

Laws Empowering EMS in Behavioral Emergencies

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Questions

- What immunity protections do EMS providers enjoy related to mandated transport and restraint?
 - Are you sure?
- Does the Emergency Physician's hold order extend to the prehospital setting?
- What do you do when law enforcement is not available or doesn't agree?

From the News!

- Patient flown to trauma center after exiting moving ambulance
 - Patient “voluntarily” exited the truck of a private ambulance service that was performing a transfer
- Teen leaps from moving ambulance on Interstate
 - A barefoot teen jumped from a moving ambulance...said he may suffer from emotional problems
- Teenager jumps out of ambulance and escapes in park
 - Wearing only a hospital gown and basketball shorts, a 15 yo male escaped an ambulance and ran into park

Regional Committee

- Initial Discussion:
 - Patient elopement prior to transfer of care at receiving facility
 - Anecdotal reports of issues with behavioral health patients
 - Gripe session between hospitals and EMS

Regional Subcommittee (with Statewide Representation)

EMS Medical Directors

City Attorney

EMS Service Representatives

EMS Attorney

Psychiatrists

Legislative Affairs Representative
(Unofficial Lobbyist)

Hospital Representatives

State EMS Medical Director*

Social Workers

Director of Bureau of EMS*

Big Issues

- Transfers
 - Gaps in authority
- Law Enforcement
 - Availability/Involvement
- Restraints
 - Physical/Chemical/Verbal
- Immunity

Center for Patient Safety Survey

- 911 Call vs Interfacility Transport?
- Was Law Enforcement on the scene?
- Was the scene safe?
- Was the patient restrained with chemical or physical restraints or both?
- Did the patient attempt to flee the care of EMS?
 - What efforts were taken to prevent this?

Center for Patient Safety Data

Most data from 2015

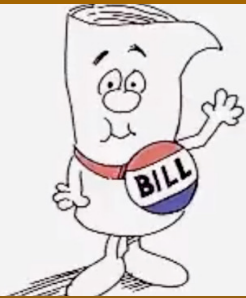
13 agencies entered data of 217 agencies in MO

Total Events: 1012

Scene: 748

Transfers: 264

Law Enforcement present on scene:	87
Law Enforcement did not assist/refused ride along:	4
Verbal abuse:	67
Assault/Aggressive behavior:	61
Crew injury:	0*
Firearms/knives associated with event:	7
Flight risk verbalized/attempted:	19
Elopement/attempted elopement:	8



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SECOND REGULAR SESSION

SENATE BILL NO. 895

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time January 12, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5470S.02I

AN ACT

To repeal sections 99.848, 190.102, 190.103, 190.131, 190.142, 190.165, 190.339, and 321.017, RSMo, and to enact in lieu thereof twelve new sections relating to emergency service providers.

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

Sections

1. Authorization to Hold by EMS
2. Training Requirements
3. Collaboration Requirements
4. Pre-Notification Requirements
5. Provider Immunity
6. Physician Hold for Transfer

Authorization to Hold by EMS

(2) Further been **authorized** by their...service's **administration** and **medical director**; and

(3) ...service has developed and adopted standardized **triage, treatment, and transport protocols**...who present a **“likelihood of serious harm”** to themselves or others...or who are **significantly incapacitated by alcohol or drugs**; may make a good faith determination that such patients shall be placed into a **temporary hold** for the **sole purposes of transport** to the nearest appropriate facility.

"Likelihood of serious harm"

Means any one or more of the following but does not require actual physical injury to have occurred:

(a) A substantial risk that serious physical harm will be inflicted by a **person upon his own person**...including verbal threats, or attempts to commit suicide or inflict physical harm on himself...

"Likelihood of serious harm"

(b) A substantial risk that serious physical harm... **impairment in his capacity** to make decisions with respect to...**need for treatment**...which results in an inability to provide for his own **basic necessities of food, clothing, shelter, safety or medical care or...mental health care**...taking place because of a mental disorder or mental illness...

"Likelihood of serious harm"

(c) A substantial risk that serious physical harm will be inflicted by a **person upon another** as evidenced by recent overt acts, behavior or threats, including verbal threats, which have caused such harm or which would place a reasonable person in reasonable fear of sustaining such harm...

Training Requirements

Emergency medical technician paramedics who have:

(1) Completed at least forty hours of the **standard crisis intervention training course**...or a course of training that ... service's **medical director** has determined to be **academically equivalent**;

Any emergency medical services personnel...may be properly trained as determined by the medical director...with regard to **proper restraining procedures** and nonmedical management techniques, such as **verbal de-escalation techniques**, to handle such patients before their transportation.

Collaboration Requirements

...service that adopts the authority and protocols...shall have a **memorandum of understanding** with applicable **local law enforcement agencies** in order to achieve a collaborative and coordinated response...

Notification Requirements

Any **hospital** licensed or any **nursing home**...shall have policies and procedures that require...to give **advance notification** to emergency medical services personnel prior to the transportation of any at-risk behavioral health patient.



Provider Immunity

EMT-P's who have made a good faith decision for a temporary hold...**no longer have to rely on the common law doctrine of implied consent...shall not be civilly liable**...shall not have waived any sovereign immunity defense, official immunity defense, or Missouri public duty doctrine defense...

CAUTION

SOVEREIGN
IMMUNITY

Provider Immunity

No emergency medical technician, if acting in good faith and without gross negligence, **shall be liable** for:

(1) Transporting a person for whom an **application for detention** for evaluation and treatment has been filed; or

(2) Physically or chemically **restraining an at-risk behavioral health patient**...is to ensure the safety of the patient or technician

Def: “at-risk behavioral health patient” shall mean any patient who displays violent, homicidal, or suicidal ideation or behavior

Physician Hold for Transfer

Any physician treating an at-risk behavioral patient in an **emergency situation**...determines...likelihood that the patient may cause an **imminent serious harm**...unless the patient is **immediately transported** to another appropriate facility may place the patient on a **temporary involuntary hold** for a **period of time necessary to effectuate the patient's transport**...personnel may rely on the **physician's hold order as a basis for implied consent** to treat and transport the patient and shall not be liable for any claims of negligence, false imprisonment, or invasion of privacy based on such temporary hold, treatment, or transport of the patient.

Crisis Intervention Team (CIT) Courses

- Law enforcement based
- Courses
 - Basic (5 days)
 - Advanced (4 days)
 - Youth (4 days)
 - Veteran (3 days)
 - Telecommunications (3 days)

Didactic Lectures (5 Day)

Clinical Issues Related to Mental Illnesses	Family/Consumer Perspective	Policies and Procedures
Medications and Side Effects	Suicide Prevention and Practicum Aspects	Personality Disorders
Alcohol and Drug Assessment	Rights/Civil Commitment	Post Traumatic Stress Disorders (PTSD)
Co-Occurring Disorders	Mental Health Diversity	Legal Aspects of Officer Liability
Developmental Disabilities	Equipment Orientation	Community Resources

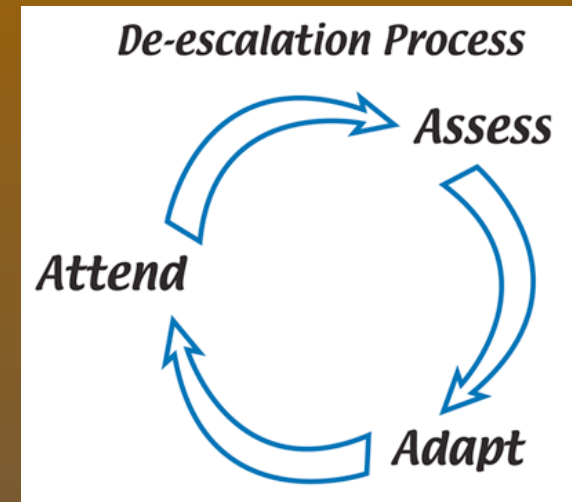
Local Additions

- Stigma
- Children & Adolescents
- Alzheimer's
- Homelessness
- Consumer/Officer/Family Panels
- Emotional Survival
- CIT Reports

Scenario-Based Practical Training

Crisis De-Escalation Training

- Basic Strategies
- Basic Verbal Skills
- Stages/Cycle of a Crisis Escalation
- Advanced Verbal Skills
- Advanced Strategies: Complex Scenarios



Supporters


- Missouri Emergency Medical Services Association
- Missouri Ambulance Association
- Missouri Fire Chiefs Association
- Mid-America Regional Council-Emergency Response
- Missouri State Advisory Council on Emergency Medical Services
- Missouri EMS Region A Regional Council
- Missouri Dept. of Mental Health-Does not oppose!
- Missouri Hospital Association-Does not oppose!



Opposition

Missouri Trial Lawyers Association +/-

Thank You

A bald eagle is shown in flight, soaring above a dark, stormy sky. The eagle's wings are spread wide, and its tail feathers are visible. The eagle's head is turned to the left, and its beak is pointed forward. The background is a dramatic, cloudy sky with dark, heavy clouds and some lighter patches where light breaks through.

*When a **storm is coming**,
all other birds seek shelter.
The Eagle alone, avoids the storm
by **flying above** it. So, in the
storms of life... May your heart
soar like an Eagle.*