

As Amended by House Committee

As Amended by Senate Committee

Session of 2019

SENATE BILL No. 99

By Committee on Federal and State Affairs

2-5

1 AN ACT concerning emergency medical services; relating to the
2 emergency medical services board; powers and duties thereof;
3 **authorized activities of certain emergency medical services providers;**
4 creating the designation of inactive certificate; ~~relating to the~~
5 ~~authorized activities of certain emergency medical services providers;~~
6 **establishing the medical services criminal history and fingerprinting**
7 **fund;** updating terminology and references related thereto; amending
8 K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-
9 6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6124, 65-
10 6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6130, 65-6133, 65-
11 6135, 65-6145, 65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp.
12 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-
13 510h, 44-511, 44-1204, 75-4364 and 75-5664 and repealing the existing
14 sections; also repealing K.S.A. 65-6123 and 65-6129c.

15

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

17 New Section 1. (a) (1) There is hereby created the designation of
18 inactive certificate. The board is authorized to issue an inactive certificate
19 to any person currently certified by the board who makes written
20 application for such inactive certificate on a form provided by the board
21 and remits the fee established by the board in rules and regulations. The
22 board may issue an inactive certificate only to a person who is not directly
23 engaged in the provision of emergency medical services for which
24 certification is required and who does not hold oneself out to the public as
25 being professionally engaged in the provision of emergency medical
26 services. An inactive certificate shall not entitle the holder to engage in the
27 practice of emergency medical services. Each inactive certificate may be
28 renewed subject to the provisions of this section. Each inactive certificate
29 holder shall be subject to the provisions of article 61 of chapter 65 of the
30 Kansas Statutes Annotated, and amendments thereto, except as otherwise
31 provided in this subsection. The holder of an inactive certificate shall not
32 be required to submit evidence of satisfactory completion of the
33 continuing education requirement prescribed by the board.

34 (b) Each inactive certificate holder may apply for an active certificate

1 upon filing a written application with the board. The request shall be on a
2 form provided by the board and shall be accompanied by a fee prescribed
3 by the board in rules and regulations. The inactive certificate holder may
4 be required to complete such additional testing, training or education as
5 the board may deem necessary to establish the inactive certificate holder's
6 current ability to engage in the provision of emergency medical services
7 with reasonable skill and safety.

8 (c) This section shall be a part of and supplemental to article 61 of
9 chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

10 Sec. 2. K.S.A. 2018 Supp. 8-1,159 is hereby amended to read as
11 follows: 8-1,159. (a) On and after January 1, 2008, any owner or lessee of
12 one or more passenger vehicles, trucks of a gross weight of 20,000 pounds
13 or less or motorcycles, who is a resident of the state of Kansas, and who
14 submits satisfactory proof to the director of vehicles that such person is an
15 emergency medical ~~services attendant~~ *service provider*, as defined in
16 K.S.A. 65-6112, and amendments thereto, upon compliance with the
17 provisions of this section, may be issued one emergency medical services
18 license plate for each such passenger vehicle, truck or motorcycle. Such
19 license plates shall be issued for the same period of time as other license
20 plates upon proper registration and payment of the regular license fee as
21 provided in K.S.A. 8-143, and amendments thereto.

22 (b) Any applicant for a license plate authorized by this section may
23 make application for such distinctive license plates, not less than 60 days
24 prior to such applicant's renewal of registration date, on a form prescribed
25 and furnished by the director of vehicles, and any applicant for the
26 distinctive license plates shall furnish the director with proof as the
27 director shall require under subsection (a). Application for the registration
28 of a passenger vehicle, truck or motorcycle and issuance of the license
29 plates under this section shall be made by the owner or lessee in a manner
30 prescribed by the director of vehicles upon forms furnished by the director.

31 (c) No registration or distinctive license ~~plates~~ *plate* issued under the
32 authority of this section shall be transferable to any other person.

33 (d) Renewals of registration under this section shall be made
34 annually, upon payment of the fee prescribed in subsection (a), in the
35 manner prescribed in subsection (b) of K.S.A. 8-132, and amendments
36 thereto. No renewal of registration shall be made to any applicant until
37 such applicant has filed with the director a form as provided in subsection
38 (b). If such form is not filed, the applicant shall be required to comply with
39 K.S.A. 8-143, and amendments thereto, and return the distinctive license
40 plates to the county treasurer.

41 Sec. 3. K.S.A. 2018 Supp. 21-6326 is hereby amended to read as
42 follows: 21-6326. (a) Unlawful interference with an emergency medical
43 ~~services attendant~~ *service provider* is knowingly:

1 (1) Interfering with any ~~attendant~~ *emergency medical service*
2 *provider* while engaged in the performance of such ~~attendant's emergency~~
3 *medical service provider's* duties; or

4 (2) obstructing, interfering with or impeding the efforts of any
5 ~~attendant~~ *emergency medical service provider* to reach the location of an
6 emergency.

7 (b) Unlawful interference with an emergency medical ~~services~~
8 ~~attendant~~ *service provider* is a class B person misdemeanor.

9 (c) As used in this section, "~~attendant~~" *"emergency medical service*
10 *provider"* means the same as in K.S.A. 65-6112, and amendments thereto.

11 (d) A person who violates the provisions of this section may also be
12 prosecuted for, convicted of, and punished for assault or battery.

13 Sec. 4. K.S.A. 2018 Supp. 39-1402 is hereby amended to read as
14 follows: 39-1402. (a) Any person who is licensed to practice any branch of
15 the healing arts, a licensed psychologist, a licensed master level
16 psychologist, a licensed clinical psychotherapist, a chief administrative
17 officer of a medical care facility, an adult care home administrator or
18 operator, a licensed social worker, a licensed professional nurse, a licensed
19 practical nurse, a licensed marriage and family therapist, a licensed clinical
20 marriage and family therapist, licensed professional counselor, licensed
21 clinical professional counselor, registered alcohol and drug abuse
22 counselor, a teacher, a bank trust officer and any other officers of financial
23 institutions, a legal representative, a governmental assistance provider or
24 an emergency medical ~~services~~ ~~attendant~~ *service provider* who has
25 reasonable cause to believe that a resident is being or has been abused,
26 neglected or exploited, or is in a condition ~~which~~ *that* is the result of such
27 abuse, neglect or exploitation or is in need of protective services, shall
28 report immediately such information or cause a report of such information
29 to be made in any reasonable manner to the Kansas department for aging
30 and disability services with respect to residents defined under K.S.A. 39-
31 1401(a)(1), and amendments thereto, to the department of health and
32 environment with respect to residents defined under K.S.A. 39-1401(a)(2),
33 and amendments thereto, and to the Kansas department for children and
34 families and appropriate law enforcement agencies with respect to all other
35 residents. Reports made to one department ~~which~~ *that* are required by this
36 subsection to be made to the other department shall be referred by the
37 department to which the report is made to the appropriate department for
38 that report, and any such report shall constitute compliance with this
39 subsection. Reports shall be made during the normal working week days
40 and hours of operation of such departments. Reports shall be made to law
41 enforcement agencies during the time the departments are not open for
42 business. Law enforcement agencies shall submit the report and
43 appropriate information to the appropriate department on the first working

1 day that such department is open for business. A report made pursuant to
2 K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be deemed a
3 report under this section.

4 (b) The report made pursuant to subsection (a) shall contain the name
5 and address of the person making the report and of the caretaker caring for
6 the resident, the name and address of the involved resident, information
7 regarding the nature and extent of the abuse, neglect or exploitation, the
8 name of the next of kin of the resident, if known, and any other
9 information ~~which~~ *that* the person making the report believes might be
10 helpful in an investigation of the case and the protection of the resident.

11 (c) Any other person, not listed in subsection (a), having reasonable
12 cause to suspect or believe that a resident is being or has been abused,
13 neglected or exploited; or is in a condition ~~which~~ *that* is the result of such
14 abuse, neglect or exploitation or is in need of protective services may
15 report such information to the Kansas department for aging and disability
16 services with respect to residents defined under K.S.A. 39-1401(a)(1), and
17 amendments thereto, to the department of health and environment with
18 respect to residents defined under ~~subsection~~ K.S.A. 39-1401(a)(2), and
19 amendments thereto, and to the Kansas department for children and
20 families with respect to all other residents. Reports made to ~~one the~~
21 *incorrect* department ~~which are to be made to the other department~~ under
22 this section shall be referred by ~~the such~~ department to which the report is
23 made to the appropriate department for that report.

24 (d) Notice of the requirements of this act and the department to which
25 a report is to be made under this act shall be posted in a conspicuous
26 public place in every adult care home and medical care facility in this
27 state.

28 (e) Any person required to report information or cause a report of
29 information to be made under subsection (a) who knowingly fails to make
30 such report or cause such report to be made shall be guilty of a class B
31 misdemeanor.

32 Sec. 5. K.S.A. 2018 Supp. 39-1431 is hereby amended to read as
33 follows: 39-1431. (a) Any person who is licensed to practice any branch of
34 the healing arts, a licensed psychologist, a licensed master level
35 psychologist, a licensed clinical psychotherapist, the chief administrative
36 officer of a medical care facility, a teacher, a licensed social worker, a
37 licensed professional nurse, a licensed practical nurse, a licensed dentist, a
38 licensed marriage and family therapist, a licensed clinical marriage and
39 family therapist, licensed professional counselor, licensed clinical
40 professional counselor, registered alcohol and drug abuse counselor, a law
41 enforcement officer, an emergency medical ~~services attendant~~ *service*
42 *provider*, a case manager, a rehabilitation counselor, a bank trust officer or
43 any other officers of financial institutions, a legal representative, a

1 governmental assistance provider, an owner or operator of a residential
2 care facility, an independent living counselor and the chief administrative
3 officer of a licensed home health agency, the chief administrative officer of
4 an adult family home and the chief administrative officer of a provider of
5 community services and affiliates thereof operated or funded by the
6 Kansas department for aging and disability services or licensed under
7 K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, who has
8 reasonable cause to believe that an adult is being or has been abused,
9 neglected or exploited or is in need of protective services shall report,
10 immediately from receipt of the information, such information or cause a
11 report of such information to be made in any reasonable manner. An
12 employee of a domestic violence center shall not be required to report
13 information or cause a report of information to be made under this
14 subsection. Other state agencies receiving reports that are to be referred to
15 the Kansas department for children and families and the appropriate law
16 enforcement agency, shall submit the report to the department and agency
17 within six hours, during normal work days, of receiving the information.
18 Reports shall be made to the Kansas department for children and families
19 during the normal working week days and hours of operation. Reports
20 shall be made to law enforcement agencies during the time the Kansas
21 department for children and families is not in operation. Law enforcement
22 shall submit the report and appropriate information to the Kansas
23 department for children and families on the first working day that the
24 Kansas department for children and families is in operation after receipt of
25 such information.

26 (b) The report made pursuant to subsection (a) shall contain the name
27 and address of the person making the report and of the caretaker caring for
28 the involved adult, the name and address of the involved adult, information
29 regarding the nature and extent of the abuse, neglect or exploitation, the
30 name of the next of kin of the involved adult, if known, and any other
31 information ~~which~~ that the person making the report believes might be
32 helpful in the investigation of the case and the protection of the involved
33 adult.

34 (c) Any other person, not listed in subsection (a), having reasonable
35 cause to suspect or believe that an adult is being or has been abused,
36 neglected or exploited or is in need of protective services may report such
37 information to the Kansas department for children and families. Reports
38 shall be made to law enforcement agencies during the time the Kansas
39 department for children and families is not in operation.

40 (d) A person making a report under subsection (a) shall not be
41 required to make a report under K.S.A. 39-1401 through 39-1410, and
42 amendments thereto.

43 (e) Any person required to report information or cause a report of

1 information to be made under subsection (a) who knowingly fails to make
2 such report or cause such report not to be made shall be guilty of a class B
3 misdemeanor.

4 (f) Notice of the requirements of this act and the department to which
5 a report is to be made under this act shall be posted in a conspicuous
6 public place in every adult family home as defined in K.S.A. 39-1501, and
7 amendments thereto, and every provider of community services and
8 affiliates thereof operated or funded by the Kansas department for aging
9 and disability services or other facility licensed under K.S.A. 2018 Supp.
10 39-2001 et seq., and amendments thereto, and other institutions included in
11 subsection (a).

12 Sec. 6. K.S.A. 2018 Supp. 40-2141 is hereby amended to read as
13 follows: 40-2141. (a) (1) Except as provided in paragraph (2), whenever a
14 municipality provides for the payment of premiums for any health benefit
15 plan for its emergency personnel, it shall pay premiums for the
16 continuation of coverage under COBRA for the surviving spouse and
17 eligible dependent children under the age of 26 years of any emergency
18 personnel who dies in the line of duty. Premiums for continuation of
19 coverage under COBRA shall be paid for 18 months.

20 (2) A municipality may not be required to pay the premiums
21 described in paragraph (1) for a surviving spouse:

22 (A) On or after the end of the 18th calendar month after the date of
23 death of the deceased emergency personnel;

24 (B) upon the remarriage of the deceased emergency personnel's
25 surviving spouse; or

26 (C) upon the deceased emergency personnel's surviving spouse
27 reaching the age of 65.

28 (b) For the purposes of this section:

29 (1) "Emergency personnel" means an ~~attendant~~ *emergency medical*
30 *service provider* as such term is defined in K.S.A. 65-6112, and
31 amendments thereto.

32 (2) "Health benefit plan" shall have the meaning ascribed to it in
33 K.S.A. 40-4602, and amendments thereto.

34 (3) "Municipality" means a city or county.

35 Sec. 7. K.S.A. 2018 Supp. 44-131 is hereby amended to read as
36 follows: 44-131. (a) No employer may discharge any employee by reason
37 of the fact that the employee performs duties as a volunteer firefighter,
38 volunteer certified emergency medical ~~services attendant~~ *service provider*,
39 as defined in K.S.A. 65-6112, and amendments thereto, volunteer reserve
40 law enforcement officer or volunteer part-time law enforcement officer.
41 The provisions of this section shall not apply to an employer when the
42 employee is employed by the employer as a full-time firefighter or law
43 enforcement officer.

1 (b) For the purposes of this section, the term:

2 (1) "Employee" shall have the meaning ascribed to it in K.S.A. 44-
3 313, and amendments thereto.

4 (2) "Employer" shall have the meaning ascribed to it in K.S.A. 44-
5 313, and amendments thereto.

6 Sec. 8. K.S.A. 2018 Supp. 44-508 is hereby amended to read as
7 follows: 44-508. As used in the workers compensation act:

8 (a) "Employer" includes: (1) Any person or body of persons,
9 corporate or unincorporated, and the legal representative of a deceased
10 employer or the receiver or trustee of a person, corporation, association or
11 partnership; (2) the state or any department, agency or authority of the
12 state, any city, county, school district or other political subdivision or
13 municipality or public corporation and any instrumentality thereof; and (3)
14 for the purposes of community service work, the entity for which the
15 community service work is being performed and the governmental agency
16 ~~which~~ *that* assigned the community service work, if any, if either such
17 entity or such governmental agency has filed a written statement of
18 election with the director to accept the provisions under the workers
19 compensation act for persons performing community service work and in
20 such case such entity and such governmental agency shall be deemed to be
21 the joint employer of the person performing the community service work
22 and both shall have the rights, liabilities and immunities provided under
23 the workers compensation act for an employer with regard to the
24 community service work, except that the liability for providing benefits
25 shall be imposed only on the party ~~which~~ *that* filed such election with the
26 director; or on both if both parties have filed such election with the
27 director; for purposes of community service work, "governmental agency"
28 shall not include any court or any officer or employee thereof and any case
29 where there is deemed to be a "joint employer" shall not be construed to be
30 a case of dual or multiple employment.

31 (b) "Workman" or "employee" or "worker" means any person who
32 has entered into the employment of or works under any contract of service
33 or apprenticeship with an employer. Such terms shall include, but not be
34 limited to: Executive officers of corporations; professional athletes;
35 persons serving on a volunteer basis as duly authorized law enforcement
36 officers, ~~attendants~~ *emergency medical service providers*, as defined in
37 ~~subsection (f) of K.S.A. 65-6112, and amendments thereto, drivers of~~
38 ~~ambulances as defined in subsection (d) of K.S.A. 65-6112, and~~
39 ~~amendments thereto~~, firefighters, but only to the extent and during such
40 periods as they are so serving in such capacities; persons employed by
41 educational, religious and charitable organizations, but only to the extent
42 and during the periods that they are paid wages by such organizations;
43 persons in the service of the state; or any department, agency or authority

1 of the state, any city, school district, or other political subdivision or
2 municipality or public corporation and any instrumentality thereof, under
3 any contract of service, express or implied, and every official or officer
4 thereof, whether elected or appointed, while performing official duties;
5 persons in the service of the state as volunteer members of the Kansas
6 department of civil air patrol, but only to the extent and during such
7 periods as they are officially engaged in the performance of functions
8 specified in K.S.A. 48-3302, and amendments thereto; volunteers in any
9 employment, if the employer has filed an election to extend coverage to
10 such volunteers; minors, whether such minors are legally or illegally
11 employed; and persons performing community service work, but only to
12 the extent and during such periods as they are performing community
13 service work and if an election has been filed an election to extend
14 coverage to such persons. Any reference to an employee who has been
15 injured shall, where the employee is dead, include a reference to the
16 employee's dependents, to the employee's legal representatives; or, if the
17 employee is a minor or an incapacitated person, to the employee's guardian
18 or conservator. Unless there is a valid election in effect—~~which~~ that has
19 been filed as provided in K.S.A. 44-542a, and amendments thereto, such
20 terms shall not include individual employers, limited liability company
21 members, partners or self-employed persons.

22 (c) (1) "Dependents" means such members of the employee's family
23 as were wholly or in part dependent upon the employee at the time of the
24 accident or injury.

25 (2) "Members of a family" means only surviving legal spouse and
26 children; or if no surviving legal spouse or children, then parents or
27 grandparents; or if no parents or grandparents, then grandchildren; or if no
28 grandchildren, then brothers and sisters. In the meaning of this section,
29 parents include stepparents, children include stepchildren, grandchildren
30 include stepgrandchildren, brothers and sisters include stepbrothers and
31 stepsisters, and children and parents include that relation by legal
32 adoption. In the meaning of this section, a surviving spouse shall not be
33 regarded as a dependent of a deceased employee or as a member of the
34 family, if the surviving spouse shall have for more than six months
35 willfully or voluntarily deserted or abandoned the employee prior to the
36 date of the employee's death.

37 (3) "Wholly dependent child or children" means:

38 (A) A birth child or adopted child of the employee except such a child
39 whose relationship to the employee has been severed by adoption;

40 (B) a stepchild of the employee who lives in the employee's
41 household;

42 (C) any other child who is actually dependent in whole or in part on
43 the employee and who is related to the employee by marriage or

1 consanguinity; or

2 (D) any child as defined in subsection (c)(3)(A), (3)(B) or (3)(C) who
3 is less than 23 years of age and who is not physically or mentally capable
4 of earning wages in any type of substantial and gainful employment or
5 who is a full-time student attending an accredited institution of higher
6 education or vocational education.

7 (d) "Accident" means an undesigned, sudden and unexpected
8 traumatic event, usually of an afflictive or unfortunate nature and often,
9 but not necessarily, accompanied by a manifestation of force. An accident
10 shall be identifiable by time and place of occurrence, produce at the time
11 symptoms of an injury; and occur during a single work shift. The accident
12 must be the prevailing factor in causing the injury. "Accident" shall in no
13 case be construed to include repetitive trauma in any form.

14 (e) "Repetitive trauma" refers to cases where an injury occurs as a
15 result of repetitive use, cumulative traumas or microtraumas. The
16 repetitive nature of the injury must be demonstrated by diagnostic or
17 clinical tests. The repetitive trauma must be the prevailing factor in
18 causing the injury. "Repetitive trauma" shall in no case be construed to
19 include occupational disease, as defined in K.S.A. 44-5a01, and
20 amendments thereto.

21 In the case of injury by repetitive trauma, the date of injury shall be the
22 earliest of:

23 (1) The date the employee, while employed for the employer against
24 whom benefits are sought, is taken off work by a physician due to the
25 diagnosed repetitive trauma;

26 (2) the date the employee, while employed for the employer against
27 whom benefits are sought, is placed on modified or restricted duty by a
28 physician due to the diagnosed repetitive trauma;

29 (3) the date the employee, while employed for the employer against
30 whom benefits are sought, is advised by a physician that the condition is
31 work-related; or

32 (4) the last day worked, if the employee no longer works for the
33 employer against whom benefits are sought.

34 In no case shall the date of accident be later than the last date worked.

35 (f) (1) "Personal injury" and "injury" mean any lesion or change in
36 the physical structure of the body, causing damage or harm thereto.
37 Personal injury or injury may occur only by accident, repetitive trauma or
38 occupational disease as those terms are defined.

39 (2) An injury is compensable only if it arises out of and in the course
40 of employment. An injury is not compensable because work was a
41 triggering or precipitating factor. An injury is not compensable solely
42 because it aggravates, accelerates or exacerbates a preexisting condition or
43 renders a preexisting condition symptomatic.

1 (A) An injury by repetitive trauma shall be deemed to arise out of
2 employment only if:

3 (i) The employment exposed the worker to an increased risk or
4 hazard *to* which the worker would not have been exposed in normal non-
5 employment life;

6 (ii) the increased risk or hazard to which the employment exposed the
7 worker is the prevailing factor in causing the repetitive trauma; and

8 (iii) the repetitive trauma is the prevailing factor in causing both the
9 medical condition and resulting disability or impairment.

10 (B) An injury by accident shall be deemed to arise out of employment
11 only if:

12 (i) There is a causal connection between the conditions under which
13 the work is required to be performed and the resulting accident; and

14 (ii) the accident is the prevailing factor causing the injury, medical
15 condition, and resulting disability or impairment.

16 (3) (A) The words "arising out of and in the course of employment"
17 as used in the workers compensation act shall not be construed to include:

18 (i) Injury ~~which~~ *that* occurred as a result of the natural aging process
19 or by the normal activities of day-to-day living;

20 (ii) accident or injury ~~which~~ *that* arose out of a neutral risk with no
21 particular employment or personal character;

22 (iii) accident or injury ~~which~~ *that* arose out of a risk personal to the
23 worker; or

24 (iv) accident or injury ~~which~~ *that* arose either directly or indirectly
25 from idiopathic causes.

26 (B) The words "arising out of and in the course of employment" as
27 used in the workers compensation act shall not be construed to include
28 injuries to the employee occurring while the employee is on the way to
29 assume the duties of employment or after leaving such duties, the
30 proximate cause of which injury is not the employer's negligence. An
31 employee shall not be construed as being on the way to assume the duties
32 of employment or having left such duties at a time when the worker is on
33 the premises owned or under the exclusive control of the employer or on
34 the only available route to or from work ~~which~~ *that* is a route involving a
35 special risk or hazard connected with the nature of the employment, that is
36 not a risk or hazard to which the general public is exposed and ~~which~~ *that*
37 is a route not used by the public except in dealings with the employer. An
38 employee shall not be construed as being on the way to assume the duties
39 of employment, if the employee is a provider of emergency services
40 responding to an emergency.

41 (C) The words, "arising out of and in the course of employment" as
42 used in the workers compensation act shall not be construed to include
43 injuries to employees while engaged in recreational or social events under

1 circumstances where the employee was under no duty to attend and where
2 the injury did not result from the performance of tasks related to the
3 employee's normal job duties or as specifically instructed to be performed
4 by the employer.

5 (g) "Prevailing" as it relates to the term "factor" means the primary
6 factor, in relation to any other factor. In determining what constitutes the
7 "prevailing factor" in a given case, the administrative law judge shall
8 consider all relevant evidence submitted by the parties.

9 (h) "Burden of proof" means the burden of a party to persuade the
10 trier of facts by a preponderance of the credible evidence that such party's
11 position on an issue is more probably true than not true on the basis of the
12 whole record unless a higher burden of proof is specifically required by
13 this act.

14 (i) "Director" means the director of workers compensation as
15 provided for in K.S.A. 75-5708, and amendments thereto.

16 (j) "Healthcare provider" means any person licensed, by the proper
17 licensing authority of this state, another state or the District of Columbia,
18 to practice medicine and surgery, osteopathy, chiropractic, dentistry,
19 optometry, podiatry, audiology or psychology.

20 (k) "Secretary" means the secretary of labor.

21 (l) "Construction design professional" means any person who is an
22 architect, professional engineer, landscape architect or land surveyor who
23 has been issued a license by the state board of technical professions to
24 practice such technical profession in Kansas or any corporation organized
25 to render professional services through the practice of one or more of such
26 technical professions in Kansas under the professional corporation law of
27 Kansas or any corporation issued a certificate of authorization under
28 K.S.A. 74-7036, and amendments thereto, to practice one or more of such
29 technical professions in Kansas.

30 (m) "Community service work" means: (1) Public or community
31 service performed as a result of a contract of diversion or of assignment to
32 a community corrections program or conservation camp or suspension of
33 sentence or as a condition of probation or in lieu of a fine imposed by
34 court order; or (2) public or community service or other work performed
35 as a requirement for receipt of any kind of public assistance in accordance
36 with any program administered by the secretary for children and families.

37 (n) "Utilization review" means the initial evaluation of
38 appropriateness in terms of both the level and the quality of health care
39 and health services provided to a patient, based on accepted standards of
40 the health care profession involved. Such evaluation is accomplished by
41 means of a system—~~which~~ *that* identifies the utilization of health care
42 services above the usual range of utilization for such services, ~~which~~ *that*
43 is based on accepted standards of the health care profession involved; and

1 ~~which that~~ refers instances of possible inappropriate utilization to the
2 director for referral to a peer review committee.

3 (o) "Peer review" means an evaluation by a peer review committee of
4 the appropriateness, quality and cost of health care and health services
5 provided a patient, ~~which that~~ is based on accepted standards of the health
6 care profession involved and ~~which that~~ is conducted in conjunction with
7 utilization review.

8 (p) "Peer review committee" means a committee composed of health
9 care providers licensed to practice the same health care profession as the
10 health care provider who rendered the health care services being reviewed.

11 (q) "Group-funded self-insurance plan" includes each group-funded
12 workers compensation pool, ~~which that~~ is authorized to operate in this
13 state under K.S.A. 44-581 through 44-592, and amendments thereto, each
14 municipal group-funded pool under the Kansas municipal group-funded
15 pool act ~~which that~~ is covering liabilities under the workers compensation
16 act; and any other similar group-funded or pooled plan or arrangement that
17 provides coverage for employer liabilities under the workers compensation
18 act and is authorized by law.

19 (r) On and after the effective date of this act, "workers compensation
20 board" or "board" means the workers compensation appeals board
21 established under K.S.A. 44-555c, and amendments thereto.

22 (s) "Usual charge" means the amount most commonly charged by
23 health care providers for the same or similar services.

24 (t) "Customary charge" means the usual rates or range of fees charged
25 by health care providers in a given locale or area.

26 (u) "Functional impairment" means the extent, expressed as a
27 percentage, of the loss of a portion of the total physiological capabilities of
28 the human body as established by competent medical evidence and based
29 on the fourth edition of the American medical association guides to the
30 evaluation of impairment, if the impairment is contained therein.

31 (v) "Authorized treating physician" means a licensed physician or
32 other health care provider authorized by the employer or insurance carrier,
33 or both, or appointed pursuant to court-order to provide those medical
34 services deemed necessary to diagnose and treat an injury arising out of
35 and in the course of employment.

36 (w) "Mail" means the use of the United States postal service or other
37 land based delivery service or transmission by electronic means, including
38 delivery by fax, e-mail or other electronic delivery method designated by
39 the director of workers compensation.

40 Sec. 9. K.S.A. 2018 Supp. 44-510h is hereby amended to read as
41 follows: 44-510h. (a) It shall be the duty of the employer to provide the
42 services of a health care provider; and such medical, surgical and hospital
43 treatment, including nursing, medicines, medical and surgical supplies,

1 ambulance, crutches, apparatus and transportation to and from the home of
2 the injured employee to a place outside the community in which such
3 employee resides; and within such community if the director, in the
4 director's discretion, so orders, including transportation expenses
5 computed in accordance with ~~subsection (a)~~ of K.S.A. 44-515(a), and
6 amendments thereto, as may be reasonably necessary to cure and relieve
7 the employee from the effects of the injury.

8 (b) (1) If the director finds, upon application of an injured employee,
9 that the services of the health care provider furnished as provided in
10 subsection (a) and rendered on behalf of the injured employee are not
11 satisfactory, the director may authorize the appointment of some other
12 health care provider. In any such case, the employer shall submit the
13 names of two health care providers who, if possible given the availability
14 of local health care providers, are not associated in practice together. The
15 injured employee may select one from the list who shall be the authorized
16 treating health care provider. If the injured employee is unable to obtain
17 satisfactory services from any of the health care providers submitted by the
18 employer under this paragraph, either party or both parties may request the
19 director to select a treating health care provider.

20 (2) Without application or approval, an employee may consult a
21 health care provider of the employee's choice for the purpose of
22 examination, diagnosis or treatment, but the employer shall only be liable
23 for the fees and charges of such health care provider up to a total amount
24 of \$500. The amount allowed for such examination, diagnosis or treatment
25 shall not be used to obtain a functional impairment rating. Any medical
26 opinion obtained in violation of this prohibition shall not be admissible in
27 any claim proceedings under the workers compensation act.

28 (c) An injured employee whose injury or disability has been
29 established under the workers compensation act may rely, if done in good
30 faith, solely or partially on treatment by prayer or spiritual means in
31 accordance with the tenets of practice of a church or religious
32 denomination without suffering a loss of benefits subject to the following
33 conditions:

34 (1) The employer or the employer's insurance carrier agrees thereto in
35 writing either before or after the injury;

36 (2) the employee submits to all physical examinations required by the
37 workers compensation act;

38 (3) the cost of such treatment shall be paid by the employee unless
39 the employer or insurance carrier agrees to make such payment;

40 (4) the injured employee shall be entitled only to benefits that would
41 reasonably have been expected had such employee undergone medical or
42 surgical treatment; and

43 (5) the employer or insurance carrier that made an agreement under

1 paragraph (1) or (3) ~~of this subsection~~ may withdraw from the agreement
2 on 10 days' written notice.

3 (d) In any employment to which the workers compensation act
4 applies, the employer shall be liable to each employee who is employed as
5 a duly authorized law enforcement officer, firefighter, ~~driver of an~~
6 ~~ambulance as defined in subsection (b) of K.S.A. 65-6112, and~~
7 ~~amendments thereto, an ambulance attendant as defined in subsection (d)~~
8 ~~of an emergency medical service provider as defined in K.S.A. 65-6112,~~
9 and amendments thereto, or a member of a regional emergency medical
10 response team as provided in K.S.A. 48-928, and amendments thereto,
11 including any person who is serving on a volunteer basis in such capacity,
12 for all reasonable and necessary preventive medical care and treatment for
13 hepatitis to which such employee is exposed under circumstances arising
14 out of and in the course of employment.

15 (e) It is presumed that the employer's obligation to provide the
16 services of a health care provider; and such medical, surgical and hospital
17 treatment, including nursing, medicines, medical and surgical supplies,
18 ambulance, crutches, apparatus and transportation to and from the home of
19 the injured employee to a place outside the community in which such
20 employee resides; and within such community if the director, in the
21 director's discretion, so orders, including transportation expenses
22 computed in accordance with ~~subsection (a) of K.S.A. 44-515(a),~~ and
23 amendments thereto, shall terminate upon the employee reaching
24 maximum medical improvement. Such presumption may be overcome
25 with medical evidence that it is more probably true than not that additional
26 medical treatment will be necessary after such time as the employee
27 reaches maximum medical improvement. ~~The term As used in this~~
28 ~~subsection, "medical treatment" as used in this subsection (e) means only~~
29 that treatment provided or prescribed by a licensed health care provider
30 and shall not include home exercise programs or over-the-counter
31 medications.

32 Sec. 10. K.S.A. 2018 Supp. 44-511 is hereby amended to read as
33 follows: 44-511. (a) As used in this section:

34 (1) The term "money" shall be construed to mean the gross
35 remuneration, on an hourly, output, salary, commission or other basis
36 earned while employed by the employer, including bonuses and gratuities.
37 Money shall not include any additional compensation, as defined in
38 paragraph 2.

39 (2) (A) The term "additional compensation" shall include and mean
40 only the following: (i) Board and lodging when furnished by the employer
41 as part of the wages, which shall be valued at a maximum of \$25 per week
42 for board and lodging combined, unless the value has been fixed otherwise
43 by the employer and employee prior to the date of the accident or injury, or

1 unless a higher weekly value is proved; and (ii) employer-paid life
2 insurance, disability insurance, health and accident insurance and
3 employer contributions to pension and profit sharing plans.

4 (B) In no case shall additional compensation include any amounts of
5 employer taxes paid by the employer under the old-age and survivors
6 insurance system embodied in the federal social security system.

7 (C) Additional compensation shall not be included in the calculation
8 of average wage until and unless such additional compensation is
9 discontinued. If such additional compensation is discontinued subsequent
10 to a computation of average weekly wages under this section, there shall
11 be a recomputation to include such discontinued additional compensation.

12 (3) The term "wage" shall be construed to mean the total of the
13 money and any additional compensation ~~which~~ *that* the employee receives
14 for services rendered for the employer in whose employment the employee
15 sustains an injury arising out of and in the course of such employment.

16 (b) (1) Unless otherwise provided, the employee's average weekly
17 wage for the purpose of computing any compensation benefits provided by
18 the workers compensation act shall be the wages the employee earned
19 during the calendar weeks employed by the employer, up to 26 calendar
20 weeks immediately preceding the date of the injury, divided by the number
21 of calendar weeks the employee actually worked, or by 26 as the case may
22 be.

23 (2) If actually employed by the employer for less than one calendar
24 week immediately preceding the accident or injury, the average weekly
25 wage shall be determined by the administrative law judge based upon all
26 of the evidence and circumstances, including the usual wage for similar
27 services paid by the same employer, or if the employer has no employees
28 performing similar services, the usual wage paid for similar services by
29 other employers. The average weekly wage so determined shall not exceed
30 the actual average weekly wage the employee was reasonably expected to
31 earn in the employee's specific employment, including the average weekly
32 value of any additional compensation.

33 (3) The average weekly wage of an employee who performs the same
34 or a very similar type of work on a part-time basis for each of two or more
35 employers, shall be the sum of the average weekly wages of such
36 employee paid by each of the employers.

37 (4) In determining an employee's average weekly wage with respect
38 to the employer against whom claim for compensation is made, no money
39 or additional compensation paid to or received by the employee from such
40 employer, or from any source other than from such employer, shall be
41 included as wages, except as provided in this section. No wages, other
42 compensation or benefits of any type, except as provided in this section,
43 shall be considered or included in determining the employee's average

1 weekly wage.

2 (5) (A) The average weekly wage of a person serving on a volunteer
3 basis as a duly authorized law enforcement officer, ~~ambulance attendants~~
4 ~~and drivers~~ *emergency medical service provider* as provided in ~~subsection~~
5 ~~(b)~~ of K.S.A. 44-508, and amendments thereto, firefighter or ~~members~~
6 *member* of a regional emergency medical response ~~teams~~ *team* as
7 provided in K.S.A. 48-928, and amendments thereto, who receives no
8 wages for such services, or who receives wages ~~which~~ *that* are
9 substantially less than the usual wages paid for such services by
10 comparable employers to employees who are not volunteers, shall be
11 computed on the basis of the dollar amount closest to, but not exceeding,
12 112½% of the state average weekly wage.

13 (B) The average weekly wage of any person performing community
14 service work shall be deemed to be \$37.50.

15 (C) The average weekly wage of a volunteer member of the Kansas
16 department of civil air patrol officially engaged in the performance of
17 functions specified in K.S.A. 48-3302, and amendments thereto, shall be
18 deemed to be \$476.38. Whenever the rates of compensation of the pay
19 plan for persons in the classified service under the Kansas civil service act
20 are increased for payroll periods chargeable to fiscal years commencing
21 after June 30, 1988, the average weekly wage ~~which~~ *that* is deemed to be
22 the average weekly wage under the provisions of this subsection for a
23 volunteer member of the Kansas department of civil air patrol shall be
24 increased by an amount, adjusted to the nearest dollar, computed by
25 multiplying the average of the percentage increases in all monthly steps of
26 such pay plan by the average weekly wage deemed to be the average
27 weekly wage of such volunteer member under the provisions of this
28 subsection prior to the effective date of such increase in the rates of
29 compensation of the pay plan for persons in the classified service under
30 the Kansas civil service act.

31 (D) The average weekly wage of any other volunteer under the
32 workers compensation act, who receives no wages for such services, or
33 who receives wages ~~which~~ *that* are substantially less than the usual wages
34 paid for such services by comparable employers to employees who are not
35 volunteers, shall be computed on the basis of the usual wages paid by the
36 employer for such services to employees who are not volunteers, or, if the
37 employer has no employees performing such services for wages who are
38 not volunteers, the average weekly wage shall be computed on the basis of
39 the usual wages paid for such services by comparable employers to
40 employees who are not volunteers. Volunteer employment is not presumed
41 to be full-time employment.

42 (c) The state's average weekly wage for any year shall be the average
43 weekly wage paid to employees in insured work subject to Kansas

1 employment security law as determined annually by the secretary of labor
2 as provided in K.S.A. 44-704, and amendments thereto.

3 (d) Members of a labor union or other association who perform
4 services ~~in~~ on behalf of the labor union or other association and who are
5 not paid as full-time employees of the labor union or other association and
6 who are injured or suffer occupational disease in the course of the
7 performance of duties ~~in~~ on behalf of the labor union or other association
8 shall recover compensation benefits under the workers compensation act
9 from the labor union or other association if the labor union or other
10 association files an election with the director to bring its members who
11 perform such services under the coverage of the workers compensation
12 act. The average weekly wage for the purpose of this subsection shall be
13 based on what the employee would earn in the employee's general
14 occupation if at the time of the injury the employee had been performing
15 work in the employee's general occupation. The insurance coverage shall
16 be furnished by the labor union or other association.

17 Sec. 11. K.S.A. 2018 Supp. 44-1204 is hereby amended to read as
18 follows: 44-1204. (a) On and after January 1, 1978, no employer shall
19 employ any employee for a workweek longer than 46 hours, unless such
20 employee receives compensation for employment in excess of 46 hours in
21 a workweek at a rate of not less than 1½ times the hourly wage rate at
22 which such employee is regularly employed.

23 (b) No employer shall be deemed to have violated subsection (a) with
24 respect to the employment of any employee who is covered by this section,
25 who is engaged in the public or private delivery of emergency medical
26 services as an ~~attendant~~ *emergency medical service provider* as defined by
27 K.S.A. 65-6112, and amendments thereto, or who is engaged in fire
28 protection or law enforcement activities, including any member of the
29 security personnel in any correctional institution, and who is paid
30 compensation at a rate of not less than 1½ times the regular rate at which
31 such employee is employed:

32 (1) In any work period of 28 consecutive days in which such
33 employee works for tours of duty ~~which~~ *that* in the aggregate exceed 258
34 hours; or

35 (2) in the case of any such employee to whom a work period of at
36 least seven but less than 28 days applies, in any such work period in which
37 such employee works for tours of duty ~~which~~ *that* in the aggregate exceed
38 a number of hours ~~which bears~~ *that bear* the same ratio to the number of
39 consecutive days in such work period as 258 hours bears to 28 days.

40 (c) The provisions of this section shall not apply to the employment
41 of:

42 (1) Any employee who is covered under the provisions of section 7 of
43 the fair labor standards act of 1938 as amended, 29 U.S.C.A. § 207, and as

1 amended by the fair labor standards amendments of 1974, and
2 amendments thereto; or

3 (2) any employee who is primarily engaged in selling motor vehicles,
4 as defined in K.S.A. 8-126, and amendments thereto, for a non-
5 manufacturing employer primarily engaged in the business of selling such
6 vehicles to ultimate purchasers;

7 (3) any person who is sentenced to the custody of the secretary of
8 corrections and any person serving a sentence in a county jail.

9 (d) For the purposes of this section, the agreement or practice by
10 employees engaged in fire protection or law enforcement activities of
11 substituting for one another on regularly scheduled tours of duty, or a part
12 thereof, shall be deemed to have no effect on hours of work if:

13 (1) The substituting is done voluntarily by the employees and not at
14 the behest of the employer;

15 (2) the reason for substituting is due not to the employer's business
16 practice but to the employee's desire or need to attend to a personal matter;

17 (3) a record is maintained by the employer of all time substituted by
18 the employer's employees; and

19 (4) the period during which time is substituted and paid back does not
20 exceed 12 months.

21 Sec. 12. K.S.A. 65-16,127 is hereby amended to read as follows: 65-
22 16,127. (a) As used in this section:

23 (1) "Bystander" means a family member, friend, caregiver or other
24 person in a position to assist a person who the family member, friend,
25 caregiver or other person believes, in good faith, to be experiencing an
26 opioid overdose.

27 (2) "Emergency opioid antagonist" means any drug that inhibits the
28 effects of opioids and that is approved by the United States food and drug
29 administration for the treatment of an opioid overdose.

30 (3) "First responder" includes any ~~attendant~~ *emergency medical*
31 *service provider*, as defined by K.S.A. 65-6112, and amendments thereto,
32 any law enforcement officer, as defined by K.S.A. 22-2202, and
33 amendments thereto, and any actual member of any organized fire
34 department, whether regular or volunteer.

35 (4) "First responder agency" includes, but is not limited to, any law
36 enforcement agency, fire department or criminal forensic laboratory of any
37 city, county or the state of Kansas.

38 (5) "Opioid antagonist protocol" means the protocol established by
39 the state board of pharmacy pursuant to subsection (b).

40 (6) "Opioid overdose" means an acute condition including, but not
41 limited to, extreme physical illness, decreased level of consciousness,
42 respiratory depression, coma, mania or death, resulting from the
43 consumption or use of an opioid or another substance with which an

1 opioid was combined, or that a layperson would reasonably believe to be
2 resulting from the consumption or use of an opioid or another substance
3 with which an opioid was combined, and for which medical assistance is
4 required.

5 (7) "Patient" means a person believed to be at risk of experiencing an
6 opioid overdose.

7 (8) "School nurse" means a professional nurse licensed by the board
8 of nursing and employed by a school district to perform nursing
9 procedures in a school setting.

10 (9) "Healthcare provider" means a physician licensed to practice
11 medicine and surgery by the state board of healing arts, a licensed dentist,
12 a mid-level practitioner as defined by K.S.A. 65-1626, and amendments
13 thereto, or any person authorized by law to prescribe medication.

14 (b) The state board of pharmacy shall issue a statewide opioid
15 antagonist protocol that establishes requirements for a licensed pharmacist
16 to dispense emergency opioid antagonists to a person pursuant to this
17 section. The opioid antagonist protocol shall include procedures to ensure
18 accurate recordkeeping and education of the person to whom the
19 emergency opioid antagonist is furnished, including, but not limited to:
20 Opioid overdose prevention, recognition and response; safe administration
21 of an emergency opioid antagonist; potential side effects or adverse events
22 that may occur as a result of administering an emergency opioid
23 antagonist; a requirement that the administering person immediately
24 contact emergency medical services for a patient; and the availability of
25 drug treatment programs.

26 (c) A pharmacist may furnish an emergency opioid antagonist to a
27 patient or bystander subject to the requirements of this section, the
28 pharmacy act of the state of Kansas and any rules and regulations adopted
29 by the state board of pharmacy thereunder.

30 (d) A pharmacist furnishing an emergency opioid antagonist pursuant
31 to this section may not permit the person to whom the emergency opioid
32 antagonist is furnished to waive any consultation required by this section
33 or any rules and regulations adopted thereunder.

34 (e) Any first responder, scientist or technician operating under a first
35 responder agency or school nurse is authorized to possess, store and
36 administer emergency opioid antagonists as clinically indicated, provided
37 that all personnel with access to emergency opioid antagonists are trained,
38 at a minimum, on the following:

39 (1) Techniques to recognize signs of an opioid overdose;

40 (2) standards and procedures to store and administer an emergency
41 opioid antagonist;

42 (3) emergency follow-up procedures, including the requirement to
43 summon emergency ambulance services either immediately before or

1 immediately after administering an emergency opioid antagonist to a
2 patient; and

3 (4) inventory requirements and reporting any administration of an
4 emergency opioid antagonist to a healthcare provider.

5 (f) (1) Any first responder agency electing to provide an emergency
6 opioid antagonist to its employees or volunteers for the purpose of
7 administering the emergency opioid antagonist shall procure the services
8 of a physician to serve as physician medical director for the first responder
9 agency's emergency opioid antagonist program.

10 (2) The first responder agency shall utilize the physician medical
11 director or a licensed pharmacist for the purposes of:

12 (A) Obtaining a supply of emergency opioid antagonists;

13 (B) receiving assistance developing necessary policies and
14 procedures that comply with this section and any rules and regulations
15 adopted thereunder;

16 (C) training personnel; and

17 (D) coordinating agency activities with local emergency ambulance
18 services and medical directors to provide quality assurance activities.

19 (g) (1) Any healthcare provider or pharmacist who, in good faith and
20 with reasonable care, prescribes or dispenses an emergency opioid
21 antagonist pursuant to this section shall not, by an act or omission, be
22 subject to civil liability, criminal prosecution or any disciplinary or other
23 adverse action by a professional licensure entity arising from the
24 healthcare provider or pharmacist prescribing or dispensing the emergency
25 opioid antagonist.

26 (2) Any patient, bystander, ~~or~~ school nurse, or a first responder,
27 scientist or technician operating under a first responder agency, who, in
28 good faith and with reasonable care, receives and administers an
29 emergency opioid antagonist pursuant to this section to a person
30 experiencing a suspected opioid overdose shall not, by an act or omission,
31 be subject to civil liability or criminal prosecution, unless personal injury
32 results from the gross negligence or willful or wanton misconduct in the
33 administration of the emergency opioid antagonist.

34 (3) Any first responder agency employing or contracting any person
35 that, in good faith and with reasonable care, administers an emergency
36 opioid antagonist pursuant to this section to a person experiencing a
37 suspected opioid overdose shall not, by an act or omission, be subject to
38 civil liability, criminal prosecution, any disciplinary or other adverse
39 action by a professional licensure entity or any professional review.

40 (h) The state board of pharmacy shall adopt rules and regulations as
41 may be necessary to implement the provisions of this section prior to
42 January 1, 2018.

43 (i) This section shall be part of and supplemental to the pharmacy act

1 of the state of Kansas.

2 Sec. 13. K.S.A. 65-1728 is hereby amended to read as follows: 65-
3 1728. For the purpose of removing an eye or part thereof, any embalmer
4 licensed in accordance with the provisions of article 17 of chapter 65 of
5 the Kansas Statutes Annotated, and ~~acts amendatory thereof~~ *amendments*
6 *thereto*, a licensed nurse, technician employed by a nationally certified eye
7 bank, licensed optometrist, ~~attendant~~ *emergency medical service provider*
8 as defined ~~under~~ by K.S.A. 65-6112, and amendments thereto, or physician
9 assistant, who has completed a course in eye enucleation at a school
10 certified by the department of ophthalmology, college of medicine of the
11 university of Kansas school of medicine, and holds a valid certificate of
12 competence from such certified school, or a person licensed to practice
13 medicine and surgery is hereby authorized to enucleate eyes from any
14 body when the gift of such eye has been made in accordance with the
15 terms of the revised uniform anatomical gift act ~~(, K.S.A. 65-3220 through~~
16 ~~65-3244, and amendments thereto)~~. Persons certified in accordance with
17 this section and persons licensed to practice medicine and surgery who
18 perform the enucleation of eyes in accordance with the provisions of
19 K.S.A. 65-3220 through 65-3244, and amendments thereto, shall incur no
20 liability, civil or criminal, for his acts in performance of enucleation of
21 eyes.

22 Sec. 14. K.S.A. 65-2891 is hereby amended to read as follows: 65-
23 2891. (a) Any health care provider who in good faith renders emergency
24 care or assistance at the scene of an emergency or accident including
25 treatment of a minor without first obtaining the consent of the parent or
26 guardian of such minor shall not be liable for any civil damages for acts or
27 omissions other than damages occasioned by gross negligence or by
28 willful or wanton acts or omissions by such person in rendering such
29 emergency care.

30 (b) Any health care provider may render in good faith emergency
31 care or assistance, without compensation, to any minor requiring such care
32 or assistance as a result of having engaged in competitive sports, without
33 first obtaining the consent of the parent or guardian of such minor. Such
34 health care provider shall not be liable for any civil damages other than
35 damages occasioned by gross negligence or by willful or wanton acts or
36 omissions by such person in rendering such emergency care.

37 (c) Any health care provider may in good faith render emergency care
38 or assistance during an emergency ~~which~~ *that* occurs within a hospital or
39 elsewhere, with or without compensation, until such time as the physician
40 employed by the patient or by the patient's family or by guardian assumes
41 responsibility for such patient's professional care. The health care provider
42 rendering such emergency care shall not be held liable for any civil
43 damages other than damages occasioned by negligence.

1 (d) Any provision herein contained notwithstanding, the ordinary
2 standards of care and rules of negligence shall apply in those cases
3 wherein emergency care and assistance is rendered in any physician's or
4 dentist's office, clinic, emergency room or hospital with or without
5 compensation.

6 (e) As used in this section the term "health care provider" means any
7 person licensed to practice any branch of the healing arts, licensed dentist,
8 licensed optometrist, licensed professional nurse, licensed practical nurse,
9 licensed podiatrist, licensed pharmacist, licensed physical therapist, and
10 any physician assistant who has successfully completed an American
11 medical association approved training program and has successfully
12 completed the national board examination for physician assistants of the
13 American board of medical examiners, any licensed athletic trainer, any
14 licensed occupational therapist, any licensed respiratory therapist, any
15 person who holds a valid ~~attendant's~~ *emergency medical service provider's*
16 certificate under K.S.A. 65-6129, and amendments thereto, any person
17 who holds a valid certificate for the successful completion of a course in
18 first aid offered or approved by the American red cross, by the American
19 heart association, by the mining enforcement and safety administration of
20 the bureau of mines of the department of interior, by the national safety
21 council or by any instructor-coordinator, as defined in K.S.A. 65-6112, and
22 amendments thereto, and any person engaged in a postgraduate training
23 program approved by the state board of healing arts.

24 Sec. 15. K.S.A. 65-2913 is hereby amended to read as follows: 65-
25 2913. (a) It shall be unlawful for any person who is not licensed under the
26 physical therapy practice act as a physical therapist or whose license has
27 been suspended or revoked in any manner to represent oneself as a
28 physical therapist or to use in connection with such person's name the
29 words physical therapist, physiotherapist, licensed physical therapist or
30 doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T.,
31 D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia,
32 indicating or implying that such person is a physical therapist. A violation
33 of this subsection shall constitute a class B nonperson misdemeanor.
34 Nothing in this section shall be construed to prohibit physical therapists
35 licensed under K.S.A. 65-2906 and 65-2909, and amendments thereto,
36 from listing or using in conjunction with their name any letters, words,
37 abbreviations or other insignia to designate any educational degrees,
38 certifications or credentials recognized by the board ~~which~~ *that* such
39 licensee has earned. Each licensee when using the letters or term "Dr." or
40 "Doctor" in conjunction with such licensee's professional practice, whether
41 in any written or oral communication, shall identify oneself as a "physical
42 therapist" or "doctor of physical therapy."

43 (b) Any person who, in any manner, represents oneself as a physical

1 therapist assistant, or who uses in connection with such person's name the
2 words or letters physical therapist assistant, certified physical therapist
3 assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words,
4 abbreviations or insignia, indicating or implying that such person is a
5 physical therapist assistant, without a valid existing certificate as a
6 physical therapist assistant issued to such person pursuant to the physical
7 therapy practice act shall be guilty of a class B nonperson misdemeanor.
8 Nothing in this section shall be construed to prohibit physical therapist
9 assistants certified under K.S.A. 65-2906 and 65-2909, and amendments
10 thereto, from listing or using in conjunction with their name any letters,
11 words, abbreviations or other insignia to designate any educational
12 degrees, certifications or credentials—~~which~~ *that* such physical therapist
13 assistant has earned.

14 (c) Nothing in this act is intended to limit, preclude or otherwise
15 interfere with the practices of other health care providers formally trained
16 and practicing their profession. The provisions of the physical therapy
17 practice act shall not apply to the following individuals so long as they do
18 not hold themselves out in a manner prohibited under subsection (a) or (b):

19 (1) Persons rendering assistance in the case of an emergency;
20 (2) members of any church practicing their religious tenets;
21 (3) persons whose services are performed pursuant to the delegation
22 of and under the supervision of a physical therapist who is licensed under
23 this act;

24 (4) health care providers in the United States armed forces, public
25 health services, federal facilities and coast guard or other military service
26 when acting in the line of duty in this state;

27 (5) licensees under the healing arts act, and practicing their
28 professions, when licensed and practicing in accordance with the
29 provisions of law or persons performing services pursuant to the
30 delegation of a licensee under K.S.A. 65-2872(~~g~~), and amendments
31 thereto;

32 (6) dentists practicing their professions, when licensed and practicing
33 in accordance with the provisions of law;

34 (7) nurses practicing their professions, when licensed and practicing
35 in accordance with the provisions of law or persons performing services
36 pursuant to the delegation of a licensed nurse under K.S.A. 65-1124(~~m~~),
37 and amendments thereto;

38 (8) health care providers who have been formally trained and are
39 practicing in accordance with their training or have received specific
40 training in one or more functions included in this act pursuant to
41 established educational protocols or both;

42 (9) students while in actual attendance in an accredited health care
43 educational program and under the supervision of a qualified instructor;

- 1 (10) self-care by a patient or gratuitous care by a friend or family
2 member;
- 3 (11) optometrists practicing their profession when licensed and
4 practicing in accordance with the provisions of article 15 of chapter 65 of
5 the Kansas Statutes Annotated, and amendments thereto;
- 6 (12) podiatrists practicing their profession when licensed and
7 practicing in accordance with the provisions of article 20 of chapter 65 of
8 the Kansas Statutes Annotated, and amendments thereto;
- 9 (13) occupational therapists practicing their profession when licensed
10 and practicing in accordance with the occupational therapy practice act
11 and occupational therapy assistants practicing their profession when
12 licensed and practicing in accordance with the occupational therapy
13 practice act;
- 14 (14) respiratory therapists practicing their profession when licensed
15 and practicing in accordance with the respiratory therapy practice act;
- 16 (15) physician assistants practicing their profession when licensed
17 and practicing in accordance with the physician assistant licensure act;
- 18 (16) persons practicing corrective therapy in accordance with their
19 training in corrective therapy;
- 20 (17) athletic trainers practicing their profession when licensed and
21 practicing in accordance with the athletic trainers licensure act;
- 22 (18) persons who massage for the purpose of relaxation, muscle
23 conditioning or figure improvement, so long as no drugs are used and such
24 persons do not hold themselves out to be physicians or healers;
- 25 (19) barbers practicing their profession when licensed and practicing
26 in accordance with the provisions of article 18 of chapter 65 of the Kansas
27 Statutes Annotated, and amendments thereto;
- 28 (20) cosmetologists practicing their profession when licensed and
29 practicing in accordance with the provisions of article 19 of chapter 65 of
30 the Kansas Statutes Annotated, and amendments thereto;
- 31 (21) ~~attendants~~ *emergency medical service providers* practicing their
32 profession when certified and practicing in accordance with the provisions
33 of article 61 of chapter 65 of the Kansas Statutes Annotated, and
34 amendments thereto;
- 35 (22) naturopathic doctors practicing their profession when licensed
36 and practicing in accordance with the naturopathic doctor licensure act;
37 and
- 38 (23) acupuncturists practicing their profession when licensed and
39 practicing in accordance with the acupuncture practice act.
- 40 (d) Any patient monitoring, assessment or other procedures designed
41 to evaluate the effectiveness of prescribed physical therapy must be
42 performed by or pursuant to the delegation of a licensed physical therapist
43 or other health care provider.

1 (e) Nothing in this act shall be construed to permit the practice of
2 medicine and surgery. No statute granting authority to licensees of the state
3 board of healing arts shall be construed to confer authority upon physical
4 therapists to engage in any activity not conferred by the physical therapy
5 practice act.

6 Sec. 16. K.S.A. 65-6001 is hereby amended to read as follows: 65-
7 6001. As used in K.S.A. 65-6001 ~~to 65-6007, inclusive, and K.S.A. 65-~~
8 ~~6008, 65-6009 and through~~ 65-6010, and amendments thereto, unless the
9 context clearly requires otherwise:

10 (a) "AIDS" means the disease acquired immune deficiency syndrome.

11 (b) "HIV" means the human immunodeficiency virus.

12 (c) "Laboratory confirmation of HIV infection" means positive test
13 results from a confirmation test approved by the secretary.

14 (d) "Secretary" means the secretary of health and environment.

15 (e) "Physician" means any person licensed to practice medicine and
16 surgery.

17 (f) "Laboratory director" means the person responsible for the
18 professional, administrative, organizational and educational duties of a
19 laboratory.

20 (g) "HIV infection" means the presence of HIV in the body.

21 (h) "Racial/ethnic group" shall be designated as either white, black,
22 Hispanic, Asian/Pacific islander or American Indian/Alaskan Native.

23 (i) "Corrections officer" means an employee of the department of
24 corrections as ~~defined described in subsections (f) and (g) of~~ K.S.A. 75-
25 5202(f) and (g), and amendments thereto.

26 (j) "Emergency services employee" means an ~~attendant~~ *emergency*
27 *medical service provider* as defined under K.S.A. 65-6112, and
28 amendments thereto, or a firefighter.

29 (k) "Law enforcement employee" means:

30 (1) Any police officer or law enforcement officer as defined under
31 K.S.A. 74-5602, and amendments thereto;

32 (2) any person in the service of a city police department or county
33 sheriff's office who performs law enforcement duties without pay and is
34 considered a reserve officer;

35 (3) any person employed by a city or county who is in charge of a jail
36 or section of jail, including jail guards and those who conduct searches of
37 persons taken into custody; or

38 (4) any person employed by a city, county or the state of Kansas who
39 works as a scientist or technician in a forensic laboratory.

40 (l) "Employing agency or entity" means the agency or entity
41 employing a corrections officer, emergency services employee, law
42 enforcement employee or jailer.

43 (m) "Infectious disease" means AIDS.

1 (n) "Infectious disease tests" means tests approved by the secretary
2 for detection of infectious diseases.

3 (o) "Juvenile correctional facility staff" means an employee of the
4 juvenile justice authority working in a juvenile correctional facility as
5 defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto.

6 Sec. 17. K.S.A. 65-4915 is hereby amended to read as follows: 65-
7 4915. (a) As used in this section:

8 (1) "Healthcare provider" means: (A) Those persons and entities
9 defined as a health care provider under K.S.A. 40-3401, and amendments
10 thereto; and (B) a dentist licensed by the Kansas dental board, a dental
11 hygienist licensed by the Kansas dental board, a professional nurse
12 licensed by the board of nursing, a practical nurse licensed by the board of
13 nursing, a mental health technician licensed by the board of nursing, a
14 physical therapist licensed by the state board of healing arts, a physical
15 therapist assistant certified by the state board of healing arts, an
16 occupational therapist licensed by the state board of healing arts, an
17 occupational therapy assistant licensed by the state board of healing arts, a
18 respiratory therapist licensed by the state board of healing arts, a physician
19 assistant licensed by the state board of healing arts and ~~attendants~~
20 *emergency medical service provider* and ambulance services certified by
21 the emergency medical services board.

22 (2) "Healthcare provider group" means:

23 (A) A state or local association of healthcare providers or one or more
24 committees thereof;

25 (B) the board of governors created under K.S.A. 40-3403, and
26 amendments thereto;

27 (C) an organization of healthcare providers formed pursuant to state
28 or federal law and authorized to evaluate medical and healthcare services;

29 (D) a review committee operating pursuant to K.S.A. 65-2840c, and
30 amendments thereto;

31 (E) an organized medical staff of a licensed medical care facility as
32 defined by K.S.A. 65-425, and amendments thereto, an organized medical
33 staff of a private psychiatric hospital licensed under K.S.A. 2018 Supp. 39-
34 2001 et seq., and amendments thereto, or an organized medical staff of a
35 state psychiatric hospital or state institution for people with intellectual
36 disability, as follows: Larned state hospital, Osawatomie state hospital,
37 Rainbow mental health facility, Kansas neurological institute and Parsons
38 state hospital and training center;

39 (F) a healthcare provider;

40 (G) a professional society of healthcare providers or one or more
41 committees thereof;

42 (H) a Kansas corporation whose stockholders or members are
43 healthcare providers or an association of healthcare providers, which

1 corporation evaluates medical and health care services;

2 (I) an insurance company, health maintenance organization or
3 administrator of a health benefits plan—~~which~~ *that* engages in any of the
4 functions defined as peer review under this section; or

5 (J) the university of Kansas medical center.

6 (3) "Peer review" means any of the following functions:

7 (A) Evaluate and improve the quality of healthcare services rendered
8 by healthcare providers;

9 (B) determine that health services rendered were professionally
10 indicated or were performed in compliance with the applicable standard of
11 care;

12 (C) determine that the cost of healthcare rendered was considered
13 reasonable by the providers of professional health services in this area;

14 (D) evaluate the qualifications, competence and performance of the
15 providers of healthcare or to act upon matters relating to the discipline of
16 any individual provider of healthcare;

17 (E) reduce morbidity or mortality;

18 (F) establish and enforce guidelines designed to keep within
19 reasonable bounds the cost of healthcare;

20 (G) conduct of research;

21 (H) determine if a hospital's facilities are being properly utilized;

22 (I) supervise, discipline, admit, determine privileges or control
23 members of a hospital's medical staff;

24 (J) review the professional qualifications or activities of healthcare
25 providers;

26 (K) evaluate the quantity, quality and timeliness of healthcare
27 services rendered to patients in the facility;

28 (L) evaluate, review or improve methods, procedures or treatments
29 being utilized by the medical care facility or by healthcare providers in a
30 facility rendering healthcare.

31 (4) "Peer review officer or committee" means:

32 (A) An individual employed, designated or appointed by, or a
33 committee of or employed, designated or appointed by, a healthcare
34 provider group and authorized to perform peer review; or

35 (B) a healthcare provider monitoring the delivery of healthcare at
36 correctional institutions under the jurisdiction of the secretary of
37 corrections.

38 (b) Except as provided by K.S.A. 60-437, and amendments thereto,
39 and by subsections (c) and (d), the reports, statements, memoranda,
40 proceedings, findings and other records submitted to or generated by peer
41 review committees or officers shall be privileged and shall not be subject
42 to discovery, subpoena or other means of legal compulsion for their release
43 to any person or entity or be admissible in evidence in any judicial or

1 administrative proceeding. Information contained in such records shall not
2 be discoverable or admissible at trial in the form of testimony by an
3 individual who participated in the peer review process. The peer review
4 officer or committee creating or initially receiving the record is the holder
5 of the privilege established by this section. This privilege may be claimed
6 by the legal entity creating the peer review committee or officer, or by the
7 commissioner of insurance for any records or proceedings of the board of
8 governors.

9 (c) Subsection (b) shall not apply to proceedings in which a
10 healthcare provider contests the revocation, denial, restriction or
11 termination of staff privileges or the license, registration, certification or
12 other authorization to practice of the healthcare provider. A licensing
13 agency in conducting a disciplinary proceeding in which admission of any
14 peer review committee report, record or testimony is proposed shall hold
15 the hearing in closed session when any such report, record or testimony is
16 disclosed. Unless otherwise provided by law, a licensing agency
17 conducting a disciplinary proceeding may close only that portion of the
18 hearing in which disclosure of a report or record privileged under this
19 section is proposed. In closing a portion of a hearing as provided by this
20 section, the presiding officer may exclude any person from the hearing
21 location except the licensee, the licensee's attorney, the agency's attorney,
22 the witness, the court reporter and appropriate staff support for either
23 counsel. The licensing agency shall make the portions of the agency record
24 in which such report or record is disclosed subject to a protective order
25 prohibiting further disclosure of such report or record. Such report or
26 record shall not be subject to discovery, subpoena or other means of legal
27 compulsion for their release to any person or entity. No person in
28 attendance at a closed portion of a disciplinary proceeding shall at a
29 subsequent civil, criminal or administrative hearing, be required to testify
30 regarding the existence or content of a report or record privileged under
31 this section that was disclosed in a closed portion of a hearing, nor shall
32 such testimony be admitted into evidence in any subsequent civil, criminal
33 or administrative hearing. A licensing agency conducting a disciplinary
34 proceeding may review peer review committee records, testimony or
35 reports but must prove its findings with independently obtained testimony
36 or records that shall be presented as part of the disciplinary proceeding in
37 open meeting of the licensing agency. Offering such testimony or records
38 in an open public hearing shall not be deemed a waiver of the peer review
39 privilege relating to any peer review committee testimony, records or
40 report.

41 (d) Nothing in this section shall limit the authority that may otherwise
42 be provided by law of the commissioner of insurance, the state board of
43 healing arts or other healthcare provider licensing or disciplinary boards of

1 this state to require a peer review committee or officer to report to it any
2 disciplinary action or recommendation of such committee or officer; to
3 transfer to it records of such committee's or officer's proceedings or actions
4 to restrict or revoke the license, registration, certification or other
5 authorization to practice of a healthcare provider; or to terminate the
6 liability of the fund for all claims against a specific healthcare provider for
7 damages for death or personal injury pursuant to K.S.A. 40-3403(i), and
8 amendments thereto. Reports and records so furnished shall not be subject
9 to discovery, subpoena or other means of legal compulsion for their release
10 to any person or entity and shall not be admissible in evidence in any
11 judicial or administrative proceeding other than a disciplinary proceeding
12 by the state board of healing arts or other healthcare provider licensing or
13 disciplinary boards of this state.

14 (e) A peer review committee or officer may report to and discuss its
15 activities, information and findings to other peer review committees or
16 officers or to a board of directors or an administrative officer of a
17 healthcare provider without waiver of the privilege provided by subsection
18 (b) and the records of all such committees or officers relating to such
19 report shall be privileged as provided by subsection (b).

20 (f) Nothing in this section shall be construed to prevent an insured
21 from obtaining information pertaining to payment of benefits under a
22 contract with an insurance company, a health maintenance organization or
23 an administrator of a health benefits plan.

24 Sec. 18. K.S.A. 65-6102 is hereby amended to read as follows: 65-
25 6102. (a) There is hereby established the emergency medical services
26 board. The office of the emergency medical services board shall be located
27 in the city of Topeka, Kansas.

28 (b) The emergency medical services board shall be composed of 15
29 members to be appointed as follows:

30 (1) Eleven members shall be appointed by the governor. Of such
31 members:

32 (A) Three shall be physicians who are actively involved in emergency
33 medical services;

34 (B) two shall be county commissioners of counties making a levy for
35 ambulance service, at least one of whom shall be from a county having a
36 population of less than 15,000;

37 (C) one shall be an instructor-coordinator;

38 (D) one shall be a hospital administrator actively involved in
39 emergency medical services;

40 (E) one shall be a member of a firefighting unit ~~which~~ that provides
41 emergency medical service; and

42 (F) three shall be ~~attendants~~ *emergency medical service providers*
43 who are actively involved in emergency medical service. At least two

1 classifications of ~~attendants~~ *emergency medical service providers* shall be
2 represented. At least one of such members shall be from a volunteer
3 emergency medical service; and

4 (2) four members shall be appointed as follows:

5 (A) One shall be a member of the Kansas senate to be appointed by
6 the president of the senate;

7 (B) one shall be a member of the Kansas senate to be appointed by
8 the minority leader of the senate;

9 (C) one shall be a member of the Kansas house of representatives to
10 be appointed by the speaker of the house of representatives; and

11 (D) one shall be a member of the Kansas house of representatives to
12 be appointed by the minority leader of the house of representatives.

13 (c) All members of the board shall be residents of the state of Kansas.
14 Appointments to the board shall be made with due consideration that
15 representation of the various geographical areas of the state is ensured. The
16 governor may remove any member of the board upon recommendation of
17 the board. Any person appointed to a position on the board shall forfeit
18 such position upon vacating the office or position ~~which~~ *that* qualified
19 such person to be appointed as a member of the board.

20 ~~(e)~~(d) Members shall be appointed for terms of four years and until
21 their successors are appointed and qualified. In the case of a vacancy in the
22 membership of the board, the vacancy shall be filled for the unexpired
23 term.

24 ~~(d)~~(e) The board shall meet at least ~~six~~ *four* times annually and at
25 least once each quarter and at the call of the chairperson or at the request
26 of the executive director of the emergency medical services board or of
27 any seven members of the board. At the first meeting of the board after
28 January 1 each year, the members shall elect a chairperson and a vice-
29 chairperson who shall serve for a term of one year. The vice-chairperson
30 shall exercise all of the powers of the chairperson in the absence of the
31 chairperson. If a vacancy occurs in the office of the chairperson or vice-
32 chairperson, the board shall fill such vacancy by election of one of its
33 members to serve the unexpired term of such office. Members of the board
34 attending meetings of the board or attending a subcommittee meeting
35 thereof authorized by the board shall be paid compensation, subsistence
36 allowances, mileage and other expenses as provided in K.S.A. 75-3223,
37 and amendments thereto.

38 ~~(e)~~(f) Except as otherwise provided by law, all vouchers for
39 expenditures and all payrolls of the emergency medical services board
40 shall be approved by the emergency medical services board or a person
41 designated by the board.

42 Sec. 19. K.S.A. 65-6110 is hereby amended to read as follows: 65-
43 6110. (a) The board shall adopt any rules and regulations necessary for the

1 regulation of ambulance services. Such rules and regulations shall include:
2 (1) A classification of the different types of ambulance services; (2)
3 requirements as to equipment necessary for ambulances ~~and rescue~~
4 ~~vehicles~~; (3) qualifications and training of ~~attendants, emergency medical~~
5 ~~service providers and instructor-coordinators and training officers~~; (4)
6 requirements and fees for the licensure, temporary licensure, and renewal
7 of licensure for ambulances ~~and rescue vehicles~~; (5) records and
8 equipment to be maintained by operators, instructor-coordinators, ~~training~~
9 ~~officers, providers of training sponsoring organizations and attendants~~
10 ~~emergency medical service providers~~; (6) requirements for a quality
11 assurance and improvement program for ambulance services; and (7) such
12 other matters as the board deems necessary to implement and administer
13 the provisions of this act.

14 (b) ~~The provisions of this act shall not apply to rescue vehicles~~
15 ~~operated by a fire department.~~

16 (e) ~~Nothing in this act or in the provisions of article 61 of chapter 65~~
17 ~~of the Kansas Statutes Annotated, and amendments thereto, shall authorize~~
18 ~~the board to specify the individuals who may or may not ride on a~~
19 ~~helicopter while used as an ambulance.~~

20 Sec. 20. K.S.A. 65-6111 is hereby amended to read as follows: 65-
21 6111. (a) The emergency medical services board shall:

22 (1) Adopt any rules and regulations necessary to carry out the
23 provisions of this act;

24 (2) review and approve the allocation and expenditure of moneys
25 appropriated for emergency medical services;

26 (3) conduct hearings for all regulatory matters concerning ambulance
27 services, ~~attendants emergency medical service providers, instructor-~~
28 ~~coordinators, training officers and sponsoring organizations~~;

29 (4) submit a budget to the legislature for the operation of the board;

30 (5) develop a state plan for the delivery of emergency medical
31 services;

32 (6) enter into contracts as may be necessary to carry out the duties
33 and functions of the board under this act;

34 (7) review and approve all requests for state and federal funding
35 involving emergency medical services projects in the state or delegate such
36 duties to the executive director;

37 (8) approve all training programs for ~~attendants, emergency medical~~
38 ~~service providers and instructor-coordinators and training officers and~~
39 prescribe certification application fees by rules and regulations;

40 (9) approve methods of examination for certification of ~~attendants,~~
41 ~~training officers emergency medical service providers and instructor-~~
42 ~~coordinators and prescribe examination fees by rules and regulations~~;

43 (10) appoint a medical advisory council of not less than six members,

1 including one board member who shall be a physician and not less than
2 five other physicians who are active and knowledgeable in the field of
3 emergency medical services who are not members of the board to advise
4 and assist the board in medical standards and practices as determined by
5 the board. The medical advisory council shall elect a chairperson from
6 among its membership and shall meet upon the call of the chairperson; and

7 (11) approve sponsoring organizations by prescribing standards and
8 requirements by rules and regulations and withdraw or modify such
9 approval in accordance with the Kansas administrative procedure act and
10 the rules and regulations of the board.

11 (b) The emergency medical services board may grant a temporary
12 variance from an identified rule or regulation when a literal application or
13 enforcement of the rule or regulation would result in serious hardship and
14 the relief granted would not result in any unreasonable risk to the public
15 interest, safety or welfare.

16 (c) (1) In addition to or in lieu of any other administrative, civil or
17 criminal remedy provided by law, the board, in accordance with the
18 Kansas administrative procedure act, upon the finding of a violation of a
19 provision of this act or the provisions of article 61 of chapter 65 of the
20 Kansas Statutes Annotated, and amendments thereto, or rules and
21 regulations adopted pursuant to such provisions *may impose a fine on:*

22 (A) ~~May impose a fine on~~ Any person granted a certificate by the
23 board in an amount not to exceed \$500 for each violation; or

24 (B) ~~may impose a fine on~~ an ambulance service ~~which~~ *that* holds a
25 permit to operate in this state or on a sponsoring organization in an amount
26 not to exceed \$2,500 for each violation.

27 (2) All fines assessed and collected under this section shall be
28 remitted to the state treasurer in accordance with the provisions of K.S.A.
29 75-4215, and amendments thereto. Upon receipt of each such remittance,
30 the state treasurer shall deposit the entire amount in the state treasury to
31 the credit of the state general fund.

32 (d) (1) In connection with any investigation by the board, the board or
33 its duly authorized agents or employees shall at all reasonable times have
34 access to, for the purpose of examination and the right to copy any
35 document, report, record or other physical evidence of any person being
36 investigated, or any document, report, record or other evidence maintained
37 by and in possession of any clinic, laboratory, pharmacy, medical care
38 facility or other public or private agency, if such document, report, record
39 or evidence relates to professional competence, unprofessional conduct or
40 the mental or physical ability of the person to perform activities the person
41 is authorized to perform.

42 (2) For the purpose of all investigations and proceedings conducted
43 by the board:

1 (A) The board may issue subpoenas compelling the attendance and
2 testimony of witnesses or the production for examination or copying of
3 documents or any other physical evidence if such evidence relates to
4 professional competence, unprofessional conduct or the mental or physical
5 ability of a person being investigated to perform activities the person is
6 authorized to perform. Within five days after the service of the subpoena
7 on any person requiring the production of any evidence in the person's
8 possession or under the person's control, such person may petition the
9 board to revoke, limit or modify the subpoena. The board shall revoke,
10 limit or modify such subpoena if in its opinion the evidence required does
11 not relate to practices ~~which~~ *that* may be grounds for disciplinary action, is
12 not relevant to the charge ~~which~~ *that* is the subject matter of the
13 proceeding or investigation; or does not describe with sufficient
14 particularity the physical evidence ~~which~~ *that* is required to be produced.
15 Any member of the board, or any agent designated by the board, may
16 administer oaths or affirmations, examine witnesses and receive such
17 evidence.

18 (B) Any person appearing before the board shall have the right to be
19 represented by counsel.

20 (C) The district court, upon application by (C) the board or by the person
21 subpoenaed, shall have jurisdiction to issue an order:

22 (i) Requiring such person to appear before the board or the board's
23 duly authorized agent to produce evidence relating to the matter under
24 investigation; or

25 (ii) revoking, limiting or modifying the subpoena if in the court's
26 opinion the evidence demanded does not relate to practices ~~which~~ *that* may
27 be grounds for disciplinary action, is not relevant to the charge ~~which~~ *that*
28 is the subject matter of the hearing or investigation or does not describe
29 with sufficient particularity the evidence ~~which~~ *that* is required to be
30 produced.

31 (3) Disclosure or use of any such information received by the board
32 or of any record containing such information, for any purpose other than
33 that provided by this subsection is a class A misdemeanor and shall
34 constitute grounds for removal from office, termination of employment or
35 denial, revocation or suspension of any certificate or permit issued under
36 article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments
37 thereto. Nothing in this subsection shall be construed to make unlawful the
38 disclosure of any such information by the board in a hearing held pursuant
39 to this act.

40 (4) Patient records, including clinical records, medical reports,
41 laboratory statements and reports, files, films, other reports or oral
42 statements relating to diagnostic findings or treatment of patients,
43 information from which a patient or a patient's family might be identified,

1 peer review or risk management records or information received and
2 records kept by the board as a result of the investigation procedure
3 outlined in this subsection shall be confidential and shall not be disclosed.

4 (5) Nothing in this subsection or any other provision of law making
5 communications between a physician and the physician's patient a
6 privileged communication shall apply to investigations or proceedings
7 conducted pursuant to this subsection. The board and its employees, agents
8 and representatives shall keep in confidence the names of any patients
9 whose records are reviewed during the course of investigations and
10 proceedings pursuant to this subsection.

11 (e) The emergency medical services board shall prepare an annual
12 report on or before January 15 of each year on the number, amount and
13 reasons for the fines imposed by the board and the number of and reasons
14 for subpoenas issued by the board during the previous calendar year. The
15 report shall be provided to the senate committee on federal and state affairs
16 and the house committee on federal and state affairs.

17 Sec. 21. K.S.A. 65-6112 is hereby amended to read as follows: 65-
18 6112. As used in this act:

19 (a) "Administrator" means the executive director of the emergency
20 medical services board.

21 (b) "Advanced emergency medical technician" means a person who
22 holds an advanced emergency medical technician certificate issued
23 pursuant to this act.

24 (c) "Advanced practice registered nurse" means an advanced practice
25 registered nurse as defined in K.S.A. 65-1113, and amendments thereto.

26 (d) "Ambulance" means any privately or publicly owned motor
27 vehicle, airplane or helicopter designed, constructed, prepared, staffed and
28 equipped for use in transporting and providing emergency care for
29 individuals who are ill or injured.

30 (e) "Ambulance service" means any organization operated for the
31 purpose of transporting sick or injured persons to or from a place where
32 medical care is furnished, whether or not such persons may be in need of
33 emergency or medical care in transit.

34 ~~(f) "Attendant" means a first responder, an emergency medical~~
35 ~~responder, emergency medical technician, emergency medical technician-~~
36 ~~intermediate, emergency medical technician-defibrillator, emergency~~
37 ~~medical technician-intermediate/defibrillator, advanced emergency~~
38 ~~medical technician or paramedic certified pursuant to this act.~~

39 ~~(g)~~ "Board" means the emergency medical services board established
40 pursuant to K.S.A. 65-6102, and amendments thereto.

41 ~~(h)~~(g) "Emergency medical service" means the effective and
42 coordinated delivery of such care as may be required by an emergency
43 ~~which~~ *that* includes the care and transportation of individuals by

1 ambulance services and the performance of authorized emergency care by
2 a physician, advanced practice registered nurse, professional nurse, a
3 licensed physician assistant or ~~attendant~~ *emergency medical service*
4 *provider*.

5 (h) "*Emergency medical service provider*" means an emergency
6 medical responder, advanced emergency medical technician, emergency
7 medical technician or paramedic certified by the emergency medical
8 services board.

9 (i) "Emergency medical technician" means a person who holds an
10 emergency medical technician certificate issued pursuant to this act.

11 ~~(j) "Emergency medical technician defibrillator" means a person who~~
12 ~~holds an emergency medical technician defibrillator certificate issued~~
13 ~~pursuant to this act.~~

14 ~~(k) "Emergency medical technician-intermediate" means a person~~
15 ~~who holds an emergency medical technician-intermediate certificate issued~~
16 ~~pursuant to this act.~~

17 ~~(l) "Emergency medical technician-intermediate/defibrillator" means~~
18 ~~a person who holds both an emergency medical technician-intermediate~~
19 ~~and emergency medical technician-defibrillator certificate issued pursuant~~
20 ~~to this act.~~

21 ~~(m) "Emergency medical responder" means a person who holds an~~
22 ~~emergency medical responder certificate issued pursuant to this act.~~

23 ~~(n) "First responder" means a person who holds a first responder~~
24 ~~certificate issued pursuant to this act.~~

25 ~~(o)~~(k) "Hospital" means a hospital as defined by K.S.A. 65-425, and
26 amendments thereto.

27 ~~(p)~~(l) "Instructor-coordinator" means a person who is certified under
28 this act to teach or coordinate both initial certification and continuing
29 education classes.

30 ~~(q)~~(m) "Medical director" means a physician.

31 ~~(r)~~(n) "Medical protocols" mean written guidelines ~~which that~~
32 ~~authorize attendants emergency medical service providers to perform~~
33 ~~certain medical procedures prior to contacting a physician, physician~~
34 ~~assistant authorized by a physician, advanced practice registered nurse~~
35 ~~authorized by a physician or professional nurse authorized by a physician.~~
36 The medical protocols shall be approved by a county medical society or
37 the medical staff of a hospital to which the ambulance service primarily
38 transports patients, or if neither of the above are able or available to
39 approve the medical protocols, then the medical protocols shall be
40 submitted to the medical advisory council for approval.

41 ~~(s)~~(o) "Municipality" means any city, county, township, fire district or
42 ambulance service district.

43 ~~(t)~~(p) "Nonemergency transportation" means the care and transport of

1 a sick or injured person under a foreseen combination of circumstances
 2 calling for continuing care of such person. As used in this subsection,
 3 transportation includes performance of the authorized level of services of
 4 the ~~attendant~~ *emergency medical service provider* whether within or
 5 outside the vehicle as part of such transportation services.

6 ~~(t)~~(q) "Operator" means a person or municipality who has a permit to
 7 operate an ambulance service in the state of Kansas.

8 ~~(v)~~(r) "Paramedic" means a person who holds a paramedic certificate
 9 issued pursuant to this act.

10 ~~(w)~~(s) "Person" means an individual, a partnership, an association, a
 11 joint-stock company or a corporation.

12 ~~(x)~~(t) "Physician" means a person licensed by the state board of
 13 healing arts to practice medicine and surgery.

14 ~~(y)~~(u) "Physician assistant" means a physician assistant as defined in
 15 K.S.A. 65-28a02, and amendments thereto.

16 ~~(z)~~(v) "Professional nurse" means a licensed professional nurse as
 17 defined by K.S.A. 65-1113, and amendments thereto.

18 ~~(aa)~~(w) "Sponsoring organization" means any professional
 19 association, accredited postsecondary educational institution, ambulance
 20 service ~~which~~ *that* holds a permit to operate in this state, fire department,
 21 other officially organized public safety agency, hospital, corporation,
 22 governmental entity or emergency medical services regional council, as
 23 approved by the executive director, to offer initial courses of instruction or
 24 continuing education programs.

25 ~~(bb)~~ "Training officer" means a person who is certified pursuant to
 26 this act to teach or coordinate continuing education as prescribed by the
 27 board.

28 Sec. 22. K.S.A. 65-6119 is hereby amended to read as follows: 65-
 29 6119. ~~(a)~~ Notwithstanding any other provision of law, ~~mobile intensive~~
 30 ~~care technicians may:~~

31 ~~(1)~~ Perform all the authorized activities identified in K.S.A. 65-6120,
 32 65-6121, 65-6123, 65-6144, and amendments thereto;

33 ~~(2)~~ when voice contact or a telemetered electrocardiogram is
 34 monitored by a physician, physician assistant where authorized by a
 35 physician, an advanced practice registered nurse where authorized by a
 36 physician or licensed professional nurse where authorized by a physician
 37 and direct communication is maintained, and upon order of such person
 38 may administer such medications or procedures as may be deemed
 39 necessary by a person identified in subsection (a)(2);

40 ~~(3)~~ perform, during an emergency, those activities specified in
 41 subsection (a)(2) before contacting a person identified in subsection (a)(2)
 42 when specifically authorized to perform such activities by medical
 43 protocols; and

1 ~~(4) perform, during nonemergency transportation, those activities~~
 2 ~~specified in this section when specifically authorized to perform such~~
 3 ~~activities by medical protocols.~~

4 ~~(b) An individual who holds a valid certificate as a mobile intensive~~
 5 ~~care technician once meeting the continuing education requirements~~
 6 ~~prescribed by the rules and regulations of the board, upon application for~~
 7 ~~renewal, shall be deemed to hold a certificate as a paramedic under this~~
 8 ~~act, and such individual shall not be required to file an original application~~
 9 ~~as a paramedic for certification under this act.~~

10 ~~(e) "Renewal" as used in subsection (b), refers to the first opportunity~~
 11 ~~that a mobile intensive care technician has to apply for renewal of a~~
 12 ~~certificate following the effective date of this act.~~

13 ~~(d) Upon transition notwithstanding any other provision of law, a~~
 14 ~~paramedic may:~~

15 ~~(1)(a) Perform all the authorized activities identified in K.S.A. 65-~~
 16 ~~6120, 65-6121, 65-6144, and amendments thereto;~~

17 ~~(2)(b) when voice contact or a telemetered electrocardiogram is~~
 18 ~~monitored by a physician, physician assistant where authorized by a~~
 19 ~~physician or an advanced practice registered nurse where authorized by a~~
 20 ~~physician or licensed professional nurse where authorized by a physician~~
 21 ~~and direct communication is maintained, and upon order of such person,~~
 22 ~~may administer such medications or procedures as may be deemed~~
 23 ~~necessary by a person identified in subsection ~~(d)~~(2) (b);~~

24 ~~(3)(c) perform, during an emergency, those activities specified in~~
 25 ~~subsection ~~(d)~~(2) (b) before contacting a person identified in subsection ~~(d)~~~~
 26 ~~(2) (b) when specifically authorized to perform such activities by medical~~
 27 ~~protocols; and~~

28 ~~(4)(d) perform, during nonemergency transportation, those activities~~
 29 ~~specified in this section when specifically authorized to perform such~~
 30 ~~activities by medical protocols.~~

31 Sec. 23. K.S.A. 65-6120 is hereby amended to read as follows: 65-
 32 6120. ~~(a) Notwithstanding any other provision of law to the contrary, an~~
 33 ~~emergency medical technician-intermediate may:~~

34 ~~(1) Perform any of the activities identified by K.S.A. 65-6121(a), and~~
 35 ~~amendments thereto;~~

36 ~~(2) when approved by medical protocols or where voice contact by~~
 37 ~~radio or telephone is monitored by a physician, physician assistant where~~
 38 ~~authorized by a physician, advanced practice registered nurse where~~
 39 ~~authorized by a physician or professional nurse where authorized by a~~
 40 ~~physician, and direct communication is maintained, upon order of such~~
 41 ~~person, may perform veni-puncture for the purpose of blood sampling~~
 42 ~~collection and initiation and maintenance of intravenous infusion of saline~~
 43 ~~solutions, dextrose and water solutions or ringers lactate IV solutions,~~

1 endotracheal intubation and administration of nebulized albuterol;

2 ~~(3) perform, during an emergency, those activities specified in~~
3 ~~subsection (a)(2) before contacting the persons identified in subsection (a)~~
4 ~~(2) when specifically authorized to perform such activities by medical~~
5 ~~protocols; or~~

6 ~~(4) perform, during nonemergency transportation, those activities~~
7 ~~specified in this section when specifically authorized to perform such~~
8 ~~activities by medical protocols.~~

9 ~~(b) An individual who holds a valid certificate as an emergency~~
10 ~~medical technician-intermediate once successfully completing the board~~
11 ~~prescribed transition course, and validation of cognitive and psychomotor~~
12 ~~competency as determined by rules and regulations of the board, may~~
13 ~~apply to transition to become an advanced emergency medical technician.~~
14 ~~Alternatively, upon application for renewal, such individual shall be~~
15 ~~deemed to hold a certificate as an advanced emergency medical technician~~
16 ~~under this act, provided such individual has completed all continuing~~
17 ~~education hour requirements inclusive of the successful completion of a~~
18 ~~transition course and such individual shall not be required to file an~~
19 ~~original application for certification as an advanced emergency medical~~
20 ~~technician under this act.~~

21 ~~(e) "Renewal" as used in subsection (b), refers to the first or second~~
22 ~~opportunity after December 31, 2011, that an emergency medical~~
23 ~~technician-intermediate has to apply for renewal of a certificate.~~

24 ~~(d) Emergency medical technician-intermediates who fail to meet the~~
25 ~~transition requirements as specified may complete either the board~~
26 ~~prescribed emergency medical technician transition course or emergency~~
27 ~~medical responder transition course, provide validation of cognitive and~~
28 ~~psychomotor competency and all continuing education hour requirements~~
29 ~~inclusive of the successful completion of a transition course as determined~~
30 ~~by rules and regulations of the board. Upon completion, such emergency~~
31 ~~medical technician-intermediate may apply to transition to become an~~
32 ~~emergency medical technician or an emergency medical responder,~~
33 ~~depending on the transition course that was successfully completed.~~
34 ~~Alternatively, upon application for renewal of an emergency medical~~
35 ~~technician-intermediate certificate, the applicant shall be renewed as an~~
36 ~~emergency medical technician or an emergency medical responder,~~
37 ~~depending on the transition course that was successfully completed. Such~~
38 ~~individual shall not be required to file an original application for~~
39 ~~certification as an emergency medical technician or emergency medical~~
40 ~~responder.~~

41 ~~(e) Failure to successfully complete either an advanced emergency~~
42 ~~medical technician transition course, an emergency medical technician~~
43 ~~transition course or emergency medical responder transition course will~~

1 ~~result in loss of certification.~~

2 ~~(f) Upon transition, notwithstanding any other provision of law to the~~
 3 ~~contrary, an advanced emergency medical technician may:~~

4 ~~(1)(a) Perform any of the activities identified by K.S.A. 65-6121, and~~
 5 ~~amendments thereto; and~~

6 ~~(2)(b) perform any of the following interventions, by use of the~~
 7 ~~devices, medications and equipment, or any combination thereof, as~~
 8 ~~specifically identified in rules and regulations, after successfully~~
 9 ~~completing an approved course of instruction, local specialized device~~
 10 ~~training and competency validation and when authorized by medical~~
 11 ~~protocols, or upon order when direct communication is maintained by~~
 12 ~~radio, telephone or video conference with a physician, physician assistant~~
 13 ~~where authorized by a physician, an advanced practice registered nurse~~
 14 ~~where authorized by a physician, or professional nurse where authorized~~
 15 ~~by a physician upon order of such a person: (A)(1) Advanced airway~~
 16 ~~management; (B)(2) referral of patient of alternate medical care site based~~
 17 ~~on assessment; (C)(3) transportation of a patient with a capped arterial~~
 18 ~~line; (D)(4) veni-puncture for obtaining blood sample; (E)(5) initiation and~~
 19 ~~maintenance of intravenous infusion or saline lock; (F)(6) initiation of~~
 20 ~~intraosseous infusion; (G)(7) nebulized therapy; (H)(8) manual~~
 21 ~~defibrillation; (I)(9) cardiac monitoring; (J)(10) electrocardiogram~~
 22 ~~interpretation; (K)(11) monitoring of a nasogastric tube; (L) and (12)~~
 23 ~~administration of medications by methods as specified by rules and~~
 24 ~~regulations of the board.~~

25 ~~(g) An individual who holds a valid certificate as both an emergency~~
 26 ~~medical technician-intermediate and as an emergency medical technician-~~
 27 ~~defibrillator once successfully completing the board prescribed transition~~
 28 ~~course, and validation of cognitive and psychomotor competency as~~
 29 ~~determined by rules and regulations of the board, may apply to transition~~
 30 ~~to an advanced emergency medical technician. Alternatively, upon~~
 31 ~~application for renewal, such individual shall be deemed to hold a~~
 32 ~~certificate as an advanced emergency medical technician under this act,~~
 33 ~~provided such individual has completed all continuing education hour~~
 34 ~~requirements inclusive of successful completion of a transition course, and~~
 35 ~~such individual shall not be required to file an original application for~~
 36 ~~certification as an advanced emergency medical technician under this act.~~

37 ~~(h) "Renewal" as used in subsection (g), refers to the first or second~~
 38 ~~opportunity after December 31, 2011, that an emergency medical~~
 39 ~~technician-intermediate and emergency medical technician-defibrillator~~
 40 ~~has to apply for renewal of a certificate.~~

41 ~~(i) An individual who holds both an emergency medical technician-~~
 42 ~~intermediate certificate and an emergency medical technician-defibrillator~~
 43 ~~certificate, who fails to meet the transition requirements as specified may~~

1 ~~complete either the board prescribed emergency medical technician~~
2 ~~transition course or emergency medical responder transition course, and~~
3 ~~provide validation of cognitive and psychomotor competency and all~~
4 ~~continuing education hour requirements inclusive of successful completion~~
5 ~~of a transition course as determined by rules and regulations of the board.~~
6 ~~Upon completion, such individual may apply to transition to become an~~
7 ~~emergency medical technician or emergency medical responder, depending~~
8 ~~on the transition course that was successfully completed. Alternatively,~~
9 ~~upon application for renewal of an emergency medical technician-~~
10 ~~intermediate certificate and an emergency medical technician-defibrillator~~
11 ~~certificate, the applicant shall be renewed as an emergency medical~~
12 ~~technician or an emergency medical responder, depending on the transition~~
13 ~~course that was successfully completed. Such individual shall not be~~
14 ~~required to file an original application for certification as an emergency~~
15 ~~medical technician or emergency medical responder.~~

16 ~~(j) Failure to successfully complete either the advanced emergency~~
17 ~~medical technician transition requirements, an emergency medical~~
18 ~~technician transition course or the emergency medical responder transition~~
19 ~~course will result in loss of certification.~~

20 Sec. 24. K.S.A. 65-6124 is hereby amended to read as follows: 65-
21 6124. (a) No physician, physician assistant, advanced practice registered
22 nurse or licensed professional nurse, who gives emergency instructions to
23 an ~~attendant~~ *emergency medical service provider* as defined by K.S.A. 65-
24 6112, and amendments thereto, during an emergency, shall be liable for
25 any civil damages as a result of issuing the instructions, except such
26 damages ~~which that~~ may result from gross negligence in giving such
27 instructions.

28 (b) No ~~attendant~~ *emergency medical service provider* as defined by
29 K.S.A. 65-6112, and amendments thereto, who renders emergency care
30 during an emergency pursuant to instructions given by a physician, the
31 supervising physician for a physician assistant, advanced practice
32 registered nurse or licensed professional nurse shall be liable for civil
33 damages as a result of implementing such instructions, except such
34 damages ~~which that~~ may result from gross negligence or by willful or
35 wanton acts or omissions on the part of such ~~attendant~~ *emergency medical*
36 *service provider* as defined by K.S.A. 65-6112, and amendments thereto.

37 (c) No person certified as an instructor-coordinator ~~and no training~~
38 ~~officer~~ shall be liable for any civil damages ~~which that~~ may result from
39 such instructor-coordinator's ~~or training officer's~~ course of instruction,
40 except such damages ~~which that~~ may result from gross negligence or by
41 willful or wanton acts or omissions on the part of the instructor-
42 coordinator ~~or training officer~~.

43 (d) No medical ~~adviser~~ *director* who reviews, approves and monitors

1 the activities of ~~attendants~~ *emergency medical service providers* shall be
2 liable for any civil damages as a result of such review, approval or
3 monitoring, except such damages ~~which~~ *that* may result from gross
4 negligence in such review, approval or monitoring.

5 Sec. 25. K.S.A. 65-6126 is hereby amended to read as follows: 65-
6 6126. Each emergency medical service shall have a medical director
7 appointed by the operator of the service to review and implement medical
8 protocols, approve and monitor the activities, *competency* and education of
9 the ~~attendants~~ *emergency medical service providers*. The board may
10 approve an alternative procedure for medical oversight if no medical
11 director is available.

12 Sec. 26. K.S.A. 65-6127 is hereby amended to read as follows: 65-
13 6127. (a) Application for a permit to operate an ambulance service shall be
14 made to the board by the operator of the ambulance service upon forms
15 provided by the administrator and shall be accompanied by a permit fee
16 ~~which~~ *that* shall be a base amount plus an amount for each vehicle used by
17 such operator in such operator's ambulance service and ~~which~~ *that* shall be
18 fixed by rules and regulations of the board to cover all or any part of the
19 cost of regulation of ambulance services.

20 (b) The application shall state the name of the operator, the names of
21 the ~~attendants~~ *emergency medical service providers* of such ambulance
22 service, the primary territory for which the permit is sought, the type of
23 service offered, the location and physical description of the facility
24 whereby calls for service will be received, the facility wherein vehicles are
25 to be garaged, a description of vehicles and other equipment to be used by
26 the service and such other information as the board may require.

27 (c) Nothing in this act shall be construed as granting an exclusive
28 territorial right to operate an ambulance service. Upon change of
29 ownership of an ambulance service the permit issued to such service shall
30 expire 60 days after the change of ownership.

31 Sec. 27. K.S.A. 65-6129 is hereby amended to read as follows: 65-
32 6129. (a) (1) Application for an ~~attendant's~~ *emergency medical service*
33 *provider* certificate shall be made to the board. The board shall not grant
34 an ~~attendant's~~ *emergency medical service provider* certificate unless the
35 applicant meets the following requirements:

36 (A) (i) Has successfully completed coursework required by the rules
37 and regulations adopted by the board;

38 (ii) has successfully completed coursework in another jurisdiction
39 that is substantially equivalent to that required by the rules and regulations
40 adopted by the board; or

41 (iii) has provided evidence that such applicant holds a current and
42 active certification with the national registry of emergency medical
43 technicians, completed emergency medical technician training as a

1 member of the army, navy, marine corps, air force, air or army national
2 guard, coast guard or any branch of the military reserves of the United
3 States that is substantially equivalent to that required by the rules and
4 regulations adopted by the board, and such applicant separated from such
5 military service with an honorable discharge;

6 (B) (i) has passed the examination required by the rules and
7 regulations adopted by the board; or

8 (ii) has passed the certification or licensing examination in another
9 jurisdiction that has been approved by the board; and

10 (C) has paid an application fee required by the rules and regulations
11 adopted by the board.

12 (2) The board may grant an ~~attendant's~~ *emergency medical service*
13 *provider* certificate to any applicant who meets the requirements under
14 subsection (a)(1)(A)(iii) but was separated from such military service with
15 a general discharge under honorable conditions.

16 (b) (1) ~~The board shall not grant a temporary attendant's certificate~~
17 ~~unless the applicant meets the following requirements:~~

18 ~~(A) If the applicant is certified or licensed as an attendant in another~~
19 ~~jurisdiction, but the applicant's coursework is determined not to be~~
20 ~~substantially equivalent to that required by the board, such temporary~~
21 ~~certificate shall be valid for one year from the date of issuance or until the~~
22 ~~applicant has completed the required coursework, whichever occurs first;~~
23 ~~or~~

24 ~~(B) if the applicant has completed the required coursework, has taken~~
25 ~~the required examination, but has not received the results of the~~
26 ~~examination, such temporary certificate shall be valid for 120 days from~~
27 ~~the date of the examination.~~

28 ~~(2) An applicant who has been granted a temporary certificate shall~~
29 ~~be under the direct supervision of a physician, a physician assistant, a~~
30 ~~professional nurse or an attendant holding a certificate at the same level or~~
31 ~~higher than that of the applicant. The emergency medical services board~~
32 ~~may require an original applicant for certification as an emergency~~
33 ~~medical services provider to be fingerprinted and submit to a state and~~
34 ~~national criminal history record check. The fingerprints shall be used to~~
35 ~~identify the applicant and to determine whether the applicant has a record~~
36 ~~of criminal history in this state or another jurisdiction. The emergency~~
37 ~~medical services board is authorized to submit the fingerprints to the~~
38 ~~Kansas bureau of investigation and the federal bureau of investigation for~~
39 ~~a state and national criminal history record check. The emergency medical~~
40 ~~services board may use the information obtained from fingerprinting and~~
41 ~~the applicant's criminal history for purposes of verifying the identification~~
42 ~~of the applicant and making the official determination of the qualifications~~
43 ~~and fitness of the applicant to be issued or to maintain a certificate.~~

1 (2) *Local and state law enforcement officers and agencies shall assist*
2 *the emergency medical services board in taking the fingerprints of*
3 *applicants for license, registration, permit or certificate. The Kansas*
4 *bureau of investigation shall release all records of adult convictions,*
5 *nonconvictions or adjudications in this state and any other state or*
6 *country to the emergency medical services board.*

7 (3) *The emergency medical services board may fix and collect a fee*
8 *as may be required by the board in an amount equal to the cost of*
9 *fingerprinting and the criminal history record check. The emergency*
10 *medical services board shall remit all moneys received from the fees*
11 *established by this section to the state treasurer in accordance with the*
12 *provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of*
13 *each such remittance, the state treasurer shall deposit the entire amount in*
14 *the state treasury to the credit of the emergency medical services criminal*
15 *history and fingerprinting fund.*

16 (4) *There is hereby created in the state treasury the emergency*
17 *medical services criminal history and fingerprinting fund. All moneys*
18 *credited to the fund shall be used to pay the Kansas bureau of*
19 *investigation for the processing of fingerprints and criminal history record*
20 *checks for the emergency medical services board. The fund shall be*
21 *administered by the emergency medical services board. All expenditures*
22 *from the fund shall be made in accordance with appropriation acts upon*
23 *warrants of the director of accounts and reports issued pursuant to*
24 *vouchers approved by the chairperson of the emergency medical services*
25 *board or the chairperson's designee.*

26 (c) ~~The board shall not grant an initial emergency medical technician-~~
27 ~~intermediate certificate, advanced emergency medical technician~~
28 ~~certificate, mobile intensive care technician certificate or paramedic~~
29 ~~certificate as a result of successful course completion in the state of~~
30 ~~Kansas, unless the applicant for such an initial certificate is certified as an~~
31 ~~emergency medical technician.~~

32 (d) ~~An attendant's emergency medical service provider~~ certificate
33 shall expire on the date prescribed by the board. ~~An attendant's emergency~~
34 ~~medical service provider~~ certificate may be renewed for a period of two
35 years upon payment of a fee as prescribed by rule and regulation of the
36 board and upon presentation of satisfactory proof that the ~~attendant-~~
37 ~~emergency medical service provider~~ has successfully completed
38 continuing education as prescribed by the board.

39 (e) All fees received pursuant to the provisions of this section shall be
40 remitted to the state treasurer in accordance with the provisions of K.S.A.
41 75-4215, and amendments thereto. Upon receipt of each such remittance,
42 the state treasurer shall deposit the entire amount in the state treasury to
43 the credit of the emergency medical services operating fund established by

1 K.S.A. 65-6151, and amendments thereto.

2 (f) If a person who was previously certified as an ~~attendant~~
3 *emergency medical service provider* applies for an ~~attendant's~~ *emergency*
4 *medical service provider's* certificate after the certificate's expiration, the
5 board may grant a certificate without the person completing an initial
6 course of instruction or passing a certification examination if the person
7 has completed education requirements and has paid a fee as specified in
8 rules and regulations adopted by the board.

9 (g) The board shall adopt, through rules and regulations, a formal list
10 of graduated sanctions for violations of article 61 of chapter 65 of the
11 Kansas Statutes Annotated, and amendments thereto, ~~which~~ *that* shall
12 specify the number and severity of violations for the imposition of each
13 level of sanction.

14 Sec. 28. K.S.A. 65-6129a is hereby amended to read as follows: 65-
15 6129a. (a) While engaged in a course of training or continuing education
16 approved by the board within a medical care facility, a student or ~~attendant~~
17 *emergency medical service provider* engaged in such training or
18 continuing education shall be under the supervision of a physician or a
19 professional nurse. While engaged in training or continuing education in
20 emergency or nonemergency transportation outside a medical care facility,
21 a student or ~~attendant~~ *emergency medical service provider* shall be under
22 the direct supervision of an ~~attendant~~ *emergency medical service provider*
23 who is at the minimum certified to provide the level of care for which the
24 student is seeking certification or the ~~attendant~~ *emergency medical service*
25 *provider* receiving the training is certified or shall be under the direct
26 supervision of a physician or a professional nurse.

27 (b) Nothing in the provisions of article 61 of chapter 65 of the Kansas
28 Statutes Annotated ~~or acts amendatory of the provisions thereof or~~
29 ~~supplemental, and amendments~~ thereto, shall be construed to preclude the
30 provision of authorized activities by students enrolled in a training
31 program while engaged in such program.

32 Sec. 29. K.S.A. 65-6129b is hereby amended to read as follows: 65-
33 6129b. (a) Application for an instructor-coordinator's certificate shall be
34 made to the board upon forms provided by the executive director. The
35 board may grant an instructor-coordinator's certificate to an ~~attendant~~
36 *emergency medical service provider* who: (1) Has served as an ~~attendant~~
37 *emergency medical service provider* in the emergency medical services
38 field during the preceding 12 months prior to applying for such certificate;
39 (2) has made application within one year after successfully completing the
40 training, approved by the board, in instructing and coordinating ~~attendant~~
41 *emergency medical service provider* training programs; (3) has passed an
42 examination prescribed by the board; and (4) has paid a fee as prescribed
43 by rules and regulations of the board.

1 (b) The board may grant an instructor-coordinator's certificate to a
2 physician or a professional nurse who: (1) Has made application within
3 one year after successfully completing the training, approved by the board,
4 in instructing and coordinating ~~attendant~~ *emergency medical service*
5 *provider* training programs; (2) has passed an examination prescribed by
6 the board; and (3) has paid a fee as prescribed by rules and regulations of
7 the board.

8 (c) An ~~instructor-coordinator's~~ *instructor-coordinator* certificate shall
9 expire on the expiration date of the ~~attendant's~~ *instructor-coordinator's*
10 *emergency medical service provider* certificate if the instructor-coordinator
11 is an ~~attendant~~ *emergency medical service provider* or on the expiration
12 date of the physician's or professional nurse's license if the instructor is a
13 physician or professional nurse. An instructor-coordinator's certificate may
14 be renewed for the same period as the ~~attendant's~~ *emergency medical*
15 *service provider* certificate or the physician's or professional nurse's
16 license upon payment of a fee as prescribed by rule and regulation of the
17 board and upon presentation of satisfactory proof that the instructor-
18 coordinator has successfully completed continuing education as prescribed
19 by the board. The board may prorate to the nearest whole month the fee
20 fixed under this subsection as necessary to implement the provisions of
21 this subsection.

22 (d) An ~~instructor-coordinator's~~ *instructor-coordinator* certificate may
23 be denied, revoked, limited, modified or suspended by the board or the
24 board may refuse to renew such certificate if such individual:

25 (1) Does not hold an ~~attendant's~~ *emergency medical service provider*
26 certificate or a physician's or professional nurse's license;

27 (2) has made misrepresentations intentionally in obtaining a
28 certificate or renewing a certificate;

29 (3) has demonstrated incompetence or engaged in unprofessional
30 conduct as defined by rules and regulations adopted by the board;

31 (4) has violated or aided and abetted in the violation of any provision
32 of this act or rules and regulations adopted by the board; or

33 (5) has been convicted of any state or federal crime that is related
34 substantially to the qualifications, functions and duties of an instructor-
35 coordinator or any crime punishable as a felony under any state or federal
36 statute, and the board determines that such individual has not been
37 sufficiently rehabilitated to warrant the public trust. A conviction means a
38 plea of guilty, a plea of nolo contendere or a verdict of guilty. The board
39 may take disciplinary action pursuant to this section when the time for
40 appeal has elapsed, or after the judgment of conviction is affirmed on
41 appeal or when an order granting probation is made suspending the
42 imposition of sentence.

43 (e) The board may deny, limit, modify, revoke or suspend a certificate

1 or the board may refuse to renew such certificate in accordance with the
2 provisions of the Kansas administrative procedure act.

3 (f) All fees received pursuant to this section shall be remitted to the
4 state treasurer in accordance with the provisions of K.S.A. 75-4215, and
5 amendments thereto. Upon receipt of each such remittance, the state
6 treasurer shall deposit the entire amount in the state treasury to the credit
7 of the state general fund.

8 (g) If a person who was previously certified as an instructor-
9 coordinator applies for an instructor-coordinator certificate within two
10 years of the date of its expiration, the board may grant a certificate without
11 the person completing the training or passing an examination if the person
12 complies with the other provisions of subsection (a) or (b) and completes
13 continuing education requirements prescribed by the board.

14 Sec. 30. K.S.A. 65-6130 is hereby amended to read as follows: 65-
15 6130. (a) The board may inquire into the operation of ambulance services
16 and the conduct of ~~attendants~~ *emergency medical service providers*, and
17 may conduct periodic inspections of facilities, communications services,
18 materials and equipment at any time without notice.

19 (b) The board may issue subpoenas in accordance with the provisions
20 of K.S.A. 65-6111(d), and amendments thereto, to compel an operator
21 holding a permit to make access to or for the production of records
22 regarding services performed and to furnish such other information as the
23 board may require to carry out the provisions of this act to the same extent
24 and subject to the same limitations as would apply if the subpoenas were
25 issued or served in aid of a civil action in the district court. A copy of such
26 records shall be kept in the operator's files for a period of not less than
27 three years.

28 (c) The board also may require operators to submit lists of personnel
29 employed and to notify the board of any changes in personnel or in
30 ownership of the ambulance service.

31 Sec. 31. K.S.A. 65-6133 is hereby amended to read as follows: 65-
32 6133. (a) An ~~attendant's~~ *emergency medical service provider* certificate
33 may be denied, revoked, limited, modified or suspended by the board or
34 the board may refuse to renew such certificate upon proof that such
35 individual:

36 (1) Has made intentional misrepresentations in obtaining a certificate
37 or renewing a certificate;

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

40 (3) has demonstrated incompetence as defined by rules and
41 regulations adopted by the board or has provided inadequate patient care
42 as determined by the board;

43 (4) has violated or aided and abetted in the violation of any provision

1 of this act or the rules and regulations adopted by the board;

2 (5) has been convicted of a felony and, after investigation by the
3 board, it is determined that such person has not been sufficiently
4 rehabilitated to warrant the public trust;

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

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

10 (8) has had a certificate, license or permit to practice emergency
11 medical services as an ~~attendant~~ *emergency medical service provider*
12 denied, revoked, limited or suspended or has been publicly or privately
13 censured, by a licensing or other regulatory authority of another state,
14 agency of the United States government, territory of the United States or
15 other country or has had other disciplinary action taken against the
16 applicant or holder of a permit, license or certificate by a licensing or other
17 regulatory authority of another state, agency of the United States
18 government, territory of the United States or other country. A certified
19 copy of the record or order of public or private censure, denial, suspension,
20 limitation, revocation or other disciplinary action of the licensing or other
21 regulatory authority of another state, agency of the United States
22 government, territory of the United States or other country shall constitute
23 prima facie evidence of such a fact for purposes of this paragraph.

24 (b) The board may deny, limit, modify, revoke or suspend an
25 ~~attendant's~~ *emergency medical service provider* certificate or the board
26 may refuse to renew such certificate in accordance with the provisions of
27 the Kansas administrative procedure act.

28 Sec. 32. 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~~ *emergency medical service provider* certified pursuant to K.S.A.
35 65-6119, 65-6120 or 65-6121, and amendments thereto, a physician, a
36 physician assistant, an advanced practice registered nurse or a professional
37 nurse.

38 Sec. 33. K.S.A. 65-6145 is hereby amended to read as follows: 65-
39 6145. Nothing in this act shall be construed: (a) To preclude any
40 municipality from licensing or otherwise regulating—~~first~~ *emergency*
41 *medical* responders operating within its jurisdiction, but any licensing
42 requirements or regulations imposed by a municipality shall be in addition
43 to and not in lieu of the provisions of this act and the rules and regulations

1 adopted pursuant to this act;

2 (b) to preclude any person certified as an ~~attendant~~ *emergency*
3 *medical service provider* from providing emergency medical services to
4 persons requiring such services; or

5 (c) to preclude any individual who is not a certified ~~attendant~~
6 *emergency medical service provider* as defined by K.S.A. 65-6112, and
7 amendments thereto, from providing assistance during an emergency so
8 long as such individual does not represent oneself to be an ~~attendant~~
9 *emergency medical service provider* as defined by K.S.A. 65-6112, and
10 amendments thereto.

11 Sec. 34. K.S.A. 65-6150 is hereby amended to read as follows: 65-
12 6150. (a) It shall be unlawful for any individual to represent oneself as an
13 ~~attendant~~ *emergency medical service provider* or instructor-coordinator
14 unless such individual holds a valid certificate as such under this act.

15 (b) Any violation of subsection (a) shall constitute a class B
16 misdemeanor.

17 Sec. 35. K.S.A. 74-4954a is hereby amended to read as follows: 74-
18 4954a. (a) As used in this section "emergency medical service technician"
19 means any ~~attendant~~ *emergency medical service provider* as defined by
20 ~~subsection (d)~~ of K.S.A. 65-6112, and amendments thereto, who is
21 certified pursuant to K.S.A. 65-6129, and amendments thereto.

22 (b) For the purposes of any affiliation under subsection (c), whenever
23 the word "fireman" is used in article 49 of chapter 74, and amendments
24 thereto, it shall be construed to include "emergency medical service
25 technician" as defined by subsection (a).

26 (c) Any county or city providing emergency medical service as a
27 third function apart from police and fire, as an eligible employer under the
28 Kansas police and firemen's retirement system, may make application or
29 supplemental application to affiliate with the Kansas police and firemen's
30 retirement system in accordance with and subject to K.S.A. 74-4954, and
31 amendments thereto, with regard to coverage of emergency medical
32 service technicians under that system.

33 Sec. 36. K.S.A. 2018 Supp. 75-4364 is hereby amended to read as
34 follows: 75-4364. (a) As used in this section:

35 (1) "Dependent" means: (A) A birth child, adopted child or stepchild;
36 or (B) any child other than the foregoing who is actually dependent in
37 whole or in part on the individual and who is related to such individual by
38 marriage or consanguinity.

39 (2) "Emergency medical ~~services~~ ~~attendant~~ *service provider*" means
40 ~~an attendant as defined by the same as defined in~~ K.S.A. 65-6112, and
41 amendments thereto.

42 (3) "Firefighter" means a person who is: (A) Employed by any city,
43 county, township or other political subdivision of the state and who is

1 assigned to the fire department thereof and engaged in the fighting and
2 extinguishment of fires and the protection of life and property therefrom;
3 or (B) a volunteer member of a fire district, fire department or fire
4 company.

5 (4) "Kansas educational institution" means and includes community
6 colleges, the municipal university, state educational institutions, the
7 institute of technology at Washburn university and technical colleges.

8 (5) "Law enforcement officer" means a person who by virtue of office
9 or public employment is vested by law with a duty to maintain public
10 order or to make arrests for violation of the laws of the state of Kansas or
11 ordinances of any municipality thereof or with a duty to maintain or assert
12 custody or supervision over persons accused or convicted of crime, and
13 includes wardens, superintendents, directors, security personnel, officers
14 and employees of adult and juvenile correctional institutions, jails or other
15 institutions or facilities for the detention of persons accused or convicted
16 of crime, while acting within the scope of their authority.

17 (6) "Military service" means any active service in any armed service
18 of the United States and any active state or federal service in the Kansas
19 army or air national guard.

20 (7) "Prisoner of war" means any person who was a resident of Kansas
21 at the time the person entered service of the United States armed forces
22 and who, while serving in the United States armed forces, has been
23 declared to be a prisoner of war, as established by the United States
24 secretary of defense, after January 1, 1960.

25 (8) "Public safety officer" means a law enforcement officer or a
26 firefighter or an emergency medical ~~services attendant~~ *service provider*.

27 (9) "Resident of Kansas" means a person who is a domiciliary
28 resident as defined by K.S.A. 76-729, and amendments thereto.

29 (10) "Spouse" means the spouse of a deceased public safety officer or
30 deceased member of the military service who has not remarried.

31 (11) "State board" means the state board of regents.

32 (b) Every Kansas educational institution shall provide for enrollment
33 without charge of tuition or fees for: (1) Any dependent or spouse of a
34 public safety officer who died as the result of injury sustained while
35 performing duties as a public safety officer so long as such dependent or
36 spouse is eligible; (2) any dependent or spouse of any resident of Kansas
37 who died on or after September 11, 2001, while, and as a result of, serving
38 in military service; and (3) any prisoner of war. Any such dependent or
39 spouse and any prisoner of war shall be eligible for enrollment at a Kansas
40 educational institution without charge of tuition or fees for not to exceed
41 10 semesters of undergraduate instruction, or the equivalent thereof, at all
42 such institutions.

43 (c) Subject to appropriations therefor, any Kansas educational

1 institution, at which enrollment, without charge of tuition or fees, of a
2 prisoner of war or a dependent or spouse is provided for under subsection
3 (b), may file a claim with the state board for reimbursement of the amount
4 of such tuition and fees. The state board shall include in its budget
5 estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request
6 for appropriations to cover tuition and fee claims pursuant to this section.
7 The state board shall be responsible for payment of reimbursements to
8 Kansas educational institutions upon certification by each such institution
9 of the amount of reimbursement to which entitled. Payments to Kansas
10 educational institutions shall be made upon vouchers approved by the state
11 board and upon warrants of the director of accounts and reports. Payments
12 may be made by issuance of a single warrant to each Kansas educational
13 institution at which one or more eligible dependents or spouses or
14 prisoners of war are enrolled for the total amount of tuition and fees not
15 charged for enrollment at that institution. The director of accounts and
16 reports shall cause such warrant to be delivered to the Kansas educational
17 institution at which any such eligible dependents or spouses or prisoners of
18 war are enrolled. If an eligible dependent or spouse or prisoner of war
19 discontinues attendance before the end of any semester, after the Kansas
20 educational institution has received payment under this subsection, the
21 institution shall pay to the state the entire amount ~~which~~ *that* such eligible
22 dependent or spouse or prisoner of war would otherwise qualify to have
23 refunded, not to exceed the amount of the payment made by the state in
24 behalf of such dependent or spouse or prisoner of war for the semester. All
25 amounts paid to the state by Kansas educational institutions under this
26 subsection shall be deposited in the state treasury and credited to the state
27 general fund.

28 (d) The state board shall adopt rules and regulations for
29 administration of the provisions of this section and shall determine the
30 qualification of persons as dependents and spouses of public safety officers
31 or United States military personnel and the eligibility of such persons for
32 the benefits provided for under this section.

33 Sec. 37. K.S.A. 2018 Supp. 75-5664 is hereby amended to read as
34 follows: 75-5664. (a) There is hereby established an advisory committee
35 on trauma. The advisory committee on trauma shall be advisory to the
36 secretary of health and environment and shall be within the division of
37 public health of the department of health and environment as a part
38 thereof.

39 (b) On July 1, 2001, the advisory committee on trauma in existence
40 immediately prior to July 1, 2001, is hereby abolished and a new advisory
41 committee on trauma is created in accordance with this section. The terms
42 of all members of the advisory committee on trauma in existence prior to
43 July 1, 2001, are hereby terminated. On and after July 1, 2001, the

1 advisory committee on trauma shall be composed of 24 members
2 representing both rural and urban areas of the state appointed as follows:

3 (1) Two members shall be persons licensed to practice medicine and
4 surgery appointed by the governor. At least 30 days prior to the expiration
5 of terms described in this section, for each member to be appointed under
6 this section, the Kansas medical society shall submit to the governor a list
7 of three names of persons of recognized ability and qualification. The
8 governor shall consider such list of persons in making appointments to the
9 board under this paragraph.

10 (2) One member shall be licensed to practice osteopathic medicine
11 appointed by the governor. At least 30 days prior to the expiration of the
12 term of the member appointed under this section, the Kansas association of
13 osteopathic medicine shall submit to the governor a list of three persons of
14 recognized ability and qualification. The governor shall consider such list
15 of persons in making appointments to the board under this paragraph.

16 (3) Three members shall be representatives of hospitals appointed by
17 the governor. At least 30 days before the expiration of terms described in
18 this section, for each member to be appointed under this section, the
19 Kansas hospital association shall submit to the governor a list of three
20 names of persons of recognized ability and qualification. The governor
21 shall consider such list of persons in making appointments to the board
22 under this paragraph.

23 (4) Two members shall be licensed professional nurses specializing in
24 trauma care or emergency nursing appointed by the governor. At least 30
25 days before the expiration of terms described in this section, for each
26 member to be appointed under this section, the Kansas state nurses
27 association shall submit to the governor a list of three names of persons of
28 recognized ability and qualification. The governor shall consider such list
29 of persons in making appointments to the board under this paragraph.

30 (5) Two members shall be ~~attendants~~ *emergency medical service*
31 *providers* as defined in K.S.A. 65-6112, and amendments thereto, who are
32 on the roster of an ambulance service permitted by the board of emergency
33 medical services. At least 30 days prior to the expiration of one of these
34 positions, the Kansas emergency medical services association shall submit
35 to the governor a list of three persons of recognized ability and
36 qualification. The governor shall consider such list of persons in making
37 this appointment to the board. For the other member appointed under this
38 section, at least 30 days prior to the expiration of the term of such member,
39 the Kansas emergency medical technician association shall submit a list of
40 three persons of recognized ability and qualification. The governor shall
41 consider such list of persons in making appointments to the board under
42 this paragraph.

43 (6) Two members shall be administrators of ambulance services, one

1 rural and one urban, appointed by the governor. At least 30 days prior to
2 the expiration of the terms of such members, the Kansas emergency
3 medical services association and Kansas emergency medical technician
4 association in consultation shall submit to the governor a list of four
5 persons of recognized ability and qualification. The governor shall
6 consider such list of persons in making this appointment to the board
7 under this paragraph.

8 (7) Six members shall be representatives of regional trauma councils,
9 one per council, appointed by the governor. At least 30 days prior to the
10 expiration of one of these positions, the relevant regional trauma council
11 shall submit to the governor a list of three persons of recognized ability
12 and qualification. The governor shall consider such list of persons in
13 making these appointments to the board.

14 (8) The secretary of health and environment or the secretary's
15 designee of an appropriately qualified person shall be an ex officio
16 representative of the department of health and environment.

17 (9) The chairperson of the ~~board~~ of emergency medical services
18 *board* or the chairperson's designee shall be an ex officio member.

19 (10) Four legislators selected as follows shall be members: The
20 chairperson and ranking minority member or their designees of the
21 committee on health and human services of the house of representatives,
22 and the chairperson and ranking minority member or their designees from
23 the committee on public health and welfare of the senate shall be
24 members.

25 (c) All members shall be residents of the state of Kansas. Particular
26 attention shall be given so that rural and urban interests and geography are
27 balanced in representation. Organizations that submit lists of names to be
28 considered for appointment by the governor under this section shall insure
29 that names of people who reside in both rural and urban areas of the state
30 are among those submitted. At least one person from each congressional
31 district shall be among the members. Of the members appointed under
32 subsection (b)(1) through (b)(7): Six shall be appointed to initial terms of
33 two years; six shall be appointed to initial terms of three years; and six
34 shall be appointed to initial terms of four years. Thereafter members shall
35 serve terms of four years and until a successor is appointed and qualified.
36 In the case of a vacancy in the membership of the advisory committee, the
37 vacancy shall be filled for the unexpired term in like manner as that
38 provided in subsection (b).

39 (d) The advisory committee shall meet quarterly and at the call of the
40 chairperson or at the request of a majority of the members. At the first
41 meeting of the advisory committee after July 1 each year, the members
42 shall elect a chairperson and vice-chairperson who shall serve for terms of
43 one year. The vice-chairperson shall exercise all of the powers of the

1 chairperson in the absence of the chairperson.

2 (e) The advisory committee shall be advisory to the secretary of
3 health and environment on all matters relating to the implementation and
4 administration of this act.

5 (f) (1) Any meeting of the advisory committee or any part of a
6 meeting of the advisory committee during which a review of incidents of
7 trauma injury or trauma care takes place shall be conducted in closed
8 session. The advisory committee and officers thereof when acting in their
9 official capacity in considering incidents of trauma injury or trauma care
10 shall constitute a peer review committee and peer review officers for all
11 purposes of K.S.A. 65-4915, and amendments thereto.

12 (2) The advisory committee or an officer thereof may advise, report
13 to and discuss activities, information and findings of the committee ~~which~~
14 *that* relate to incidents of trauma injury or trauma care with the secretary
15 of health and environment as provided in subsections (a) and (e) without
16 waiver of the privilege provided by this subsection and K.S.A. 65-4915,
17 and amendments thereto, and the records and findings of such committee
18 or officer ~~which that~~ are privileged under this subsection and K.S.A. 65-
19 4915, and amendments thereto, shall remain privileged as provided by this
20 subsection and K.S.A. 65-4915, and amendments thereto, prior to July 1,
21 2021.

22 (3) The provisions of this subsection shall expire on July 1, 2021,
23 unless the legislature reviews and reenacts this provision prior to July 1,
24 2021.

25 (g) Members of the advisory committee attending meetings of the
26 advisory committee or attending a subcommittee of the advisory
27 committee or other authorized meeting of the advisory committee shall not
28 be paid compensation but shall be paid amounts provided in K.S.A. 75-
29 3223(e), and amendments thereto.

30 Sec. 38. K.S.A. 80-1557 is hereby amended to read as follows: 80-
31 1557. (a) As used in this section:

32 (1) "Rescue service" means a service ~~which that~~ provides emergency
33 care by qualified personnel through a township or fire district fire
34 department.

35 (2) "Emergency care" means the services provided after the onset of a
36 medical condition manifesting itself by acute symptoms of sufficient
37 severity such that the absence of immediate medical attention could
38 reasonably be expected to: (A) Place the patient's health in serious
39 jeopardy; (B) seriously impair bodily functions; or (C) result in serious
40 dysfunction of any bodily organ or part.

41 (3) "Qualified personnel" means any individual who holds a
42 certificate as an ~~attendant~~ *emergency medical service provider* as defined
43 in K.S.A. 65-6112, and amendments thereto.

1 (4) "Township" means any township ~~which~~ *that* has established a fire
2 department pursuant to K.S.A. 80-1901 et seq., and amendments thereto.

3 (5) "Fire district" means any fire district ~~which~~ *that* has established a
4 fire department pursuant to K.S.A. 80-1540 et seq., and amendments
5 thereto.

6 (b) The township board or governing body of the fire district may
7 authorize the township or fire district fire department to provide rescue
8 service as a township or fire district function, within or without the
9 township or fire district, or may contract with any person or governmental
10 entity for the furnishing of rescue service and upon such terms and
11 conditions, and for such compensation as may be agreed upon which shall
12 be payable from the township general fund or the fire fund or the fire
13 district fund.

14 (c) The township board or governing body of the fire district may
15 establish charges to persons receiving rescue service inside or outside of
16 such township or fire district. The charges so made and received shall be
17 deposited in the general funds of the township or fire district, and the same
18 may be used in addition to funds received under the tax levies authorized
19 by K.S.A. 80-1546 and 80-1903, and amendments thereto.

20 (d) Qualified personnel providing rescue service shall be
21 compensated in the same manner as other fire department employees and
22 volunteers as provided by K.S.A. 80-1544 and 80-1904, and amendments
23 thereto.

24 Sec. 39. K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-
25 6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6123,
26 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6129c, 65-
27 6130, 65-6133, 65-6135, 65-6145, 65-6150, 74-4954a and 80-1557 and
28 K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131,
29 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 are hereby
30 repealed.

31 Sec. 40. This act shall take effect and be in force from and after its
32 publication in the ~~statute book~~ **Kansas register**.