

SECOND REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 2102

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JUSTUS.

5701H.01P

D. ADAM CRUMBLISS, ChiefClerk

AN ACT

To repeal sections 190.103 and 190.335, RSMo, and to enact in lieu thereof two new sections relating to oversight of emergency services.

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

Section A. Sections 190.103 and 190.335, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 190.103 and 190.335, to read as follows:

190.103. 1. One physician with expertise in emergency medical services from each of the EMS regions shall be elected by that region's EMS medical directors to serve as a regional EMS medical director. The regional EMS medical directors shall constitute the state EMS medical director's advisory committee and shall advise the department and their region's ambulance services on matters relating to medical control and medical direction in accordance with sections 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to 190.245. **The state EMS medical director shall be the chair of the state EMS medical director's advisory committee.**

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

3. The medical director, in cooperation with the ambulance service or emergency medical response agency administrator, shall have the responsibility and the authority to ensure

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

16 that the personnel working under their supervision are able to provide care meeting established
17 standards of care with consideration for state and national standards as well as local area needs
18 and resources. The medical director, in cooperation with the ambulance service or emergency
19 medical response agency administrator, shall establish and develop triage, treatment and
20 transport protocols, which may include authorization for standing orders.

21 4. All ambulance services and emergency medical response agencies that are required
22 to have a medical director shall establish an agreement between the service or agency and their
23 medical director. The agreement will include the roles, responsibilities and authority of the
24 medical director beyond what is granted in accordance with sections 190.001 to 190.245 and
25 rules adopted by the department pursuant to sections 190.001 to 190.245. The agreement shall
26 also include grievance procedures regarding the emergency medical response agency or
27 ambulance service, personnel and the medical director.

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

31 **6. The state EMS medical director's advisory committee shall be considered a peer**
32 **review committee under section 537.035 and regional EMS medical directors shall be**
33 **eligible to participate in the Missouri Patient Safety Organization as provided under the**
34 **Patient Safety and Quality Improvement Act of 2005, 42 U.S.C. section 299 et seq, as**
35 **amended.**

36 **7. Regional EMS medical directors may act to provide online telecommunication**
37 **medical direction to EMT-Bs, EMT-Is, EMT-Ps, and community paramedics and provide**
38 **offline medical direction per standardized treatment, triage, and transport protocols when**
39 **EMS personnel, including EMT-Bs, EMT-Is, or EMT-Ps community paramedics, are**
40 **providing care to special needs patients or at the request of a local EMS agency or medical**
41 **director.**

42 **8. When developing treatment protocols for special needs patients, regional EMS**
43 **medical directors may promulgate such protocols on a regional basis across multiple**
44 **political subdivisions' jurisdictional boundaries and such protocols may be used by**
45 **multiple agencies including, but not limited to, ambulance services, emergency response**
46 **agencies, and public health departments.**

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

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

54 **11. Notwithstanding any other provision of law, when regional EMS medical**
55 **directors are providing either online telecommunication medical direction to EMT-Bs,**
56 **EMT-Is, EMT-Ps, and community paramedics, or offline medical direction per**
57 **standardized EMS treatment, triage, and transport protocols for patients, those medical**
58 **directions or treatment protocols may include the administration of the patient's own**
59 **prescription medications.**

190.335. 1. In lieu of the tax levy authorized under section 190.305 for emergency
2 telephone services, the county commission of any county may impose a county sales tax for the
3 provision of central dispatching of fire protection, including law enforcement agencies,
4 emergency ambulance service or any other emergency services, including emergency telephone
5 services, which shall be collectively referred to herein as "emergency services", and which may
6 also include the purchase and maintenance of communications and emergency equipment,
7 including the operational costs associated therein, in accordance with the provisions of this
8 section.

9 2. Such county commission may, by a majority vote of its members, submit to the voters
10 of the county, at a public election, a proposal to authorize the county commission to impose a
11 tax under the provisions of this section. If the residents of the county present a petition signed
12 by a number of residents equal to ten percent of those in the county who voted in the most recent
13 gubernatorial election, then the commission shall submit such a proposal to the voters of the
14 county.

15 3. The ballot of submission shall be in substantially the following form:

16 Shall the county of (insert name of county) impose a county sales tax of
17 (insert rate of percent) percent for the purpose of providing central dispatching of fire protection,
18 emergency ambulance service, including emergency telephone services, and other emergency
19 services?

20 YES NO

21

22 If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor
23 of the proposal, then the ordinance shall be in effect as provided herein. If a majority of the votes
24 cast by the qualified voters voting are opposed to the proposal, then the county commission shall
25 have no power to impose the tax authorized by this section unless and until the county
26 commission shall again have submitted another proposal to authorize the county commission to

27 impose the tax under the provisions of this section, and such proposal is approved by a majority
28 of the qualified voters voting thereon.

29 4. The sales tax may be imposed at a rate not to exceed one percent on the receipts from
30 the sale at retail of all tangible personal property or taxable services at retail within any county
31 adopting such tax, if such property and services are subject to taxation by the state of Missouri
32 under the provisions of sections 144.010 to 144.525. The sales tax shall not be collected prior
33 to thirty-six months before operation of the central dispatching of emergency services.

34 5. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall
35 apply to the tax imposed under this section.

36 6. Any tax imposed pursuant to section 190.305 shall terminate at the end of the tax year
37 in which the tax imposed pursuant to this section for emergency services is certified by the board
38 to be fully operational. Any revenues collected from the tax authorized under section 190.305
39 shall be credited for the purposes for which they were intended.

40 7. At least once each calendar year, the board shall establish a tax rate, not to exceed the
41 amount authorized, that together with any surplus revenues carried forward will produce
42 sufficient revenues to fund the expenditures authorized by this act. Amounts collected in excess
43 of that necessary within a given year shall be carried forward to subsequent years. The board
44 shall make its determination of such tax rate each year no later than September first and shall fix
45 the new rate which shall be collected as provided in this act. Immediately upon making its
46 determination and fixing the rate, the board shall publish in its minutes the new rate, and it shall
47 notify every retailer by mail of the new rate.

48 8. Immediately upon the affirmative vote of voters of such a county on the ballot
49 proposal to establish a county sales tax pursuant to the provisions of this section, the county
50 commission shall appoint the initial members of a board to administer the funds and oversee the
51 provision of emergency services in the county. Beginning with the general election in 1994, all
52 board members shall be elected according to this section and other applicable laws of this state.
53 At the time of the appointment of the initial members of the board, the commission shall
54 relinquish and no longer exercise the duties prescribed in this chapter with regard to the
55 provision of emergency services and such duties shall be exercised by the board.

56 9. The initial board shall consist of seven members appointed without regard to political
57 affiliation, who shall be selected from, and who shall represent, the fire protection districts,
58 ambulance districts, sheriff's department, municipalities, any other emergency services and the
59 general public. This initial board shall serve until its successor board is duly elected and
60 installed in office. The commission shall ensure geographic representation of the county by
61 appointing no more than four members from each district of the county commission.

62 10. Beginning in 1994, three members shall be elected from each district of the county
63 commission and one member shall be elected at large, such member to be the chairman of the
64 board. Of those first elected, four members from districts of the county commission shall be
65 elected for terms of two years and two members from districts of the county commission and the
66 member at large shall be elected for terms of four years. In 1996, and thereafter, all terms of
67 office shall be four years. Notwithstanding any other provision of law, if there is no candidate
68 for an open position on the board, then no election shall be held for that position and it shall be
69 considered vacant, to be filled pursuant to the provisions of section 190.339, and, if there is only
70 one candidate for each open position, no election shall be held and the candidate or candidates
71 shall assume office at the same time and in the same manner as if elected.

72 11. Notwithstanding the provisions of subsections 8 to 10 of this section to the contrary,
73 in any county of the first classification with more than two hundred forty thousand three hundred
74 but fewer than two hundred forty thousand four hundred inhabitants, any emergency telephone
75 service 911 board appointed by the county under section 190.309 which is in existence on the
76 date the voters approve a sales tax under this section shall continue to exist and shall have the
77 powers set forth under section 190.339. Such boards which existed prior to August 25, 2010,
78 shall not be considered a body corporate and a political subdivision of the state for any purpose,
79 unless and until an order is entered upon an unanimous vote of the commissioners of the county
80 in which such board is established reclassifying such board as a corporate body and political
81 subdivision of the state. The order shall approve the transfer of the assets and liabilities related
82 to the operation of the emergency service 911 system to the new entity created by the
83 reclassification of the board.

84 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this section to the
85 contrary, in any county of the second classification with more than fifty-four thousand two
86 hundred but fewer than fifty-four thousand three hundred inhabitants or any county of the first
87 classification with more than fifty thousand but fewer than seventy thousand inhabitants that has
88 approved a sales tax under this section, the county commission shall appoint the members of the
89 board to administer the funds and oversee the provision of emergency services in the county.

90 (2) The board shall consist of seven members appointed without regard to political
91 affiliation. Except as provided in subdivision (4) of this subsection, each member shall be one
92 of the following:

- 93 (a) The head of any of the county's fire protection districts, or a designee;
- 94 (b) The head of any of the county's ambulance districts, or a designee;
- 95 (c) The county sheriff, or a designee;
- 96 (d) The head of any of the police departments in the county, or a designee; and
- 97 (e) The head of any of the county's emergency management organizations, or a designee.

98 (3) Upon the appointment of the board under this subsection, the board shall have the
99 power provided in section 190.339 and shall exercise all powers and duties exercised by the
100 county commission under this chapter, and the commission shall relinquish all powers and duties
101 relating to the provision of emergency services under this chapter to the board.

102 (4) In any county of the first classification with more than fifty thousand but fewer than
103 seventy thousand inhabitants, each of the entities listed in subdivision (2) of this subsection shall
104 be represented on the board by [at least] one member, **and two members shall be residents of**
105 **the county not affiliated with any of the entities listed in subdivision (2) of this subsection**
106 **and shall be known as "public members".**

107 (5) **In any county with more than fifty thousand but fewer than seventy thousand**
108 **inhabitants and with a county seat with more than two thousand one hundred, but fewer**
109 **than two thousand four hundred inhabitants, the entities listed in subdivision (2) of this**
110 **subsection shall be represented by one member, and two members shall be residents of the**
111 **county not affiliated with any of the entities listed in subdivision (2) of this section and shall**
112 **be known as public members.**

✓