

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin Littlejohn at
Chairperson

1:30 /a.m./p.m. on March 2, 1983 in room 423-S of the Capitol.

All members were present except: Rep. Roenbaugh, excused

Committee staff present: Emalene Correll, Research Department
Bill Wolff, Research Department
Bruce Hurd, Revisor's Office
Sue Hill, Secretary to Committee

Conferees appearing before the committee:

Visitor's register, see (Attachment No. 1.)

Chairman called meeting to order.

Chair called committee's attention to HB 2474. It will provide for basic training for unlicensed employees; amending K.S.A. 39-936 and repealing the existing section. Some additional language changes and clarification was requested. Chair asked committee to refer to the balloon copy of HB 2474, (see Attachment No. 2.), and Bruce Hurd, Revisor, explained the balloon copy.

Chair invited Rep. Branson to make comments in regard to this bill. She cited, bill says that unlicensed nursing aides cannot be required to complete a course of training before employment by Adult Care Homes. Further, the reason for language stricken page 2 of balloon was done in an effort to make it read easier. Pg. 2. sub-section 2 as shown on balloon attachment No. 2. for details.

Dick Morrissey from Health and Environment clarified to committee upon Rep. Branson's request some fine points of required hours of training the 14 days of training before hands on care, the 90 hours requirement in 90 days, and other specifics. Many questions were asked by the committee of Mr. Morrissey and staff. Much discussion followed. Check lists, costs, phrase of "within the first 14 days of employment" being deleted, etc.

Support of the bill's concept is felt, but problems with language and some points of clarification still needed, came out of the discussion that followed.

Rep. Kline then made a motion to have the phrase on pg. 2, about line 7 of the paragraph to be inserted on balloon, after the comma, "within the first 14 days of employment." Motion seconded by Rep. Branson. Further discussion.

Staff made comment, the meat of the amendment says, (-no unlicensed person who has not completed the course of instruction relating to resident care approved by the licensing agency shall provide direct individual care to residents.-) Further discussion.

Rep. Wagon offered a substitute motion to have the revisor draft for tomorrow, new language that would keep the provision in Sub Section 1, that we cannot require training as a condition of employment, and to re-draft a new Sub Section 2 that would incorporate these following concepts.

1. No direct hands on care until 40 hours were completed
2. Must be supervised by a Registered Nurse
3. Can be administered by Home of another agency
4. Include the 40 hours as part of the total training course.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

room 423-S, Statehouse, at 1:30 /~~a~~/p.m. on March 2, 1983

Motion by Rep. Wagnon on amendment on HB 2474 continues:--

Rep. Walker seconded Rep. Wagnon's motion. Discussion continued. Voice vote taken and motion carried. Staff revisor will re-draft the amendment on HB 2474.

Chair directed committee's attention to balloon copy of HB 2294. See (Attachment No. 3.) Further discussion on this bill will be held tomorrow's meeting, however, staff will explain their conference and findings with Health and Environment and will explain HB 2294.

Emalene Correll and Bill Wolff from Research briefed committee on same. The main thrust of HB 2294 is to authorize another kind of Emergency Medical Technician (EMT), who will be called an Emergency Medical Technician-Intermediate. This EMT is currently licensed as an Emergency Medical Technician for one year and who has completed an additional 40 hours of training approved by the K.U. School of medicine. This additional training consists of veni-puncture for blood sampling and administration of intravenous fluids and advanced patient assessment. Further comprehensive briefing on HB 2294 to committee by Ms. Correll continued.

Note: A letter of support for passage of HB 2474 was distributed to committee from Health Systems Agency of Northeast Kansas, signed by Mr. Guillermo Barreto-Vega, the Executive Director. (See Attachment No. 4.)

Meeting adjourned at 2:20 p.m.

HOUSE BILL No. 2474

By Committee on Public Health and Welfare

2-18

0016 AN ACT relating to adult care homes; providing for basic training
0017 for unlicensed employees; amending K.S.A. 39-936 and re-
0018 pealing the existing section.

0019 *Be it enacted by the Legislature of the State of Kansas:*

0020 Section 1. K.S.A. 39-936 is hereby amended to read as fol-
0021 lows: 39-936. (a) The presence of each resident in an adult care
0022 home shall be covered by a statement provided at the time of
0023 admission, or prior thereto, setting forth the general responsibili-
0024 ties and services and daily or monthly charges for such responsi-
0025 bilities and services. Each resident shall be provided with a copy
0026 thereof, with a copy going to any individual responsible for
0027 payment of such services and the adult care home shall keep a
0028 copy thereof in the resident's file. No such statement shall be
0029 construed to relieve any adult care home of any requirement or
0030 obligation imposed upon it by laws or by requirements, stan-
0031 dards, rules and regulations promulgated thereunder.

0032 (b) A qualified person or persons shall be in attendance at all
0033 times upon residents receiving accommodation, board, care,
0034 training or treatment in adult care homes. The licensing agency
0035 may establish necessary standards and rules and regulations
0036 prescribing the number, qualifications, training, standards of
0037 conduct and integrity for such qualified person or persons at-
0038 tendant upon the residents.

0039 (c) Unlicensed employees of an adult care home who provide
0040 direct, individual care to residents under the supervision of
0041 qualified personnel and who do not administer medications to
0042 residents shall not be required by the licensing agency to com-
0043 plete a course of education or training or to successfully complete
0044 an examination as a condition of employment or continued em-

(1)

Attachment
no. 2.

0045 ~~employment by an adult care home during their first ninety (90) 90~~
 0046 ~~days of employment. Within that ninety-day period a training~~
 0047 ~~program of 40 hours approved by the licensing agency shall be~~
 0048 ~~provided for unlicensed individuals who provide direct, individ-~~
 0049 ~~ual care to residents. Training on direct, individual care of resi-~~
 0050 ~~dents shall be completed no later than 14 working days from the~~
 0051 ~~date of employment of such unlicensed employees. Only upon~~
 0052 ~~completion of that training program will the unlicensed employ-~~
 0053 ~~ees be able to provide direct, individual care to residents and such~~
 0054 ~~employees shall not administer medication to such residents.~~ The
 0055 licensing agency may require unlicensed employees of an adult
 0056 care home who provide direct, individual care to residents and
 0057 who do not administer medications to residents after ninety (90)
 0058 90 days of employment to successfully complete an approved
 0059 course of instruction and an examination relating to resident care
 0060 and treatment as a condition to continued employment by an
 0061 adult care home. A course of instruction may be prepared and
 0062 administered by any adult care home or by any other qualified
 0063 person. A course of instruction prepared and administered by an
 0064 adult care home may be conducted on the premises of the adult
 0065 care home which prepared and which will administer the course
 0066 of instruction. The licensing agency shall not require unlicensed
 0067 employees of an adult care home who provide direct, individual
 0068 care to residents and who do not administer medications to
 0069 residents to enroll in any particular approved course of instruc-
 0070 tion as a condition to the taking of an examination, but the
 0071 licensing agency shall prepare guidelines for the preparation and
 0072 administration of courses of instruction and shall approve or
 0073 disapprove courses of instruction. Unlicensed employees of adult
 0074 care homes who provide direct, individual care to residents and
 0075 who do not administer medications to residents may enroll in any
 0076 approved course of instruction and upon completion of the ap-
 0077 proved course of instruction shall be eligible to take an examina-
 0078 tion. The examination shall be prescribed by the licensing
 0079 agency, shall be reasonably related to the duties performed by
 0080 unlicensed employees of adult care homes who provide direct,
 0081 individual care to residents and who do not administer medica-

(2) The licensing agency shall require unlicensed employees of an adult care home employed on and after the effective date of this act who provide direct, individual care to residents, who do not administer medications to residents and who have not completed a course of instruction relating to resident care and treatment approved by the licensing agency or are not participating in such a course on the effective date of this act to complete successfully, ~~within the first 14 days of employment,~~ as a condition of continued employment by the adult care home, a forty-hour course of instruction in basic resident care skills. Any unlicensed person who has not completed a course of instruction relating to resident care and treatment approved by the licensing agency shall not provide direct, individual care to residents. The course of instruction shall be supervised by a registered professional nurse and the content and administration thereof shall comply with rules and regulations adopted by the licensing agency. The course of instruction may be prepared and administered by an adult care home or by any other qualified person and may be conducted on the premises of the adult care home. The 40 hours of training required in this section shall be a part of any course of education or training required for certification of nurse aides by the licensing agency under subsection (3).

(3)

3
HOUSE BILL No. 2294

By Representative Heinemann

28

1 Bureau of
862-9360

X 570

*Mr. Hend:
Dr. Hollowell asked
me to drop this to
you this A.M. for tomorrow
Health & Welfare Committee.
Call me if there are any questions.*

0017 AN ACT concerning emergency medical services; authorizing
0018 emergency medical technician-intermediate certificates; au-
0019 thorizing certain acts to be performed by persons so certified;
0020 requiring the appointment of a medical advisor for certain
0021 ambulance services; amending K.S.A. 65-4317 and K.S.A. 1982
0022 Supp. 65-4301, 65-4314 and 65-4321 and repealing the existing
0023 sections.

24 Be it enacted by the Legislature of the State of Kansas:

25 Section 1. K.S.A. 1982 Supp. 65-4301 is hereby amended to
26 read as follows: 65-4301. As used in this act: (a) "Emergency
27 medical service" means a service which provides for the effective
0028 and coordinated delivery of such emergency care as may be
0029 required by an emergency, including transportation of individu-
0030 als by ground or air ambulances and the performance of autho-
0031 rized emergency care by a person licensed to practice medicine
0032 and surgery, a licensed professional nurse, a registered physi-
0033 cian's assistant, a crash injury management technician, an emer-
0034 gency medical technician or a mobile intensive care technician.

0035 (b) "Ambulance" means any privately or publicly owned
0036 motor vehicle, airplane or helicopter designed, constructed, pre-
0037 pared and equipped for use in transporting and providing emer-
0038 gency care for individuals who are ill, injured or otherwise
0039 disabled, including any specially constructed and equipped
0040 motor vehicle, airplane or helicopter which is capable of provid-
0041 ing life support services for extended periods of time.

0042 (c) "Crash injury management technician" means personnel
0043 who have been trained in preliminary emergency medical care in
0044 a 72-hour training program approved by the university of Kansas
0045 school of medicine.

0046 (d) "Emergency medical technicians" means personnel who

, emergency medical technician - intermediate

Attachment
No. 3

0047 have been trained in preliminary emergency medical care in an
0048 81-hour training program approved by the university of Kansas
0049 school of medicine.

0050 (e) "Emergency medical technicians-intermediate" means
0051 personnel who, after not less than one year's certification as an
0052 emergency medical technician, have completed a training pro-
0053 gram approved by the university of Kansas school of medicine
0054 which consists of a minimum of 40 clock hours and includes
0055 training in intravenous therapy and patient assessment.

0056 (e) (f) "Mobile intensive care technicians" means personnel
0057 who have been specially trained in emergency cardiac and non-
0058 cardiac care in a training program certified by the university of
0059 Kansas school of medicine.

0060 (f) (g) "Person" means an individual, a partnership, an asso-
0061 ciation, a joint-stock company, or a corporation.

0062 (f) (h) "Governmental entity" means the state, or any depart-
0063 ment, agency or authority of the state, any city, county, district or
0064 other political subdivision or public corporation and any instru-
0065 mentality thereof.

0066 (h) (i) "Board" means board of county commissioners of any
0067 county.

0068 (h) (j) "Governing body" means the governing body of any
0069 city of this state.

0070 (h) (k) "Local component medical society" means a county
0071 medical society or a multicounty medical society.

0072 Sec. 2. K.S.A. 1982 Supp. 65-4314 is hereby amended to read
0073 as follows: 65-4314. As used in this act, the following words and
0074 phrases shall have the meanings respectively ascribed to them
0075 herein:

0076 (a) "Council" means the emergency medical services council
0077 established by K.S.A. 65-4316 and amendments thereto.

0078 (b) "Municipality" means any city or county in this state.

0079 (c) "Ambulance" means any aircraft or motor vehicle,
0080 whether privately or publicly owned, which is specially de-
0081 signed, constructed, equipped and intended to be used for the
0082 purpose of transporting sick, injured, disabled or otherwise inca-
0083 pacitated human beings who may or may not be in need of

, currently certified as an emergency medical
technician,

0084 emergency care in transit.

0085 (d) "Ambulance service" means any organization operated for
0086 the purpose of transporting sick, injured, disabled or otherwise
0087 incapacitated persons to or from a place where medical care is
0088 furnished, whether or not such persons may be in need of emer-
0089 gency care in transit.

0090 (e) "Rescue vehicle" means a motor vehicle designed, prop-
0091 erly equipped and used exclusively for the rescue of persons
0092 entrapped in wrecked vehicles or entrapped in other hazardous
0093 circumstances.

0094 (f) "Attendant" means a crash injury management technician,
0095 an emergency medical technician, *an emergency medical techni-*
0096 *cian-intermediate* or a mobile intensive care technician, as ~~said~~
0097 *these terms are defined in K.S.A. 1982 Supp. 65-4301 and*
0098 *amendments thereto, whose primary function is ministering to*
0099 *the needs of persons requiring emergency medical services.*

0100 (g) "Operator" means a person or municipality who operates
0101 an ambulance service in the state of Kansas.

0102 (h) "Person" means any individual, firm, partnership, corpo-
0103 ration or other association of persons.

0104 (i) "Secretary" means the secretary of the department of
0105 health and environment; or the secretary's designee.

0106 (j) "Medical advisor" means a ~~person~~ licensed to practice
0107 medicine and surgery.

0108 Sec. 3. K.S.A. 65-4317 is hereby amended to read as follows:
0109 65-4317. (a) ~~From and after July 1, 1976,~~ It shall be unlawful for
0110 any ~~persons~~ person or municipality to operate an ambulance
0111 service which has its principal office or place of business within
0112 the corporate limits of a city having a population of ~~twenty~~
0113 ~~thousand (20,000)~~ 20,000 or more, or which was located in such
0114 city on the effective date of this act, unless such person or
0115 municipality holds a valid permit to operate such ambulance
0116 service as provided in this act.

0117 (b) ~~From and after July 1, 1980,~~ It shall be unlawful for any
0118 person or municipality to operate an ambulance service within
0119 this state without obtaining a permit pursuant to this act.

0120 (c) ~~On and after November 1, 1983, each ambulance service~~

physician

emergency medical service

0121 ~~which provides emergency care as defined by the rules and~~
0122 ~~regulations of the secretary shall have a medical advisor ap-~~
0123 ~~pointed by the operator of the service.~~

0124 Sec. 4. K.S.A. 1982 Supp. 65-4321 is hereby amended to read
0125 as follows: 65-4321. (a) Application for an attendant's certificate
0126 shall be made to the secretary upon forms provided by the
0127 secretary. The secretary ~~is hereby authorized to~~ may grant an
0128 attendant's certificate in the appropriate classification of attend-
0129 ant's certificates to an applicant who: (1) Has made application
0130 within one year after successfully completing the appropriate
0131 course of instruction for the classification of attendant's certifi-
0132 cate applied for as specified in subsection (b); (2) has passed an
0133 examination prescribed by the secretary; and (3) has paid a
0134 registration fee of \$7.50.

0135 (b) An attendant applying for a crash injury management
0136 technician's certificate shall have at least 72 clock hours of
0137 training in preliminary emergency medical care in a course of
0138 instruction approved by the university of Kansas school of medi-
0139 cine. An attendant applying for an emergency medical techni-
0140 cian's certificate shall have at least 81 clock hours¹ of training in
0141 preliminary emergency medical care in a course of instruction
0142 approved by the university of Kansas school of medicine, or the
0143 equivalent thereof of preliminary emergency medical care, or a
0144 program of instruction in emergency medical care offered by the
0145 armed forces of the United States which has been approved by
0146 the secretary. An attendant applying for a mobile intensive care
0147 technician's certificate shall have completed a training program,
0148 in a course of instruction approved by the university of Kansas
0149 school of medicine, consisting of a minimum of 200 clock hours
0150 of training including, but not limited to, didactic and clinical
0151 experience in a cardiac care unit and in an emergency vehicle
0152 unit. An attendant applying for an emergency medical techni-
0153 cian-intermediate certificate shall have been certified as an
0154 emergency medical technician for not less than one year and, after
0155 certification as an emergency medical technician for at least one
0156 year, shall have completed a training program, approved by the
0157 university of Kansas school of medicine, consisting of a minimum

To review, approve and monitor the medical
activities of the service.

veni-puncture for blood sampling and administration of intravenous fluids and advanced patient assessment.

0158 of 10 clock hours and including training in ~~intravenous therapy~~
0159 ~~and patient assessment.~~

0160 (c) An attendant's certificate shall be valid through December
0161 31 of the year following the date of its initial issuance and may be
0162 renewed thereafter for a period of one year for each renewal for a
0163 term of 32 upon presentation of satisfactory proof that the attendant
0164 has successfully completed supplemental instruction in
0165 emergency medical care as provided in this subsection (c). Attendants
0166 shall complete not less than eight hours of supplemental
0167 instruction as prescribed and approved by the governor's council
0168 on emergency medical services for each full calendar year that
0169 has elapsed since the certification or the last renewal thereof. If a
0170 certificate is not renewed within 30 days after its expiration such
0171 certificate shall be void.

0172 (d) The secretary may issue a temporary certificate to any
0173 person who has not obtained for an attendant's certificate under
0174 subsection (a) when:

0175 1. The operator for whom such person serves as an attendant
0176 cannot comply with the provisions of subsection (b) of K.S.A.
0177 65-4326 and amendments thereto without the issuance of a temporary
0178 certificate to such person, and there is no other person or
0179 municipality providing an ambulance service within the territory
0180 which is or will be served primarily by such operator; and

0181 (2) such attendant is enrolled or will be enrolled in the
0182 eighty-one-hour course of instruction required of regularly certified
0183 attendants.

0184 A temporary certificate shall be effective for one year from the
0185 date of its issuance and shall not be renewed.

0186 (e) The secretary shall remit to the state treasurer at least
0187 monthly all fees received pursuant to the provisions of this act.
0188 Upon receipt of each such remittance, the state treasurer shall
0189 deposit the entire amount thereof in the state treasury to the credit
0190 of the state general fund.

0191 (f) If an applicant for an attendant's certificate has within two
0192 years preceding the date of the application held an attendant's
0193 certificate in the same classification as the certificate applied for,
0194 the secretary may grant a certificate to such applicant without

0195 such applicant completing a course of instruction specified in
0196 subsection (b) if the applicant has passed an examination pre-
0197 scribed by the secretary and has paid a registration fee of \$7.50.

0198 New Sec. 5. Notwithstanding any other provision of law to
0199 the contrary, an emergency medical technician-intermediate.

0200 (a) When approved by the local component medical society
0201 and where voice contact by radio or telephone is monitored by a
0202 physician licensed to practice medicine and surgery or a regis-
0203 tered professional nurse, where authorized by a physician li-
0204 censed to practice medicine and surgery, and direct communica-
0205 tion is maintained, may upon order of such physician or such
0206 nurse perform veni-puncture for the purpose of blood sampling
0207 collection and initiation and maintenance of intravenous infusion
0208 of saline solutions, dextrose and saline solutions or ringers lactate
0209 IV solutions; or

0210 (b) When under the direct supervision of an emergency mo-
0211 bile intensive care technician who is functioning under the pro-
0212 visions of paragraph (c) of K.S.A. 65-4305 and amendments
0213 thereto, may perform the functions authorized under (a) above.

0214 Sec. 6. K.S.A. 65-4317 and K.S.A. 1982 Supp. 65-4301, 65-
0215 4314 and 65-4321 are hereby repealed.

0216 Sec. 7. This act shall take effect and be in force from and after
0217 its publication in the statute book.

*after contact w/
may offer
administer saline
glucose solutions*

65-4306. Mobile intensive care technicians; authorized activities. Notwithstanding any other provision of law, mobile intensive care technicians may perform any of the following:

(a) Render rescue, first-aid and resuscitation services.

(b) During training at a hospital and while caring for patients in a hospital administer parenteral medications under the direct supervision of a physician licensed to practice medicine and surgery or a registered professional nurse.

(c) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, non-breathing patient.

(d) Where voice contact or a telemetered electrocardiogram is monitored by a physician licensed to practice medicine and surgery or a registered professional nurse where authorized by a physician licensed to practice medicine and surgery, and direct communication is maintained, may upon order of such physician or such nurse do any of the following:

(1) ~~Administer intravenous saline or glucose solutions.~~

(2) Perform gastric suction by intubation.

(3) Perform endotracheal intubation.

(4) Administer parenteral injections of any of the following classes of drugs:

(A) Antiarrhythmic agents.

(B) Vagolytic agents.

(C) Chronotropic agents.

(D) Analgesic agents.

(E) Alkalinizing agents.

(F) Vasopressor agents.

(5) Administer such other medications and/or procedures as may be deemed necessary by such an ordering physician.

(e) Perform, during an emergency, those activities specified in subsection (d) before contacting the physician licensed to practice medicine and surgery or authorized registered professional nurse when specifically authorized to perform such activities by written protocols approved by the local component medical society.

History: L. 1974, ch. 244, § 6; L. 1976, ch. 282, § 1; L. 1981, ch. 254, § 2; April 25

(1) perform veni-puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions.

65-4307. Instructions given to mobile intensive care technician/during emergency; care rendered pursuant to instructions; liability. (a) No physician licensed to practice medicine and surgery or registered professional nurse, who gives emergency instructions to a mobile intensive care technician/during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages as may result from gross negligence in giving such instructions.

or an emergency medical technician - intermediate

(b) No mobile intensive care technician who renders emergency care during an emergency pursuant to instructions given by a person licensed to practice medicine and surgery or a registered professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages as may result from gross negligence or by willful or wanton acts or omissions on the part of such mobile emergency medical technician/rendering such emergency care.

or emergency medical technician - intermediate

or emergency medical technician - intermediate

History: L. 1974, ch. 244, § 7; July 1

Cross References to Related Sections:

Emergency care at scene of accident, liability, see 65-2891.

HEALTH SYSTEMS AGENCY OF NORTHEAST KANSAS

1195 S.W. BUCHANAN, Suite #101

TOPEKA, KANSAS 66604

913/233-3385

GUILLERMO BARRETO-VEGA
EXECUTIVE DIRECTOR

NADINE GRIFFIN
BOARD PRESIDENT

March 1, 1983

Rep. Marvin Littlejohn
Chairman
House Public Health & Welfare Committee
State Capitol
Topeka, Kansas 66612

Dear Chairman Littlejohn:

The Health Systems Agency of Northeast Kansas (HSANEK) is a non-profit organization with a 50-member volunteer Board of Directors that has health planning responsibilities in 25 counties in Northeast Kansas. Its volunteer Board of Directors has 25 representatives appointed directly by each County Commission and the remaining Board members come from a wide range of rural and urban community groups and organizations.

The HSANEK would like to support and urge the passage of H.B. 2474. It is still necessary to encourage the training of Nurse Aides in nursing homes, in order to ensure that our institutionalized elderly population is and will continue to receive adequate care.

The 1982-1983 Health Systems Plan of the HSANEK recommends: "All educational institutions which train health professionals and para-professionals who work in nursing homes should provide training in the care of geriatric patients. This training should be available both to full time students and to night students. Some training should be offered to aides, especially."

Thank you for providing us with the opportunity to provide our input in such an important piece of legislation which affects the lives of thousands of institutionalized elderly in Kansas.

Sincerely,

Guillermo Barreto-Vega
Guillermo Barreto-Vega
Executive Director

GBV:ret

Dedicated to health services for counties of:

Anderson	Chase	Dickinson	Franklin	Jefferson	Marshall	Nemaha	Riley
Atchison	Clay	Doniphan	Geary	Linn	Miami	Osage	Shawnee
Brown	Coffey	Douglas	Jackson	Lyon	Morris	Pottawatomie	Wabaunsee
			Washington				

attachment no. 4.