

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

# SENATE BILL NO. 732

98TH GENERAL ASSEMBLY  
2016

4627S.08T

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## AN ACT

To repeal sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.165, 190.241, 190.335, 192.737, 192.2400, 192.2405, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, and 610.100, RSMo, and section 192.2475 as enacted by house revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general assembly, second regular session, section 192.2475 as enacted by house revision bill no. 1299, ninety-seventh general assembly, second regular session, section 575.145 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 575.145 as enacted by house bill no. 1270 and house bill no. 2032, ninety-first general assembly, second regular session, and to enact in lieu thereof thirty-seven new sections relating to public safety, with penalty provisions and an emergency clause for a certain section.

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

Section A. Sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210,  
2 84.720, 94.902, 190.055, 190.102, 190.103, 190.142, 190.165, 190.241, 190.335,  
3 192.737, 192.2400, 192.2405, 304.022, 307.175, 321.017, 321.130, 321.210,  
4 455.543, 455.545, and 610.100, RSMo, and section 192.2475 as enacted by house  
5 revision bill no. 1299 merged with senate bill no. 491, ninety-seventh general  
6 assembly, second regular session, section 192.2475 as enacted by house revision  
7 bill no. 1299, ninety-seventh general assembly, second regular session, section

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

8 575.145 as enacted by senate bill no. 491, ninety-seventh general assembly,  
9 second regular session, and section 575.145 as enacted by house bill no. 1270 and  
10 house bill no. 2032, ninety-first general assembly, second regular session, are  
11 repealed and thirty-seven new sections enacted in lieu thereof, to be known as  
12 sections 43.545, 44.010, 44.023, 44.032, 67.145, 67.281, 70.210, 84.720, 94.902,  
13 190.055, 190.102, 190.103, 190.142, 190.144, 190.165, 190.173, 190.240, 190.241,  
14 190.260, 190.265, 190.335, 192.2400, 192.2405, 192.2475, 208.1030, 208.1032,  
15 287.245, 304.022, 307.175, 321.017, 321.130, 321.210, 455.543, 455.545, 575.145,  
16 610.100, and 610.205, to read as follows:

43.545. The state highway patrol shall include [in its voluntary system  
2 of reporting for compilation in the "Crime in Missouri"] all reported incidents of  
3 domestic violence as defined in section 455.010, whether or not an arrest is made,  
4 **in its system of reporting for compilation in the annual crime report**  
5 **published under section 43.505.** All incidents shall be reported on forms  
6 provided by the highway patrol and in a manner prescribed by the patrol.

44.010. As used in sections 44.010 to 44.130, the following terms mean:

- 2 (1) "Agency", the state emergency management agency;
- 3 (2) "Bioterrorism", the intentional use of any microorganism, virus,  
4 infectious substance, or biological product that may be engineered as a result of  
5 biotechnology, or any naturally occurring or bioengineered component of any such  
6 microorganism, virus, infectious substance, or biological product, to cause death,  
7 disease, or other biological malfunction in a human, an animal, a plant, or  
8 another living organism in order to influence the conduct of government or to  
9 intimidate or coerce a civilian population;
- 10 (3) "Director", the director of the state emergency management agency;
- 11 (4) "Disasters", disasters which may result from terrorism, including  
12 bioterrorism, or from fire, wind, flood, earthquake, or other natural or man-made  
13 causes;
- 14 (5) "Economic or geographic area", an area or areas within the state, or  
15 partly in this state and adjacent states, comprising political subdivisions grouped  
16 together for purposes of administration, organization, control or disaster recovery  
17 and rehabilitation in time of emergency;
- 18 (6) "Emergency", any state of emergency declared by proclamation by the  
19 governor, or by resolution of the legislature pursuant to sections 44.010 to 44.130  
20 upon the actual occurrence of a natural or man-made disaster of major  
21 proportions within this state when the safety and welfare of the inhabitants of

22 this state are jeopardized;

23 (7) "Emergency management", government at all levels performing  
24 emergency functions, other than functions for which military forces are primarily  
25 responsible;

26 (8) "Emergency management functions", "emergency management  
27 activities" and "emergency management service", those functions required to  
28 prepare for and carry out actions to prevent, minimize and repair injury and  
29 damage due to disasters, to include emergency management of resources and  
30 administration of such economic controls as may be needed to provide for the  
31 welfare of the people, either on order of or at the request of the federal  
32 government, or in the event the federal government is incapable of administering  
33 such control;

34 (9) "Emergency resources planning and management", planning for,  
35 management and coordination of national, state and local resources;

36 (10) "Executive officer of any political subdivision", the county commission  
37 or county supervisor or the mayor or other manager of the executive affairs of any  
38 city, town, village or fire protection district;

39 (11) "Local organization for emergency management", any organization  
40 established under this law by any county or by any city, town, or village to  
41 perform local emergency management functions;

42 (12) "Management", the activities of the emergency management director  
43 in the implementation of emergency operations plans during time of emergency;

44 (13) "Planning", activities of the state and local emergency management  
45 agency in the formulation of emergency management plans to be used in time of  
46 emergency;

47 (14) "Political subdivision", any county or city, town or village, or any fire  
48 district created by law;

49 **(15) "Urban search and rescue task force", any entity whose**  
50 **primary responsibility is to locate, remove, and provide medical care**  
51 **to persons in collapsed buildings.**

44.023. 1. The Missouri state emergency management agency shall  
2 establish and administer an emergency volunteer program to be activated in the  
3 event of a disaster whereby volunteer architects, [and professional] engineers  
4 [registered] licensed under chapter 327, any individual including, but not  
5 limited to, building officials and building inspectors employed by local  
6 governments, qualified by training and experience, who has been

7 **certified by the state emergency management agency, and who**  
8 **performs his or her duties under the direction of an architect or**  
9 **engineer licensed under chapter 327,** and construction contractors,  
10 equipment dealers and other owners and operators of construction equipment may  
11 volunteer the use of their services and equipment, either manned or unmanned,  
12 for up to [three] **five consecutive days for in-state deployments** as requested  
13 and needed by the state emergency management agency.

14 2. In the event of a disaster, the enrolled volunteers shall, where needed,  
15 assist local jurisdictions and local building inspectors to provide essential  
16 demolition, cleanup or other related services and to determine whether  
17 [buildings] **structures** affected by a disaster:

- 18 (1) Have not sustained serious damage and may be occupied;  
19 (2) Must be [vacated temporarily] **restricted in their use** pending  
20 repairs; or  
21 (3) [Must be demolished in order to avoid hazards to occupants or other  
22 persons] **Are unsafe and shall not be occupied pending repair or**  
23 **demolition.**

24 3. Any person when utilized as a volunteer under the emergency volunteer  
25 program shall have his **or her** incidental expenses paid by the local jurisdiction  
26 for which the volunteer service is provided. **Enrolled volunteers under the**  
27 **emergency volunteer program shall be provided workers' compensation**  
28 **insurance by the state emergency management agency during their**  
29 **official duties as authorized by the state emergency management**  
30 **agency.**

31 4. **Emergency volunteers who are certified by the state**  
32 **emergency management agency shall be considered employees of the**  
33 **state for purposes of the emergency mutual aid compact under section**  
34 **44.415 and shall be eligible for out-of-state deployments in accordance**  
35 **with such section.**

36 5. Architects, [and professional] engineers, **individuals including, but**  
37 **not limited to, building officials and building inspectors employed by**  
38 **local governments, qualified by training and experience, who have been**  
39 **certified by the state emergency management agency, and who perform**  
40 **their duties under the direction of an architect or engineer licensed**  
41 **under chapter 327,** construction contractors, equipment dealers and other  
42 owners and operators of construction equipment and the companies with which

43 they are employed, working under the emergency volunteer program, shall not be  
44 personally liable either jointly or separately for any act or acts committed in the  
45 performance of their official duties as emergency volunteers except in the case of  
46 willful misconduct or gross negligence.

47 [5.] 6. Any individuals, employers, partnerships, corporations or  
48 proprietorships, that are working under the emergency volunteer program  
49 providing demolition, cleanup, removal or other related services, shall not be  
50 liable for any acts committed in the performance of their official duties as  
51 emergency volunteers except in the case of willful misconduct or gross negligence.

44.032. 1. The general assembly recognizes the necessity for anticipating  
2 and making advance provisions to care for the unusual and extraordinary  
3 burdens imposed on this state and its political subdivisions by disasters or  
4 emergencies. To meet such situations, it is the intention of the general assembly  
5 to confer emergency powers on the governor, acting through the director, and  
6 vesting the governor with adequate power and authority within the limitation of  
7 available funds in the Missouri disaster fund to meet any such emergency or  
8 disaster.

9 2. There is hereby established a fund to be known as the "Missouri  
10 Disaster Fund", to which the general assembly may appropriate funds and from  
11 which funds may be appropriated annually to the state emergency management  
12 agency. The funds appropriated shall be expended during a state emergency at  
13 the direction of the governor and upon the issuance of an emergency declaration  
14 which shall set forth the emergency and shall state that it requires the  
15 expenditure of public funds to furnish immediate aid and relief. The director of  
16 the state emergency management agency shall administer the fund.

17 3. Expenditures may be made upon direction of the governor for  
18 emergency management, as defined in section 44.010, or to implement the state  
19 disaster plans. Expenditures may also be made to meet the matching  
20 requirements of state and federal agencies for any applicable assistance  
21 programs.

22 4. Assistance may be provided from the Missouri disaster fund to political  
23 subdivisions of this state which have suffered from a disaster to such an extent  
24 as to impose a severe financial burden exceeding the ordinary reserve capacity of  
25 the subdivision affected. Applications for aid under this section shall be made to  
26 the state emergency management agency on such forms as may be prescribed and  
27 furnished by the agency, which forms shall require the furnishing of sufficient

28 information to determine eligibility for aid and the extent of the financial burden  
29 incurred. The agency may call upon other agencies of the state in evaluating  
30 such applications. The director of the state emergency management agency shall  
31 review each application for aid under the provisions of this section and  
32 recommend its approval or disapproval, in whole or in part, to the governor. If  
33 approved, the governor shall determine and certify to the director of the state  
34 emergency management agency the amount of aid to be furnished. The director  
35 of the state emergency management agency shall thereupon issue his voucher to  
36 the commissioner of administration, who shall issue his warrants therefor to the  
37 applicant.

38           5. When a disaster or emergency has been proclaimed by the governor or  
39 there is a national emergency, the director of the state emergency management  
40 agency, upon order of the governor, shall have authority to expend funds for the  
41 following:

42           (1) The purposes of sections 44.010 to 44.130 and the responsibilities of  
43 the governor and the state emergency management agency as outlined in sections  
44 44.010 to 44.130;

45           (2) Employing, for the duration of the response and recovery to emergency,  
46 additional personnel and contracting or otherwise procuring necessary appliances,  
47 supplies, equipment, and transport;

48           (3) Performing services for and furnishing materials and supplies to state  
49 government agencies, counties, and municipalities with respect to performance  
50 of any duties enjoined by law upon such agencies, counties, and municipalities  
51 which they are unable to perform because of extreme natural or man-made  
52 phenomena, and receiving reimbursement in whole or in part from such agencies,  
53 counties, and municipalities able to pay therefor under such terms and conditions  
54 as may be agreed upon by the director of the state emergency management  
55 agency and any such agency, county, or municipality;

56           (4) Performing services for and furnishing materials to any individual in  
57 connection with alleviating hardship and distress growing out of extreme natural  
58 or man-made phenomena, and receiving reimbursement in whole or in part from  
59 such individual under such terms as may be agreed upon by the director of the  
60 state emergency management agency and such individual;

61           (5) Providing services to counties and municipalities with respect to  
62 quelling riots and civil disturbances;

63           (6) Repairing and restoring public infrastructure;

64 (7) Furnishing transportation for supplies to alleviate suffering and  
65 distress;

66 (8) Furnishing medical services and supplies to prevent the spread of  
67 disease and epidemics;

68 (9) Quelling riots and civil disturbances;

69 (10) Training individuals or governmental agencies for the purpose of  
70 perfecting the performance of emergency assistance duties as defined in the state  
71 disaster plans;

72 (11) Procurement, storage, and transport of special emergency supplies or  
73 equipment determined by the director to be necessary to provide rapid response  
74 by state government to assist counties and municipalities in impending or actual  
75 emergencies;

76 (12) Clearing or removing from publicly or privately owned land or water,  
77 debris and wreckage which may threaten public health or safety; [and]

78 (13) **Reimbursement to any urban search and rescue task force**  
79 **for any reasonable and necessary expenditures incurred in the course**  
80 **of responding to any declared emergency under this section; and**

81 (14) Such other measures as are customarily necessary to furnish  
82 adequate relief in cases of catastrophe or disaster.

83 6. The governor may receive such voluntary contributions as may be made  
84 from any source to aid in carrying out the purposes of this section and shall credit  
85 the same to the Missouri disaster fund.

86 7. All obligations and expenses incurred by the governor in the exercise  
87 of the powers and duties vested by the provisions of this section shall be paid by  
88 the state treasurer out of available funds in the Missouri disaster fund, and the  
89 commissioner of administration shall draw warrants upon the state treasurer for  
90 the payment of such sum, or so much thereof as may be required, upon receipt of  
91 proper vouchers provided by the director of the state emergency management  
92 agency.

93 8. The provisions of this section shall be liberally construed in order to  
94 accomplish the purposes of sections 44.010 to 44.130 and to permit the governor  
95 to cope adequately with any emergency which may arise, and the powers vested  
96 in the governor by this section shall be construed as being in addition to all other  
97 powers presently vested in the governor and not in derogation of any existing  
98 powers.

99 9. Such funds as may be made available by the government of the United

100 States for the purpose of alleviating distress from disasters may be accepted by  
101 the state treasurer and shall be credited to the Missouri disaster fund, unless  
102 otherwise specifically provided in the act of Congress making such funds  
103 available.

104 10. The foregoing provisions of this section notwithstanding, any  
105 expenditure or proposed series of expenditures which total in excess of one  
106 thousand dollars per project shall be approved by the governor prior to the  
107 expenditure.

67.145. 1. No political subdivision of this state shall prohibit any first  
2 responder[, as the term first responder is defined in section 192.800,] from  
3 engaging in any political activity while off duty and not in uniform, being a  
4 candidate for elected or appointed public office, or holding such office unless such  
5 political activity or candidacy is otherwise prohibited by state or federal law.

6 **2. As used in this section, "first responder" means any person**  
7 **trained and authorized by law or rule to render emergency medical**  
8 **assistance or treatment. Such persons may include, but shall not be**  
9 **limited to, emergency first responders, police officers, sheriffs, deputy**  
10 **sheriffs, firefighters, ambulance attendants and attendant drivers,**  
11 **emergency medical technicians, mobile emergency medical technicians,**  
12 **emergency medical technician-paramedics, registered nurses, or**  
13 **physicians.**

67.281. 1. A builder of one- or two-family dwellings or townhouses shall  
2 offer to any purchaser on or before the time of entering into the purchase contract  
3 the option, at the purchaser's cost, to install or equip fire sprinklers in the  
4 dwelling or townhouse. Notwithstanding any other provision of law to the  
5 contrary, no purchaser of such a one- or two-family dwelling or townhouse shall  
6 be denied the right to choose or decline to install a fire sprinkler system in such  
7 dwelling or townhouse being purchased by any code, ordinance, rule, regulation,  
8 order, or resolution by any county or other political subdivision. Any county or  
9 other political subdivision shall provide in any such code, ordinance, rule,  
10 regulation, order, or resolution the mandatory option for purchasers to have the  
11 right to choose and the requirement that builders offer to purchasers the option  
12 to purchase fire sprinklers in connection with the purchase of any one- or two-  
13 family dwelling or townhouse. [The provisions of this section shall expire on  
14 December 31, 2024.]

15 2. Any governing body of any political subdivision that adopts the 2009

16 International Residential Code for One- and Two-Family Dwellings or a  
17 subsequent edition of such code without mandated automatic fire sprinkler  
18 systems in Section R313 of such code shall retain the language in section R317  
19 of the 2006 International Residential Code for two-family dwellings (R317.1) and  
20 townhouses (R317.2).

70.210. As used in sections 70.210 to 70.320, the following terms mean:

2 (1) "Governing body", the board, body or persons in which the powers of  
3 a municipality or political subdivision are vested;

4 (2) "Municipality", municipal corporations, political corporations, and  
5 other public corporations and agencies authorized to exercise governmental  
6 functions;

7 (3) "Political subdivision", counties, townships, cities, towns, villages,  
8 school, county library, city library, city-county library, road, drainage, sewer,  
9 levee and fire districts, soil and water conservation districts, watershed  
10 subdistricts, county hospitals, [and] any board of control of an art museum, **the**  
11 **board created under sections 205.968 to 205.973**, and any other public  
12 subdivision or public corporation having the power to tax.

84.720. 1. The police commissioners of any city with a population of three  
2 hundred fifty thousand or more inhabitants which is located in more than one  
3 county shall have power to regulate and license all private security personnel and  
4 organizations, serving or acting as such in such cities, and no person or  
5 organization shall act in the capacity of, or provide, security services in such  
6 cities without first having obtained the written license of the president or acting  
7 president of the police commissioners of such cities. In order to determine an  
8 individual's suitability to be licensed, the police commissioners of such cities shall  
9 require each applicant to be licensed to be fingerprinted and shall forward the  
10 fingerprints to the Missouri state highway patrol for a criminal history record  
11 check. Any person or organization that violates the provisions of this section is  
12 guilty of a class B misdemeanor.

13 2. **Any individual who is a holder of an occupational license**  
14 **issued by the Missouri gaming commission as defined under section**  
15 **313.800 to perform the duties of an unarmed security guard while**  
16 **working on an excursion gambling boat as defined under section**  
17 **313.800 or at a facility adjacent to an excursion gambling boat shall be**  
18 **exempt from the requirements of subsection 1 of this section and from**  
19 **any other political subdivision licensing requirements for unarmed**

20 **security guards.**

94.902. 1. The governing [body] **bodies of the following cities may  
2 impose a tax as provided in this section:**

3 **(1)** Any city of the third classification with more than twenty-six thousand  
4 three hundred but less than twenty-six thousand seven hundred inhabitants[, or];

5 **(2)** Any city of the fourth classification with more than thirty thousand  
6 three hundred but fewer than thirty thousand seven hundred inhabitants[, or];

7 **(3)** Any city of the fourth classification with more than twenty-four  
8 thousand eight hundred but fewer than twenty-five thousand inhabitants[,] ;

9 **(4) Any special charter city with more than twenty-nine thousand  
10 but fewer than thirty-two thousand inhabitants; or**

11 **(5) Any city of the third classification with more than four  
12 thousand but fewer than four thousand five hundred inhabitants and  
13 located in any county of the first classification with more than two  
14 hundred thousand but fewer than two hundred sixty thousand  
15 inhabitants.**

16 **2. The governing body of any city listed in subsection 1 of this  
17 section** may impose, by order or ordinance, a sales tax on all retail sales made  
18 in the city which are subject to taxation under chapter 144. The tax authorized  
19 in this section may be imposed in an amount of up to one-half of one percent, and  
20 shall be imposed solely for the purpose of improving the public safety for such  
21 city, including but not limited to expenditures on equipment, city employee  
22 salaries and benefits, and facilities for police, fire and emergency medical  
23 providers. The tax authorized in this section shall be in addition to all other  
24 sales taxes imposed by law, and shall be stated separately from all other charges  
25 and taxes. The order or ordinance imposing a sales tax under this section shall  
26 not become effective unless the governing body of the city submits to the voters  
27 residing within the city, at a county or state general, primary, or special election,  
28 a proposal to authorize the governing body of the city to impose a tax under this  
29 section.

30 **[2.] 3.** The ballot of submission for the tax authorized in this section  
31 shall be in substantially the following form:

32 Shall the city of ..... (city's name) impose a citywide  
33 sales tax at a rate of ..... (insert rate of percent) percent for the purpose of  
34 improving the public safety of the city?

35  YES  NO

36 If you are in favor of the question, place an "X" in the box opposite "YES". If you  
37 are opposed to the question, place an "X" in the box opposite "NO".

38 If a majority of the votes cast on the proposal by the qualified voters voting  
39 thereon are in favor of the proposal, then the ordinance or order and any  
40 amendments to the order or ordinance shall become effective on the first day of  
41 the second calendar quarter after the director of revenue receives notice of the  
42 adoption of the sales tax. If a majority of the votes cast on the proposal by the  
43 qualified voters voting thereon are opposed to the proposal, then the tax shall not  
44 become effective unless the proposal is resubmitted under this section to the  
45 qualified voters and such proposal is approved by a majority of the qualified  
46 voters voting on the proposal. However, in no event shall a proposal under this  
47 section be submitted to the voters sooner than twelve months from the date of the  
48 last proposal under this section.

49 [3.] 4. Any sales tax imposed under this section shall be administered,  
50 collected, enforced, and operated as required in section 32.087. All sales taxes  
51 collected by the director of the department of revenue under this section on behalf  
52 of any city, less one percent for cost of collection which shall be deposited in the  
53 state's general revenue fund after payment of premiums for surety bonds as  
54 provided in section 32.087, shall be deposited in a special trust fund, which is  
55 hereby created in the state treasury, to be known as the "City Public Safety Sales  
56 Tax Trust Fund". The moneys in the trust fund shall not be deemed to be state  
57 funds and shall not be commingled with any funds of the state. The provisions  
58 of section 33.080 to the contrary notwithstanding, money in this fund shall not  
59 be transferred and placed to the credit of the general revenue fund. The director  
60 shall keep accurate records of the amount of money in the trust fund and which  
61 was collected in each city imposing a sales tax under this section, and the records  
62 shall be open to the inspection of officers of the city and the public. Not later  
63 than the tenth day of each month the director shall distribute all moneys  
64 deposited in the trust fund during the preceding month to the city which levied  
65 the tax. Such funds shall be deposited with the city treasurer of each such city,  
66 and all expenditures of funds arising from the trust fund shall be by an  
67 appropriation act to be enacted by the governing body of each such  
68 city. Expenditures may be made from the fund for any functions authorized in  
69 the ordinance or order adopted by the governing body submitting the tax to the  
70 voters. If the tax is repealed, all funds remaining in the special trust fund shall  
71 continue to be used solely for the designated purposes. Any funds in the special

72 trust fund which are not needed for current expenditures shall be invested in the  
 73 same manner as other funds are invested. Any interest and moneys earned on  
 74 such investments shall be credited to the fund.

75 [4.] 5. The director of the department of revenue may authorize the state  
 76 treasurer to make refunds from the amounts in the trust fund and credited to any  
 77 city for erroneous payments and overpayments made, and may redeem dishonored  
 78 checks and drafts deposited to the credit of such cities. If any city abolishes the  
 79 tax, the city shall notify the director of the action at least ninety days before the  
 80 effective date of the repeal, and the director may order retention in the trust  
 81 fund, for a period of one year, of two percent of the amount collected after receipt  
 82 of such notice to cover possible refunds or overpayment of the tax and to redeem  
 83 dishonored checks and drafts deposited to the credit of such accounts. After one  
 84 year has elapsed after the effective date of abolition of the tax in such city, the  
 85 director shall remit the balance in the account to the city and close the account  
 86 of that city. The director shall notify each city of each instance of any amount  
 87 refunded or any check redeemed from receipts due the city.

88 [5.] 6. The governing body of any city that has adopted the sales tax  
 89 authorized in this section may submit the question of repeal of the tax to the  
 90 voters on any date available for elections for the city. The ballot of submission  
 91 shall be in substantially the following form:

92 Shall ..... (insert the name of the city) repeal the  
 93 sales tax imposed at a rate of ..... (insert rate of percent) percent for the  
 94 purpose of improving the public safety of the city?

95  YES  NO

96 If a majority of the votes cast on the proposal are in favor of repeal, that repeal  
 97 shall become effective on December thirty-first of the calendar year in which such  
 98 repeal was approved. If a majority of the votes cast on the question by the  
 99 qualified voters voting thereon are opposed to the repeal, then the sales tax  
 100 authorized in this section shall remain effective until the question is resubmitted  
 101 under this section to the qualified voters, and the repeal is approved by a  
 102 majority of the qualified voters voting on the question.

103 [6.] 7. Whenever the governing body of any city that has adopted the  
 104 sales tax authorized in this section receives a petition, signed by ten percent of  
 105 the registered voters of the city voting in the last gubernatorial election, calling  
 106 for an election to repeal the sales tax imposed under this section, the governing  
 107 body shall submit to the voters of the city a proposal to repeal the tax. If a

108 majority of the votes cast on the question by the qualified voters voting thereon  
109 are in favor of the repeal, that repeal shall become effective on December thirty-  
110 first of the calendar year in which such repeal was approved. If a majority of the  
111 votes cast on the question by the qualified voters voting thereon are opposed to  
112 the repeal, then the tax shall remain effective until the question is resubmitted  
113 under this section to the qualified voters and the repeal is approved by a majority  
114 of the qualified voters voting on the question.

115 [7.] 8. Except as modified in this section, all provisions of sections 32.085  
116 and 32.087 shall apply to the tax imposed under this section.

190.055. 1. The board of directors of a district shall possess and exercise  
2 all of its legislative and executive powers. Within thirty days after the election  
3 of the initial directors, the board shall meet. The time and place of the first  
4 meeting of the board shall be designated by the county commission. At its first  
5 meeting and after each election of new board members the board shall elect a  
6 chairman from its members and select a secretary, treasurer and such officers or  
7 employees as it deems expedient or necessary for the accomplishment of its  
8 corporate objectives. The secretary and treasurer need not be members of the  
9 board. At the meeting the board, by ordinance, shall define the first and  
10 subsequent fiscal years of the district, and shall adopt a corporate seal and  
11 bylaws, which shall determine the times for the annual election of officers and of  
12 other regular and special meetings of the board and shall contain the rules for the  
13 transaction of other business of the district and for amending the bylaws.

14 2. Each board member of any district shall devote such time to the duties  
15 of the office as the faithful discharge thereof may require, including educational  
16 programs provided by the state and each board member may be reimbursed for  
17 actual expenditures in the performance of his or her duties on behalf of the  
18 district.

19 3. The secretary and treasurer, if members of the board of directors, may  
20 each receive additional compensation for the performance of their duties as  
21 secretary or treasurer as the board shall deem reasonable and necessary;  
22 provided that, such additional compensation shall not exceed one thousand  
23 dollars per year.

24 4. Each board member may receive an attendance fee not to exceed one  
25 hundred dollars for attending each regularly or specially called board  
26 meeting. Such member shall not be paid for attending more than two meetings  
27 in any calendar month, except that in a county of the first classification having

28 a charter form of government, such member shall not be paid for attending more  
29 than four such meetings in any calendar month. In addition, the chairman of the  
30 board may receive fifty dollars for attending each regularly or specially called  
31 board meeting, but such chairman shall not be paid the additional fee for  
32 attending more than two meetings in any calendar month.

33 5. The compensation authorized by subsections 3 and 4 of this section  
34 shall only apply:

- 35 (1) If such compensation is approved by the board of such district; and  
36 (2) To any elected term of any board member beginning after August 28,  
37 2000.

38 **6. Notwithstanding any other provision of law to the contrary,**  
39 **individual board members shall not be eligible for employment by the**  
40 **board within twelve months of termination of service as a member of**  
41 **the board unless such employment is on a volunteer basis or without**  
42 **compensation.**

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

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

9 **and**

10 **(6) Development and review of and recommendations for**  
11 **community and regional time critical diagnosis plans.**

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

16 3. The director will appoint personnel to no less than six regional EMS  
17 committees from recommendations provided by recognized professional  
18 organizations. Appointments will be for four years with individuals serving until  
19 reappointed or replaced. **The regional EMS medical director shall serve as**  
20 **a member of the regional EMS committee.**

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  
9 of four years. The southwest, northwest, and Kansas City regional EMS  
10 medical directors shall be elected to an initial two-year term. The  
11 central, east central, and southeast regional EMS medical directors  
12 shall be elected to an initial four-year term. All subsequent terms  
13 following the initial terms shall be four years.**

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

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

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

190.142. 1. The department shall, within a reasonable time after receipt  
2 of an application, cause such investigation as it deems necessary to be made of

3 the applicant for an emergency medical technician's license. The director may  
4 authorize investigations into criminal records in other states for any applicant.

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

11             (1) Age requirements;

12             (2) Education and training requirements based on respective national  
13 curricula of the United States Department of Transportation and any modification  
14 to such curricula specified by the department through rules adopted pursuant to  
15 sections 190.001 to 190.245;

16             (3) Initial licensure testing requirements. **Initial EMT-P licensure**  
17 **testing shall be through the national registry of EMTs or examinations**  
18 **developed and administered by the department of health and senior**  
19 **services;**

20             (4) Continuing education and relicensure requirements; and

21             (5) Ability to speak, read and write the English language.

22         3. Application for all levels of emergency medical technician license shall  
23 be made upon such forms as prescribed by the department in rules adopted  
24 pursuant to sections 190.001 to 190.245. The application form shall contain such  
25 information as the department deems necessary to make a determination as to  
26 whether the emergency medical technician meets all the requirements of sections  
27 190.001 to 190.245 and rules promulgated pursuant to sections 190.001 to  
28 190.245.

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

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

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

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

38         6. Any rule or portion of a rule, as that term is defined in section 536.010,

39 that is created under the authority delegated in this section shall become effective  
40 only if it complies with and is subject to all of the provisions of chapter 536 and,  
41 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
42 if any of the powers vested with the general assembly pursuant to chapter 536 to  
43 review, to delay the effective date or to disapprove and annul a rule are  
44 subsequently held unconstitutional, then the grant of rulemaking authority and  
45 any rule proposed or adopted after August 28, 2002, shall be invalid and void.

**190.144. No emergency medical technician licensed under section  
2 190.142 or 190.143, if acting in good faith and without gross negligence,  
3 shall be liable for:**

4 **(1) Transporting a person for whom an application for detention**  
5 **for evaluation and treatment has been filed under section 631.115 or**  
6 **632.305; or**

7 **(2) Physically or chemically restraining an at-risk behavioral**  
8 **health patient as that term is defined under section 190.240 if such**  
9 **restraint is to ensure the safety of the patient or technician.**

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 [or], confidence, **or legally**  
54 **protected privacy rights of a patient by means of an unauthorized or**  
55 **unlawful disclosure;**

56 (13) Use of any advertisement or solicitation which is false, misleading or

57 deceptive to the general public or persons to whom the advertisement or  
58 solicitation is primarily directed;

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

61 (15) Refusal of any applicant or licensee to [cooperate with the] **respond**  
62 **to reasonable** department of health and senior [services during any  
63 investigation] **services' requests for necessary information to process an**  
64 **application or to determine license status or license eligibility;**

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

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

70 3. **If the department conducts investigations, the department,**  
71 **prior to interviewing a licensee who is the subject of the investigation,**  
72 **shall explain to the licensee that he or she has the right to:**

73 (1) **Consult legal counsel or have legal counsel present;**

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

77 (3) **Refuse to answer any question or refuse to provide or sign**  
78 **any written statement.**

79 **The assertion of any right listed in this subsection shall not be deemed**  
80 **by the department to be a failure to cooperate with any department**  
81 **investigation.**

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

93           [4.] 5. An individual whose license has been revoked shall wait one year  
94 from the date of revocation to apply for relicensure. Relicensure shall be at the  
95 discretion of the department after compliance with all the requirements of  
96 sections 190.100 to 190.245 relative to the licensing of an applicant for the first  
97 time. Any individual whose license has been revoked twice within a ten-year  
98 period shall not be eligible for relicensure.

99           [5.] 6. The department may notify the proper licensing authority of any  
100 other state in which the person whose license was suspended or revoked was also  
101 licensed of the suspension or revocation.

102           [6.] 7. Any person, organization, association or corporation who reports  
103 or provides information to the department pursuant to the provisions of sections  
104 190.100 to 190.245 and who does so in good faith shall not be subject to an action  
105 for civil damages as a result thereof.

106           [7.] 8. The department of health and senior services may suspend any  
107 certificate, permit or license required pursuant to sections 190.100 to 190.245  
108 simultaneously with the filing of the complaint with the administrative hearing  
109 commission as set forth in subsection 2 of this section, if the department finds  
110 that there is an imminent threat to the public health. The notice of suspension  
111 shall include the basis of the suspension and notice of the right to appeal such  
112 suspension. The licensee may appeal the decision to suspend the license,  
113 certificate or permit to the department. The appeal shall be filed within ten days  
114 from the date of the filing of the complaint. A hearing shall be conducted by the  
115 department within ten days from the date the appeal is filed. The suspension  
116 shall continue in effect until the conclusion of the proceedings, including review  
117 thereof, unless sooner withdrawn by the department, dissolved by a court of  
118 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  
3 license, or other individual are confidential and shall only be disclosed  
4 upon written consent of the person whose records are involved or to  
5 other administrative or law enforcement agencies acting with the scope  
6 of their statutory authority. However, no applicant, holder of any  
7 certificate, permit, or license, or other individual shall have access to  
8 any complaints, investigatory reports, or information concerning an  
9 investigation in progress until such time as the investigation has been  
10 completed as required by subsection 1 of section 190.248.**

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

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

**190.240. 1. Any hospital, as such term is defined in section**  
2 **197.020, or any nursing home facility licensed under chapter 198 shall**  
3 **have policies and procedures that require the hospital or facility to**  
4 **give advance notification to emergency medical services personnel**  
5 **prior to the transportation of any at-risk behavioral health patient.**

6           **2. Any emergency medical services personnel licensed under this**  
7 **chapter who conduct interfacility transfers of at-risk behavioral health**  
8 **patients may be properly trained as determined by the medical director**  
9 **for the ambulance services or emergency medical response agency as**  
10 **required under section 190.103, with regard to proper restraining**  
11 **procedures and nonmedical management techniques, such as verbal de-**  
12 **escalation techniques, to handle such patients before their**  
13 **transportation.**

14           **3. Any physician treating an at-risk behavioral patient in an**  
15 **emergency situation who, after assessing the patient, determines that**  
16 **there is reasonable cause to believe there is a likelihood that the**  
17 **patient may cause an imminent serious harm to himself, herself, or**  
18 **others unless the patient is immediately transported to another**  
19 **appropriate facility may, upon initiation as soon as possible by either**  
20 **the sending facility or the receiving facility, place the patient on a**  
21 **temporary involuntary hold for a period of time necessary to effectuate**  
22 **the patient's transport. The provisions of section 632.440 shall apply to**  
23 **such physicians. During the transport, the emergency medical services**  
24 **personnel may rely on the physician's hold order as a basis for implied**  
25 **consent to treat and transport the patient and shall not be liable for**  
26 **any claims of negligence, false imprisonment, or invasion of privacy**  
27 **based on such temporary hold, treatment, or transport of the patient.**

28           4. **Nothing in this section shall be construed to limit the patient's**  
29 **rights under the federal Mental Health Patient's Bill of Rights under 42**  
30 **U.S.C. Section 9501(1)(A) and (F).**

31           5. **For the purposes of this section, "at-risk behavioral health**  
32 **patient" shall mean any patient who displays violent, homicidal, or**  
33 **suicidal ideation or behavior.**

190.241. 1. The department shall designate a hospital as an adult,  
2 pediatric or adult and pediatric trauma center when a hospital, upon proper  
3 application submitted by the hospital and site review, has been found by the  
4 department to meet the applicable level of trauma center criteria for designation  
5 in accordance with rules adopted by the department as prescribed by section  
6 190.185.

7           2. **Except as provided for in subsection 4 of this section,** the  
8 department shall designate a hospital as a STEMI or stroke center when such  
9 hospital, upon proper application and site review, has been found by the  
10 department to meet the applicable level of STEMI or stroke center criteria for  
11 designation in accordance with rules adopted by the department as prescribed by  
12 section 190.185. In developing STEMI center and stroke center designation  
13 criteria, the department shall use, as it deems practicable, appropriate  
14 peer-reviewed or evidence-based research on such topics including, but not limited  
15 to, the most recent guidelines of the American College of Cardiology and  
16 American Heart Association for STEMI centers, or the Joint Commission's  
17 Primary Stroke Center Certification program criteria for stroke centers, or  
18 Primary and Comprehensive Stroke Center Recommendations as published by the  
19 American Stroke Association.

20           3. The department of health and senior services shall, not less than once  
21 every five years, conduct an on-site review of every trauma, STEMI, and stroke  
22 center through appropriate department personnel or a qualified contractor, **with**  
23 **the exception of stroke centers designated pursuant to subsection 4 of**  
24 **this section; however, this provision is not intended to limit the**  
25 **department's ability to conduct a complaint investigation pursuant to**  
26 **subdivision (3) of subsection 2 of section 197.080 of any trauma, STEMI,**  
27 **or stroke center.** On-site reviews shall be coordinated for the different types  
28 of centers to the extent practicable with hospital licensure inspections conducted  
29 under chapter 197. No person shall be a qualified contractor for purposes of this  
30 subsection who has a substantial conflict of interest in the operation of any

31 trauma, STEMI, or stroke center under review. The department may deny, place  
32 on probation, suspend or revoke such designation in any case in which it has  
33 reasonable cause to believe that there has been a substantial failure to comply  
34 with the provisions of this chapter or any rules or regulations promulgated  
35 pursuant to this chapter. If the department of health and senior services has  
36 reasonable cause to believe that a hospital is not in compliance with such  
37 provisions or regulations, it may conduct additional announced or unannounced  
38 site reviews of the hospital to verify compliance. If a trauma, STEMI, or stroke  
39 center fails two consecutive on-site reviews because of substantial noncompliance  
40 with standards prescribed by sections 190.001 to 190.245 or rules adopted by the  
41 department pursuant to sections 190.001 to 190.245, its center designation shall  
42 be revoked.

43 **4. Instead of applying for stroke center designation pursuant to**  
44 **the provisions of subsection 2 of this section, a hospital may apply for**  
45 **stroke center designation pursuant to this subsection. Upon receipt of**  
46 **an application from a hospital on a form prescribed by the department,**  
47 **the department shall designate such hospital:**

48 **(1) A level I stroke center if such hospital has been certified as**  
49 **a comprehensive stroke center by the Joint Commission or any other**  
50 **certifying organization designated by the department when such**  
51 **certification is in accordance with the American Heart**  
52 **Association/American Stroke Association guidelines;**

53 **(2) A level II stroke center if such hospital has been certified as**  
54 **a primary stroke center by the Joint Commission or any other**  
55 **certifying organization designated by the department when such**  
56 **certification is in accordance with the American Heart**  
57 **Association/American Stroke Association guidelines; or**

58 **(3) A level III stroke center if such hospital has been certified as**  
59 **an acute stroke-ready hospital by the Joint Commission or any other**  
60 **certifying organization designated by the department when such**  
61 **certification is in accordance with the American Heart**  
62 **Association/American Stroke Association guidelines.**

63 **Except as provided by subsection 5 of this section, the department shall**  
64 **not require compliance with any additional standards for establishing**  
65 **or renewing stroke designations. The designation shall continue if such**  
66 **hospital remains certified. The department may remove a hospital's**

67 designation as a stroke center if the hospital requests removal of the  
68 designation or the department determines that the certificate  
69 recognizing the hospital as a stroke center has been suspended or  
70 revoked. Any decision made by the department to withdraw its  
71 designation of a stroke center pursuant to this subsection that is based  
72 on the revocation or suspension of a certification by a certifying  
73 organization shall not be subject to judicial review. The department  
74 shall report to the certifying organization any complaint it receives  
75 related to the stroke center certification of a stroke center designated  
76 pursuant to this subsection. The department shall also advise the  
77 complainant which organization certified the stroke center and provide  
78 the necessary contact information should the complainant wish to  
79 pursue a complaint with the certifying organization.

80           5. Any hospital receiving designation as a stroke center pursuant  
81 to subsection 4 of this section shall:

82           (1) Annually and within thirty days of any changes submit to the  
83 department proof of stroke certification and the names and contact  
84 information of the medical director and the program manager of the  
85 stroke center;

86           (2) Submit to the department a copy of the certifying  
87 organization's final stroke certification survey results within thirty  
88 days of receiving such results;

89           (3) Submit every four years an application on a form prescribed  
90 by the department for stroke center review and designation;

91           (4) Participate in the emergency medical services regional  
92 system of stroke care in its respective emergency medical services  
93 region as defined in rules promulgated by the department;

94           (5) Participate in local and regional emergency medical services  
95 systems by reviewing and sharing outcome data and providing training  
96 and clinical educational resources.

97 Any hospital receiving designation as a level III stroke center pursuant  
98 to subsection 4 of this section shall have a formal agreement with a  
99 level I or level II stroke center for physician consultative services for  
100 evaluation of stroke patients for thrombolytic therapy and the care of  
101 the patient post-thrombolytic therapy.

102           6. Hospitals designated as a STEMI or stroke center by the  
103 department, including those designated pursuant to subsection 4 of this

104 section, shall submit data to meet the data submission requirements  
105 specified by rules promulgated by the department. Such submission of  
106 data may be done by the following methods:

107 (1) Entering hospital data directly into a state registry by direct  
108 data entry;

109 (2) Downloading hospital data from a nationally-recognized  
110 registry or data bank and importing the data files into a state registry;  
111 or

112 (3) Authorizing a nationally-recognized registry or data bank to  
113 disclose or grant access to the department facility-specific data held by  
114 the registry or data bank.

115 A hospital submitting data pursuant to subdivisions (2) or (3) of this  
116 subsection shall not be required to collect and submit any additional  
117 STEMI or stroke center data elements.

118 7. When collecting and analyzing data pursuant to the provisions  
119 of this section, the department shall comply with the following  
120 requirements:

121 (1) Names of any health care professionals, as defined in section  
122 376.1350, shall not be subject to disclosure;

123 (2) The data shall not be disclosed in a manner that permits the  
124 identification of an individual patient or encounter;

125 (3) The data shall be used for the evaluation and improvement  
126 of hospital and emergency medical services' trauma, stroke, and STEMI  
127 care;

128 (4) The data collection system shall be capable of accepting file  
129 transfers of data entered into to any national recognized trauma,  
130 stroke, or STEMI registry or data bank to fulfill trauma, stroke, or  
131 STEMI certification reporting requirements;

132 (5) STEMI and stroke center data elements shall conform to  
133 nationally recognized performance measures, such as the American  
134 Heart Association's Get With the Guidelines, and include published  
135 detailed measure specifications, data coding instructions, and patient  
136 population inclusion and exclusion criteria to ensure data reliability  
137 and validity; and

138 (6) Generate from the trauma, stroke, and STEMI registries  
139 quarterly regional and state outcome data reports for trauma, stroke,  
140 and STEMI designated centers, the state advisory council on EMS, and

141 regional EMS committees to review for performance improvement and  
142 patient safety.

143 8. The board of registration for the healing arts shall have sole  
144 authority to establish education requirements for physicians who  
145 practice in an emergency department of a facility designated as a  
146 trauma, STEMI, or stroke center by the department under this  
147 section. The department shall deem such education requirements  
148 promulgated by the board of registration for the healing arts sufficient  
149 to meet the standards for designations under this section.

150 9. The department of health and senior services may establish appropriate  
151 fees to offset the costs of trauma, STEMI, and stroke center reviews.

152 [5.] 10. No hospital shall hold itself out to the public as a STEMI center,  
153 stroke center, adult trauma center, pediatric trauma center, or an adult and  
154 pediatric trauma center unless it is designated as such by the department of  
155 health and senior services.

156 [6.] 11. Any person aggrieved by an action of the department of health  
157 and senior services affecting the trauma, STEMI, or stroke center designation  
158 pursuant to this chapter, including the revocation, the suspension, or the  
159 granting of, refusal to grant, or failure to renew a designation, may seek a  
160 determination thereon by the administrative hearing commission under chapter  
161 621. It shall not be a condition to such determination that the person aggrieved  
162 seek a reconsideration, a rehearing, or exhaust any other procedure within the  
163 department.

190.260. 1. This section shall be known and may be cited as the  
2 "First Informer Broadcasters Act".

3 2. As used in this section, the following terms shall mean:

4 (1) "Broadcaster", a radio broadcasting station or television  
5 broadcasting station licensed by the Federal Communications  
6 Commission and subject to participation in the Emergency Alert System  
7 (EAS), which is primarily engaged in and deriving income from the  
8 business of facilitating speech via over-the-air-communications, both as  
9 pure speech and commercial speech;

10 (2) "First informer broadcaster", a person who has been certified  
11 as a first informer broadcaster under this section.

12 3. The department of public safety, in cooperation with any  
13 statewide organization or any member of a statewide organization that

14 represents broadcasters, shall establish a program for training and  
15 certifying broadcast engineers and technical personnel as first  
16 informer broadcasters. Upon completion of the program, broadcasters  
17 shall receive statewide recognized credentials to certify that such  
18 broadcasters are first informer broadcasters. The program established  
19 under this section shall provide training and education concerning:

20 (1) The restoration, repair, and resupply of any facilities and  
21 equipment of a broadcaster in an area affected by an emergency or  
22 disaster; and

23 (2) The personal safety of a first informer broadcaster in an area  
24 affected by an emergency or disaster.

25 4. To the extent practicable and consistent with not endangering  
26 public safety or inhibiting recovery efforts, state and local  
27 governmental agencies shall allow first informer broadcasters access  
28 to areas affected by an emergency or disaster for the purposes of  
29 restoring, repairing, or resupplying any facility or equipment critical  
30 to the ability of a broadcaster to acquire, produce, and transmit  
31 essential emergency or disaster-related public information  
32 programming including, without limitation, repairing and maintaining  
33 transmitters and generators, and transporting fuel for generators.

34 5. The statewide association involved in establishing a program  
35 in accordance with this section shall pay the costs of developing and  
36 implementing the training program.

190.265. 1. In order to ensure that the skids of a helicopter do  
2 not get caught in a fence or other barriers and cause a potentially  
3 catastrophic outcome, any rules and regulations promulgated by the  
4 department of health and senior services pursuant to sections 190.185,  
5 190.241, and 192.006, chapter 197, or any other provision of Missouri  
6 law shall not require hospitals to have a fence, or other barriers,  
7 around such hospital's helipad. Any regulation requiring fencing, or  
8 other barriers, or any interpretation of such regulation shall be null  
9 and void.

10 2. In addition to the prohibition in subsection 1 of this section,  
11 the department shall not promulgate any rules and regulations with  
12 respect to the operation or construction of a helipad located at a  
13 hospital.

14 3. Hospitals shall ensure that helipads are free of obstruction

15 **and safe for use by a helicopter while on the ground, during approach,**  
16 **and takeoff.**

17 **4. As used in this section, the term "hospital" shall have the same**  
18 **meaning as in section 197.020.**

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

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

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

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

22  YES  NO

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

31 4. The sales tax may be imposed at a rate not to exceed one percent on the  
32 receipts from the sale at retail of all tangible personal property or taxable

33 services at retail within any county adopting such tax, if such property and  
34 services are subject to taxation by the state of Missouri under the provisions of  
35 sections 144.010 to 144.525. The sales tax shall not be collected prior to thirty-six  
36 months before operation of the central dispatching of emergency services.

37 5. Except as modified in this section, all provisions of sections 32.085 and  
38 32.087 shall apply to the tax imposed under this section.

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

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

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

64 9. The initial board shall consist of seven members appointed without  
65 regard to political affiliation, who shall be selected from, and who shall represent,  
66 the fire protection districts, ambulance districts, sheriff's department,  
67 municipalities, any other emergency services and the general public. This initial  
68 board shall serve until its successor board is duly elected and installed in

69 office. The commission shall ensure geographic representation of the county by  
70 appointing no more than four members from each district of the county  
71 commission.

72 10. Beginning in 1994, three members shall be elected from each district  
73 of the county commission and one member shall be elected at large, such member  
74 to be the chairman of the board. Of those first elected, four members from  
75 districts of the county commission shall be elected for terms of two years and two  
76 members from districts of the county commission and the member at large shall  
77 be elected for terms of four years. In 1996, and thereafter, all terms of office  
78 shall be four years. Notwithstanding any other provision of law, if there is no  
79 candidate for an open position on the board, then no election shall be held for  
80 that position and it shall be considered vacant, to be filled pursuant to the  
81 provisions of section 190.339, and, if there is only one candidate for each open  
82 position, no election shall be held and the candidate or candidates shall assume  
83 office at the same time and in the same manner as if elected.

84 11. Notwithstanding the provisions of subsections 8 to 10 of this section  
85 to the contrary, in any county of the first classification with more than two  
86 hundred forty thousand three hundred but fewer than two hundred forty  
87 thousand four hundred inhabitants **or in any county of the third**  
88 **classification with a township form of government and with more than**  
89 **twenty-eight thousand but fewer than thirty-one thousand inhabitants,**  
90 any emergency telephone service 911 board appointed by the county under section  
91 190.309 which is in existence on the date the voters approve a sales tax under  
92 this section shall continue to exist and shall have the powers set forth under  
93 section 190.339. Such boards which existed prior to August 25, 2010, shall not  
94 be considered a body corporate and a political subdivision of the state for any  
95 purpose, unless and until an order is entered upon an unanimous vote of the  
96 commissioners of the county in which such board is established reclassifying such  
97 board as a corporate body and political subdivision of the state. The order shall  
98 approve the transfer of the assets and liabilities related to the operation of the  
99 emergency service 911 system to the new entity created by the reclassification of  
100 the board.

101 12. (1) Notwithstanding the provisions of subsections 8 to 10 of this  
102 section to the contrary, in any county of the second classification with more than  
103 fifty-four thousand two hundred but fewer than fifty-four thousand three hundred  
104 inhabitants or any county of the first classification with more than fifty thousand

105 but fewer than seventy thousand inhabitants that has approved a sales tax under  
 106 this section, the county commission shall appoint the members of the board to  
 107 administer the funds and oversee the provision of emergency services in the  
 108 county.

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

112 (a) The head of any of the county's fire protection districts, or a designee;

113 (b) The head of any of the county's ambulance districts, or a designee;

114 (c) The county sheriff, or a designee;

115 (d) The head of any of the police departments in the county, or a designee;

116 and

117 (e) The head of any of the county's emergency management organizations,  
 118 or a designee.

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

124 (4) In any county of the first classification with more than fifty thousand  
 125 but fewer than seventy thousand inhabitants, each of the entities listed in  
 126 subdivision (2) of this subsection shall be represented on the board by at least one  
 127 member.

192.2400. As used in sections 192.2400 to 192.2505, the following terms  
 2 mean:

3 (1) "Abuse", the infliction of physical, sexual, or emotional injury or harm  
 4 including financial exploitation by any person, firm, or corporation **and bullying**;

5 (2) **"Bullying", intimidation or harassment that causes a**  
 6 **reasonable person to fear for his or her physical safety or property and**  
 7 **may consist of physical actions including gestures; cyberbullying; oral,**  
 8 **electronic, or written communication; and any threat of retaliation for**  
 9 **reporting of such acts;**

10 (3) "Court", the circuit court;

11 [(3)] (4) "Department", the department of health and senior services;

12 [(4)] (5) "Director", director of the department of health and senior  
 13 services or his or her designees;

14            [(5)] **(6)** "Eligible adult", a person sixty years of age or older who is  
15 unable to protect his or her own interests or adequately perform or obtain  
16 services which are necessary to meet his or her essential human needs or an  
17 adult with a disability, as defined in section 192.2005, between the ages of  
18 eighteen and fifty-nine who is unable to protect his or her own interests or  
19 adequately perform or obtain services which are necessary to meet his or her  
20 essential human needs;

21            [(6)] **(7)** "Home health agency", the same meaning as such term is  
22 defined in section 197.400;

23            [(7)] **(8)** "Home health agency employee", a person employed by a home  
24 health agency;

25            [(8)] **(9)** "Home health patient", an eligible adult who is receiving services  
26 through any home health agency;

27            [(9)] **(10)** "In-home services client", an eligible adult who is receiving  
28 services in his or her private residence through any in-home services provider  
29 agency;

30            [(10)] **(11)** "In-home services employee", a person employed by an in-  
31 home services provider agency;

32            [(11)] **(12)** "In-home services provider agency", a business entity under  
33 contract with the department or with a Medicaid participation agreement, which  
34 employs persons to deliver any kind of services provided for eligible adults in  
35 their private homes;

36            [(12)] **(13)** "Least restrictive environment", a physical setting where  
37 protective services for the eligible adult and accommodation is provided in a  
38 manner no more restrictive of an individual's personal liberty and no more  
39 intrusive than necessary to achieve care and treatment objectives;

40            [(13)] **(14)** "Likelihood of serious physical harm", one or more of the  
41 following:

42            (a) A substantial risk that physical harm to an eligible adult will occur  
43 because of his or her failure or inability to provide for his or her essential human  
44 needs as evidenced by acts or behavior which has caused such harm or which  
45 gives another person probable cause to believe that the eligible adult will sustain  
46 such harm;

47            (b) A substantial risk that physical harm will be inflicted by an eligible  
48 adult upon himself or herself, as evidenced by recent credible threats, acts, or  
49 behavior which has caused such harm or which places another person in

50 reasonable fear that the eligible adult will sustain such harm;

51 (c) A substantial risk that physical harm will be inflicted by another upon  
52 an eligible adult as evidenced by recent acts or behavior which has caused such  
53 harm or which gives another person probable cause to believe the eligible adult  
54 will sustain such harm;

55 (d) A substantial risk that further physical harm will occur to an eligible  
56 adult who has suffered physical injury, neglect, sexual or emotional abuse, or  
57 other maltreatment or wasting of his or her financial resources by another  
58 person;

59 [(14)] **(15)** "Neglect", the failure to provide services to an eligible adult  
60 by any person, firm or corporation with a legal or contractual duty to do so, when  
61 such failure presents either an imminent danger to the health, safety, or welfare  
62 of the client or a substantial probability that death or serious physical harm  
63 would result;

64 [(15)] **(16)** "Protective services", services provided by the state or other  
65 governmental or private organizations or individuals which are necessary for the  
66 eligible adult to meet his or her essential human needs.

192.2405. 1. The following persons shall be required to immediately  
2 report or cause a report to be made to the department under sections 192.2400  
3 to 192.2470:

4 (1) Any person having reasonable cause to suspect that an eligible adult  
5 presents a likelihood of suffering serious physical harm, **or bullying as defined**  
6 **in subdivision (2) of section 192.2400**, and is in need of protective services;  
7 and

8 (2) Any adult day care worker, chiropractor, Christian Science  
9 practitioner, coroner, dentist, embalmer, employee of the departments of social  
10 services, mental health, or health and senior services, employee of a local area  
11 agency on aging or an organized area agency on aging program, **first responder**,  
12 funeral director, home health agency, home health agency employee, hospital and  
13 clinic personnel engaged in the care or treatment of others, in-home services  
14 owner or provider, in-home services operator or employee, law enforcement officer,  
15 long-term care facility administrator or employee, medical examiner, medical  
16 resident or intern, mental health professional, minister, nurse, nurse practitioner,  
17 optometrist, other health practitioner, peace officer, pharmacist, physical  
18 therapist, physician, physician's assistant, podiatrist, probation or parole officer,  
19 psychologist, social worker, or other person with the responsibility for the care of

20 a person sixty years of age or older who has reasonable cause to suspect that such  
21 a person has been subjected to abuse or neglect or observes such a person being  
22 subjected to conditions or circumstances which would reasonably result in abuse  
23 or neglect. Notwithstanding any other provision of this section, a duly ordained  
24 minister, clergy, religious worker, or Christian Science practitioner while  
25 functioning in his or her ministerial capacity shall not be required to report  
26 concerning a privileged communication made to him or her in his or her  
27 professional capacity.

28 2. Any other person who becomes aware of circumstances that may  
29 reasonably be expected to be the result of, or result in, abuse or neglect of a  
30 person sixty years of age or older may report to the department.

31 3. The penalty for failing to report as required under subdivision (2) of  
32 subsection 1 of this section is provided under section 565.188.

33 4. **As used in this section, "first responder" means any person**  
34 **trained and authorized by law or rule to render emergency medical**  
35 **assistance or treatment. Such persons may include, but shall not be**  
36 **limited to, emergency first responders, police officers, sheriffs, deputy**  
37 **sheriffs, firefighters, emergency medical technicians, or emergency**  
38 **medical technician-paramedics.**

192.2475. 1. When any adult day care worker; chiropractor; Christian  
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of  
3 social services, mental health, or health and senior services; employee of a local  
4 area agency on aging or an organized area agency on aging program; **first**  
5 **responder, as defined in section 192.2405**; funeral director; home health  
6 agency or home health agency employee; hospital and clinic personnel engaged  
7 in examination, care, or treatment of persons; in-home services owner, provider,  
8 operator, or employee; law enforcement officer; long-term care facility  
9 administrator or employee; medical examiner; medical resident or intern; mental  
10 health professional; minister; nurse; nurse practitioner; optometrist; other health  
11 practitioner; peace officer; pharmacist; physical therapist; physician; physician's  
12 assistant; podiatrist; probation or parole officer; psychologist; or social worker has  
13 reasonable cause to believe that an in-home services client has been abused or  
14 neglected, as a result of in-home services, he or she shall immediately report or  
15 cause a report to be made to the department. If the report is made by a physician  
16 of the in-home services client, the department shall maintain contact with the  
17 physician regarding the progress of the investigation.

18           2. [When a report of deteriorating physical condition resulting in possible  
19 abuse or neglect of an in-home services client is received by the department, the  
20 client's case manager and the department nurse shall be notified. The client's  
21 case manager shall investigate and immediately report the results of the  
22 investigation to the department nurse. The department may authorize the  
23 in-home services provider nurse to assist the case manager with the investigation.

24           3. If requested, local area agencies on aging shall provide volunteer  
25 training to those persons listed in subsection 1 of this section regarding the  
26 detection and report of abuse and neglect pursuant to this section.

27           4.] Any person required in subsection 1 of this section to report or cause  
28 a report to be made to the department who fails to do so within a reasonable time  
29 after the act of abuse or neglect is guilty of a class A misdemeanor.

30           [5.] 3. The report shall contain the names and addresses of the in-home  
31 services provider agency, the in-home services employee, the in-home services  
32 client, the home health agency, the home health agency employee, information  
33 regarding the nature of the abuse or neglect, the name of the complainant, and  
34 any other information which might be helpful in an investigation.

35           [6.] 4. In addition to those persons required to report under subsection  
36 1 of this section, any other person having reasonable cause to believe that an  
37 in-home services client or home health patient has been abused or neglected by  
38 an in-home services employee or home health agency employee may report such  
39 information to the department.

40           [7.] 5. If the investigation indicates possible abuse or neglect of an  
41 in-home services client or home health patient, the investigator shall refer the  
42 complaint together with his or her report to the department director or his or her  
43 designee for appropriate action. If, during the investigation or at its completion,  
44 the department has reasonable cause to believe that immediate action is  
45 necessary to protect the in-home services client or home health patient from  
46 abuse or neglect, the department or the local prosecuting attorney may, or the  
47 attorney general upon request of the department shall, file a petition for  
48 temporary care and protection of the in-home services client or home health  
49 patient in a circuit court of competent jurisdiction. The circuit court in which the  
50 petition is filed shall have equitable jurisdiction to issue an ex parte order  
51 granting the department authority for the temporary care and protection of the  
52 in-home services client or home health patient, for a period not to exceed thirty  
53 days.

54 [8.] 6. Reports shall be confidential, as provided under section 192.2500.

55 [9.] 7. Anyone, except any person who has abused or neglected an  
56 in-home services client or home health patient, who makes a report pursuant to  
57 this section or who testifies in any administrative or judicial proceeding arising  
58 from the report shall be immune from any civil or criminal liability for making  
59 such a report or for testifying except for liability for perjury, unless such person  
60 acted negligently, recklessly, in bad faith, or with malicious purpose.

61 [10.] 8. Within five working days after a report required to be made  
62 under this section is received, the person making the report shall be notified in  
63 writing of its receipt and of the initiation of the investigation.

64 [11.] 9. No person who directs or exercises any authority in an in-home  
65 services provider agency or home health agency shall harass, dismiss or retaliate  
66 against an in-home services client or home health patient, or an in-home services  
67 employee or a home health agency employee because he or she or any member of  
68 his or her family has made a report of any violation or suspected violation of  
69 laws, standards or regulations applying to the in-home services provider agency  
70 or home health agency or any in-home services employee or home health agency  
71 employee which he or she has reasonable cause to believe has been committed or  
72 has occurred.

73 [12.] 10. Any person who abuses or neglects an in-home services client  
74 or home health patient is subject to criminal prosecution under section 565.184.  
75 If such person is an in-home services employee and has been found guilty by a  
76 court, and if the supervising in-home services provider willfully and knowingly  
77 failed to report known abuse by such employee to the department, the supervising  
78 in-home services provider may be subject to administrative penalties of one  
79 thousand dollars per violation to be collected by the department and the money  
80 received therefor shall be paid to the director of revenue and deposited in the  
81 state treasury to the credit of the general revenue fund. Any in-home services  
82 provider which has had administrative penalties imposed by the department or  
83 which has had its contract terminated may seek an administrative review of the  
84 department's action pursuant to chapter 621. Any decision of the administrative  
85 hearing commission may be appealed to the circuit court in the county where the  
86 violation occurred for a trial de novo. For purposes of this subsection, the term  
87 "violation" means a determination of guilt by a court.

88 [13.] 11. The department shall establish a quality assurance and  
89 supervision process for clients that requires an in-home services provider agency

90 to conduct random visits to verify compliance with program standards and verify  
91 the accuracy of records kept by an in-home services employee.

92 [14.] 12. The department shall maintain the employee disqualification  
93 list and place on the employee disqualification list the names of any persons who  
94 have been finally determined by the department, pursuant to section 192.2490,  
95 to have recklessly, knowingly or purposely abused or neglected an in-home  
96 services client or home health patient while employed by an in-home services  
97 provider agency or home health agency. For purposes of this section only,  
98 "knowingly" and "recklessly" shall have the meanings that are ascribed to them  
99 in this section. A person acts "knowingly" with respect to the person's conduct  
100 when a reasonable person should be aware of the result caused by his or her  
101 conduct. A person acts "recklessly" when the person consciously disregards a  
102 substantial and unjustifiable risk that the person's conduct will result in serious  
103 physical injury and such disregard constitutes a gross deviation from the  
104 standard of care that a reasonable person would exercise in the situation.

105 [15.] 13. At the time a client has been assessed to determine the level of  
106 care as required by rule and is eligible for in-home services, the department shall  
107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental,  
108 and environmental capacity. The department shall develop the safe at home  
109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe  
110 at home evaluation is to assure that each client has the appropriate level of  
111 services and professionals involved in the client's care. The plan of service or  
112 care for each in-home services client shall be authorized by a nurse. The  
113 department may authorize the licensed in-home services nurse, in lieu of the  
114 department nurse, to conduct the assessment of the client's condition and to  
115 establish a plan of services or care. The department may use the expertise,  
116 services, or programs of other departments and agencies on a case-by-case basis  
117 to establish the plan of service or care. The department may, as indicated by the  
118 safe at home evaluation, refer any client to a mental health professional, as  
119 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

120 [16.] 14. Authorized nurse visits shall occur at least twice annually to  
121 assess the client and the client's plan of services. The provider nurse shall report  
122 the results of his or her visits to the client's case manager. If the provider nurse  
123 believes that the plan of service requires alteration, the department shall be  
124 notified and the department shall make a client evaluation. All authorized nurse  
125 visits shall be reimbursed to the in-home services provider. All authorized nurse

126 visits shall be reimbursed outside of the nursing home cap for in-home services  
127 clients whose services have reached one hundred percent of the average statewide  
128 charge for care and treatment in an intermediate care facility, provided that the  
129 services have been preauthorized by the department.

130 [17.] 15. All in-home services clients shall be advised of their rights by  
131 the department or the department's designee at the initial evaluation. The rights  
132 shall include, but not be limited to, the right to call the department for any  
133 reason, including dissatisfaction with the provider or services. The department  
134 may contract for services relating to receiving such complaints. The department  
135 shall establish a process to receive such nonabuse and neglect calls other than the  
136 elder abuse and neglect hotline.

137 [18.] 16. Subject to appropriations, all nurse visits authorized in sections  
138 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

192.2475. 1. When any adult day care worker; chiropractor; Christian  
2 Science practitioner; coroner; dentist; embalmer; employee of the departments of  
3 social services, mental health, or health and senior services; employee of a local  
4 area agency on aging or an organized area agency on aging program; **first**  
5 **responder, as defined in section 192.2405**; funeral director; home health  
6 agency or home health agency employee; hospital and clinic personnel engaged  
7 in examination, care, or treatment of persons; in-home services owner, provider,  
8 operator, or employee; law enforcement officer; long-term care facility  
9 administrator or employee; medical examiner; medical resident or intern; mental  
10 health professional; minister; nurse; nurse practitioner; optometrist; other health  
11 practitioner; peace officer; pharmacist; physical therapist; physician; physician's  
12 assistant; podiatrist; probation or parole officer; psychologist; or social worker has  
13 reasonable cause to believe that an in-home services client has been abused or  
14 neglected, as a result of in-home services, he or she shall immediately report or  
15 cause a report to be made to the department. If the report is made by a physician  
16 of the in-home services client, the department shall maintain contact with the  
17 physician regarding the progress of the investigation.

18 2. [When a report of deteriorating physical condition resulting in possible  
19 abuse or neglect of an in-home services client is received by the department, the  
20 client's case manager and the department nurse shall be notified. The client's  
21 case manager shall investigate and immediately report the results of the  
22 investigation to the department nurse. The department may authorize the  
23 in-home services provider nurse to assist the case manager with the investigation.

24           3. If requested, local area agencies on aging shall provide volunteer  
25 training to those persons listed in subsection 1 of this section regarding the  
26 detection and report of abuse and neglect pursuant to this section.

27           4.] Any person required in subsection 1 of this section to report or cause  
28 a report to be made to the department who fails to do so within a reasonable time  
29 after the act of abuse or neglect is guilty of a class A misdemeanor.

30           [5.] 3. The report shall contain the names and addresses of the in-home  
31 services provider agency, the in-home services employee, the in-home services  
32 client, the home health agency, the home health agency employee, information  
33 regarding the nature of the abuse or neglect, the name of the complainant, and  
34 any other information which might be helpful in an investigation.

35           [6.] 4. In addition to those persons required to report under subsection  
36 1 of this section, any other person having reasonable cause to believe that an  
37 in-home services client or home health patient has been abused or neglected by  
38 an in-home services employee or home health agency employee may report such  
39 information to the department.

40           [7.] 5. If the investigation indicates possible abuse or neglect of an  
41 in-home services client or home health patient, the investigator shall refer the  
42 complaint together with his or her report to the department director or his or her  
43 designee for appropriate action. If, during the investigation or at its completion,  
44 the department has reasonable cause to believe that immediate action is  
45 necessary to protect the in-home services client or home health patient from  
46 abuse or neglect, the department or the local prosecuting attorney may, or the  
47 attorney general upon request of the department shall, file a petition for  
48 temporary care and protection of the in-home services client or home health  
49 patient in a circuit court of competent jurisdiction. The circuit court in which the  
50 petition is filed shall have equitable jurisdiction to issue an ex parte order  
51 granting the department authority for the temporary care and protection of the  
52 in-home services client or home health patient, for a period not to exceed thirty  
53 days.

54           [8.] 6. Reports shall be confidential, as provided under section 192.2500.

55           [9.] 7. Anyone, except any person who has abused or neglected an  
56 in-home services client or home health patient, who makes a report pursuant to  
57 this section or who testifies in any administrative or judicial proceeding arising  
58 from the report shall be immune from any civil or criminal liability for making  
59 such a report or for testifying except for liability for perjury, unless such person

60 acted negligently, recklessly, in bad faith, or with malicious purpose.

61 [10.] 8. Within five working days after a report required to be made  
62 under this section is received, the person making the report shall be notified in  
63 writing of its receipt and of the initiation of the investigation.

64 [11.] 9. No person who directs or exercises any authority in an in-home  
65 services provider agency or home health agency shall harass, dismiss or retaliate  
66 against an in-home services client or home health patient, or an in-home services  
67 employee or a home health agency employee because he or she or any member of  
68 his or her family has made a report of any violation or suspected violation of  
69 laws, standards or regulations applying to the in-home services provider agency  
70 or home health agency or any in-home services employee or home health agency  
71 employee which he or she has reasonable cause to believe has been committed or  
72 has occurred.

73 [12.] 10. Any person who abuses or neglects an in-home services client  
74 or home health patient is subject to criminal prosecution under section 565.180,  
75 565.182, or 565.184. If such person is an in-home services employee and has been  
76 found guilty by a court, and if the supervising in-home services provider willfully  
77 and knowingly failed to report known abuse by such employee to the department,  
78 the supervising in-home services provider may be subject to administrative  
79 penalties of one thousand dollars per violation to be collected by the department  
80 and the money received therefor shall be paid to the director of revenue and  
81 deposited in the state treasury to the credit of the general revenue fund. Any  
82 in-home services provider which has had administrative penalties imposed by the  
83 department or which has had its contract terminated may seek an administrative  
84 review of the department's action pursuant to chapter 621. Any decision of the  
85 administrative hearing commission may be appealed to the circuit court in the  
86 county where the violation occurred for a trial de novo. For purposes of this  
87 subsection, the term "violation" means a determination of guilt by a court.

88 [13.] 11. The department shall establish a quality assurance and  
89 supervision process for clients that requires an in-home services provider agency  
90 to conduct random visits to verify compliance with program standards and verify  
91 the accuracy of records kept by an in-home services employee.

92 [14.] 12. The department shall maintain the employee disqualification  
93 list and place on the employee disqualification list the names of any persons who  
94 have been finally determined by the department, pursuant to section 192.2490,  
95 to have recklessly, knowingly or purposely abused or neglected an in-home

96 services client or home health patient while employed by an in-home services  
97 provider agency or home health agency. For purposes of this section only,  
98 "knowingly" and "recklessly" shall have the meanings that are ascribed to them  
99 in this section. A person acts "knowingly" with respect to the person's conduct  
100 when a reasonable person should be aware of the result caused by his or her  
101 conduct. A person acts "recklessly" when the person consciously disregards a  
102 substantial and unjustifiable risk that the person's conduct will result in serious  
103 physical injury and such disregard constitutes a gross deviation from the  
104 standard of care that a reasonable person would exercise in the situation.

105 [15.] 13. At the time a client has been assessed to determine the level of  
106 care as required by rule and is eligible for in-home services, the department shall  
107 conduct a "Safe at Home Evaluation" to determine the client's physical, mental,  
108 and environmental capacity. The department shall develop the safe at home  
109 evaluation tool by rule in accordance with chapter 536. The purpose of the safe  
110 at home evaluation is to assure that each client has the appropriate level of  
111 services and professionals involved in the client's care. The plan of service or  
112 care for each in-home services client shall be authorized by a nurse. The  
113 department may authorize the licensed in-home services nurse, in lieu of the  
114 department nurse, to conduct the assessment of the client's condition and to  
115 establish a plan of services or care. The department may use the expertise,  
116 services, or programs of other departments and agencies on a case-by-case basis  
117 to establish the plan of service or care. The department may, as indicated by the  
118 safe at home evaluation, refer any client to a mental health professional, as  
119 defined in 9 CSR 30-4.030, for evaluation and treatment as necessary.

120 [16.] 14. Authorized nurse visits shall occur at least twice annually to  
121 assess the client and the client's plan of services. The provider nurse shall report  
122 the results of his or her visits to the client's case manager. If the provider nurse  
123 believes that the plan of service requires alteration, the department shall be  
124 notified and the department shall make a client evaluation. All authorized nurse  
125 visits shall be reimbursed to the in-home services provider. All authorized nurse  
126 visits shall be reimbursed outside of the nursing home cap for in-home services  
127 clients whose services have reached one hundred percent of the average statewide  
128 charge for care and treatment in an intermediate care facility, provided that the  
129 services have been preauthorized by the department.

130 [17.] 15. All in-home services clients shall be advised of their rights by  
131 the department or the department's designee at the initial evaluation. The rights

132 shall include, but not be limited to, the right to call the department for any  
133 reason, including dissatisfaction with the provider or services. The department  
134 may contract for services relating to receiving such complaints. The department  
135 shall establish a process to receive such nonabuse and neglect calls other than the  
136 elder abuse and neglect hotline.

137 [18.] 16. Subject to appropriations, all nurse visits authorized in sections  
138 192.2400 to 192.2475 shall be reimbursed to the in-home services provider agency.

208.1030. 1. An eligible provider, as described in subsection 2 of  
2 this section, may, in addition to the rate of payment that the provider  
3 would otherwise receive for Medicaid ground emergency medical  
4 transportation services, receive MO HealthNet supplemental  
5 reimbursement to the extent provided by law.

6 2. A provider shall be eligible for Medicaid supplemental  
7 reimbursement if the provider meets the following characteristics  
8 during the state reporting period:

9 (1) Provides ground emergency medical transportation services  
10 to MO HealthNet participants;

11 (2) Is enrolled as a MO HealthNet provider for the period being  
12 claimed; and

13 (3) Is owned, operated, or contracted by the state or a political  
14 subdivision.

15 3. An eligible provider's Medicaid supplemental reimbursement  
16 under this section shall be calculated and paid as follows:

17 (1) The supplemental reimbursement to an eligible provider, as  
18 described in subsection 2 of this section, shall be equal to the amount  
19 of federal financial participation received as a result of the claims  
20 submitted under subdivision (2) of subsection 6 of this section;

21 (2) In no instance shall the amount certified under subdivision  
22 (1) of subsection 5 of this section, when combined with the amount  
23 received from all other sources of reimbursement from the MO  
24 HealthNet program, exceed one hundred percent of actual costs, as  
25 determined under the Medicaid state plan for ground emergency  
26 medical transportation services; and

27 (3) The supplemental Medicaid reimbursement provided by this  
28 section shall be distributed exclusively to eligible providers under a  
29 payment methodology based on ground emergency medical  
30 transportation services provided to MO HealthNet participants by

31 eligible providers on a per-transport basis or other federally  
32 permissible basis. The department of social services shall obtain  
33 approval from the Centers for Medicare and Medicaid Services for the  
34 payment methodology to be utilized and shall not make any payment  
35 under this section prior to obtaining that approval.

36 4. An eligible provider, as a condition of receiving supplemental  
37 reimbursement under this section, shall enter into and maintain an  
38 agreement with the department's designee for the purposes of  
39 implementing this section and reimbursing the department of social  
40 services for the costs of administering this section. The non-federal  
41 share of the supplemental reimbursement submitted to the Centers for  
42 Medicare and Medicaid Services for purposes of claiming federal  
43 financial participation shall be paid with funds from the governmental  
44 entities described in subdivision (3) of subsection 2 of this section and  
45 certified to the state as provided in subsection 5 of this section.

46 5. Participation in the program by an eligible provider described  
47 in this section is voluntary. If an applicable governmental entity elects  
48 to seek supplemental reimbursement under this section on behalf of an  
49 eligible provider owned or operated by the entity, as described in  
50 subdivision (3) of subsection 2 of this section, the governmental entity  
51 shall do the following:

52 (1) Certify in conformity with the requirements of 42 CFR 433.51  
53 that the claimed expenditures for the ground emergency medical  
54 transportation services are eligible for federal financial participation;

55 (2) Provide evidence supporting the certification as specified by  
56 the department of social services;

57 (3) Submit data as specified by the department of social services  
58 to determine the appropriate amounts to claim as expenditures  
59 qualifying for federal financial participation; and

60 (4) Keep, maintain, and have readily retrievable any records  
61 specified by the department of social services to fully disclose  
62 reimbursement amounts to which the eligible provider is entitled and  
63 any other records required by the Centers for Medicare and Medicaid  
64 Services.

65 6. The department of social services shall be authorized to seek  
66 any necessary federal approvals for the implementation of this  
67 section. The department may limit the program to those costs that are

68 allowable expenditures under Title XIX of the Social Security Act, 42  
69 U.S.C. Section 1396, et seq.

70 (1) The department of social services shall submit claims for  
71 federal financial participation for the expenditures for the services  
72 described in subsection 5 of this section that are allowable  
73 expenditures under federal law.

74 (2) The department of social services shall, on an annual basis,  
75 submit any necessary materials to the federal government to provide  
76 assurances that claims for federal financial participation shall include  
77 only those expenditures that are allowable under federal law.

208.1032. 1. The department of social services shall be  
2 authorized to design and implement in consultation and coordination  
3 with eligible providers as described in subsection 2 of this section an  
4 intergovernmental transfer program relating to ground emergency  
5 medical transport services, including those services provided at the  
6 emergency medical responder, emergency medical technician (EMT),  
7 advanced EMT, EMT intermediate, or paramedic levels in the pre-  
8 stabilization and preparation for transport, in order to increase  
9 capitation payments for the purpose of increasing reimbursement to  
10 eligible providers.

11 2. A provider shall be eligible for increased reimbursement  
12 under this section only if the provider meets the following conditions  
13 in an applicable state fiscal year:

14 (1) Provides ground emergency medical transportation services  
15 to MO HealthNet participants;

16 (2) Is enrolled as a MO HealthNet provider for the period being  
17 claimed; and

18 (3) Is owned, operated, or contracted by the state or a political  
19 subdivision.

20 3. To the extent intergovernmental transfers are voluntarily  
21 made by and accepted from an eligible provider described in subsection  
22 2 of this section or a governmental entity affiliated with an eligible  
23 provider, the department of social services shall make increased  
24 capitation payments to applicable MO HealthNet eligible providers for  
25 covered ground emergency medical transportation services.

26 (1) The increased capitation payments made under this section  
27 shall be in amounts at least actuarially equivalent to the supplemental

28 fee-for-service payments and up to equivalent of commercial  
29 reimbursement rates available for eligible providers to the extent  
30 permissible under federal law.

31 (2) Except as provided in subsection 6 of this section, all funds  
32 associated with intergovernmental transfers made and accepted under  
33 this section shall be used to fund additional payments to eligible  
34 providers.

35 (3) MO HealthNet managed care plans and coordinated care  
36 organizations shall pay one hundred percent of any amount of  
37 increased capitation payments made under this section to eligible  
38 providers for providing and making available ground emergency  
39 medical transportation and pre-stabilization services pursuant to a  
40 contract or other arrangement with a MO HealthNet managed care plan  
41 or coordinated care organization.

42 4. The intergovernmental transfer program developed under this  
43 section shall be implemented on the date federal approval is obtained,  
44 and only to the extent intergovernmental transfers from the eligible  
45 provider, or the governmental entity with which it is affiliated, are  
46 provided for this purpose. The department of social services shall  
47 implement the intergovernmental transfer program and increased  
48 capitation payments under this section on a retroactive basis as  
49 permitted by federal law.

50 5. Participation in the intergovernmental transfers under this  
51 section is voluntary on the part of the transferring entities for purposes  
52 of all applicable federal laws.

53 6. As a condition of participation under this section, each  
54 eligible provider as described in subsection 2 of this section or the  
55 governmental entity affiliated with an eligible provider shall agree to  
56 reimburse the department of social services for any costs associated  
57 with implementing this section. Intergovernmental transfers described  
58 in this section are subject to an administration fee of up to twenty  
59 percent of the nonfederal share paid to the department of social  
60 services and shall be allowed to count as a cost of providing the  
61 services not to exceed one hundred twenty percent of the total amount.

62 7. As a condition of participation under this section, MO  
63 HealthNet managed care plans, coordinated care organizations, eligible  
64 providers as described in subsection 2 of this section, and

65 governmental entities affiliated with eligible providers shall agree to  
66 comply with any requests for information or similar data requirements  
67 imposed by the department of social services for purposes of obtaining  
68 supporting documentation necessary to claim federal funds or to obtain  
69 federal approvals.

70 8. This section shall be implemented only if and to the extent  
71 federal financial participation is available and is not otherwise  
72 jeopardized, and any necessary federal approvals have been obtained.

73 9. To the extent that the director of the department of social  
74 services determines that the payments made under this section do not  
75 comply with federal Medicaid requirements, the director retains the  
76 discretion to return or not accept an intergovernmental transfer, and  
77 may adjust payments under this section as necessary to comply with  
78 federal Medicaid requirements.

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

3 (1) "Association", volunteer fire protection associations as  
4 defined in section 320.300;

5 (2) "State fire marshal", the state fire marshal selected under the  
6 provisions of sections 320.200 to 320.270;

7 (3) "Volunteer firefighter", the same meaning as in section  
8 287.243.

9 2. Any association may apply to the state fire marshal for a grant  
10 for the purpose of funding such association's costs related to workers'  
11 compensation insurance premiums for volunteer firefighters.

12 3. Subject to appropriations, the state fire marshal shall disburse  
13 grants to each applying volunteer fire protection association according  
14 to the following schedule:

15 (1) Associations which had zero to five volunteer firefighters  
16 receive workers' compensation benefits from claims arising out of and  
17 in the course of the prevention or control of fire or the underwater  
18 recovery of drowning victims in the preceding calendar year shall be  
19 eligible for two thousand dollars in grant money;

20 (2) Associations which had six to ten volunteer firefighters  
21 receive workers' compensation benefits from claims arising out of and  
22 in the course of the prevention or control of fire or the underwater  
23 recovery of drowning victims in the preceding calendar year shall be

24 **eligible for one thousand five hundred dollars in grant money;**

25 **(3) Associations which had eleven to fifteen volunteer**  
26 **firefighters receive workers' compensation benefits from claims arising**  
27 **out of and in the course of the prevention or control of fire or the**  
28 **underwater recovery of drowning victims in the preceding calendar**  
29 **year shall be eligible for one thousand dollars in grant money;**

30 **(4) Associations which had sixteen to twenty volunteer**  
31 **firefighters receive workers' compensation benefits from claims arising**  
32 **out of and in the course of the prevention or control of fire or the**  
33 **underwater recovery of drowning victims in the preceding calendar**  
34 **year shall be eligible for five hundred dollars in grant money.**

35 **4. Grant money disbursed under this section shall only be used**  
36 **for the purpose of paying for the workers' compensation insurance**  
37 **premiums of volunteer firefighters.**

304.022. 1. Upon the immediate approach of an emergency vehicle giving  
2 audible signal by siren or while having at least one lighted lamp exhibiting red  
3 light visible under normal atmospheric conditions from a distance of five hundred  
4 feet to the front of such vehicle or a flashing blue light authorized by section  
5 307.175, the driver of every other vehicle shall yield the right-of-way and shall  
6 immediately drive to a position parallel to, and as far as possible to the right of,  
7 the traveled portion of the highway and thereupon stop and remain in such  
8 position until such emergency vehicle has passed, except when otherwise directed  
9 by a police or traffic officer.

10 2. Upon approaching a stationary emergency vehicle displaying lighted  
11 red or red and blue lights, or a stationary vehicle owned by the state highways  
12 and transportation commission and operated by an authorized employee of the  
13 department of transportation **or a stationary vehicle owned by a contractor**  
14 **or subcontractor performing work for the department of transportation**  
15 displaying lighted amber or amber and white lights, the driver of every motor  
16 vehicle shall:

17 (1) Proceed with caution and yield the right-of-way, if possible with due  
18 regard to safety and traffic conditions, by making a lane change into a lane not  
19 adjacent to that of the stationary vehicle, if on a roadway having at least four  
20 lanes with not less than two lanes proceeding in the same direction as the  
21 approaching vehicle; or

22 (2) Proceed with due caution and reduce the speed of the vehicle,

23 maintaining a safe speed for road conditions, if changing lanes would be unsafe  
24 or impossible.

25 3. The motorman of every streetcar shall immediately stop such car clear  
26 of any intersection and keep it in such position until the emergency vehicle has  
27 passed, except as otherwise directed by a police or traffic officer.

28 4. An "emergency vehicle" is a vehicle of any of the following types:

29 (1) A vehicle operated by the state highway patrol, the state water patrol,  
30 the Missouri capitol police, a conservation agent, or a state park ranger, those  
31 vehicles operated by enforcement personnel of the state highways and  
32 transportation commission, police or fire department, sheriff, constable or deputy  
33 sheriff, federal law enforcement officer authorized to carry firearms and to make  
34 arrests for violations of the laws of the United States, traffic officer or coroner or  
35 by a privately owned emergency vehicle company;

36 (2) A vehicle operated as an ambulance or operated commercially for the  
37 purpose of transporting emergency medical supplies or organs;

38 (3) Any vehicle qualifying as an emergency vehicle pursuant to section  
39 307.175;

40 (4) Any wrecker, or tow truck or a vehicle owned and operated by a public  
41 utility or public service corporation while performing emergency service;

42 (5) Any vehicle transporting equipment designed to extricate human  
43 beings from the wreckage of a motor vehicle;

44 (6) Any vehicle designated to perform emergency functions for a civil  
45 defense or emergency management agency established pursuant to the provisions  
46 of chapter 44;

47 (7) Any vehicle operated by an authorized employee of the department of  
48 corrections who, as part of the employee's official duties, is responding to a riot,  
49 disturbance, hostage incident, escape or other critical situation where there is the  
50 threat of serious physical injury or death, responding to mutual aid call from  
51 another criminal justice agency, or in accompanying an ambulance which is  
52 transporting an offender to a medical facility;

53 (8) Any vehicle designated to perform hazardous substance emergency  
54 functions established pursuant to the provisions of sections 260.500 to 260.550;  
55 or

56 (9) Any vehicle owned by the state highways and transportation  
57 commission and operated by an authorized employee of the department of  
58 transportation that is marked as a department of transportation emergency

59 response or motorist assistance vehicle.

60 5. (1) The driver of any vehicle referred to in subsection 4 of this section  
61 shall not sound the siren thereon or have the front red lights or blue lights on  
62 except when such vehicle is responding to an emergency call or when in pursuit  
63 of an actual or suspected law violator, or when responding to, but not upon  
64 returning from, a fire.

65 (2) The driver of an emergency vehicle may:

66 (a) Park or stand irrespective of the provisions of sections 304.014 to  
67 304.025;

68 (b) Proceed past a red or stop signal or stop sign, but only after slowing  
69 down as may be necessary for safe operation;

70 (c) Exceed the prima facie speed limit so long as the driver does not  
71 endanger life or property;

72 (d) Disregard regulations governing direction of movement or turning in  
73 specified directions.

74 (3) The exemptions granted to an emergency vehicle pursuant to  
75 subdivision (2) of this subsection shall apply only when the driver of any such  
76 vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle  
77 as may be reasonably necessary, and when the vehicle is equipped with at least  
78 one lighted lamp displaying a red light or blue light visible under normal  
79 atmospheric conditions from a distance of five hundred feet to the front of such  
80 vehicle.

81 6. No person shall purchase an emergency light as described in this  
82 section without furnishing the seller of such light an affidavit stating that the  
83 light will be used exclusively for emergency vehicle purposes.

84 7. Violation of this section shall be deemed a class A misdemeanor.

307.175. 1. Motor vehicles and equipment which are operated by any  
2 member of an organized fire department, ambulance association, or rescue squad,  
3 whether paid or volunteer, may be operated on streets and highways in this state  
4 as an emergency vehicle under the provisions of section 304.022 while responding  
5 to a fire call or ambulance call or at the scene of a fire call or ambulance call and  
6 while using or sounding a warning siren and using or displaying thereon fixed,  
7 flashing or rotating blue lights, but sirens and blue lights shall be used only in  
8 bona fide emergencies.

9 **2. Motor vehicles and equipment owned by the state highways**  
10 **and transportation commission or contractor or subcontractor**

11 **performing work for the department of transportation may use or**  
12 **display thereon fixed, flashing, or rotating amber or white lights, but**  
13 **amber or white lights shall be used only while such vehicle is**  
14 **stationary in a work zone, as defined in section 304.580, when highway**  
15 **workers, as defined in section 304.580, are present.**

16 **3.** Permits for the operation of such vehicles equipped with sirens or blue  
17 lights shall be in writing and shall be issued and may be revoked by the chief of  
18 an organized fire department, organized ambulance association, [or] rescue  
19 squad, **or the state highways and transportation commission** and no  
20 person shall use or display a siren or blue lights on a motor vehicle, fire,  
21 ambulance, or rescue equipment without a valid permit authorizing the use. A  
22 permit to use a siren or lights as heretofore set out does not relieve the operator  
23 of the vehicle so equipped with complying with all other traffic laws and  
24 regulations. Violation of this section constitutes a class A misdemeanor.

321.017. **1.** Notwithstanding the provisions of section 321.015, no  
2 employee of any fire protection district or ambulance district shall serve as a  
3 member of any fire district or ambulance district board while such person is  
4 employed by any fire district or ambulance district, except that an employee of  
5 a fire protection district or an ambulance district may serve as a member of a  
6 voluntary fire protection district board or a voluntary ambulance district board.

7 **2. Notwithstanding any other provision of law to the contrary,**  
8 **individual board members shall not be eligible for employment by the**  
9 **board within twelve months of termination of service as a member of**  
10 **the board unless such employment is on a volunteer basis or without**  
11 **compensation.**

321.130. [1.] A person, to be qualified to serve as a director, shall be a  
2 **resident and** voter of the district **for** at least one year before the election or  
3 appointment and be over the age of [twenty-five] **twenty-four** years[; except as  
4 provided in subsections 2 and 3 of this section. The person shall also be a  
5 resident of such fire protection district]. In the event the person is no longer a  
6 resident of the district, the person's office shall be vacated, and the vacancy shall  
7 be filled as provided in section 321.200. Nominations and declarations of  
8 candidacy shall be filed at the headquarters of the fire protection district by  
9 paying a [ten dollar] filing fee **equal to the amount of a candidate for**  
10 **county office as set forth under section 115.357**, and filing a statement  
11 under oath that such person possesses the required qualifications.

12           [2. In any fire protection district located in more than one county one of  
13 which is a first class county without a charter form of government having a  
14 population of more than one hundred ninety-eight thousand and not adjoining  
15 any other first class county or located wholly within a first class county as  
16 described herein, a resident shall have been a resident of the district for more  
17 than one year to be qualified to serve as a director.

18           3. In any fire protection district located in a county of the third or fourth  
19 classification, a person to be qualified to serve as a director shall be over the age  
20 of twenty-five years and shall be a voter of the district for more than one year  
21 before the election or appointment, except that for the first board of directors in  
22 such district, a person need only be a voter of the district for one year before the  
23 election or appointment.

24           4. A person desiring to become a candidate for the first board of directors  
25 of the proposed district shall pay the sum of five dollars as a filing fee to the  
26 treasurer of the county and shall file with the election authority a statement  
27 under oath that such person possesses all of the qualifications set out in this  
28 chapter for a director of a fire protection district.] Thereafter, such candidate  
29 shall have the candidate's name placed on the ballot as a candidate for director.

321.210. On the first Tuesday in April after the expiration of at least two  
2 full calendar years from the date of the election of the first board of directors, and  
3 on the first Tuesday in April every two years thereafter, an election for members  
4 of the board of directors shall be held in the district. Nominations shall be filed  
5 at the headquarters of the fire protection district in which a majority of the  
6 district is located by paying a filing fee **[up] equal** to the amount of a candidate  
7 for **[state representative] county office** as set forth under section 115.357 and  
8 filing a statement under oath that **[he] the candidate** possesses the required  
9 qualifications. The candidate receiving the most votes shall be elected. Any new  
10 member of the board shall qualify in the same manner as the members of the first  
11 board qualify.

455.543. 1. In any incident investigated by a law enforcement agency  
2 involving a homicide or suicide, the law enforcement agency shall make a  
3 determination as to whether the homicide or suicide is related to domestic  
4 violence.

5           2. In making such determination, the local law enforcement agency may  
6 consider a number of factors including, but not limited to, the following:

7           (1) If the relationship between the perpetrator and the victim is or was

8 that of a family or household member;

9 (2) Whether the victim or perpetrator had previously filed for an order of  
10 protection;

11 (3) Whether any of the subjects involved in the incident had previously  
12 been investigated for incidents of domestic violence; and

13 (4) Any other evidence regarding the homicide or suicide that assists the  
14 agency in making its determination.

15 3. After making a determination as to whether the homicide or suicide is  
16 related to domestic violence, the law enforcement agency shall forward the  
17 information required [within fifteen days] to the Missouri state highway patrol  
18 on a form or format approved by the patrol. The required information shall  
19 include the gender and age of the victim, the type of incident investigated, the  
20 disposition of the incident and the relationship of the victim to the  
21 perpetrator. The state highway patrol shall develop a form for this purpose  
22 which shall be distributed by the department of public safety to all law  
23 enforcement agencies by October 1, 2000. [Completed forms shall be forwarded  
24 to the highway patrol without undue delay as required by section 43.500; except  
25 that all such reports shall be forwarded no later than seven days after an incident  
26 is determined or identified as a homicide or suicide involving domestic violence.]

455.545. The highway patrol shall compile an annual report of homicides  
2 and suicides related to domestic violence. Such report shall be presented by  
3 [February] **March** first of the subsequent year to the governor, speaker of the  
4 house of representatives, and president pro tempore of the senate.

575.145. 1. It shall be the duty of the operator or driver of any vehicle or  
2 any other conveyance regardless of means of propulsion, or the rider of any  
3 animal traveling on the highways of this state to stop on signal of any law  
4 enforcement officer **or firefighter** and to obey any other reasonable signal or  
5 direction of such law enforcement officer **or firefighter** given in directing the  
6 movement of traffic on the highways or enforcing any offense or infraction.

7 2. The offense of willfully failing or refusing to obey such signals or  
8 directions or willfully resisting or opposing a law enforcement officer **or a**  
9 **firefighter** in the proper discharge of his or her duties is a class A misdemeanor.

575.145. It shall be the duty of the operator or driver of any vehicle or the  
2 rider of any animal traveling on the highways of this state to stop on signal of  
3 any sheriff [or], deputy sheriff, **or firefighter** and to obey any other reasonable  
4 signal or direction of such sheriff [or], deputy sheriff, **or firefighter** given in

5 directing the movement of traffic on the highways. Any person who willfully fails  
6 or refuses to obey such signals or directions or who willfully resists or opposes a  
7 sheriff [or], deputy sheriff, **or firefighter** in the proper discharge of his or her  
8 duties shall be guilty of a class A misdemeanor and on conviction thereof shall be  
9 punished as provided by law for such offenses.

610.100. 1. As used in sections 610.100 to 610.150, the following words  
2 and phrases shall mean:

3 (1) "Arrest", an actual restraint of the person of the defendant, or by his  
4 or her submission to the custody of the officer, under authority of a warrant or  
5 otherwise for a criminal violation which results in the issuance of a summons or  
6 the person being booked;

7 (2) "Arrest report", a record of a law enforcement agency of an arrest and  
8 of any detention or confinement incident thereto together with the charge  
9 therefor;

10 (3) "Inactive", an investigation in which no further action will be taken  
11 by a law enforcement agency or officer for any of the following reasons:

12 (a) A decision by the law enforcement agency not to pursue the case;

13 (b) Expiration of the time to file criminal charges pursuant to the  
14 applicable statute of limitations, or ten years after the commission of the offense;  
15 whichever date earliest occurs;

16 (c) Finality of the convictions of all persons convicted on the basis of the  
17 information contained in the investigative report, by exhaustion of or expiration  
18 of all rights of appeal of such persons;

19 (4) "Incident report", a record of a law enforcement agency consisting of  
20 the date, time, specific location, name of the victim and immediate facts and  
21 circumstances surrounding the initial report of a crime or incident, including any  
22 logs of reported crimes, accidents and complaints maintained by that agency;

23 (5) "Investigative report", a record, other than an arrest or incident report,  
24 prepared by personnel of a law enforcement agency, inquiring into a crime or  
25 suspected crime, either in response to an incident report or in response to  
26 evidence developed by law enforcement officers in the course of their duties;

27 **(6) "Mobile video recorder", any system or device that captures**  
28 **visual signals that is capable of being installed in a vehicle or being**  
29 **worn or carried by personnel of a law enforcement agency and that**  
30 **includes, at minimum, a camera and recording capabilities;**

31 **(7) "Mobile video recording", any data captured by a mobile video**

32 **recorder, including audio, video, and any metadata;**

33 **(8) "Nonpublic location", a place where one would have a**  
34 **reasonable expectation of privacy including, but not limited to, a**  
35 **dwelling, school, or medical facility.**

36 2. Each law enforcement agency of this state, of any county, and of any  
37 municipality shall maintain records of all incidents reported to the agency,  
38 investigations and arrests made by such law enforcement agency. All incident  
39 reports and arrest reports shall be open records.

40 **(1) Notwithstanding any other provision of law other than the provisions**  
41 **of subsections 4, 5 and 6 of this section or section 320.083, mobile video**  
42 **recordings and** investigative reports of all law enforcement agencies are closed  
43 records until the investigation becomes inactive.

44 **(2) If any person is arrested and not charged with an offense against the**  
45 **law within thirty days of the person's arrest, the arrest report shall thereafter be**  
46 **a closed record except that the disposition portion of the record may be accessed**  
47 **and except as provided in section 610.120.**

48 **(3) Except as provided in subsections 3 and 5 of this section, a**  
49 **mobile video recording that is recorded in a nonpublic location is**  
50 **authorized to be closed, except that any person who is depicted in the**  
51 **recording or whose voice is in the recording, a legal guardian or parent**  
52 **of such person if he or she is a minor, a family member of such person**  
53 **within the first degree of consanguinity if he or she is deceased or**  
54 **incompetent, an attorney for such person, or insurer of such person**  
55 **may obtain a complete, unaltered, and unedited copy of a recording**  
56 **under this section upon written request.**

57 3. Except as provided in subsections 4, 5, 6 and 7 of this section, if any  
58 portion of a record or document of a law enforcement officer or agency, other than  
59 an arrest report, which would otherwise be open, contains information that is  
60 reasonably likely to pose a clear and present danger to the safety of any victim,  
61 witness, undercover officer, or other person; or jeopardize a criminal  
62 investigation, including records which would disclose the identity of a source  
63 wishing to remain confidential or a suspect not in custody; or which would  
64 disclose techniques, procedures or guidelines for law enforcement investigations  
65 or prosecutions, that portion of the record shall be closed and shall be redacted  
66 from any record made available pursuant to this chapter.

67 4. Any person, including a **legal guardian or a parent of such person**

68 **if he or she is a minor**, family member of such person within the first degree  
69 of consanguinity if such person is deceased or incompetent, attorney for a person,  
70 or insurer of a person involved in any incident or whose property is involved in  
71 an incident, may obtain any records closed pursuant to this section or section  
72 610.150 for purposes of investigation of any civil claim or defense, as provided by  
73 this subsection. Any individual, **legal guardian or parent of such person if**  
74 **he or she is a minor**, his or her family member within the first degree of  
75 consanguinity if such individual is deceased or incompetent, his or her attorney  
76 or insurer, involved in an incident or whose property is involved in an incident,  
77 upon written request, may obtain a complete unaltered and unedited incident  
78 report concerning the incident, and may obtain access to other records closed by  
79 a law enforcement agency pursuant to this section. Within thirty days of such  
80 request, the agency shall provide the requested material or file a motion pursuant  
81 to this subsection with the circuit court having jurisdiction over the law  
82 enforcement agency stating that the safety of the victim, witness or other  
83 individual cannot be reasonably ensured, or that a criminal investigation is likely  
84 to be jeopardized. If, based on such motion, the court finds for the law  
85 enforcement agency, the court shall either order the record closed or order such  
86 portion of the record that should be closed to be redacted from any record made  
87 available pursuant to this subsection.

88         5. Any person may bring an action pursuant to this section in the circuit  
89 court having jurisdiction to authorize disclosure of **a mobile video recording**  
90 **or** the information contained in an investigative report of any law enforcement  
91 agency, which would otherwise be closed pursuant to this section. The court may  
92 order that all or part of **a mobile video recording or** the information contained  
93 in an investigative report be released to the person bringing the action.

94         **(1)** In making the determination as to whether information contained in  
95 an investigative report shall be disclosed, the court shall consider whether the  
96 benefit to the person bringing the action or to the public outweighs any harm to  
97 the public, to the law enforcement agency or any of its officers, or to any person  
98 identified in the investigative report in regard to the need for law enforcement  
99 agencies to effectively investigate and prosecute criminal activity.

100         **(2)** In making the determination as to whether a mobile video  
101 recording shall be disclosed, the court shall consider:

102         **(a)** Whether the benefit to the person bringing the action or the  
103 benefit to the public outweighs any harm to the public, to the law

104 enforcement agency or any of its officers, or to any person identified  
105 in the mobile video recording with respect to the need for law  
106 enforcement agencies to effectively investigate and prosecute criminal  
107 activity;

108 (b) Whether the mobile video recording contains information  
109 that is reasonably likely to disclose private matters in which the public  
110 has no legitimate concern;

111 (c) Whether the mobile video recording is reasonably likely to  
112 bring shame or humiliation to a person of ordinary sensibilities; and

113 (d) Whether the mobile recording was taken in a place where a  
114 person recorded or depicted has a reasonable expectation of privacy.

115 (3) The mobile video recording or investigative report in question may  
116 be examined by the court in camera.

117 (4) If the disclosure is authorized in whole or in part, the court  
118 may make any order that justice requires, including one or more of the  
119 following:

120 (a) That the mobile video recording or investigative report may  
121 be disclosed only on specified terms and conditions, including a  
122 designation of the time or place;

123 (b) That the mobile video recording or investigative report may  
124 be disclosed to the person making the request in a different manner or  
125 form as requested;

126 (c) That the scope of the request be limited to certain matters;

127 (d) That the disclosure occur with no one present except persons  
128 designated by the court;

129 (e) That the mobile video recording or investigative report be  
130 redacted to exclude for example, personally identifiable features or  
131 other sensitive information;

132 (f) That a trade secret or other confidential research,  
133 development, or commercial information not be disclosed or be  
134 disclosed only in a designated way.

135 (5) The court may find that the party seeking disclosure of the mobile  
136 video recording or investigative report shall bear the reasonable and necessary  
137 costs and attorneys' fees of both parties, unless the court finds that the decision  
138 of the law enforcement agency not to open the mobile video recording or  
139 investigative report was substantially unjustified under all relevant  
140 circumstances, and in that event, the court may assess such reasonable and

141 necessary costs and attorneys' fees to the law enforcement agency.

142           6. Any person may apply pursuant to this subsection to the circuit court  
143 having jurisdiction for an order requiring a law enforcement agency to open  
144 incident reports and arrest reports being unlawfully closed pursuant to this  
145 section. If the court finds by a preponderance of the evidence that the law  
146 enforcement officer or agency has knowingly violated this section, the officer or  
147 agency shall be subject to a civil penalty in an amount up to one thousand  
148 dollars. If the court finds that there is a knowing violation of this section, the  
149 court may order payment by such officer or agency of all costs and attorneys' fees,  
150 as provided by section 610.027. If the court finds by a preponderance of the  
151 evidence that the law enforcement officer or agency has purposely violated this  
152 section, the officer or agency shall be subject to a civil penalty in an amount up  
153 to five thousand dollars and the court shall order payment by such officer or  
154 agency of all costs and attorney fees, as provided in section 610.027. The court  
155 shall determine the amount of the penalty by taking into account the size of the  
156 jurisdiction, the seriousness of the offense, and whether the law enforcement  
157 officer or agency has violated this section previously.

158           7. The victim of an offense as provided in chapter 566 may request that  
159 his or her identity be kept confidential until a charge relating to such incident is  
160 filed.

161           **8. Any person who requests and receives a mobile video**  
162 **recording that was recorded in a nonpublic location under this section**  
163 **is prohibited from displaying or disclosing the mobile video recording,**  
164 **including any description or account of any or all of the mobile video**  
165 **recording, without first providing direct third party notice to each**  
166 **person not affiliated with a law enforcement agency whose image or**  
167 **sound is contained in the recording. Upon receiving such notice, each**  
168 **person appearing in a mobile video recording shall be given ten days**  
169 **to file and serve an action seeking an order from a court of competent**  
170 **jurisdiction to enjoin all or some of the intended display, disclosure,**  
171 **description, or account of the recording. Any person who fails to**  
172 **comply with the provisions of this section shall be subject to damages**  
173 **in a civil action proceeding.**

**610.205. 1. Crime scene photographs and video recordings,**  
2 **including photographs and video recordings created or produced by a**  
3 **state or local agency or by a perpetrator or suspect at a crime scene,**

4 which depict or describe a deceased person in a state of  
5 dismemberment, decapitation, or similar mutilation including, without  
6 limitation, where the deceased person's genitalia are exposed, shall be  
7 considered closed records and shall not be subject to disclosure under  
8 the provisions of this chapter; provided, however, that this section shall  
9 not prohibit disclosure of such material to the deceased's next of kin or  
10 to an individual who has secured a written release from the next of kin.  
11 It shall be the responsibility of the next of kin to show proof of the  
12 familial relationship. For purposes of such access, the deceased's next  
13 of kin shall be:

14 (1) The spouse of the deceased if living;

15 (2) If there is no living spouse of the deceased, an adult child of  
16 the deceased; or

17 (3) If there is no living spouse or adult child, a parent of the  
18 deceased.

19 2. Subject to the provisions of subsection 3 of this section, in the  
20 case of closed criminal investigations a circuit court judge may order  
21 the disclosure of such photographs or video recordings upon findings  
22 in writing that disclosure is in the public interest and outweighs any  
23 privacy interest that may be asserted by the deceased person's next of  
24 kin. In making such determination, the court shall consider whether  
25 such disclosure is necessary for public evaluation of governmental  
26 performance, the seriousness of the intrusion into the family's right to  
27 privacy, and whether such disclosure is the least intrusive means  
28 available considering the availability of similar information in other  
29 public records. In any such action, the court shall review the  
30 photographs or video recordings in question in camera with the  
31 custodian of the crime scene materials present and may condition any  
32 disclosure on such condition as the court may deem necessary to  
33 accommodate the interests of the parties.

34 3. Prior to releasing any crime scene material described in  
35 subsection 1 of this section, the custodian of such material shall give  
36 the deceased person's next of kin at least two weeks' notice. No court  
37 shall order a disclosure under subsection 2 of this section which would  
38 disregard or shorten the duration of such notice requirement.

39 4. The provisions of this section shall apply to all undisclosed  
40 material which is in the custody of a state or local agency on the

41 **effective date of this section and to any such material which comes into**  
42 **the custody of a state or local agency after such date.**

43 **5. The provisions of this section shall not apply to disclosure of**  
44 **crime scene material to counsel representing a convicted defendant in**  
45 **a habeas corpus action, on a motion for new trial, or in a federal**  
46 **habeas corpus action under 28 U.S.C. Section 2254 or 2255 for the**  
47 **purpose of preparing to file or litigating such proceedings. Counsel**  
48 **may disclose such materials to his or her client and any expert or**  
49 **investigator assisting counsel but shall not otherwise disseminate such**  
50 **materials, except to the extent they may be necessary exhibits in court**  
51 **proceedings. A request under this subsection shall clearly state that**  
52 **such request is being made for the purpose of preparing to file and**  
53 **litigate proceedings enumerated in this subsection.**

54 **6. The director of the department of public safety shall**  
55 **promulgate rules and regulations governing the viewing of materials**  
56 **described in subsection 1 of this section by bona fide credentialed**  
57 **members of the press.**

[192.737. 1. The department of health and senior services  
2 shall establish and maintain an information registry and reporting  
3 system for the purpose of data collection and needs assessment of  
4 brain and spinal cord injured persons in this state.

5 2. Reports of traumatic brain and spinal cord injuries shall  
6 be filed with the department by a treating physician or his  
7 designee within seven days of identification. The attending  
8 physician of any patient with traumatic brain or spinal cord injury  
9 who is in the hospital shall provide in writing to the chief  
10 administrative officer the information required to be reported by  
11 this section. The chief administrative officer of the hospital shall  
12 then have the duty to submit the required reports.

13 3. Reporting forms and the manner in which the  
14 information is to be reported shall be provided by the  
15 department. Such reports shall include, but shall not be limited to,  
16 the following information: name, age, and residence of the injured  
17 person, the date and cause of the injury, the initial diagnosis and  
18 such other information as required by the department.]

Section B. Because immediate action may prevent a tragic occurrence

2 from happening, the enactment of section 190.265 of this act is deemed necessary  
3 for the immediate preservation of the public health, welfare, peace and safety,  
4 and is hereby declared to be an emergency act within the meaning of the  
5 constitution, and the enactment of section 190.265 of this act shall be in full force  
6 and effect upon its passage and approval.

✓

Unofficial

Bill

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