

LICENSES:  
AMBULANCES:  
DIVISION OF HEALTH:

Senate Bill No. 57, 77th General Assembly, does not require that attendants or attendant-drivers of ambulances must be licensed

as mobile emergency medical technicians. Subsection (11) of Section 1 and Section 9 of Senate Bill No. 57 become effective September 28, 1973, and all other provisions of said act become effective July 1, 1974. However, since Section 1, subsection (8) provides the Director of the State Division of Health is the "license officer" and this section does not become effective until July 1, 1974, the Director of the Division of Health does not have authority to issue a license to a "mobile emergency medical technician" until that date.

OPINION NO. 282

September 18, 1973

Honorable Hardin C. Cox  
Representative, District 6  
605 Bluff Street  
Rock Port, Missouri 64482



Dear Representative Cox:

This is in reply to your request for an opinion from this office as follows:

- "1. Does Section 9 of Senate Bill No. 57 of the 77th General Assembly require that attendants or attendant drivers of ambulances must be licensed as 'mobile emergency medical technicians'.
- "2. Are all the provisions of Senate Bill No. 57 of the 77th General Assembly except Section 1, subsection 11 and Section 9 effective before July 1, 1974.

"A question has arisen as to whether or not under provisions of Section 9 of Senate Bill No. 57, ambulance attendants or ambulance driver attendants must be licensed as 'mobile emergency medical technicians' in order to carry out their duties in connection with providing ambulance service.

"The question has also arisen concerning the authority of the General Assembly to provide

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that all the provisions of Senate Bill No. 57 shall become effective July 1, 1974, except the provisions of Section 1, subsection 11 and Section 9."

Each question will be considered in the order in which they were submitted.

Section 1 of Senate Bill No. 57, 77th General Assembly, to which you refer, defines the words and terms as used in this act in part as follows:

"Section 1. As used in this act, unless the context clearly indicates otherwise, the following words and terms shall mean:

\* \* \*

(3) 'Attendant', a trained and qualified individual responsible for the operation of an ambulance and the care of the patients transported thereby whether or not the attendant also serves as driver;

(4) 'Attendant-driver', a person who is qualified as an attendant and a driver;

\* \* \*

(8) 'License officer', the director of the division of health of the state of Missouri or his duly authorized representative;

\* \* \*

(11) 'Mobile emergency medical technician', a licensed attendant who has been specially trained in emergency cardiac and non-cardiac care, and who has successfully completed an emergency service training program certified by the health officer as meeting the requirements of this act."

Section 2, subsections 1 and 2 of Senate Bill No. 57 provides:

"Section 2. 1. No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged

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in the business or service of the transportation of patients upon the streets, alleys, or any public way or place of the state of Missouri unless he holds a currently valid license for an ambulance, issued pursuant to the provisions of this act.

"2. No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes on the streets, alleys, or any public way or place of the state of Missouri unless it is under the immediate supervision and direction of a person who is holding a currently valid license as an attendant-driver or attendant; except that, nothing in this section shall be construed to mean that a duly licensed registered nurse or a duly licensed physician be required to hold an attendant-driver or attendant license."

Section 9, subsection 1 of Senate Bill No. 57 provides as follows:

"Section 9. 1. Notwithstanding any other provision of this act, mobile emergency medical technicians may do any of the following at the scene of the accident in an ambulance or at the emergency room of a licensed hospital:

(1) Render rescue, first-aid and resuscitation services;

(2) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, non-breathing patient; and,

(3) During training at the hospital and while caring for patients in the hospital administer parenteral medications under the direct supervision of a physician or a registered nurse.

(4) Where voice contact or a telemetered electrocardiogram is monitored by a physician or a registered nurse authorized by a physician, and direct communication is maintained, mobile emergency medical technicians may, upon order of such licensed physician or such licensed registered nurse do any of the following:

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- (1) Administer intravenous saline or glucose solutions;
- (2) Perform gastric suction by intubation;
- (3) Perform endotracheal intubation; and,
- (4) Administer parenteral injections of any of the following classes of drugs:
  - (a) Antiarrhythmic agents;
  - (b) Vagolytic agents;
  - (c) Chronotropic agents;
  - (d) Analgesic agents;
  - (e) Alkalinizing agents;
  - (f) Vasopressor agents; and,
  - (g) Other drugs which may be deemed necessary by such ordering physician.
- (5) Deliver emergency medical car to the sick and injured while in the emergency department of a licensed hospital and until care responsibility is assumed by a licensed physician or a licensed registered nurse."

Section 10 of Senate Bill No. 57 provides for separate licenses to be issued to an attendant, attendant-driver, and mobile emergency medical technician each with different qualifications.

No ambulance shall be operated and no individual shall drive such vehicle on the streets and highways unless it is under the immediate supervision and direction of a person who is holding a valid license as an attendant-driver or an attendant except a duly licensed registered nurse or a duly licensed physician or in rendering assistance to licensed ambulances in case of an emergency or when operated from a location outside of Missouri to transport patients picked up beyond the limits of Missouri to locations within or outside the state of Missouri.

In answer to your question whether an attendant or attendant-driver of an ambulance must be licensed as a mobile emergency medical technician, our answer is in the negative. It is our opinion

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that a licensed ambulance may be operated by a duly licensed attendant or licensed attendant-driver who is not licensed as a mobile emergency medical technician and who does not perform or profess to perform such services as provided for under Section 9, supra. It is our view that Section 9, supra, provides that mobile emergency medical technicians may perform certain services designated therein at the scene of an accident in an ambulance or at the emergency room at a licensed hospital but that it is not mandatory that such service be furnished.

In answer to your second question in regard to the date when the provisions of this act become effective, it provides as follows:

"The provisions of this act shall become effective as of July 1, 1974, provided that the provisions of Section 1 (11) and of Section 9 of this act shall become effective on September 30, 1973."

Article III, Section 29, Constitution of Missouri, provides that no law passed by the General Assembly shall take effect until ninety days after the adjournment of the session at which it was enacted except an appropriation act or an emergency bill which must be declared as an emergency by two-thirds vote of the members of each house.

Senate Bill No. 57 does not have an emergency provision. Therefore it cannot become effective until ninety days after the adjournment of the legislature which will be September 28, 1973.

The question you have submitted concerns the validity of the effective date or dates of the different provisions of Senate Bill No. 57 as provided in Section A of said bill.

The general principles of law in regard to the taking effect of parts of acts of the legislature as stated in said act is stated in 82 C.J.S. Statutes § 411 as follows:

"While there is some authority to the contrary, the rule has been laid down that, in the absence of express provision to the contrary, part of an act may go into effect on its passage, while other parts become effective at different times expressed in the act, and a contingency which postpones some parts does not prevent other parts from taking effect on passage, and that the legislature may direct that different parts of the same statute shall

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go into effect at different times. Under a constitutional provision requiring the legislature to prescribe the time when its act shall be in force, a single definite time must be fixed at which each act shall take effect as an entirety. Also, under a constitutional provision that all laws of a general nature shall have a uniform operation, different provisions of a statute cannot go into effect at different times as to different persons; but under constitutional provisions requiring all parts of a statute to take effect at the same time, it is sufficient that the statute becomes effective as an entirety at one time, notwithstanding as to some persons or matters affected by it it becomes operative at different times."

In State ex rel. Otto v. Kansas City, 276 S.W. 389 (Mo. banc 1925), the question was the effective date of certain provisions of the charter of Kansas City, Missouri, which had been approved by a vote of the people. The question in this case before the court was stated as follows, l.c. 391:

"This charter consists of 488 sections. Section 486 thereof provides that sections 98, 108, 125, 417 to 425, both inclusive, 457, 458, 486, and 488, shall take effect immediately upon the adoption of said charter, and that the remaining 472 sections shall take effect at 10 a. m., April 10, 1926. . . ."

In discussing the rule of law in this state on this question, the court stated as follows, l.c. 395:

"It is familiar law that a statute or a constitutional provision may have a potential existence, though it will not go into operation until a future time. State ex rel. v. Dirckx, 211 Mo. 568, loc. cit. 578, 111 S. W. 1; Poindexter v. Pettis County, 295 Mo. 629, 246 S. W. 38, loc. cit. 40; State ex rel. Brunjes v. Bockelman (Mo. Sup.) 240 S. W. 209, loc. cit. 211. Where not prohibited by the Constitution, the Legislature may direct that different parts of the same statute shall go into effect at different times, and, even under constitutional provisions requiring all



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parts of a statute to take effect at the same time, it is sufficient that the statute becomes effective as an entirety at one time, notwithstanding that, as to some persons or matters affected by it, the statute becomes operative at different times. 36 Cyc. 1201. The time a particular statute shall take effect may be fixed by another statute passed at the same session. *Honeycutt v. Ry. Co.*, 40 Mo. App. 674, cited with approval in *State ex rel. Brunjes v. Bockelman*, supra."

Applying these principles of law to the question at issue, it is our opinion that subsection (11) of Section 1 and Section 9 of Senate Bill No. 57 become effective September 28, 1973, and the other provisions of said act become effective July 1, 1974. Since the provision of the statute providing for the Director of the State Division of Health or his duly authorized representative to be the license officer does not become effective until July 1, 1974, the Director of the State Division of Health is without authority to issue a license to a "mobile emergency medical technician" until that date.

#### CONCLUSION

It is the opinion of this office that Senate Bill No. 57, 77th General Assembly, does not require that attendants or attendant-drivers of ambulances must be licensed as mobile emergency medical technicians. Subsection (11) of Section 1 and Section 9 of Senate Bill No. 57 become effective September 28, 1973, and all other provisions of said act become effective July 1, 1974. However, since Section 1, subsection (8) provides the Director of the State Division of Health is the "license officer" and this section does not become effective until July 1, 1974, the Director of the Division of Health does not have authority to issue a license to a "mobile emergency medical technician" until that date.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Moody Mansur.

Yours very truly,



JOHN C. DANFORTH  
Attorney General