

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT.

The meeting was called to order by Chairperson Mark Parkinson at 9:00 a.m. on March 10, 1993 in Room 531-N of the Capitol.

All members were present except:

Committee staff present: Michael Heim, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Shirley Higgins, Committee Secretary

Conferees appearing before the committee:

Representative Nancy Brown
Bob McDaneld, Board of Emergency Medical Services
R.E. "Tuck" Duncan, Medevac Medical Services, Inc.

Others attending: See attached list

HB 2102 -- Concerning emergency medical services; relating to attendants.

HB 2104 -- Concerning the emergency medical services board; relating to the powers and duties thereof

Representative Nancy Brown testified in support of the bill and explained that the bill's purpose is to technically amend the statute to add "first responder" in the definition of "attendant." Rep. Brown offered another amendment on reciprocity. (See Attachment 1). She explained that at present out-of-state paramedics, those in Missouri, have automatic reciprocity without having to take Kansas tests. Kansas' standards are higher than Missouri's and other states. She said the amendment is a compromise. It would allow out-of-state attendants to be certified in Kansas if they can pass the Kansas test. The intent is not to keep anyone out of Kansas but rather to be assured they have reached the same level of skill as those in Kansas.

Bob McDaneld, Board of Emergency Medical Services, testified in support of HB 2102. (See Attachment 2). Mr. McDaneld added that the bill would eliminate three pages of duplicate statutory language.

Mr. McDaneld was asked to give a background of the two statutes. He explained that the two statutes involved were first put in place in 1975. There were three classes of attendants at that time, but since then, three new classes as well as first responders have been added to the list of emergency medical services.

R.E. "Tuck" Duncan, Medevac Medical Services, Inc., followed with testimony in support of HB 2102. (See Attachment 3). He suggested that if the committee chooses to pass both bills out of committee, it amend the provisions of one bill into the other and run one bill to prevent duplication of statutes.

Mr. Duncan continued with his testimony in support of HB 2104 and requested an amendment which would provide immunity for the employer of an attendant for negligence. (See Attachment 3). He is also in support of the amendment suggested by Rep. Brown. His suggested amendment would close the loop hole at present in that although an employee cannot be sued for negligence except for willful acts, and employer can be sued.

The Chairman and Sen. Feleciano stated their concern that Mr. Duncan's proposed amendment is a substantive change in the law and needs more discussion.

Sen. Reynolds questioned Mr. Duncan regarding certification as to if all employees of a medical service are certified. Mr. Duncan answered, "Yes", and added that an ambulance service must have a license in order to operate and its employees must be licensed. Mr. Duncan reiterated that the employing unit should have the same immunity as the employee for unwillful negligence. "Employer" would include not only private

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON LOCAL GOVERNMENT, Room 531-N Statehouse, at 9:00 a.m. on March 10, 1993.

providers but also county, city and other forms. Sen. Ranson asked for examples of what types of simple negligence are protected. Mr. Duncan gave the examples of a tracheal tube being inserted in the esophagus rather than the wind pipe or missing a vein when inserting an I.V. He added that whatever happens in the fast decision making process in an emergency is not a willful situation. The Chairman asked if this would include the administering the wrong drug in the case of a cardiac arrest which results in death, and Mr. Duncan answered that it would.

Sen. Tillotson expressed concern for victim's rights. Mr. Duncan stated that there still would be cause for action if there is willful neglect involved.

Sen. Downey asked Mr. Duncan if the company he represents has had many suits. Mr. Duncan said there have been very few suits and he feels no urgent need for his suggested amendment. He added that if an employee does not follow established protocol, it would be considered as willful negligence and subject to suit.

Mr. McDanel testified in support of HB 2104. (See Attachment 4).

Sen. Feleciano made a motion to merge HB 2102 with 2104 with the amended language suggested by Rep. Brown, Sen. Ramirez seconded, and the motion carried.

Sen. Ranson made a motion to amend the bill to allow limited protection for employers as suggested by Mr. Duncan, Sen. Reynolds seconded the motion.

Sen. Feleciano stated that he feels Sen. Ranson's motion involves a major substantive change in the law which he strongly opposes without further study. Sen. Reynolds stated that she feels employers need protection from the costs of dealing with possible law suits.

Sen. Tillotson felt that there is a need to speak for potential victims, and she thinks freeing employers from responsibility for negligence goes too far. Sen. Reynolds responded that she feels the bill could be fine tuned to exclude anyone not licensed. Sen. Gooch felt that perhaps the amendment would encourage sloppy practices. Sen. Downey stated that an employer who knows he is open to litigation will be more careful. Sen. Ranson stated that it was her understanding that the amendment would not keep anyone from suing for gross negligence.

On a vote on Sen. Ranson's motion to amend the bill, the response was unclear. The Chairman called for a show of hands, and the motion failed.

Sen. Feleciano made a motion to report HB 2104 favorable for passage as amended, Sen. Ranson seconded, and the motion carried.

The minutes of March 9 were approved.

The meeting was adjourned at 9:58 a.m.

The next meeting is scheduled for March 11, 1993.

Date: March 10, 1993

GUEST REGISTER

SENATE

LOCAL GOVERNMENT

[illegible]

Proposed Amendment
to House Bill No. 2102

On page 6, following line 31, by inserting:

"Sec. 7. K.S.A. 65-6129 is hereby amended to read as follows: 65-6129. (a) Application for an attendant's certificate shall be made to the emergency medical services board upon forms provided by the administrator. The board may grant an attendant's certificate to an applicant who: (1) (A) Has made application within one year after successfully completing the appropriate course of instruction for the classification of attendant's certificate for which application has been made; ~~(2)~~ (B) has passed an examination prescribed by the board; and ~~(3)~~ (C) has paid a fee for the classification of attendant's certificate for which application has been made as prescribed by rules and regulations of the board; or (2) (A) is certified as a nationally registered emergency medical technician paramedic; or (B) has successfully completed a course of instruction or training accredited by the American medical association committee on allied health education; and (C) has passed an examination prescribed by the board; and (D) has paid a fee for the classification of attendant's certificate for which application has been made as prescribed by rules and regulations of the board.

(b) An attendant applying for an emergency medical technician's certificate shall have successfully completed a course of training, approved by the board, in preliminary emergency medical care. An attendant applying for a mobile intensive care technician's certificate shall have successfully completed a course of training, approved by the board, which shall include, but not be limited to, didactic and clinical experience in a cardiac care unit and in an emergency vehicle unit. An attendant applying for an emergency medical technician-intermediate certificate shall have been certified as an emergency medical technician and, after certification as an emergency medical technician, shall have successfully completed a

Senate Local Gov't
3-10-93
Attachment 1



Bob McDanel
Administrator

State of Kansas

BOARD OF EMERGENCY MEDICAL SERVICES

109 S.W. 6TH STREET, TOPEKA, KS 66603-3805

(913) 296-7296 Administration
(913) 296-7403 Education & Training
(913) 296-7299 Examination & Certification
(913) 296-7408 Planning & Regulation

Joan Finney
Governor

DATE: March 10, 1993
TO: Senate Local Government Committee
FROM: Bob McDanel *BM*
SUBJECT: Testimony in Support of HB 2102

The Board of Emergency Medical Services is the state agency which regulates pre-hospital emergency medical services. Agency responsibilities include the licensing of ambulance services and vehicles and the training, examination and certification of ambulance attendants.

HB 2102 amends current statutes by including "first responders" as a level of "attendant" certification. K.S.A. 65-6112 defines attendant as "an emergency medical technician, an emergency medical technician-intermediate, an emergency medical technician-defibrillator or a mobile intensive care technician whose primary function is ministering to the needs of persons requiring emergency medical services."

K.S.A. 65-6141 through 65-6143, 65-6145 and 65-6146 apply only to first responders but replicate language used for attendants. HB 2102 repeals these statutes, without changing requirements for authorization or regulations of the first responder. The proposed amendments are technical in nature.

The first responder classification was created by the Legislature more than ten years after development of the attendant statutes. At that time, it was assumed first responders would not work directly with, or for, ambulance services and should not be included within the definition of attendant. This has changed.

First responders are involved in emergency medical services in a number of significant ways, including fire services, law enforcement, rescue squads and ambulance services. Their primary function, as with attendants, is "ministering to the needs of persons requiring emergency medical services." A first responder and an emergency medical technician are now the required minimum staffing on an ambulance. The reasons for having a separate set of statutes no longer exist.

The Board of Emergency Medical Services support HB 2102 and requests committee support of the bill.

*Senate Local Gov't
3-10-93
Attachment 2*



MEDEVAC MEDICAL SERVICES, INC.®

411 S.W. Jackson • Topeka, Kansas 66603 • (913) 233-2400 Administration

To: Senate Committee on Local Government

From: R.E. "Tuck" Duncan
General Counsel
Medevac Medical Services, Inc.

RE: House Bills 2102 and 2104

I appear today in support of both House Bill 2102 and House Bill 2104.

The change of definition of attendant in HB 2102 to include first responders is a change which merely recognizes the role of this category of care providers, and eliminates duplication in the statute book.

Currently training is offered by persons which meet the criteria set forth in HB 2104. This bill will codify the minimum requirements for these EMS educators and will provide the board of emergency medical services with statutory authority to govern their courses. We believe this will improve the opportunities for training in certain parts of the state, and maintain a professional EMS system in Kansas.

Since both bills amend K.S.A. 65-1111, 65-1112 and 65-1124 I suggest that the committee amend one bill with the provisions of the other to avoid duplication. In addition, there was a third EMS bill relating to "do not resuscitate" orders, that for valid concerns, was not passed by the House committee. It included an amendment to K.S.A. 65-6124 which we had requested that was approved by the committee. That amendment (which could have been added to anyone of the bills before the House) is as follows:

"An employer of an attendant who renders emergency care under the provisions of this act shall not be liable for civil damages as a result of the attendant's rendering such emergency care, except for such damages which may result from gross negligence, or from willful or wanton acts or omissions on the part of the attendant rendering such emergency care."

To provide such necessary protection for the attendant (see page 4, HB 2102 or page 4, HB 2104) but not for the employing unit is inconsistent. Please amend these bills accordingly.

Thank you for your attention to these matters.



Bob McDanel
Administrator

State of Kansas

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Joan Finney
Governor

DATE: March 10, 1993
TO: Senate Local Government Committee
FROM: Bob McDanel *BM*
SUBJECT: Testimony in Support of HB 2104

The Board of Emergency Medical Services is the state agency which regulates pre-hospital emergency medical services. Agency responsibilities include the licensing of ambulance services and vehicles and the training, examination and certification of ambulance attendants.

HB 2104 amends current statutes to permit the board to approve training to conduct initial training programs. The objective of the board is to adopt regulations which would allow board approved training officers, who successfully complete and additional training program, to instruct and coordinate first responder training programs.

Training officers currently provide approved continuing education for attendant certification renewal programs throughout the state. Every training officer is certified as an emergency medical technician or higher and has been designated by an ambulance service fire department or educational institution as a training officer. Training officers complete a three day training program conducted by board staff; the training program must be repeated annually to maintain approval.

First responder programs are approximately 50-70 hours in length. All training programs are individually approved by the board and are monitored by board staff. The board believes these requirements would ensure Kansas emergency medical services standards for training programs are maintained.

The Board of Emergency Medical Services supports HB 2104 and requests committee support of the bill. I have enclosed a copy of a supportive resolution adopted by the board on October 1, 1992. If HB 2104 becomes law, the board will have the flexibility to ensure quality first responder training can be provided to areas of Kansas which currently need, but cannot obtain, qualified instructors.

HB2104testimony

*Senate Local Gov't
3-10-93
Attachment 4*



Bob McDanel
Administrator

State of Kansas

BOARD OF EMERGENCY MEDICAL SERVICES

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Joan Finney
Governor

TRAINING OFFICER RESOLUTION

Whereas, the board recognizes that the training officer program is a valuable resource for Kansas emergency medical services; and

Whereas, these men and women have received approved training in adult education and have provided approved continuing education for attendant certification renewal since the creation of the training officer program in 1986; and

Whereas, the board also recognizes a need exists in many communities for first responder training which is not being met by the network of instructor-coordinators, who are currently the only persons approved by statute to provide initial training programs; and

Whereas, the board has a vital interest in ensuring adequate training is available to meet the needs of Kansas communities;

Therefore, be it resolved the Kansas Board of Emergency Medical Services requests that the Kansas Legislature adopt enabling legislation which would permit training officers to coordinate and instruct first responder training programs. This enabling legislation would provide the board the authority to adopt administrative regulations which would meet the needs of Kansas emergency medical services.

Adopted by the Kansas Board of Emergency Medical Services on October 1, 1992.

Bob McDanel
Administrator

RM/st