

SESSION OF 2009

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 223**

As Recommended by Senate Committee on  
Federal and State Affairs

**Brief\***

SB 223 deals with the Emergency Medical Services Board (Board).

The bill would authorize the Investigation Committee of the Board, during an investigation, to issue subpoenas to compel the testimony of witnesses or the examination of, or copying of, documents or any other physical evidence that relates to an investigation regarding professional competence, unprofessional conduct, or the mental or physical ability of a licensee to perform emergency medical services. Current law does not give the Board subpoena power regarding educational, training, hospital records, personal and operational records, or criminal history records when conducting an investigation. A licensee under investigation may, within five days of the service of the subpoena, petition the Board or a district court to revoke or modify the subpoena. Any licensee appearing before the Board would have the right to be represented by counsel.

Under the bill, the district court would have jurisdiction to issue an order requiring the licensee to appear before the Board or to modify the subpoena. Unauthorized disclosure of any information would be a class A misdemeanor. The bill would require that patient records, clinical records, medical reports and other such information that might reveal private information, be kept confidential.

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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>

## **Background**

The Executive Director of the Kansas Board of Emergency Services testified as a proponent to the bill. The President of the Kansas Emergency Medical Services Association testified as neutral on the bill. No opponents testified.

The fiscal note stated that any additional expenditures resulting from the passage of the bill would be absorbed within existing resources of the Board.