" or "EMT", an individual
29 licensed with cognitive knowledge and a scope of practice that
30 corresponds to that level in the National EMS Education Standards and
31 National EMS Scope of Practice Model;

32 (7) "EMS", emergency medical services;

33 (8) "Home state", a member state where an individual is licensed
34 to practice emergency medical services;

35 (9) "License", the authorization by a state for an individual to
36 practice as an EMT, AEMT, paramedic, or a level in between EMT and
37 paramedic;

38 (10) "Medical director", a physician licensed in a member state
39 who is accountable for the care delivered by EMS personnel;

40 (11) "Member state", a state that has enacted this compact;

41 (12) "Paramedic", an individual licensed with cognitive
42 knowledge and a scope of practice that corresponds to that level in the
43 National EMS Education Standards and National EMS Scope of Practice
44 Model;

45 (13) "Privilege to practice", an individual's authority to deliver

46 emergency medical services in remote states as authorized under this
47 compact;

48 (14) "Remote state", a member state in which an individual is not
49 licensed;

50 (15) "Restricted", the outcome of an adverse action that limits a
51 license or the privilege to practice;

52 (16) "Rule", a written statement by the interstate commission
53 promulgated under section 190.930 of this compact that is of general
54 applicability; implements, interprets, or prescribes a policy or
55 provision of the compact; or is an organizational, procedural, or
56 practice requirement of the commission and has the force and effect of
57 statutory law in a member state and includes the amendment, repeal,
58 or suspension of an existing rule;

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

63 (18) "Significant investigatory information":

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

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

73 (19) "State", any state, commonwealth, district, or territory of the
74 United States;

75 (20) "State EMS authority", the board, office, or other agency
76 with the legislative mandate to license EMS personnel.

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

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

7 terms of this compact.

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

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

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

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

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

26 (5) Complies with the rules of the commission.

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

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

6 (1) Be at least eighteen years of age;

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

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

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

16 4. Except as provided in subsection 3 of this section, an
17 individual practicing in a remote state shall be subject to the remote

18 state's authority and laws. A remote state may, in accordance with due
19 process and that state's laws, restrict, suspend, or revoke an
20 individual's privilege to practice in the remote state and may take any
21 other necessary actions to protect the health and safety of its citizens. If
22 a remote state takes action, it shall promptly notify the home state and
23 the commission.

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

28 6. If an individual's privilege to practice in any remote state is
29 restricted, suspended, or revoked, the individual shall not be eligible
30 to practice in any remote state until the individual's privilege to
31 practice is restored.

190.909. An individual may practice in a remote state under a
2 privilege to practice only in the performance of the individual's EMS
3 duties as assigned by an appropriate authority, as defined in the rules
4 of the commission, and under the following circumstances:

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

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

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

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

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

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

190.915. 1. Member states shall consider a veteran, active

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

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

11 3. All individuals functioning with a privilege to practice under
12 this section remain subject to the adverse action provisions of section
13 190.918.

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

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

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

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

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

20 4. A remote state may take adverse action on an individual's
21 privilege to practice within that state.

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

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

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

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

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

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

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

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

6 **(2) Venue is proper and judicial proceedings by or against the**
7 **commission shall be brought solely and exclusively in a court of**
8 **competent jurisdiction where the principal office of the commission is**
9 **located. The commission may waive venue and jurisdictional defenses**

10 to the extent it adopts or consents to participate in alternative dispute
11 resolution proceedings.

12 (3) Nothing in this compact shall be construed to be a waiver of
13 sovereign immunity.

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

25 (1) Each delegate shall be entitled to one vote with regard to the
26 promulgation of rules and creation of bylaws, and shall otherwise have
27 an opportunity to participate in the business and affairs of the
28 commission. A delegate shall vote in person or by such other means as
29 provided in the bylaws. The bylaws may provide for delegates'
30 participation in meetings by telephone or other means of
31 communication.

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

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

37 (4) The commission may convene in a closed, nonpublic meeting
38 if the commission must discuss:

39 (a) Noncompliance of a member state with its obligations under
40 the compact;

41 (b) The employment, compensation, discipline or other personnel
42 matters, practices, or procedures related to specific employees, or other
43 matters related to the commission's internal personnel practices and
44 procedures;

45 (c) Current, threatened, or reasonably anticipated litigation;

46 (d) Negotiation of contracts for the purchase or sale of goods,

47 services, or real estate;

48 (e) Accusing any person of a crime or formally censuring any
49 person;

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

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

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

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

60 (j) Matters specifically exempted from disclosure by federal or
61 member state statute.

62 (5) If a meeting or portion of a meeting is closed under this
63 section, the commission's legal counsel or designee shall certify that the
64 meeting may be closed and shall reference each relevant exempting
65 provision. The commission shall keep minutes that fully and clearly
66 describe all matters discussed in a meeting and shall provide a full and
67 accurate summary of actions taken and the reasons therefor, including
68 a description of the views expressed. All documents considered in
69 connection with an action shall be identified in such minutes. All
70 minutes and documents of a closed meeting shall remain under seal,
71 subject to release by a majority vote of the commission or order of a
72 court of competent jurisdiction.

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

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

78 (2) Providing reasonable standards and procedures:

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

80 (b) Governing any general or specific delegation of any authority
81 or function of the commission;

82 (3) Providing reasonable procedures for calling and conducting
83 meetings of the commission, ensuring reasonable advance notice of all

84 meetings, and providing an opportunity for attendance of such
85 meetings by interested parties, with enumerated exceptions designed
86 to protect the public's interest, the privacy of individuals, and
87 proprietary information, including trade secrets. The commission may
88 meet in closed session only after a majority of the membership votes to
89 close a meeting in whole or in part. As soon as practicable, the
90 commission shall make public a copy of the vote to close the meeting
91 revealing the vote of each member with no proxy votes allowed;

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

94 (5) Providing reasonable standards and procedures for the
95 establishment of the personnel policies and programs of the
96 commission. Notwithstanding any civil service or other similar laws of
97 any member state, the bylaws shall exclusively govern the personnel
98 policies and programs of the commission;

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

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

105 (8) Publishing its bylaws and file a copy thereof, and a copy of
106 any amendment thereto, with the appropriate agency or officer in each
107 of the member states, if any;

108 (9) Maintaining its financial records in accordance with the
109 bylaws; and

110 (10) Meeting and taking such actions as are consistent with the
111 provisions of this compact and the bylaws.

112 4. The commission shall have the following powers:

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

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

- 121 **(3) To purchase and maintain insurance and bonds;**
- 122 **(4) To borrow, accept, or contract for services of personnel**
123 **including, but not limited to, employees of a member state;**
- 124 **(5) To hire employees, elect or appoint officers, fix compensation,**
125 **define duties, grant such individuals appropriate authority to carry out**
126 **the purposes of the compact, and to establish the commission's**
127 **personnel policies and programs relating to conflicts of interest,**
128 **qualifications of personnel, and other related personnel matters;**
- 129 **(6) To accept any and all appropriate donations and grants of**
130 **money, equipment, supplies, materials, and services, and to receive,**
131 **utilize, and dispose of the same; provided that, at all times the**
132 **commission shall strive to avoid any appearance of impropriety and**
133 **conflict of interest;**
- 134 **(7) To lease, purchase, accept appropriate gifts or donations of,**
135 **or otherwise to own, hold, improve, or use any property, real, personal,**
136 **or mixed; provided that, at all times the commission shall strive to**
137 **avoid any appearance of impropriety;**
- 138 **(8) To sell, convey, mortgage, pledge, lease, exchange, abandon,**
139 **or otherwise dispose of any property, real, personal, or mixed;**
- 140 **(9) To establish a budget and make expenditures;**
- 141 **(10) To borrow money;**
- 142 **(11) To appoint committees, including advisory committees**
143 **comprised of members, state regulators, state legislators or their**
144 **representatives, consumer representatives, and such other interested**
145 **persons as may be designated in this compact and the bylaws;**
- 146 **(12) To provide and receive information from, and to cooperate**
147 **with, law enforcement agencies;**
- 148 **(13) To adopt and use an official seal; and**
- 149 **(14) To perform such other functions as may be necessary or**
150 **appropriate to achieve the purposes of this compact consistent with the**
151 **state regulation of EMS personnel licensure and practice.**
- 152 **5. (1) The commission shall pay, or provide for the payment of,**
153 **the reasonable expenses of its establishment, organization, and ongoing**
154 **activities.**
- 155 **(2) The commission may accept any and all appropriate revenue**
156 **sources, donations, and grants of money, equipment, supplies,**
157 **materials, and services.**

158 **(3) The commission may levy on and collect an annual**
159 **assessment from each member state or impose fees on other parties to**
160 **cover the cost of the operations and activities of the commission and its**
161 **staff, which shall be in a total amount sufficient to cover its annual**
162 **budget as approved each year for which revenue is not provided by**
163 **other sources. The aggregate annual assessment amount shall be**
164 **allocated based upon a formula to be determined by the commission,**
165 **which shall promulgate a rule binding upon all member states;**
166 **provided, that Missouri shall not be assessed more than ten thousand**
167 **dollars annually calculated and the assessment amount shall not**
168 **include an annual increase equivalent to the annual average of the**
169 **Consumer Price Index for All Urban Consumers for the United States**
170 **as reported by the Bureau of Labor Statistics, or its successor**
171 **index. Missouri shall not authorize an annual assessment above this**
172 **level.**

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

177 **(5) The commission shall keep accurate accounts of all receipts**
178 **and disbursements. The receipts and disbursements of the commission**
179 **shall be subject to the audit and accounting procedures established**
180 **under its bylaws. However, all receipts and disbursements of funds**
181 **handled by the commission shall be audited yearly by a certified or**
182 **licensed public accountant, and the report of the audit shall be**
183 **included in and become part of the annual report of the commission.**

184 **6. (1) The members, officers, executive director, employees, and**
185 **representatives of the commission shall be immune from suit and**
186 **liability, either personally or in their official capacity, for any claim,**
187 **damage to or loss of property, personal injury, or other civil liability**
188 **caused by or arising out of any actual or alleged act, error, or omission**
189 **that occurred or that the person against whom the claim is made had**
190 **a reasonable basis for believing occurred within the scope of**
191 **commission employment, duties, or responsibilities; provided that,**
192 **nothing in this subdivision shall be construed to protect any such**
193 **person from suit or liability for any damage, loss, injury, or liability**
194 **caused by the intentional, willful, or wanton misconduct of that person.**

195 **(2) The commission shall defend any member, officer, executive**
196 **director, employee, or representative of the commission in any civil**
197 **action seeking to impose liability arising out of any actual or alleged**
198 **act, error, or omission that occurred within the scope of commission**
199 **employment, duties, or responsibilities, or that the person against**
200 **whom the claim is made had a reasonable basis for believing occurred**
201 **within the scope of commission employment, duties, or responsibilities;**
202 **provided that, nothing herein shall be construed to prohibit that person**
203 **from retaining his or her own counsel; and provided further, that the**
204 **actual or alleged act, error, or omission did not result from that**
205 **person's intentional, willful, or wanton misconduct.**

206 **(3) The commission shall indemnify and hold harmless any**
207 **member, officer, executive director, employee, or representative of the**
208 **commission for the amount of any settlement or judgment obtained**
209 **against that person arising out of any actual or alleged act, error, or**
210 **omission that occurred within the scope of commission employment,**
211 **duties, or responsibilities, or that such person had a reasonable basis**
212 **for believing occurred within the scope of commission employment,**
213 **duties, or responsibilities; provided that, the actual or alleged act,**
214 **error, or omission did not result from the person's intentional, willful,**
215 **or wanton misconduct.**

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

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

- 9 **(1) Identifying information;**
- 10 **(2) Licensure data;**
- 11 **(3) Significant investigatory information;**
- 12 **(4) Adverse actions against an individual's license;**
- 13 **(5) An indicator that an individual's privilege to practice is**
14 **restricted, suspended, or revoked;**
- 15 **(6) Nonconfidential information related to alternative program**
16 **participation;**

17 **(7) Any denial of application for licensure and the reasons for**
18 **such denial; and**

19 **(8) Other information that may facilitate the administration of**
20 **this compact, as determined by the rules of the commission.**

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

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

27 **5. Any information submitted to the coordinated database that**
28 **is subsequently required to be expunged by the laws of the member**
29 **state contributing the information shall be removed from the**
30 **coordinated database.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

81 **13. The commission or an authorized committee of the**
82 **commission may direct revisions to a previously adopted rule or**
83 **amendment for purposes of correcting typographical errors, errors in**
84 **format, errors in consistency, or grammatical errors. Public notice of**
85 **any revisions shall be posted on the website of the commission. The**
86 **revision shall be subject to challenge by any person for a period of**
87 **thirty days after posting. The revision may be challenged only on**
88 **grounds that the revision results in a material change to a rule. A**
89 **challenge shall be made in writing and delivered to the chair of the**
90 **commission prior to the end of the notice period. If no challenge is**
91 **made, the revision shall take effect without further action. If the**
92 **revision is challenged, the revision may not take effect without the**
93 **approval of the commission.**

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

5 promulgated hereunder shall have standing as statutory law.

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

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

15 4. If the commission determines that a member state has
16 defaulted in the performance of its obligations or responsibilities under
17 this compact or the promulgated rules, the commission shall:

18 (1) Provide written notice to the defaulting state and other
19 member states of the nature of the default, the proposed means of
20 curing the default, or any other action to be taken by the commission;
21 and

22 (2) Provide remedial training and specific technical assistance
23 regarding the default.

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

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

35 7. A state that has been terminated is responsible for all
36 assessments, obligations, and liabilities incurred through the effective
37 date of termination, including obligations that extend beyond the
38 effective date of termination.

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

42 defaulting state.

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

48 10. Upon a request by a member state, the commission shall
49 attempt to resolve disputes related to the compact that arise among
50 member states and between member and nonmember states.

51 11. The commission shall promulgate a rule providing for both
52 mediation and binding dispute resolution for disputes as appropriate.

53 12. The commission, in the reasonable exercise of its discretion,
54 shall enforce the provisions and rules of this compact.

55 13. By majority vote, the commission may initiate legal action in
56 the United States District Court for the District of Columbia or the
57 federal district where the commission has its principal offices against
58 a member state in default to enforce compliance with the provisions of
59 the compact and its promulgated rules and bylaws. The relief sought
60 may include both injunctive relief and damages. In the event judicial
61 enforcement is necessary, the prevailing member shall be awarded all
62 costs of such litigation, including reasonable attorney's fees.

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

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

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

14 **3. Any member state may withdraw from this compact by**
15 **enacting a statute repealing the same.**

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

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

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

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

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

7 **2. The state advisory council on emergency medical services**
8 **established under section 190.101 shall review decisions of the**
9 **interstate commission for emergency medical services personnel**
10 **practice established under this compact and, upon approval by the**
11 **commission of any action that will have the result of increasing the cost**
12 **to the state of membership in the compact, the council may recommend**
13 **to the general assembly that the state withdraw from the compact.**

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

3 **(1) "Communicable disease", acquired immunodeficiency syndrome (AIDS),**
4 **cutaneous anthrax, hepatitis in any form, human immunodeficiency virus (HIV),**
5 **measles, meningococcal disease, mumps, pertussis, pneumonic plague, rubella,**
6 **severe acute respiratory syndrome (SARS-CoV), smallpox, tuberculosis, varicella**
7 **disease, vaccinia, viral hemorrhagic fevers, and other such diseases as the**
8 **department may define by rule or regulation;**

9 **(2) "Communicable disease tests", tests designed for detection of**

10 communicable diseases. Rapid testing of the source patient in accordance with
11 the Occupational Safety and Health Administration (OSHA) enforcement of the
12 Centers for Disease Control and Prevention (CDC) guidelines shall be
13 recommended;

14 (3) "Coroner or medical examiner", the same meaning as defined in
15 chapter 58;

16 (4) "Department", the Missouri department of health and senior services;

17 (5) "Designated infection control officer", the person or persons within the
18 entity or agency who are responsible for managing the infection control program
19 and for coordinating efforts surrounding the investigation of an exposure such as:

20 (a) Collecting, upon request, facts surrounding possible exposure of an
21 emergency care provider or Good Samaritan to a communicable disease;

22 (b) Contacting facilities that receive patients or clients of potentially
23 exposed emergency care providers or Good Samaritans to ascertain if a
24 determination has been made as to whether the patient or client has had a
25 communicable disease and to ascertain the results of that determination; and

26 (c) Notifying the emergency care provider or Good Samaritan as to
27 whether there is reason for concern regarding possible exposure;

28 (6) "Emergency care provider", a person who is serving as a licensed or
29 certified person trained to provide emergency and nonemergency medical care as
30 a first responder, emergency **medical** responder, [EMT-B, EMT-I, or EMT-P] **as**
31 **defined in section 190.100, emergency medical technician**, as defined in
32 section 190.100, firefighter, law enforcement officer, sheriff, deputy sheriff,
33 registered nurse, physician, medical helicopter pilot, or other certification or
34 licensure levels adopted by rule of the department;

35 (7) "Exposure", a specific eye, mouth, other mucous membrane, nonintact
36 skin, or parenteral contact with blood or other potentially infectious materials
37 that results from the performance of an employee's duties;

38 (8) "Good Samaritan", any person who renders emergency medical
39 assistance or aid within his or her level of training or skill until such time as he
40 or she is relieved of those duties by an emergency care provider;

41 (9) "Hospital", the same meaning as defined in section 197.020;

42 (10) "Source patient", any person who is sick or injured and requiring the
43 care or services of a Good Samaritan or emergency care provider, for whose blood
44 or other potentially infectious materials have resulted in exposure.

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

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

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

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

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

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

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

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

39 5. If a doctor, nurse, or other health care provider treating the

40 **pregnant offender in her third trimester or the postpartum offender**
41 **forty-eight hours postdelivery requests that restraints not be used, the**
42 **corrections officer accompanying such offender shall immediately**
43 **remove all restraints.**

44 **6. Pregnant offenders shall be transported in vehicles equipped**
45 **with seatbelts.**

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

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

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

59 **(2) Inform female offenders, in writing and orally, of any policies**
60 **and practices developed in accordance with this section upon**
61 **admission to the correctional center, including policies and practices**
62 **in any offender handbook, and post the policies and practices in**
63 **locations in the correctional center where such notices are commonly**
64 **posted and will be seen by female offenders, including common housing**
65 **areas and health care facilities.**

66 **9. The provisions of this section shall apply only to the**
67 **department of corrections.**

287.243. 1. This section shall be known and may be cited as the "Line of
2 Duty Compensation Act".

3 2. As used in this section, unless otherwise provided, the following words
4 shall mean:

5 (1) "Air ambulance pilot", a person certified as an air ambulance pilot in
6 accordance with sections 190.001 to 190.245 and corresponding regulations
7 applicable to air ambulances adopted by the department of health and senior
8 services[, division of regulation and licensure, 19 CSR 30-40.005, et seq.];

9 (2) "Air ambulance registered professional nurse", a person licensed as a

10 registered professional nurse in accordance with sections 335.011 to 335.096 and
11 corresponding regulations adopted by the state board of nursing, 20 CSR 2200-4,
12 et seq., who provides registered professional nursing services as a flight nurse in
13 conjunction with an air ambulance program that is certified in accordance with
14 sections 190.001 to 190.245 and the corresponding regulations applicable to such
15 programs;

16 (3) **"Air ambulance registered respiratory therapist", a person**
17 **licensed as a registered respiratory therapist in accordance with**
18 **sections 334.800 to 334.930 and corresponding regulations adopted by**
19 **the state board for respiratory care, who provides respiratory therapy**
20 **services in conjunction with an air ambulance program that is certified**
21 **in accordance with sections 190.001 to 190.245 and corresponding**
22 **regulations applicable to such programs;**

23 [(3)] (4) "Child", any natural, illegitimate, adopted, or posthumous child
24 or stepchild of a deceased [law enforcement officer, emergency medical technician,
25 air ambulance pilot, air ambulance registered professional nurse, or firefighter]
26 **public safety officer** who, at the time of the [law enforcement officer's,
27 emergency medical technician's, air ambulance pilot's, air ambulance registered
28 professional nurse's, or firefighter's] **public safety officer's** fatality is:

29 (a) Eighteen years of age or under;

30 (b) Over eighteen years of age and a student, as defined in 5 U.S.C.
31 Section 8101; or

32 (c) Over eighteen years of age and incapable of self-support because of
33 physical or mental disability;

34 [(4)] (5) "Emergency medical technician", a person licensed in emergency
35 medical care in accordance with standards prescribed by sections 190.001 to
36 190.245 and by rules adopted by the department of health and senior services
37 under sections 190.001 to 190.245;

38 [(5)] (6) "Firefighter", any person, including a volunteer firefighter,
39 employed by the state or a local governmental entity as an employer defined
40 under subsection 1 of section 287.030, or otherwise serving as a member or officer
41 of a fire department either for the purpose of the prevention or control of fire or
42 the underwater recovery of drowning victims;

43 (7) **"Flight crew member", an individual engaged in flight**
44 **responsibilities with an air ambulance licensed in accordance with**
45 **sections 190.001 to 190.245 and corresponding regulations applicable to**
46 **such programs;**

47 [(6)] (8) "Killed in the line of duty", when any person defined in this
48 section loses his or her life when:

49 (a) Death is caused by an accident or the willful act of violence of another;

50 (b) The [law enforcement officer, emergency medical technician, air
51 ambulance pilot, air ambulance registered professional nurse, or firefighter]
52 **public safety officer** is in the active performance of his or her duties in his or
53 her respective profession and there is a relationship between the accident or
54 commission of the act of violence and the performance of the duty, even if the
55 individual is off duty; the [law enforcement officer, emergency medical technician,
56 air ambulance pilot, air ambulance registered professional nurse, or firefighter]
57 **public safety officer** is traveling to or from employment; or the [law
58 enforcement officer, emergency medical technician, air ambulance pilot, air
59 ambulance registered professional nurse, or firefighter] **public safety officer**
60 is taking any meal break or other break which takes place while that individual
61 is on duty;

62 (c) Death is the natural and probable consequence of the injury; and

63 (d) Death occurs within three hundred weeks from the date the injury was
64 received.

65 The term excludes death resulting from the willful misconduct or intoxication of
66 the [law enforcement officer, emergency medical technician, air ambulance pilot,
67 air ambulance registered professional nurse, or firefighter] **public safety**
68 **officer**. The division of workers' compensation shall have the burden of proving
69 such willful misconduct or intoxication;

70 [(7)] (9) "Law enforcement officer", any person employed by the state or
71 a local governmental entity as a police officer, peace officer certified under
72 chapter 590, or serving as an auxiliary police officer or in some like position
73 involving the enforcement of the law and protection of the public interest at the
74 risk of that person's life;

75 [(8)] (10) "Local governmental entity", includes counties, municipalities,
76 townships, board or other political subdivision, cities under special charter, or
77 under the commission form of government, fire protection districts, ambulance
78 districts, and municipal corporations;

79 (11) "**Public safety officer**", any law enforcement officer,
80 **firefighter, uniformed employee of the office of the state fire marshal,**
81 **emergency medical technician, police officer, capitol police officer,**
82 **parole officer, probation officer, state correctional employee, water**
83 **safety officer, park ranger, conservation officer, or highway patrolman**

84 **employed by the state of Missouri or a political subdivision thereof who**
85 **is killed in the line of duty or any emergency medical technician, air**
86 **ambulance pilot, air ambulance registered professional nurse, air**
87 **ambulance registered respiratory therapist, or flight crew member who**
88 **is killed in the line of duty;**

89 [(9)] **(12)** "State", the state of Missouri and its departments, divisions,
90 boards, bureaus, commissions, authorities, and colleges and universities;

91 [(10)] **(13)** "Volunteer firefighter", a person having principal employment
92 other than as a firefighter, but who is carried on the rolls of a regularly
93 constituted fire department either for the purpose of the prevention or control of
94 fire or the underwater recovery of drowning victims, the members of which are
95 under the jurisdiction of the corporate authorities of a city, village, incorporated
96 town, or fire protection district. Volunteer firefighter shall not mean an
97 individual who volunteers assistance without being regularly enrolled as a
98 firefighter.

99 3. (1) A claim for compensation under this section shall be filed by
100 survivors of the deceased with the division of workers' compensation not later
101 than one year from the date of death of a [law enforcement officer, emergency
102 medical technician, air ambulance pilot, air ambulance registered professional
103 nurse, or firefighter] **public safety officer**. If a claim is made within one year
104 of the date of death of a [law enforcement officer, emergency medical technician,
105 air ambulance pilot, air ambulance registered professional nurse, or firefighter]
106 **public safety officer** killed in the line of duty, compensation shall be paid, if
107 the division finds that the claimant is entitled to compensation under this section.

108 (2) The amount of compensation paid to the claimant shall be twenty-five
109 thousand dollars, subject to appropriation, for death occurring on or after June
110 19, 2009.

111 4. Any compensation awarded under the provisions of this section shall
112 be distributed as follows:

113 (1) To the surviving spouse of the [law enforcement officer, emergency
114 medical technician, air ambulance pilot, air ambulance registered professional
115 nurse, or firefighter] **public safety officer** if there is no child who survived the
116 [law enforcement officer, emergency medical technician, air ambulance pilot, air
117 ambulance registered professional nurse, or firefighter] **public safety officer**;

118 (2) Fifty percent to the surviving child, or children, in equal shares, and
119 fifty percent to the surviving spouse if there is at least one child who survived the
120 [law enforcement officer, emergency medical technician, air ambulance pilot, air

121 ambulance registered professional nurse, or firefighter] **public safety officer**,
122 and a surviving spouse of the [law enforcement officer, emergency medical
123 technician, air ambulance pilot, air ambulance registered professional nurse, or
124 firefighter] **public safety officer**;

125 (3) To the surviving child, or children, in equal shares, if there is no
126 surviving spouse of the [law enforcement officer, emergency medical technician,
127 air ambulance pilot, air ambulance registered professional nurse, or firefighter]
128 **public safety officer**;

129 (4) If there is no surviving spouse of the [law enforcement officer,
130 emergency medical technician, air ambulance pilot, air ambulance registered
131 professional nurse, or firefighter] **public safety officer** and no surviving child:

132 (a) To the surviving individual, or individuals, in shares per the
133 designation or, otherwise, in equal shares, designated by the [law enforcement
134 officer, emergency medical technician, air ambulance pilot, air ambulance
135 registered professional nurse, or firefighter] **public safety officer** to receive
136 benefits under this subsection in the most recently executed designation of
137 beneficiary of the [law enforcement officer, emergency medical technician, air
138 ambulance pilot, air ambulance registered professional nurse, or firefighter]
139 **public safety officer** on file at the time of death with the public safety agency,
140 organization, or unit; or

141 (b) To the surviving individual, or individuals, in equal shares, designated
142 by the [law enforcement officer, emergency medical technician, air ambulance
143 pilot, air ambulance registered professional nurse, or firefighter] **public safety**
144 **officer** to receive benefits under the most recently executed life insurance policy
145 of the [law enforcement officer, emergency medical technician, air ambulance
146 pilot, air ambulance registered professional nurse, or firefighter] **public safety**
147 **officer** on file at the time of death with the public safety agency, organization,
148 or unit if there is no individual qualifying under paragraph (a);

149 (5) To the surviving parent, or parents, in equal shares, of the [law
150 enforcement officer, emergency medical technician, air ambulance pilot, air
151 ambulance registered professional nurse, or firefighter] **public safety officer**
152 if there is no individual qualifying under subdivision (1), (2), (3), or (4) of this
153 subsection; or

154 (6) To the surviving individual, or individuals, in equal shares, who would
155 qualify under the definition of the term "child" but for age if there is no
156 individual qualifying under subdivision (1), (2), (3), (4), or (5) of this subsection.

157 5. Notwithstanding subsection 3 of this section, no compensation is

158 payable under this section unless a claim is filed within the time specified under
159 this section setting forth:

160 (1) The name, address, and title or designation of the position in which
161 the [law enforcement officer, emergency medical technician, air ambulance pilot,
162 air ambulance registered professional nurse, or firefighter] **public safety**
163 **officer** was serving at the time of his or her death;

164 (2) The name and address of the claimant;

165 (3) A full, factual account of the circumstances resulting in or the course
166 of events causing the death at issue; and

167 (4) Such other information that is reasonably required by the division.

168 When a claim is filed, the division of workers' compensation shall make an
169 investigation for substantiation of matters set forth in the application.

170 6. The compensation provided for under this section is in addition to, and
171 not exclusive of, any pension rights, death benefits, or other compensation the
172 claimant may otherwise be entitled to by law.

173 7. Neither employers nor workers' compensation insurers shall have
174 subrogation rights against any compensation awarded for claims under this
175 section. Such compensation shall not be assignable, shall be exempt from
176 attachment, garnishment, and execution, and shall not be subject to setoff or
177 counterclaim, or be in any way liable for any debt, except that the division or
178 commission may allow as lien on the compensation, reasonable attorney's fees for
179 services in connection with the proceedings for compensation if the services are
180 found to be necessary. Such fees are subject to regulation as set forth in section
181 287.260.

182 8. Any person seeking compensation under this section who is aggrieved
183 by the decision of the division of workers' compensation regarding his or her
184 compensation claim, may make application for a hearing as provided in section
185 287.450. The procedures applicable to the processing of such hearings and
186 determinations shall be those established by this chapter. Decisions of the
187 administrative law judge under this section shall be binding, subject to review by
188 either party under the provisions of section 287.480.

189 9. Pursuant to section 23.253 of the Missouri sunset act:

190 (1) The provisions of the new program authorized under this section shall
191 automatically sunset six years after June 19, 2019, unless reauthorized by an act
192 of the general assembly; and

193 (2) If such program is reauthorized, the program authorized under this
194 section shall automatically sunset twelve years after the effective date of the

195 reauthorization of this section; and

196 (3) This section shall terminate on September first of the calendar year
197 immediately following the calendar year in which the program authorized under
198 this section is sunset.

199 10. The provisions of this section, unless specified, shall not be subject to
200 other provisions of this chapter.

201 11. There is hereby created in the state treasury the "Line of Duty
202 Compensation Fund", which shall consist of moneys appropriated to the fund and
203 any voluntary contributions, gifts, or bequests to the fund. The state treasurer
204 shall be custodian of the fund and shall approve disbursements from the fund in
205 accordance with sections 30.170 and 30.180. Upon appropriation, money in the
206 fund shall be used solely for paying claims under this section. Notwithstanding
207 the provisions of section 33.080 to the contrary, any moneys remaining in the
208 fund at the end of the biennium shall not revert to the credit of the general
209 revenue fund. The state treasurer shall invest moneys in the fund in the same
210 manner as other funds are invested. Any interest and moneys earned on such
211 investments shall be credited to the fund.

212 12. The division shall promulgate rules to administer this section,
213 including but not limited to the appointment of claims to multiple claimants,
214 record retention, and procedures for information requests. Any rule or portion
215 of a rule, as that term is defined in section 536.010, that is created under the
216 authority delegated in this section shall become effective only if it complies with
217 and is subject to all of the provisions of chapter 536 and, if applicable, section
218 536.028. This section and chapter 536 are nonseverable and if any of the powers
219 vested with the general assembly under chapter 536 to review, to delay the
220 effective date, or to disapprove and annul a rule are subsequently held
221 unconstitutional, then the grant of rulemaking authority and any rule proposed
222 or adopted after June 19, 2009, shall be invalid and void.

320.086. 1. Nothing contained in sections 320.081 to 320.086 shall allow
2 access to records otherwise closed under sections 610.100 to 610.105[, RSMo
3 Supp. 1982].

4 2. Nothing contained in sections 320.081 to 320.086 shall restrict or waive
5 the attorney-client privilege.

6 **3. The portion of a record that is individually identifiable health**
7 **information, as defined by the Health Insurance Portability and**
8 **Accountability Act of 1996 (HIPAA), P.L. 104-191, as amended, may be**
9 **closed records, as provided under sections 610.100 to 610.105, if**

10 **maintained by fire departments and fire protection**
11 **districts. Notwithstanding the foregoing, all fire departments and fire**
12 **protection districts shall produce for every call to the department or**
13 **district an "incident report", as defined in section 610.100, that shall**
14 **include the date, time, specific location, and name of the owner of the**
15 **specific location or any vehicle involved in the incident, if known. All**
16 **incident reports shall be open records under section 610.100.**

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

19 2. In the event, however, that any such real property was tax exempt
20 immediately prior to ownership by any urban redevelopment corporation, such
21 assessor or assessors shall, upon acquisition of title thereto by the urban
22 redevelopment corporation, promptly assess such land, exclusive of improvements,
23 at such valuation as shall conform to but not exceed the assessed valuation made
24 during the preceding calendar year of other land, exclusive of improvements,
25 adjacent thereto or in the same general neighborhood, and the amount of such
26 assessed valuation shall not be increased during the period set pursuant to
27 subsection 1 of this section so long as the real property is owned by an urban
28 redevelopment corporation and used in accordance with a development plan
29 authorized by the legislative authority of such cities. For the next ensuing period
30 not in excess of fifteen years, ad valorem taxes upon such real property shall be

31 measured by the assessed valuation thereof as determined by such assessor or
32 assessors upon the basis of not to exceed fifty percent of the true value of such
33 real property, including any improvements thereon, nor shall such valuations be
34 increased above fifty percent of the true value of such real property from year to
35 year during such next ensuing period so long as the real property is owned by an
36 urban redevelopment corporation and used in accordance with an authorized
37 development plan. After a period totaling not more than twenty-five years, such
38 real property shall be subject to assessment and payment of all ad valorem taxes,
39 based on the full true value of the real property; provided, that after the
40 completion of the redevelopment project, as authorized by law or ordinance
41 whenever any urban redevelopment corporation shall elect to pay full taxes, or
42 at the expiration of the period, such real property shall be owned and operated
43 free from any of the conditions, restrictions or provisions of this chapter, and of
44 any ordinance, rule or regulation adopted pursuant thereto, any other law
45 limiting the right of domestic and foreign insurance companies to own and
46 operate real estate to the contrary notwithstanding.

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

49 (1) Furnishes each political subdivision whose boundaries for ad valorem
50 taxation purposes include any portion of the real property to be affected by such
51 tax abatement or exemption with a written statement of the impact on ad valorem
52 taxes such tax abatement or exemption will have on such political subdivisions
53 and written notice of the hearing to be held in accordance with subdivision (2) of
54 this subsection. The written statement and notice required by this subdivision
55 shall be furnished as provided by local ordinance before the hearing and shall
56 include, but need not be limited to, an estimate of the amount of ad valorem tax
57 revenues of each political subdivision which will be affected by the proposed tax
58 abatement or exemption, based on the estimated assessed valuation of the real
59 property involved as such property would exist before and after it is redeveloped;

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

64 (3) Enacts an ordinance which provides for expiration of development
65 rights, including the rights of eminent domain and tax abatement, in the event
66 of failure of the urban redevelopment corporation to acquire ownership of
67 property within the area of the development plan. Such ordinance shall provide

68 for a duration of time within which such property must be acquired, and may
69 allow for acquisition of property under the plan in phases.

70 4. **(1)** Notwithstanding any other provision of law to the contrary,
71 payments in lieu of taxes may be imposed by contract between a city and an
72 urban redevelopment corporation which receives tax abatement or exemption on
73 property pursuant to this section. Such payments shall be made to the collector
74 of revenue of the county or city not within a county by December thirty-first of
75 each year payments are due. The governing body of the city shall furnish the
76 collector a copy of any such contract requiring payment in lieu of taxes. The
77 collector shall allocate all revenues received from such payment in lieu of taxes
78 among all taxing authorities whose property tax revenues are affected by the
79 exemption or abatement on the same pro rata basis and in the same manner as
80 the ad valorem property tax revenues received by each taxing authority from such
81 property in the year such payments are due.

82 **(2) (a) The provisions of subsection 1 of this section and**
83 **subdivision (1) of this subsection notwithstanding, beginning August 28,**
84 **2018, any district or county imposing a property tax for the purposes**
85 **of providing emergency services under chapter 190 or 321 shall be**
86 **entitled to be reimbursed in an amount that is at least fifty percent but**
87 **not more than one hundred percent of the amount of ad valorem**
88 **property tax revenues that the district or county would have received**
89 **in the absence of the tax abatement or exemption provided under this**
90 **section.**

91 **(b) An ambulance district board operating under chapter 190, a**
92 **fire protection district board operating under chapter 321, or the**
93 **governing body of a county operating a 911 center providing emergency**
94 **or dispatch services under chapter 190 or chapter 321 shall annually set**
95 **the reimbursement rate under paragraph (a) of this subdivision prior**
96 **to the time the assessment is determined by the assessor of the county**
97 **in which such district is located, or, if not located within a county, then**
98 **the assessor of such city. If the development plan or redevelopment**
99 **project is amended by ordinance or by any other means after August 28,**
100 **2018, the ambulance or fire protection district board shall have the**
101 **right to recalculate the reimbursement rate under this subdivision.**

102 5. The provisions of subsection 3 of this section shall not apply to any
103 amendment or future amendment to a phased development plan approved by the
104 governing body of the city prior to the effective date of the provisions of

105 subsection 3 of this section and upon which construction has been in progress
106 pursuant to such phased plan.

577.029. A licensed physician, registered nurse, phlebotomist, or trained
2 medical technician, acting at the request and direction of the law enforcement
3 officer **under section 577.020**, shall, **with the consent of the patient or a**
4 **warrant issued by a court of competent jurisdiction**, withdraw blood for
5 the purpose of determining the alcohol content of the blood, unless such medical
6 personnel, in his or her good faith medical judgment, believes such procedure
7 would endanger the life or health of the person in custody. Blood may be
8 withdrawn only by such medical personnel, but such restriction shall not apply
9 to the taking of a breath test, a saliva specimen, or a urine specimen. In
10 withdrawing blood for the purpose of determining the alcohol content thereof,
11 only a previously unused and sterile needle and sterile vessel shall be utilized
12 and the withdrawal shall otherwise be in strict accord with accepted medical
13 practices. Upon the request of the person who is tested, full information
14 concerning the test taken at the direction of the law enforcement officer shall be
15 made available to him or her.

590.1040. 1. For purposes of this section, the following terms
2 mean:

3 (1) "Emergency services personnel", any employee or volunteer
4 of an emergency services provider who is engaged in providing or
5 supporting fire fighting, dispatching services, and emergency medical
6 services;

7 (2) "Emergency services provider", any public employer, or
8 ground or air ambulance service as those terms are used in chapter
9 190, that employs persons to provide fire fighting, dispatching services,
10 and emergency medical services;

11 (3) "Employee assistance program", a program established by a
12 law enforcement agency or emergency services provider to provide
13 professional counseling or support services to employees of a law
14 enforcement agency, emergency services provider, or a professional
15 mental health provider associated with a peer support team;

16 (4) "Law enforcement agency", any public agency that employs
17 law enforcement personnel;

18 (5) "Law enforcement personnel", any person who, by virtue of
19 office or public employment, is vested by law with a duty to maintain
20 public order or to make arrests for violation of the laws of the state of

21 Missouri or ordinances of any municipality thereof, or with a duty to
22 maintain or assert custody or supervision over persons accused or
23 convicted of a crime, while acting within the scope of his or her
24 authority as an employee or volunteer of a law enforcement agency;

25 (6) "Peer support counseling session", any session conducted by
26 a peer support specialist that is called or requested in response to a
27 critical incident or traumatic event involving the personnel of the law
28 enforcement agency or emergency services provider;

29 (7) "Peer support specialist", a person who:

30 (a) Is designated by a law enforcement agency, emergency
31 services provider, employee assistance program, or peer support team
32 leader to lead, moderate, or assist in a peer support counseling session;

33 (b) Is a member of a peer support team; and

34 (c) Has received training in counseling and providing emotional
35 and moral support to law enforcement officers or emergency services
36 personnel who have been involved in emotionally traumatic incidents
37 by reason of his or her employment;

38 (8) "Peer support team", a group of peer support specialists
39 serving one or more law enforcement providers or emergency services
40 providers.

41 2. Any communication made by a participant or peer support
42 specialist in a peer support counseling session, and any oral or written
43 information conveyed in or as the result of a peer support counseling
44 session, are confidential and may not be disclosed by any person
45 participating in the peer support counseling session.

46 3. Any communication relating to a peer support counseling
47 session that is made between peer support specialists, between peer
48 support specialists and the supervisors or staff of an employee
49 assistance program, or between the supervisors or staff of an employee
50 assistance program is confidential and may not be disclosed.

51 4. The provisions of this section shall apply only to peer support
52 counseling sessions conducted by a peer support specialist.

53 5. The provisions of this section shall apply to all oral
54 communications, notes, records, and reports arising out of a peer
55 support counseling session. Any notes, records, or reports arising out
56 of a peer support counseling session shall not be public records and
57 shall not be subject to the provisions of chapter 610. Nothing in this

58 section limits the discovery or introduction into evidence of knowledge
59 acquired by any law enforcement personnel or emergency services
60 personnel from observation made during the course of employment, or
61 material or information acquired during the course of employment, that
62 is otherwise subject to discovery or introduction into evidence.

63 **6. The provisions of this section shall not apply to any:**

64 **(1) Threat of suicide or criminal act made by a participant in a**
65 **peer support counseling session, or any information conveyed in a peer**
66 **support counseling session relating to a threat of suicide or criminal**
67 **act;**

68 **(2) Information relating to abuse of spouses, children, or the**
69 **elderly, or other information that is required to be reported by law;**

70 **(3) Admission of criminal conduct;**

71 **(4) Disclosure of testimony by a participant who received peer**
72 **support counseling services and expressly consented to such disclosure;**
73 **or**

74 **(5) Disclosure of testimony by the surviving spouse or executor**
75 **or administrator of the estate of a deceased participant who received**
76 **peer support counseling services and such surviving spouse or executor**
77 **or administrator expressly consented to such disclosure.**

78 **7. The provisions of this section shall not prohibit any**
79 **communications between peer support specialists who conduct peer**
80 **support counseling sessions or any communications between peer**
81 **support specialists and the supervisors or staff of an employee**
82 **assistance program.**

83 **8. The provisions of this section shall not prohibit**
84 **communications regarding fitness of an employee for duty between an**
85 **employee assistance program and an employer.**

✓