

SECOND REGULAR SESSION

SENATE BILL NO. 1230

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GIBBONS.

Read 1st time February 27, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4897S.011

AN ACT

To repeal sections 190.101, 190.102, 190.108 and 190.120, RSMo, relating to emergency services, and to enact in lieu thereof five new sections relating to the same subject.

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

Section A. Sections 190.101, 190.102, 190.108 and 190.120, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 190.101, 190.102, 190.108, 190.120 and 190.122, to read as follows:

190.101. 1. There is hereby established a "State Advisory Council on Emergency Medical Services" which shall consist of fifteen members. The members of the council shall be appointed by the governor with the advice and consent of the senate and shall serve terms of four years. The governor shall designate one of the members as chairperson. The chairperson may appoint subcommittees that include noncouncil members.

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

3. The council shall have geographical representation and representation from appropriate areas of expertise in emergency medical services including volunteers, professional organizations involved in emergency medical services, EMT's, paramedics, nurses, firefighters, **air ambulance**, physicians, ambulance service administrators, hospital administrators and other health care providers concerned with emergency medical services. The regional EMS advisory committees shall serve as a resource for the identification of potential members of the state advisory council on emergency medical services.

4. The members of the council and subcommittees shall serve without compensation

except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the council.

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

190.102. 1. The department shall designate through regulation EMS regions and committees. The purpose of the regional EMS advisory committees is to advise and make recommendations to the region and the department on:

- (1) Coordination of emergency resources in the region;
- (2) Improvement of public and professional education;
- (3) Cooperative research endeavors;
- (4) Development of standards, protocols and policies; and
- (5) Voluntary multiagency quality improvement committee and process.

2. The members of the committees shall serve without compensation except that the department of health and senior services shall budget for reasonable travel expenses and meeting expenses related to the functions of the committees.

3. The director will appoint personnel to no less than six regional EMS committees from recommendations provided by recognized professional organizations. Appointments will be for four years with individuals serving until reappointed or replaced. **At least one member of each regional EMS committee shall be associated with an air ambulance service, which is accredited by a nationally recognized air ambulance accrediting organization.**

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

2. The department shall have the authority and responsibility to license an air ambulance service in accordance with sections 190.001 to 190.245, and in accordance with rules adopted by the department pursuant to sections 190.001 to 190.245. The department may promulgate rules relating to the requirements for an air ambulance license including, but not limited to:

- (1) Medical control plans;
- (2) Medical director qualifications;
- (3) Air medical staff qualifications;
- (4) Response and operations standards to assure that the health and safety needs of the public are met;

- (5) Standards for air medical communications;
- (6) Criteria for compliance with licensure requirements;
- (7) Records and forms;
- (8) Equipment requirements;
- (9) Five-year license renewal;
- (10) Quality improvement committees; and
- (11) Response time, patient care and transportation standards.

3. Application for an air ambulance service license shall be made upon such forms as prescribed by the department in rules adopted pursuant to sections 190.001 to 190.245. The application form shall contain such information as the department deems necessary to make a determination as to whether the air ambulance service meets all the requirements of sections 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to 190.245.

4. Prior to the first day of January of the year 2003, the department shall, by rule and regulation, select a nationally recognized aeromedical transport accreditation organization that has requirements that are substantially equal to or superior to the Commission on Accreditation of Medical Transport Services. By rule and regulation, the department shall determine reasonably expeditious criterion that shall not exceed two years, for air ambulance services to demonstrate that they are seeking accreditation by the selected nationally recognized aeromedical transport accreditation organization. After the first day of June of the year 2003, no air ambulance provider shall be eligible for or receive Medicaid reimbursement, receive or renew an air ambulance license unless it has demonstrated to the department that it is accredited or seeking accreditation by a select nationally recognized aeromedical transport accreditation organization.

5. By rule and regulation the department shall determine what provisions of sections 190.001 to 190.245 are substantially met by accreditation pursuant to subsection 4 of this section and waive said provisions for accredited air ambulance providers. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be invalid and void.

190.120. 1. **Each licensed air ambulance provider shall carry a minimum of fifty million dollars in general liability insurance, which shall include specific coverage for**

damage to buildings caused by the impact of aircraft.

2. No ambulance service license shall be issued pursuant to sections 190.001 to 190.245, nor shall such license be valid after issuance, nor shall any ambulance be operated in Missouri unless there is at all times in force and effect insurance coverage issued by an insurance company for each and every ambulance owned or operated by or for the applicant or licensee, or unless any city not within a county which owns or operates the license has at all times sufficient self-insurance coverage to provide for the payment of damages in an amount as prescribed in regulation:

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

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

[2.] 3. The insurance policy, or in the case of a self-insured city not within a county, proof of self-insurance, shall be submitted by all licensees required to provide such insurance pursuant to sections 190.001 to 190.245. The insurance policy, or proof of the existence of self-insurance of a city not within a county, shall be submitted to the director, in such form as the director may specify, for the director's approval prior to the issuance of each ambulance service license.

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

[4.] 5. Every insurance policy or self-insured city not within a county as required by the provisions of this section shall extend for the period to be covered by the license applied for and the insurer shall be obligated to give not less than thirty days' written notice to the director and to the insured before any cancellation or termination thereof earlier than its expiration date, and the cancellation or other termination of any such policy shall automatically revoke and terminate the licenses issued for the ambulance service covered by such policy unless covered by another insurance policy in compliance with sections 190.001 to 190.245.

190.122. 1. No air ambulance service may operate single engine rotary aircraft

for air ambulance services after August 31, 2002, except single engine rotary aircraft, which that air ambulance provider used for air ambulance services in Missouri prior to August 31, 2002.

2. All aircraft used for air ambulance service and all personnel providing air ambulance services shall comply with all the requirements to provide advanced life support level of care.

3. All aircraft used to provide air ambulance services after August 31, 2002, shall provide full three hundred sixty degree access to patients except aircraft, which that air ambulance provider used for air ambulance services in Missouri prior to August 31, 2002. Any and all aircraft that are already in service shall be exempted from this provision, however, once such aircraft have been removed from service, they shall be replaced with aircraft that meets the provisions of this section.

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