

Substitute for SENATE BILL No. 220

By Committee on Public Health and Welfare

3-17

9 AN ACT concerning emergency medical services; amending K.S.A. 65-
10 6110, 65-6126, 65-6127, 65-6132, 65-6133 and 65-6135 and K.S.A.
11 2008 Supp. 65-6112 and 65-6124 and repealing the existing sections.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 65-6110 is hereby amended to read as follows: 65-
15 6110. (a) The board shall adopt any rules and regulations necessary for
16 the regulation of ambulance services. Such rules and regulations shall
17 include: (1) A classification of the different types of ambulance services;
18 (2) requirements as to equipment necessary for ambulances and rescue
19 vehicles; (3) qualifications and training of attendants, instructor-coordi-
20 nators and training officers; (4) requirements for the licensure and re-
21 newal of licensure for ambulances and rescue vehicles; (5) records and
22 equipment to be maintained by operators, instructor-coordinators, train-
23 ing officers, providers of training and attendants; (6) *requirements for a*
24 *quality assurance and improvement program for ambulance services; (7)*
25 *staffing requirements for attendant or medical personnel for ambulance*
26 *services and vehicles; and ~~(6)~~ (8) such other matters as the board deems*
27 *necessary to implement and administer the provisions of this act.*

28 (b) The provisions of this act shall not apply to rescue vehicles op-
29 erated by a fire department.

30 Sec. 2. K.S.A. 2008 Supp. 65-6112 is hereby amended to read as
31 follows: 65-6112. As used in this act:

32 (a) "Administrator" means the executive director of the emergency
33 medical services board.

34 (b) "Ambulance" means any privately or publicly owned motor ve-
35 hicle, airplane or helicopter designed, constructed, prepared and
36 equipped for use in transporting and providing emergency care for in-
37 dividuals who are ill or injured.

38 (c) "Ambulance service" means any organization operated for the
39 purpose of transporting sick or injured persons to or from a place where
40 medical care is furnished, whether or not such persons may be in need
41 of emergency or medical care in transit.

42 (d) "Attendant" means a first responder, emergency medical tech-
43 nician, emergency medical technician-intermediate, emergency medical

- 1 technician-defibrillator or a mobile intensive care technician certified
2 pursuant to this act.
- 3 (e) “Board” means the emergency medical services board established
4 pursuant to K.S.A. 65-6102, and amendments thereto.
- 5 (f) *“Emergency” means the sudden and, at the time, unexpected onset*
6 *of a health condition that manifests itself by symptoms of sufficient se-*
7 *verity that in the absence of immediate medical care could result in:*
- 8 (1) *Placing the person’s health in significant jeopardy;*
9 (2) *serious impairment to a bodily function; or*
10 (3) *serious dysfunction of any bodily organ or part.*
- 11 ~~(f)~~ (g) “Emergency medical service” means the effective and coor-
12 dinated delivery of such care as may be required by an emergency which
13 includes the care and transportation of individuals by ambulance services
14 and the performance of authorized emergency care by a physician, pro-
15 fessional nurse, a licensed physician assistant or attendant.
- 16 (h) *“Emergency scene” means an out-of-hospital site or location of an*
17 *incident involving a medical emergency in which non-scheduled transport*
18 *of a patient has been requested, and is identified by emergency vehicles,*
19 *rescue equipment and emergency personnel present.*
- 20 ~~(g)~~ (i) “Emergency medical technician” means a person who holds
21 an emergency medical technician certificate issued pursuant to this act.
- 22 ~~(h)~~ (j) “Emergency medical technician-defibrillator” means a person
23 who holds an emergency medical technician-defibrillator certificate is-
24 sued pursuant to this act.
- 25 ~~(i)~~ (k) “Emergency medical technician-intermediate” means a person
26 who holds an emergency medical technician-intermediate certificate is-
27 sued pursuant to this act.
- 28 ~~(j)~~ (l) “First responder” means a person who holds a first responder
29 certificate issued pursuant to this act.
- 30 ~~(k)~~ (m) “Hospital” means a hospital as defined by K.S.A. 65-425, and
31 amendments thereto.
- 32 (n) *“Inter-facility transfer” means any transfer, after initial patient*
33 *assessment and emergency scene, from and to a medical facility as defined*
34 *by K.S.A. 65-411, and amendments thereto.*
- 35 ~~(l)~~ (o) “Instructor-coordinator” means a person who is certified under
36 this act to teach initial courses of certification of instruction and contin-
37 uing education classes.
- 38 ~~(m)~~ (p) “Medical ~~adviser~~ director” means a physician.
- 39 (q) *“Medical personnel” means medically trained personnel allowed*
40 *to provide emergency medical services care under medical protocols for*
41 *a licensed ambulance service.*
- 42 ~~(n)~~ (r) “Medical protocols” mean written guidelines which authorize
43 attendants to perform certain medical procedures prior to contacting a

1 physician, or professional nurse authorized by a physician. These proto-
2 cols shall be developed and approved by a county medical society or, if
3 there is no county medical society, the medical staff of a hospital to which
4 the ambulance service primarily transports patients.

5 ~~(s)~~ (s) “Mobile intensive care technician” means a person who holds
6 a mobile intensive care technician certificate issued pursuant to this act.

7 ~~(t)~~ (t) “Municipality” means any city, county, township, fire district
8 or ambulance service district.

9 ~~(u)~~ (u) “Nonemergency transportation” means the care and transport
10 of a sick or injured person under a foreseen combination of circumstances
11 calling for continuing care of such person. As used in this subsection,
12 transportation includes performance of the authorized level of services of
13 the attendant whether within or outside the vehicle as part of such trans-
14 portation services.

15 ~~(v)~~ (v) “Operator” means a person or municipality who has a permit
16 to operate an ambulance service in the state of Kansas.

17 (w) “Patient” means an individual who is sick, injured, wounded, dis-
18 eased or otherwise incapacitated or helpless.

19 ~~(x)~~ (x) “Person” means an individual, a partnership, an association, a
20 joint-stock company or a corporation.

21 ~~(y)~~ (y) “Physician” means a person licensed by the state board of
22 healing arts to practice medicine and surgery.

23 ~~(z)~~ (z) “Physician assistant” means a person who is licensed under
24 the physician assistant licensure act and who is acting under the direction
25 of a responsible physician.

26 ~~(aa)~~ (aa) “Professional nurse” means a licensed professional nurse as
27 defined by K.S.A. 65-1113, and amendments thereto.

28 ~~(bb)~~ (bb) “Provider of training” means a corporation, partnership, ac-
29 credited postsecondary education institution, ambulance service, fire de-
30 partment, hospital or municipality that conducts training programs that
31 include, but are not limited to, initial courses of instruction and continuing
32 education for attendants, instructor-coordinators or training officers.

33 ~~(cc)~~ (cc) “Responsible physician” means responsible physician as such
34 term is defined under K.S.A. 65-28a02, and amendments thereto.

35 ~~(dd)~~ (dd) “Training officer” means a person who is certified pursuant
36 to this act to teach initial courses of instruction for first responders and
37 continuing education as prescribed by the board.

38 Sec. 3. K.S.A. 2008 Supp. 65-6124 is hereby amended to read as
39 follows: 65-6124. (a) No physician, physician assistant or licensed profes-
40 sional nurse, who gives emergency instructions to a mobile intensive care
41 technician, emergency medical technician-defibrillator or emergency
42 medical technician-intermediate an attendant as defined by K.S.A. 65-
43 6112, and amendments thereto, during an emergency, shall be liable for

1 any civil damages as a result of issuing the instructions, except such dam-
2 ages which may result from gross negligence in giving such instructions.

3 (b) No ~~mobile intensive care technician, emergency medical techni-~~
4 ~~cian-defibrillator or emergency medical technician-intermediate atten-~~
5 ~~dant as defined by K.S.A. 65-6112, and amendments thereto~~, who renders
6 emergency care during an emergency pursuant to instructions given by a
7 physician, the responsible physician for a physician assistant or licensed
8 professional nurse shall be liable for civil damages as a result of imple-
9 menting such instructions, except such damages which may result from
10 gross negligence or by willful or wanton acts or omissions on the part of
11 such ~~mobile intensive care technician, emergency medical technician-~~
12 ~~defibrillator or emergency medical technician-intermediate attendant~~
13 rendering such emergency care.

14 (c) No ~~first responder attendant as defined by K.S.A. 65-6112, and~~
15 ~~amendments thereto~~, who renders emergency care during an emergency
16 shall be liable for civil damages as a result of rendering such emergency
17 care, except for such damages which may result from gross negligence or
18 from willful or wanton acts or omissions on the part of the ~~first responder~~
19 ~~attendant~~ rendering such emergency care.

20 (d) No person certified as an instructor-coordinator and no training
21 officer shall be liable for any civil damages which may result from such
22 instructor-coordinator's or training officer's course of instruction, except
23 such damages which may result from gross negligence or by willful or
24 wanton acts or omissions on the part of the instructor-coordinator or
25 training officer.

26 (e) No medical ~~adviser~~ *director* who reviews, approves and monitors
27 the activities of attendants shall be liable for any civil damages as a result
28 of such review, approval or monitoring, except such damages which may
29 result from gross negligence in such review, approval or monitoring.

30 Sec. 4. K.S.A. 65-6126 is hereby amended to read as follows: 65-
31 6126. Each emergency medical service shall have a medical ~~adviser~~ *di-*
32 *rector* appointed by the operator of the service to review, approve and
33 monitor the activities *and education* of the attendants. The board may
34 approve an alternative procedure for medical oversight if no medical ~~ad-~~
35 ~~viser~~ *director* is available.

36 Sec. 5. K.S.A. 65-6127 is hereby amended to read as follows: 65-
37 6127. (a) Application for a permit to operate an ambulance service shall
38 be made to the board by the operator of the ambulance service upon
39 forms provided by the administrator and shall be accompanied by a per-
40 mit fee which shall be a base amount plus an amount for each vehicle
41 used by such operator in such operator's ambulance service and which
42 shall be fixed by rules and regulations of the board to cover all or any part
43 of the cost of regulation of ambulance services.

1 (b) The application shall state the name of the operator, the names
2 of the attendants of such ambulance service, the primary territory for
3 which the permit is sought, the type of service offered, the location and
4 physical description of the facility whereby calls for service will be re-
5 ceived, the facility wherein vehicles are to be garaged, a description of
6 vehicles and other equipment to be used by the service and such other
7 information as the board may require.

8 (c) Nothing in this act shall be construed as granting an exclusive
9 territorial right to operate an ambulance service. Upon change of own-
10 ership of an ambulance service the permit issued to such service shall
11 expire 60 days after the change of ownership.

12 (d) *An operator may apply for a temporary permit to operate an*
13 *ambulance service following the same procedure required by the section*
14 *for application for a permit to operate an ambulance service. The appli-*
15 *cation shall be accompanied by a temporary permit fee fixed by rules and*
16 *regulations of the board to cover all or any part of the cost of processing*
17 *the temporary permit application. A temporary permit may be granted if*
18 *the application complies with the preliminary equipment list as estab-*
19 *lished by the board in rules and regulations adopted on or before July 1,*
20 *2010. Each temporary permit shall be valid for 60 days and may be ap-*
21 *proved for additional time by the executive director.*

22 Sec. 6. K.S.A. 65-6132 is hereby amended to read as follows: 65-
23 6132. (a) An operator's permit may be denied, revoked, limited, modified
24 or suspended by the board upon proof that such operator or any agent
25 or employee thereof:

26 (1) Has been guilty of misrepresentation in obtaining the permit or
27 in the operation of the ambulance service;

28 (2) has engaged or attempted to engage in, or represented themselves
29 as entitled to perform, any ambulance service not authorized in the
30 permit;

31 (3) has demonstrated incompetence as defined by rules and regula-
32 tions adopted by the board or has shown themselves otherwise unable to
33 provide adequate ambulance service;

34 (4) has failed to keep and maintain the records required by the pro-
35 visions of this act, or the rules and regulations promulgated thereunder,
36 or has failed to make reports when and as required;

37 (5) has knowingly operated faulty or unsafe equipment; ~~or~~

38 (6) has violated or aided and abetted in the violation of any provision
39 of this act or the rules and regulations promulgated thereunder; or

40 (7) *has engaged in unprofessional conduct as defined by rules and*
41 *regulations adopted by the board on or before July 1, 2010.*

42 (b) The board shall not limit, modify, revoke or suspend any opera-
43 tor's permit pursuant to this section without first conducting a hearing in

1 accordance with the provisions of the administrative procedure act.

2 Sec. 7. K.S.A. 65-6133 is hereby amended to read as follows: 65-
3 6133. (a) An attendant's or instructor-coordinator's certificate may be de-
4 nied, revoked, limited, modified or suspended by the board or the board
5 may refuse to renew such certificate upon proof that such individual:

6 (1) Has made intentional misrepresentations in obtaining a certificate
7 or renewing a certificate;

8 (2) has performed or attempted to perform activities not authorized
9 by statute at the level of certification held by the individual;

10 (3) has demonstrated incompetence as defined by rules and regula-
11 tions adopted by the board or has provided inadequate patient care as
12 determined by the board;

13 (4) has violated or aided and abetted in the violation of any provision
14 of this act or the rules and regulations promulgated thereunder;

15 (5) has been convicted of a felony and, after investigation by the
16 board, it is determined that such person has not been sufficiently reha-
17 bilitated to warrant the public trust;

18 (6) has demonstrated an inability to perform authorized activities with
19 reasonable skill and safety by reason of illness, alcoholism, excessive use
20 of drugs, controlled substances or any physical or mental condition; ~~or~~

21 (7) has engaged in unprofessional conduct, as defined by rules and
22 regulations adopted by the board; ~~or~~

23 (8) *has had a certificate or permit to practice emergency medical serv-*
24 *ices as an attendant as defined by K.S.A. 65-6112, and amendments*
25 *thereto, denied, revoked, limited or suspended or has been publicly or*
26 *privately censured, by a licensing or other regulatory authority of another*
27 *state, agency of the United States government, territory of the United*
28 *States or country or has had other disciplinary action taken against the*
29 *applicant or holder of a permit or certificate by a licensing or other reg-*
30 *ulatory authority of another state, agency of the United States govern-*
31 *ment, territory of the United States or country. A certified copy of the*
32 *record or order of public or private censure, denial, suspension, limitation,*
33 *revocation or other disciplinary action of the licensing or other regulatory*
34 *authority of another state, agency of the United States government, ter-*
35 *ritory of the United States or country shall constitute prima facie evidence*
36 *of such a fact for purposes of this paragraph.*

37 (b) *Upon filing a sworn complaint with the board charging a person*
38 *with having committed any of the practices specified in subsection (a),*
39 *two or more members of the board shall investigate the charges, or the*
40 *board may designate and authorize an employee or employees of the*
41 *board to conduct such investigation. After investigation, the board may*
42 *institute charges. If an investigation, in the opinion of the board, reveals*
43 *reasonable grounds for believing the applicant or holder of a permit or*

1 *certificate has committed any of the charges, the board shall fix a time*
2 *and place for proceedings, which shall be conducted in accordance with*
3 *the provisions of the Kansas administrative procedure act.*

4 *(c) If final agency action of the board in a proceeding under this*
5 *section is adverse to the applicant or holder of a permit or certificate, the*
6 *costs of the board's proceedings may be charged to the applicant or holder*
7 *of a permit or certificate as in ordinary civil actions in the district court,*
8 *but if the board is the unsuccessful party, the costs shall be paid by the*
9 *board. If an order of the emergency medical services board is adverse to*
10 *a holder of a permit or certificate of the board, the costs may be charged*
11 *to such person in an amount not to exceed \$500. The board shall pay any*
12 *additional costs and, if the board is the unsuccessful party, the costs shall*
13 *be paid by the board. Witness fees and costs may be taxed by the board*
14 *according to the statutes relating to procedure in the district court. All*
15 *costs accrued by the board, when it is the successful party, and which the*
16 *attorney general certifies cannot be collected from the applicant or holder*
17 *of a permit or certificate shall be paid from the emergency medical services*
18 *operating fund. All moneys collected following board proceedings shall be*
19 *credited in full to the emergency medical services operating fund.*

20 ~~(b)~~ *(d) The board may limit, modify, revoke or suspend an attendant's*
21 *or instructor-coordinator's certificate or the board may refuse to renew*
22 *such certificate in accordance with the provisions of the Kansas admin-*
23 *istrative procedure act.*

24 *(e) The board shall have the power to revoke a certificate or permit*
25 *of a holder who voluntarily surrenders such certificate or permit to the*
26 *board while the investigation or charges of misconduct are anticipated or*
27 *pending.*

28 Sec. 8. K.S.A. 65-6135 is hereby amended to read as follows: 65-
29 6135. (a) All ambulance services providing emergency care as defined by
30 the rules and regulations adopted by the board shall offer service 24 hours
31 per day every day of the year.

32 (b) Whenever an operator is required to have a permit, at least one
33 person on each vehicle providing emergency medical service shall be an
34 attendant ~~certified as an emergency medical technician, emergency med-~~
35 ~~ical technician-intermediate, emergency medical technician-defibrillator,~~
36 ~~a mobile intensive care technician as defined under K.S.A. 65-6112, and~~
37 ~~amendments thereto,~~ a physician, a licensed physician assistant or a pro-
38 fessional nurse.

39 Sec. 9. K.S.A. 65-6110, 65-6126, 65-6127, 65-6132, 65-6133 and 65-
40 6135 and K.S.A. 2008 Supp. 65-6112 and 65-6124 are hereby repealed.

41 Sec. 10. This act shall take effect and be in force from and after its
42 publication in the statute book.