

SESSION OF 2009

**SUPPLEMENTAL NOTE ON  
SUBSTITUTE FOR SENATE BILL NO. 220**

As Recommended by Senate Committee on  
Public Health and Welfare

**Brief\***

Substitute for SB 220, as recommended by the Senate Committee on Public Health and Welfare, would amend current law concerning the provision of emergency medical services. The bill would make the following definitional changes:

- Add definitions for the terms “emergency”, “emergency scene”, “inter-facility transfer”, “medical personnel”, and “patient”;
- Where appropriate, replace the terms “mobile intensive care technician”, “emergency medical technician-defibrillator”, “emergency medical technician-intermediate” and “first responder” with “attendant”; and
- Replace the term “medical adviser” with “medical director.”

The bill also would make the following changes to the provision of emergency medical services as regulated by the Kansas Board of Emergency Medical Services:

- Require the Board of Emergency Medical Services to adopt rules and regulations concerning the requirements for a quality assurance and improvement program for ambulance services;
- Require the Board of Emergency Medical Services to adopt rules and regulations concerning staffing

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

requirements for attendant or medical personnel for ambulance services and vehicles;

- In addition to current responsibilities, require the medical director for each emergency medical service to review, approve and monitor the education of attendants;
- Authorize the Board of Emergency Medical Services to issue a temporary permit to operate an ambulance service. The issuance of a temporary permit would be allowed if an operator submits to the Board an application and temporary permit fee as fixed by rules and regulations of the Board and the application complies with a preliminary equipment list as established by the Board in rules and regulations adopted on or before July 1, 2010. The temporary permit would be valid for 60 days and the Executive Director of the Board would be allowed to approve additional time for the temporary permit;
- Authorize the Board to deny, revoke, limit, modify or suspend an operator's permit upon proof that the operator has engaged in unprofessional conduct as defined by rules and regulations adopted by the Board on or before July 1, 2010;
- Authorize the Board to deny, revoke, limit, modify, suspend or refuse to renew an attendant's or instructor-coordinator's certificate upon proof that the individual has had a certificate or permit to practice emergency medical services as an attendant denied, revoked, limited or suspended; has been publicly or privately censured; or has had other disciplinary action taken by another licensing or regulatory authority. Further, the Board would:
  - Consider a certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action by another licensing or regulatory authority as *prima facie* evidence;

- Upon filing of a sworn complaint, investigate or designate and authorize an employee or employees to investigate the charges;
- Be allowed to institute charges and fix a time and place for proceedings which would be conducted in accordance with the provisions of the Kansas Administrative Procedures Act;
- If the final action of the Board is adverse, be allowed to charge the applicant or holder of a permit or certificate the costs of the Board's proceedings as in ordinary civil actions in the district court, not to exceed \$500, with any additional costs paid by the Board;
- If the Board is the unsuccessful party, pay the costs of the Board's proceedings; and
- Be allowed to revoke a certificate or permit of a holder who voluntarily surrenders the certificate or permit while the investigation or charges of misconduct are anticipated or pending.

### **Background**

The Senate Public Health and Welfare Committee recommended the introduction of a substitute bill because of numerous amendments proposed to the original bill. The substitute bill was endorsed by the Board of Emergency Medical Services.

The original bill was introduced by the Senate Ways and Means Committee. Proponents of the bill included the Executive Director of the Kansas Board of Emergency Medical Services who stated that the Board has begun a "top to bottom" review of all of its statutes and regulations and has found several areas requiring revision. A representative of the Kansas Chapter of the Association of Air Medical Services stated that the Association would be in support of the bill if

language in the bill was changed to clarified that the bill only applies to ground ambulances. Written testimony in support of the original bill was provided by the President of the Kansas EMS Association.

There were no opponents to the bill.

The fiscal note prepared by the Division of the Budget on the original bill states that the Board of Emergency Medical Services indicated the bill would have no fiscal effect on agency operations.