

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 30—Division of Regulation and Licensure
Chapter 40—Comprehensive Emergency Medical Services Systems Regulations

PROPOSED AMENDMENT

19 CSR 30-40.365 Reasons and Methods the Department Can Use to Take Administrative Licensure Actions. The department is amending subsections (2)(L), (O), (P), and (Q).

PURPOSE: This amendment reflects statutory changes to reasons the department can use to take administrative licensure actions against emergency medical technicians.

(2) The department may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate, permit, or license required by the comprehensive emergency medical services systems act or any person who has failed to renew or has surrendered his or her certificate, permit, or license for failure to comply with the provisions of the comprehensive emergency medical services systems act or for any of the following reasons:

(A) Use or unlawful possession of any controlled substance, as defined in Chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any activity licensed or regulated by the comprehensive emergency medical services systems act;

(B) Being finally adjudicated and found guilty, or having entered a plea of guilty or *nolo contendere*, in a criminal prosecution under the laws of any state or of the United States, for any offense reasonably related to the qualifications, functions or duties of any activity licensed or regulated pursuant to the comprehensive emergency medical services systems act, for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

(C) Use of fraud, deception, misrepresentation, or bribery in securing any certificate, permit, or license issued pursuant to the comprehensive emergency medical services systems act or in obtaining permission to take any examination given or required pursuant to the comprehensive emergency medical services systems act;

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

(E) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty in the performance of the functions or duties of any activity licensed or regulated by the comprehensive emergency medical services systems act;

(F) Violation of, or assisting or enabling any person to violate, any provision of the comprehensive emergency medical services systems act, or of any lawful rule or regulation adopted by the department pursuant to the comprehensive emergency medical services systems act;

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

(H) Disciplinary action against the holder of a license or other right to practice any activity regulated by the comprehensive emergency medical services systems act granted by another state, territory, federal agency, or country upon grounds for which revocation or suspension is authorized in this state;

(I) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

(J) Assisting or enabling any person to practice or offer to practice any activity licensed or regulated by the comprehensive emergency medical services systems act who is not licensed and currently eligible to practice pursuant to the comprehensive emergency medical services systems act;

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

(L) Violation of any professional trust, [or] confidence, **or legally protected privacy rights of a patient by means of an unauthorized or unlawful disclosure;**

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

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

(O) Refusal of any applicant or licensee to [*cooperate with the Department of Health and Senior Services during any investigation*] **respond to reasonable department requests for necessary information to process an application or to determine license status or license eligibility;**

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

(Q) Repeated **acts of negligence or recklessness** in the performance of the functions or duties of any activity licensed or regulated by sections 190.100 to 190.245, RSMo.

AUTHORITY: sections 190.165 and 190.185, RSMo Supp. [2011] 2016. Emergency rule filed Jan. 14, 1999, effective Jan. 24, 1999, expired July 22, 1999. Original rule filed Jan. 14, 1999, effective June 30, 1999. Amended: Filed March 1, 2012, effective Sept. 30, 2012.*

**Original authority: 190.165, RSMo 1973, amended 1978, 1998, 2002 and 190.185, RSMo 1973, amended 1989, 1993, 1995, 1998, 2002.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than (\$500.00) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than (\$500.00) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Dean Linneman, Director, Department of Health and Senior Services, Division of Regulation and Licensure, PO Box 570, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*