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
EMS Service Representatives
Psychiatrists
Hospital Representatives
Social Workers

City Attorney
EMS Attorney
Legislative Affairs Representative (Unofficial Lobbiest)
State EMS Medical Director*
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

<table>
<thead>
<tr>
<th>Total Events: 1012</th>
<th>Scene: 748</th>
<th>Transfers: 264</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Event Type</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Law Enforcement present on scene</td>
<td>87</td>
</tr>
<tr>
<td>Law Enforcement did not assist/refused ride along</td>
<td>4</td>
</tr>
<tr>
<td>Verbal abuse</td>
<td>67</td>
</tr>
<tr>
<td>Assault/Aggressive behavior</td>
<td>61</td>
</tr>
<tr>
<td>Crew injury</td>
<td>0*</td>
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<tr>
<td>Firearms/knives associated with event</td>
<td>7</td>
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<tr>
<td>Flight risk verbalized/attempted</td>
<td>19</td>
</tr>
<tr>
<td>Elopement/attempted elopement</td>
<td>8</td>
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</table>
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.

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:
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...
(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...
(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...
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)

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