

February 17, 2020

SB 366 – Expanding the expedited occupational licensure provisions for military servicemembers and spouses to all license applicants.

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Neutral Testimony

Madam Chair and members of the committee, thank you for the opportunity to provide this neutral testimony upon SB 366 and for your consideration of our proposed amendments to this bill.

We have interpreted the intent of this bill to be a means for all applicants to move through the licensure, certification or registration process in a timely manner if that applicant has plans on living within this state.

For certification as a Kansas emergency medical services (EMS) provider, we do not require the applicant to live in this state. 9.0% of Kansas certified EMS persons reside outside the state of Kansas. Many ambulance services do not require the applicant to live within the state either and, in fact, we have ambulance services permitted to operate in this state that are not physically located within the state. Because of this dynamic, we handle approximately 300-400 applications for out of state reciprocity a year and 78.3% of those applications have certification issued within 15 calendar days; 87.4% within 20 calendar days; and to more closely compare with the language of this bill, 76.1% are issued within 10 business days (equated as 14 calendar days).

Our top reason for delays beyond 10 calendar days is the applicant not providing our agency the information necessary for us to make a decision. These range from not providing proof of their other certifications as an EMS provider to not providing copies of previous action taken (administratively or criminally). We do see some delays in other states verifying that the certificate, license or registration was in good standing, but these are minimal.

As you can see, we closely monitor the time it takes for our individuals to gain certification in this state and in the five plus years I've been in my current position, I have not received a single complaint from an individual that had sent us a complete application with the accompanying documents or additional information requested that the processing of their certification was laborious or time consuming.

EMS is somewhat different when it comes to protection of the public through certification/licensure. The consumer has no choice when they dial 911 of whom responds to that call – typically, it is the closest available resource. We are frequently called to people's homes or to situations where the patient, and perhaps the only person there, are unconscious or vulnerable due to an altered state. EMS providers are granted free access to the home to, appropriately, go through drawers, cabinets, items on a table, etc., to attempt to locate medications that the patient may be taking to ensure that treatments needed are not going to be adversely affected or impeded. They are allowed the ability to cut clothing off of individuals to properly assess and appropriately treat the patient. These possibilities and expectations are extreme allowed incursions into personal freedoms and privacy that warrant an equally extreme degree of trust. We feel our current process ensures that any concerns are vetted and done so by a fair, consistent, and timely process without any excessive delays on the part of this agency.

If this bill progresses and given the information above, we would ask for two amendments for your consideration:

1. Specifically adding the emergency medical services board as a licensing body exemption in subsection (n) – Page 5; Lines 34-35. This request is due to the risk to the public involved with temporary licensure/certification of EMS providers not outweighing the benefits of a quicker certifying process than we already provide.
2. Extending the 10 business day requirement throughout the bill – based upon our data, we would propose 15 business days or 21 calendar days. This may prove to be problematic for even our agency and board, but we noted that this bill requires the person to submit all requested information prior to “the clock starting” and that extension would give us time to coordinate a meeting and provide adequate public notice.

We do not believe that either ask is unreasonable or would deviate from the overall intent of this bill.

As a final note, we have some concerns with terminology in not only this bill, but also the underlying statute. Unfortunately, we are not sure how to fix these concerns, but would appreciate any ideas or efforts to refine. The terms/phrases “an honorable discharge”; “general discharge under honorable conditions”; and “under less than honorable conditions”. We understand that these terms/phrases were provided by the military and represent 3 very separate conditions. However, we have encountered two main issues when attempting to verify this information:

- 1) The discharge paperwork (typically a DD-214) does not necessarily reflect this terminology on a consistent basis. Consistent being defined as both, worded as provided in our statute and the physical location where this information can be found within the paperwork itself.
- 2) An individual may have more than one discharge order. As an example, those that are in the National Guard will receive a discharge order if they were brought to active duty for longer than 30 days and then released. There is no clear process for a regulatory agency to determine if the discharge paperwork being provided is the most recent and there is no “clearinghouse” to assist in confirmation of status.

We appreciate your time and if this bill progresses, would ask for your consideration of the two amendments. I am happy to stand for questions at the appropriate time.