

As Amended by Senate Committee

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2770

By Committee on Health and Human Services

2-9

12 AN ACT concerning the state board of healing arts; relating to the su-
13 pervision of physician assistants; amending K.S.A. 39-1504, 65-468, 65-
14 1728, 65-28,127, 65-28a10, 65-5001, 65-6119, 65-6120, 65-6123, 65-
15 6124 and 72-5213 and K.S.A. 2003 Supp. 65-2891 and 65-5912 and
16 repealing the existing sections.
17

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

19 Section 1. K.S.A. 39-1504 is hereby amended to read as follows: 39-
20 1504. The secretary shall administer the adult family home registration
21 program in accordance with the following requirements:

22 (a) (1) The home shall meet health standards and safety regulations
23 of the community and the provisions of chapter 20 of the national fire
24 protection association, life safety code, pamphlet no. 101, 1981 edition.

25 (2) The home shall have a written plan to get persons out of the home
26 rapidly in case of fire, tornado or other emergency.

27 (3) No more than two clients shall be in residence at any one time.

28 (4) The home shall have adequate living and sleeping space for
29 clients.

30 (5) Each room shall have an operable outside window.

31 (6) Electric fans shall be made available to reduce the temperature
32 if there is no air conditioning. Rooms shall be heated, lighted, ventilated
33 and available.

34 (7) Sleeping rooms shall have space for personal items.

35 (8) Each client shall have a bed which is clean and in good condition.

36 (9) Lavatory and toilet facilities shall be accessible, available and in
37 working order.

38 (10) The kitchen shall be clean with appliances in good working
39 order.

40 (b) (1) A healthy and safe environment shall be maintained for
41 clients.

42 (2) There shall be a telephone in the home.

43 (3) The provider may assist a client with the taking of medications

1 when the medication is in a labeled bottle which clearly shows a physi-
2 cian's orders and when the client requires assistance because of tremor,
3 visual impairment, or similar reasons due to health conditions. The pro-
4 vider may assist or perform for the client such physical activities which
5 do not require daily supervision such as assistance with eating, bathing
6 and dressing, help with brace or walker and transferring from
7 wheelchairs.

8 (4) There shall be no use of corporal punishment, restraints or pu-
9 nitive measures.

10 (5) The house shall be free from accumulated dirt, trash and vermin.

11 (6) Meals shall be planned and prepared for adequate nutrition, and
12 for diets if directed by a physician.

13 (c) (1) The provider shall be at least 18 years of age and in good
14 health at the time of initial application for registration. A written state-
15 ment must be received from a physician, nurse practitioner, or ~~physician's~~
16 *physician* assistant stating that the applicant and the members of the
17 applicant's household are free of any infectious or communicable disease
18 or health condition and are physically and mentally healthy. Such state-
19 ments shall be renewed every two years.

20 (2) The provider shall not be totally dependent on the income from
21 the clients for support of the provider or the provider's family.

22 (3) A criminal conviction shall not necessarily exclude registration as
23 an adult family home; but an investigation thereof will be made as part
24 of the determination of the suitability of the home.

25 (4) The provider shall be responsible for supervision at all times and
26 shall be in charge of the home and provision of care, or shall have a
27 responsible person on call. Any such substitute responsible person shall
28 meet the same requirements as the provider.

29 (5) The provider is responsible for encouraging the client to seek and
30 utilize available services when needed.

31 (6) The provider shall comply with the requirements of state and
32 federal regulations concerning civil rights and section 504 of the federal
33 rehabilitation act of 1973.

34 (7) The provider shall assure that clients have the privilege of privacy
35 as well as the right to see relatives, friends and participate in regular
36 community activities.

37 (8) The provider shall keep client information confidential. The use
38 or disclosure of any information concerning a client for any purpose is
39 prohibited except on written consent of the client or upon order of the
40 court.

41 (9) The provider shall maintain contact with an assigned social worker
42 and shall allow the secretary and authorized representatives of the sec-
43 retary access to the home and grounds and to the records related to clients

1 in residence.

2 (10) The provider shall inform the social worker immediately of any
3 unscheduled client absence from the home.

4 (11) The provider is responsible for helping clients maintain their
5 clothing.

6 (12) The provider shall furnish or help clients arrange for
7 transportation.

8 (13) The provider shall help a client arrange for emergency and reg-
9 ular medical care when necessary.

10 (14) The provider shall submit any information relating to the oper-
11 ation of the adult family home which is required by the secretary.

12 Sec. 2. K.S.A. 65-468 is hereby amended to read as follows: 65-468.
13 As used in K.S.A. 65-468 to 65-474, inclusive, and amendments thereto:

14 (a) “Health care provider” means any person licensed or otherwise
15 authorized by law to provide health care services in this state or a pro-
16 fessional corporation organized pursuant to the professional corporation
17 law of Kansas by persons who are authorized by law to form such cor-
18 poration and who are health care providers as defined by this subsection,
19 or an officer, employee or agent thereof, acting in the course and scope
20 of employment or agency.

21 (b) “Member” means any hospital, emergency medical service, local
22 health department, home health agency, adult care home, medical clinic,
23 mental health center or clinic or nonemergency transportation system.

24 (c) “Mid-level practitioner” means a ~~physician’s~~ *physician* assistant or
25 advanced registered nurse practitioner who has entered into a written
26 protocol with a rural health network physician.

27 (d) “Physician” means a person licensed to practice medicine and
28 surgery.

29 (e) “Rural health network” means an alliance of members including
30 at least one critical access hospital and at least one other hospital which
31 has developed a comprehensive plan submitted to and approved by the
32 secretary of health and environment regarding patient referral and trans-
33 fer; the provision of emergency and nonemergency transportation among
34 members; the development of a network-wide emergency services plan;
35 and the development of a plan for sharing patient information and serv-
36 ices between hospital members concerning medical staff credentialing,
37 risk management, quality assurance and peer review.

38 (f) “Critical access hospital” means a member of a rural health net-
39 work which makes available twenty-four hour emergency care services;
40 provides not more than 15 acute care inpatient beds or in the case of a
41 facility with an approved swing-bed agreement a combined total of ex-
42 tended care and acute care beds that does not exceed 25 beds (provided
43 that the number of beds used at any time for acute care inpatient services

1 does not exceed 15 beds); provides acute inpatient care for a period that
2 does not exceed, on an annual average basis, 96 hours per patient; and
3 provides nursing services under the direction of a licensed professional
4 nurse and continuous licensed professional nursing services for not less
5 than 24 hours of every day when any bed is occupied or the facility is
6 open to provide services for patients unless an exemption is granted by
7 the licensing agency pursuant to rules and regulations. The critical access
8 hospital may provide any services otherwise required to be provided by
9 a full-time, on-site dietician, pharmacist, laboratory technician, medical
10 technologist and radiological technologist on a part-time, off-site basis
11 under written agreements or arrangements with one or more providers
12 or suppliers recognized under medicare. The critical access hospital may
13 provide inpatient services by a ~~physician's~~ *physician* assistant, nurse prac-
14 titioner or a clinical nurse specialist subject to the oversight of a physician
15 who need not be present in the facility.

16 (g) "Hospital" means a hospital other than a critical access hospital
17 which has entered into a written agreement with at least one critical
18 access hospital to form a rural health network and to provide medical or
19 administrative supporting services within the limit of the hospital's
20 capabilities.

21 Sec. 3. K.S.A. 65-1728 is hereby amended to read as follows: 65-
22 1728. For the purpose of removing an eye or part thereof, any embalmer
23 licensed in accordance with the provisions of article 17 of chapter 65 of
24 the Kansas Statutes Annotated, and acts amendatory thereof, a licensed
25 nurse, technician employed by a nationally certified eye bank, licensed
26 optometrist, attendant as defined under K.S.A. 65-6112 and amendments
27 thereto or ~~physician's~~ *physician* assistant, who has completed a course in
28 eye enucleation at a school certified by the department of ophthalmology,
29 college of medicine of the university of Kansas school of medicine, and
30 holds a valid certificate of competence from such certified school, or a
31 person licensed to practice medicine and surgery is hereby authorized to
32 enucleate eyes from any body when the gift of such eye has been made
33 in accordance with the terms of the Kansas anatomical gift act (K.S.A.
34 65-3209 *et seq.*). Persons certified in accordance with this section and
35 persons licensed to practice medicine and surgery who perform the enu-
36 cleation of eyes in accordance with the provisions of K.S.A. 65-3209 *et*
37 *seq.* shall incur no liability, civil or criminal, for his acts in performance
38 of enucleation of eyes.

39 Sec. 4. K.S.A. 2003 Supp. 65-2891 is hereby amended to read as
40 follows: 65-2891. (a) Any health care provider who in good faith renders
41 emergency care or assistance at the scene of an emergency or accident
42 including treatment of a minor without first obtaining the consent of the
43 parent or guardian of such minor shall not be liable for any civil damages

1 for acts or omissions other than damages occasioned by gross negligence
2 or by willful or wanton acts or omissions by such person in rendering such
3 emergency care.

4 (b) Any health care provider may render in good faith emergency
5 care or assistance, without compensation, to any minor requiring such
6 care or assistance as a result of having engaged in competitive sports,
7 without first obtaining the consent of the parent or guardian of such
8 minor. Such health care provider shall not be liable for any civil damages
9 other than damages occasioned by gross negligence or by willful or wan-
10 ton acts or omissions by such person in rendering such emergency care.

11 (c) Any health care provider may in good faith render emergency care
12 or assistance during an emergency which occurs within a hospital or else-
13 where, with or without compensation, until such time as the physician
14 employed by the patient or by the patient's family or by guardian assumes
15 responsibility for such patient's professional care. The health care pro-
16 vider rendering such emergency care shall not be held liable for any civil
17 damages other than damages occasioned by negligence.

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

23 (e) As used in this section the term "health care provider" means any
24 person licensed to practice any branch of the healing arts, licensed dentist,
25 licensed optometrist, licensed professional nurse, licensed practical nurse,
26 licensed podiatrist, licensed pharmacist, licensed physical therapist, and
27 any physician assistant who has successfully completed an American med-
28 ical association approved training program and has successfully completed
29 the national board examination for ~~physicians~~ *physician* assistants of the
30 American board of medical examiners, any registered athletic trainer, any
31 licensed occupational therapist, any licensed respiratory therapist, any
32 person who holds a valid attendant's certificate under K.S.A. 65-6129,
33 and amendments thereto, any person who holds a valid certificate for the
34 successful completion of a course in first aid offered or approved by the
35 American red cross, by the American heart association, by the mining
36 enforcement and safety administration of the bureau of mines of the
37 department of interior, by the national safety council or by any instructor-
38 coordinator, as defined in K.S.A. 65-6112, and amendments thereto, and
39 any person engaged in a postgraduate training program approved by the
40 state board of healing arts.

41 Sec. 5. K.S.A. 65-28,127 is hereby amended to read as follows: 65-
42 28,127. (a) Every responsible licensee who directs, supervises, orders,
43 refers, accepts responsibility for, enters into practice protocols with, or

1 who delegates acts which constitute the practice of the healing arts to
2 other persons shall:

3 (1) Be actively engaged in the practice of the healing arts in Kansas;

4 (2) review and keep current any required practice protocols between
5 the responsible licensee and such persons, as may be determined by the
6 board;

7 (3) direct, supervise, order, refer, enter into a practice protocol with,
8 or delegate to such persons only those acts and functions which the re-
9 sponsible licensee knows or has reason to believe such person is com-
10 petent and authorized by law to perform;

11 (4) direct, supervise, order, refer, enter into a practice protocol with,
12 or delegate to other persons only those acts and functions which are
13 within the normal and customary specialty, competence and lawful prac-
14 tice of the responsible licensee;

15 (5) provide for a qualified, substitute licensee who accepts responsi-
16 bility for the direction, supervision, delegation and practice protocols with
17 such persons when the responsible licensee is temporarily absent.

18 **(6) *comply with all rules and regulations of the board estab-***
19 ***lishing limits and conditions on the delegation and supervision of***
20 ***services constituting the practice of medicine and surgery.***

21 (b) “Responsible licensee” means a person licensed by the state board
22 of healing arts to practice medicine and surgery or chiropractic who has
23 accepted responsibility for the actions of persons who perform acts pur-
24 suant to practice protocols with, or at the order of, or referral, direction,
25 supervision or delegation from such responsible licensee.

26 (c) ~~Notwithstanding the provisions of this section~~ *Except as otherwise*
27 *provided by rules and regulations of the board implementing this section,*
28 the physician assistant licensure act shall govern the direction and super-
29 vision of ~~physicians’~~ *physician* assistants by persons licensed by the state
30 board of healing arts to practice medicine and surgery.

31 (d) Nothing in subsection (a)(4) shall be construed to prohibit a per-
32 son licensed to practice medicine and surgery from ordering, authorizing
33 or directing anesthesia care by a registered nurse anesthetist pursuant to
34 K.S.A. 65-1158 and amendments thereto.

35 (e) Nothing in this section shall be construed to prohibit a person
36 licensed to practice medicine and surgery from ordering, authorizing or
37 directing physical therapy services pursuant to K.S.A. 65-2901 *et seq.* and
38 amendments thereto.

39 (f) Nothing in this section shall be construed to prohibit a person
40 licensed to practice medicine and surgery from entering into a co-man-
41 agement relationship with an optometrist pursuant to K.S.A. 65-1501 *et*
42 *seq.* and amendments thereto.

43 **(g) *The board may adopt rules and regulations establishing lim-***

1 ***its and conditions on the delegation and supervision of services con-***
2 ***stituting the practice of medicine and surgery.***

3 ~~(g)~~ **(h)** This section shall be part of and supplemental to the Kansas
4 healing arts act.

5 Sec. 6. K.S.A. 65-28a10 is hereby amended to read as follows: 65-
6 28a10. ~~No responsible physician shall have under such physician's direc-~~
7 ~~tion and supervision more than two physician assistants. The board *may*~~
8 ***shall limit by rules and regulations the number of physician assistants a***
9 ***responsible physician may supervise at any one time to the equivalent***
10 ***of two full-time physician assistants as approved in each case by***
11 ***the board.*** Any limitation on the number of physician assistants in this
12 section shall not apply to services performed in a medical care facility, as
13 defined in K.S.A. 65-425 and amendments thereto.

14 Sec. 7. K.S.A. 65-5001 is hereby amended to read as follows: 65-
15 5001. As used in this act unless the context requires otherwise, the fol-
16 lowing words and phrases shall have the meanings respectively ascribed
17 to them herein:

18 (a) “Credentialing” or “credentialed” means the formal recognition
19 of professional or technical competence through the process of registra-
20 tion, licensure or other statutory regulation.

21 (b) “Certification” means the process by which a nongovernmental
22 agency or association or the federal government grants recognition to an
23 individual who has met certain predetermined qualifications specified by
24 the nongovernmental agency or association or the federal government.

25 (c) “Registration” means the process by which the state identifies and
26 lists on an official roster those persons who meet predetermined quali-
27 fications and who will be the only persons permitted to use a designated
28 title.

29 (d) “Licensure” means a method of regulation by which the state
30 grants permission to persons who meet predetermined qualifications to
31 engage in an occupation or profession, and that to engage in such occu-
32 pation or profession without a license is unlawful.

33 (e) “Health care personnel” means those persons whose principal
34 functions, customarily performed for remuneration, are to render serv-
35 ices, directly or indirectly, to individuals for the purpose of:

- 36 (1) Preventing physical, mental or emotional illness;
 - 37 (2) detecting, diagnosing and treating illness;
 - 38 (3) facilitating recovery from illness; or
 - 39 (4) providing rehabilitative or continuing care following illness; and
- 40 who are qualified by training, education or experience to do so.

41 (f) “Provider of health care” means an individual:

- 42 (1) Who is a direct provider of health care (including but not limited
- 43 to a person licensed to practice medicine and surgery, licensed dentist,

- 1 registered professional nurse, licensed practical nurse, licensed podiatrist,
2 or ~~physician's~~ *physician* assistant) in that the individual's primary current
3 activity is the provision of health care to individuals or the administration
4 of facilities or institutions (including medical care facilities, long-term care
5 facilities, outpatient facilities, and health maintenance organizations) in
6 which such care is provided and, when required by state law, the individ-
7 ual has received professional training in the provision of such care or in
8 such administration and is licensed or certified for such provision or
9 administration;
- 10 (2) who holds a fiduciary position with, or has a fiduciary interest in,
11 any entity described in subsection (f)(3)(B) or subsection (f)(3)(D) other
12 than an entity described in either such subsection which is also an entity
13 described in section 501(c)(3) of the internal revenue code of 1954, as
14 amended and supplemented, and which does not have as its primary
15 purpose the delivery of health care, the conduct of research, the conduct
16 of instruction for health professionals or the production of drugs or arti-
17 cles described in subsection (f)(3)(C);
- 18 (3) who receives, either directly or through a spouse, more than $\frac{1}{5}$
19 of such person's gross annual income from any one or combination of the
20 following:
- 21 (A) Fees or other compensation for research into or instruction in
22 the provision of health care;
- 23 (B) entities engaged in the provision of health care or in such research
24 or instruction;
- 25 (C) producing or supplying drugs or other articles for individuals or
26 entities for use in the provision of or in research into or instruction in the
27 provision of health care; or
- 28 (D) entities engaged in producing drugs or such other articles;
- 29 (4) who is a member of the immediate family of an individual de-
30 scribed in subsection (f)(1), (f)(2) or (f)(3); or
- 31 (5) who is engaged in issuing any policy or contract of individual or
32 group health insurance or hospital or medical service benefits. An indi-
33 vidual shall not be considered a provider of health care solely because
34 the individual is a member of the governing board of an entity described
35 in subsection (f)(3)(B) or subsection (f)(3)(D).
- 36 (g) "Consumer of health care" means an individual who is not a pro-
37 vider of health care.
- 38 (h) "Secretary" means the secretary of health and environment.
- 39 Sec. 8. K.S.A. 2003 Supp. 65-5912 is hereby amended to read as
40 follows: 65-5912. (a) Nothing in this act shall be construed to require any
41 insurer or other entity regulated under chapter 40 of the Kansas Statutes
42 Annotated or any other law of this state to provide coverage for or in-
43 demnify for the services provided by a person licensed under this act.

1 (b) So long as the following persons do not hold themselves out to
2 the public to be dietitians or licensed dietitians or use these titles in
3 combination with other titles or use the abbreviation L.D., or any com-
4 bination thereof, nothing in this act shall be construed to apply:

5 (1) To any person licensed to practice the healing arts, a licensed
6 dentist, a licensed dental hygienist, a licensed professional nurse, a li-
7 censed practical nurse, a licensed psychologist, a licensed masters level
8 psychologist, a licensed pharmacist or an employee thereof, a ~~physician's~~
9 *physician* assistant, a licensed professional counselor;

10 (2) to any unlicensed employee of a licensed adult care home or a
11 licensed medical care facility as long as such person is working under the
12 general direction of a licensee in the healing arts, nursing or a dietetic
13 services supervisor as defined in regulations adopted by the secretary of
14 health and environment or a consultant licensed under this act;

15 (3) to any dietetic technician or dietetic assistant;

16 (4) to any student enrolled in an approved academic program in di-
17 etetics, home economics, nutrition, education or other like curriculum,
18 while engaged in such academic program;

19 (5) to prevent any person, including persons employed in health food
20 stores, from furnishing nutrition information as to the use of food, food
21 materials or dietary supplements, nor to prevent in any way the free dis-
22 semination of information or of literature as long as no individual engaged
23 in such practices holds oneself out as being licensed under this act;

24 (6) to prohibit any individual from marketing or distributing food
25 products, including dietary supplements, or to prevent any such person
26 from providing information to customers regarding the use of such
27 products;

28 (7) to prevent any employee of the state or a political subdivision who
29 is employed in nutrition-related programs from engaging in activities in-
30 cluded within the definition of dietetics practice as a part of such person's
31 employment;

32 (8) to any person who performs the activities and services of a li-
33 censed dietitian or nutrition educator as an employee of the state or a
34 political subdivision, an elementary or secondary school, an educational
35 institution, a licensed institution, or a not-for-profit organization;

36 (9) to any person serving in the armed forces, the public health serv-
37 ice, the veterans administration or as an employee of the federal
38 government;

39 (10) to any person who has a degree in home economics insofar as
40 the activities of such person are within the scope of such person's edu-
41 cation and training;

42 (11) to any person who counsels or provides weight-control services
43 as a part of a franchised or recognized weight-control program or a

1 weight-control program that operates under the general direction of a
2 person licensed to practice the healing arts, nursing or a person licensed
3 under this act;

4 (12) to any person who is acting as a representative of a trade asso-
5 ciation and who engages in one or more activities included within the
6 practice of dietetics as a representative of such association;

7 (13) to a licensed physical therapist who makes a dietetic or nutri-
8 tional assessment or gives dietetic or nutritional advice in the normal
9 practice of such person's profession or as otherwise authorized by law;

10 (14) to a dietitian licensed, registered or otherwise authorized to
11 practice dietetics in another state who is providing consultation in this
12 state;

13 (15) to any person conducting a teaching clinical demonstration
14 which is carried out in an educational institution or an affiliated clinical
15 facility or health care agency;

16 (16) to any person conducting classes or disseminating information
17 relating to nonmedical nutrition; or

18 (17) to any person permitted to practice under K.S.A. 65-2872a and
19 amendments thereto.

20 (c) Nothing in this act shall be construed to interfere with the relig-
21 ious practices or observances of a bona fide religious organization, nor to
22 prevent any person from caring for the sick in accordance with tenets and
23 practices of any church or religious denomination which teaches reliance
24 upon spiritual means through prayer for healing.

25 Sec. 9. K.S.A. 65-6119 is hereby amended to read as follows: 65-
26 6119. Notwithstanding any other provision of law, mobile intensive care
27 technicians may:

28 (a) Perform all the authorized activities identified in K.S.A. 65-6121,
29 and amendments thereto;

30 (b) perform cardiopulmonary resuscitation and defibrillation;

31 (c) when voice contact or a telemetered electrocardiogram is moni-
32 tored by a physician, ~~physician's~~ *physician* assistant where authorized by
33 a physician or licensed professional nurse where authorized by a physician
34 and direct communication is maintained, and upon order of such person
35 may administer such medications or procedures as may be deemed nec-
36 essary by a person identified in subsection (c);

37 (d) perform, during an emergency, those activities specified in sub-
38 section (c) before contacting a person identified in subsection (c) when
39 specifically authorized to perform such activities by medical protocols;
40 and

41 (e) perform, during nonemergency transportation, those activities
42 specified in this section when specifically authorized to perform such
43 activities by medical protocols.

1 Sec. 10. K.S.A. 65-6120 is hereby amended to read as follows: 65-
2 6120. Notwithstanding any other provision of law to the contrary, an
3 emergency medical technician-intermediate may:

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

6 (b) when approved by medical protocols and where voice contact by
7 radio or telephone is monitored by a physician, ~~physician's~~ *physician* as-
8 sistant where authorized by a physician or licensed professional nurse
9 where authorized by a physician, and direct communication is maintained,
10 upon order of such person, may perform veni-puncture for the purpose
11 of blood sampling collection and initiation and maintenance of intrave-
12 nous infusion of saline solutions, dextrose and water solutions or ringers
13 lactate IV solutions, endotracheal intubation and administration of neb-
14 ulized albuterol;

15 (c) perform, during an emergency, those activities specified in sub-
16 section (b) before contacting the persons identified in subsection (b)
17 when specifically authorized to perform such activities by medical pro-
18 tocols; or

19 (d) perform, during nonemergency transportation, those activities
20 specified in this section when specifically authorized to perform such
21 activities by medical protocols.

22 Sec. 11. K.S.A. 65-6123 is hereby amended to read as follows: 65-
23 6123. Notwithstanding any other provision of law to the contrary, an
24 emergency medical technician-defibrillator may:

25 (a) Perform any of the activities identified in K.S.A. 65-6121, and
26 amendments thereto;

27 (b) when approved by medical protocols and where voice contact by
28 radio or telephone is monitored by a physician, ~~physician's~~ *physician* as-
29 sistant where authorized by a physician or licensed professional nurse
30 where authorized by a physician, and direct communication is maintained,
31 upon order of such person, may perform electrocardiographic monitoring
32 and defibrillation;

33 (c) perform, during an emergency, those activities specified in sub-
34 section (b) before contacting the persons identified in subsection (b)
35 when specifically authorized to perform such activities by medical pro-
36 tocols; or

37 (d) perform, during nonemergency transportation, those activities
38 specified in this section when specifically authorized to perform such
39 activities by medical protocols.

40 Sec. 12. K.S.A. 65-6124 is hereby amended to read as follows: 65-
41 6124. (a) No physician, ~~physician's~~ *physician* assistant or licensed profes-
42 sional nurse, who gives emergency instructions to a mobile intensive care
43 technician, emergency medical technician-defibrillator or emergency

1 medical technician-intermediate during an emergency, shall be liable for
2 any civil damages as a result of issuing the instructions, except such dam-
3 ages which may result from gross negligence in giving such instructions.

4 (b) No mobile intensive care technician, emergency medical techni-
5 cian-defibrillator or emergency medical technician-intermediate who ren-
6 ders emergency care during an emergency pursuant to instructions given
7 by a physician, the responsible physician for a ~~physician's~~ *physician* as-
8 sistant or licensed professional nurse shall be liable for civil damages as
9 a result of implementing such instructions, except such damages which
10 may result from gross negligence or by willful or wanton acts or omissions
11 on the part of such mobile intensive care technician, emergency medical
12 technician-defibrillator or emergency medical technician-intermediate
13 rendering such emergency care.

14 (c) No first responder who renders emergency care during an emer-
15 gency shall be liable for civil damages as a result of rendering such emer-
16 gency care, except for such damages which may result from gross negli-
17 gence or from willful or wanton acts or omissions on the part of the first
18 responder rendering such emergency care.

19 (d) No person certified as an instructor-coordinator and no training
20 officer shall be liable for any civil damages which may result from such
21 instructor-coordinator's or training officer's course of instruction, except
22 such damages which may result from gross negligence or by willful or
23 wanton acts or omissions on the part of the instructor-coordinator or
24 training officer.

25 (e) No medical adviser who reviews, approves and monitors the ac-
26 tivities of attendants shall be liable for any civil damages as a result of
27 such review, approval or monitoring, except such damages which may
28 result from gross negligence in such review, approval or monitoring.

29 Sec. 13. K.S.A. 72-5213 is hereby amended to read as follows: 72-
30 5213. (a) Every board of education shall require all employees of the
31 school district, who come in regular contact with the pupils of the school
32 district, to submit a certification of health on a form prescribed by the
33 secretary of health and environment and signed by a person licensed to
34 practice medicine and surgery under the laws of any state, or by a person
35 who is ~~registered~~ **licensed** as a ~~physician's~~ *physician* assistant under the
36 laws of this state when such person is working at the direction of or in
37 collaboration with a person licensed to practice medicine and surgery, or
38 by a person holding a certificate of qualification to practice as an advanced
39 registered nurse practitioner under the laws of this state when such per-
40 son is working at the direction of or in collaboration with a person licensed
41 to practice medicine and surgery. The certification shall include a state-
42 ment that there is no evidence of physical condition that would conflict
43 with the health, safety, or welfare of the pupils; and that freedom from

1 tuberculosis has been established by chest x-ray or negative tuberculin
2 skin test. If at any time there is reasonable cause to believe that any such
3 employee of the school district is suffering from an illness detrimental to
4 the health of the pupils, the school board may require a new certification
5 of health.

6 (b) Upon presentation of a signed statement by the employee of a
7 school district, to whom the provisions of subsection (a) apply, that the
8 employee is an adherent of a religious denomination whose religious
9 teachings are opposed to physical examinations, the employee shall be
10 permitted to submit, as an alternative to the certification of health re-
11 quired under subsection (a), certification signed by a person licensed to
12 practice medicine and surgery under the laws of any state, or by a person
13 who is ~~registered~~ **licensed** as a ~~physician's~~ *physician* assistant under the
14 laws of this state when such person is working at the direction of or in
15 collaboration with a person licensed to practice medicine and surgery, or
16 by a person holding a certificate of qualification to practice as an advanced
17 registered nurse practitioner under the laws of this state when such per-
18 son is working at the direction of or in collaboration with a person licensed
19 to practice medicine and surgery that freedom of the employee from
20 tuberculosis has been established.

21 (c) Every board of education may require persons, other than em-
22 ployees of the school district, to submit to the same certification of health
23 requirements as are imposed upon employees of the school district under
24 the provisions of subsection (a) if such persons perform or provide serv-
25 ices to or for a school district which require such persons to come in
26 regular contact with the pupils of the school district. No such person shall
27 be required to submit a certification of health if the person presents a
28 signed statement that the person is an adherent of a religious denomi-
29 nation whose religious teachings are opposed to physical examinations.
30 Such persons shall be permitted to submit, as an alternative to a certifi-
31 cation of health, certification signed by a person licensed to practice med-
32 icine and surgery under the laws of any state, or by a person who is
33 ~~registered~~ **licensed** as a ~~physician's~~ *physician* assistant under the laws of
34 this state when such person is working at the direction of or in collabo-
35 ration with a person licensed to practice medicine and surgery, or by a
36 person holding a certificate of qualification to practice as an advanced
37 registered nurse practitioner under the laws of this state when such per-
38 son is working at the direction of or in collaboration with a person licensed
39 to practice medicine and surgery that freedom of such persons from tu-
40 berculosis has been established.

41 (d) The expense of obtaining certifications of health and certifications
42 of freedom from tuberculosis may be borne by the board of education.

43 Sec. 14. K.S.A. 39-1504, 65-468, 65-1728, 65-28,127, 65-28a10, 65-

- 1 5001, 65-6119, 65-6120, 65-6123, 65-6124 and 72-5213 and K.S.A. 2003
- 2 Supp. 65-2891 and 65-5912 are hereby repealed.
- 3 Sec. 15. This act shall take effect and be in force from and after its
- 4 publication in the statute book.