

Approved 3-17-83
Date mh

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin Littlejohn at
Chairperson

1:30 4/m./p.m. on March 3, 1983 in room 423-S of the Capitol.

All members were present except:

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:

Representative David Heinemann, sponsor of HB 2294
Mr. Gerald Cooper, SKEMS of Garden City
Mr. Lyle Eckhart, Kansas Department of Health and Environment

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

Chairman called meeting to order.

Chairman recognized Representative David Heinemann as sponsor of HB 2294, and asked that he make comments on this bill.

Rep. Heinemann stated that HB 2294 was introduced in an attempt to allow continuation of the valuable practice which is currently being done by Emergency Medical Technicians. (EMT's). There has been much discussion in previous years about who is authorized to give I-V's and draw blood. Rep. Heinemann gave a comprehensive explanation of the bill, and told why he feels it is a necessary piece of legislation. He appreciates the efforts of the committee to clean up the language in the bill, and will concur with what the committee has done on HB 2294.

Mr. Darrell Cooper of Garden City and Rep. Heinemann fielded questions from committee members.

Chair recognized visitors Janice Hardenburger, Director, Public Affairs of the U.S. Department of Health and Human Services, Mr. Richard Shirley, Chief Health Professions Branch, Public Health Service, and Mr. Rhett McMurray, Nurse Consultant, Public Health Service.

HB 2294

Mr. Lyle Eckhart, KDHE was introduced to committee. Mr. Eckhart gave a very comprehensive background and explanation of the balloon copy of HB 2294 for the committee. (Attachment No. 2.) Mr. Eckhart answered questions from committee, i.e., time requirements on the licensure of the EMT that has been inactive, then must be re-examined if he has been out of practice for a 2 year period, the need for blood sampling in an emergency situation in cases of poisoning, and diabetics, public need for this service in some areas and not in others, and etc. He commented on specific changes in language and technical points as shown in balloon copy, attachment No.2.

Further questions were asked of Mr. Eckhart by committee and staff.

HB 2474

Balloon copy of HB 2474 was drafted late yesterday and given to committee at their seats on the floor of the House this morning. (See Attachment No. 3.) Bill Wolff explained the balloon to committee as shown in attachment No.3.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

room 423-S, Statehouse, at 1:30 /a.m./p.m. on March 3, 1983.

HB 2474 continues:--

Rep. Kline made a motion the balloon be amended into HB 2474. Motion seconded by Rep. Wagnon. Discussion followed. Voice vote taken and motion carried.

Rep. Harder moved to report HB 2474 out of committee as amended, favorably for passage. Seconded by Rep. Cribbs, and motion carried.

HB 2294

Chairman directed committee's attention back to HB 2294. Bill Wolff noted some technical language, as to definition on EMT's, and on line 158, pg. 5, the definition is broader language, and it was the suggestion of Research, these might be clarified. Discussion held, and instruction to revisor that the broader language be incorporated in the bill, and that the language in section (a) in regard to population be in the bill as motion to accept that amendment was made at an earlier meeting, but it does not appear in the balloon before committee today. So noted.

Motion by Rep. Walker to insert the broader language line 158, as suggested. Motion seconded by Rep. Wagnon, motion carried.

Line 106, change "physician" back to "person", to have the bill read uniformly in this respect throughtout, i.e., "Medical advisor means a person licensed to practice medicine and surgery." Motion to amend as such made by Rep. Hassler, seconded by Rep. Blumenthal, and motion carried.

Motion by Rep. Walker to adopt other amendments in balloon copy of HB 2294, and that the subsequent sections be renumbered as necessary, titles changed as necessary. Bruce Hurd instructed as such. This motion seconded by Rep. Branson, and motion carried.

Rep. Cribbs moved that HB 2294 be moved out of committee as amended, favorably for passage. Motion seconded by Rep. Wagnon. Opposing views were expressed by several committee members in discussion that followed. Voice vote taken, and motion carried. Rep. Buehler, and Rep. Green asked to be recorded as voting NO on passage of HB 2294.

HB 2510

A hand-out to committee on HB 2510 from the Kansas Hospital Association will be recorded as (Attachment No. 4.)

Discussion held on the disposition of this bill. Some members feeling it advisable to hold over until next year so that further study might be taken. It was the consensus of committee to hold HB 2510 in committee until next year.

HB 2368

Chair explained this is an attempt to protect against insolvency of Nursing Homes. Discussion brought out there are changes and clean-up that need to be done on the bill, but several in committee desired the bill be sent to the floor of the House. Further discussion on necessary clean-up changes took place. (See Attachment No. 5.) for balloon.

Motion made to change line 20, insert "except for 1 and 2 bed homes", was made by Rep. Hassler, seconded by Rep. Long.

Rep. Kline made a substitute motion concurring with the motion on the floor by Rep. Hassler, with the exception of the \$100,000, and that this amount be struck from the amendment. Rep. Friedeman seconded this substitute motion. Further discussion held. Voice vote taken, and motion carried to strike line 32.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,
room 423-S, Statehouse, at 1:30 /d.t.t./p.m. on March 3, 1983

HB 2368 continued:

Census of committee that in lines 34 and 35, strike words, "30 days", and insert "90 days". Line 41, strike word, "agent's" showing in the balloon copy of HB 2368, and insert word "agency". To further change the balloon in Sec. 6, (a), striking words "performance bond", and inserting "surety bond".

Rep. King made motion to have changes in line 45, strike "3 years", and insert "2 years". Motion seconded by Rep. Friedeman, and motion carried.

Rep. King moved to adopt the balloon amendment on HB 2368, and pass the bill favorably as amended. Motion seconded by Rep. Green, and motion carried.

Motion to approve minutes from February 24th committee meetings through March 2nd, was made by Rep. Green and seconded by Rep. Long, and motion carried.

Meeting adjourned at 2:50 p.m. There are no scheduled meetings for the week of March 7th. Next scheduled meeting will be March 14, 1983.

Date: 3-3-83

GUEST REGISTER

HOUSE

PUBLIC HEALTH AND WELFARE

PLEASE PRINT

NAME	ORGANIZATION	ADDRESS
Lyle Eckhart	KDHLE	Forbes
Joe Hollowell	"	" Topeka
KEITH R LAUDIS	CHRISTIAN SCIENCE COMMITTEE ON PUBLICATION FOR KANSAS	TOPEKA
DICK HUMMEL	KS HEALTH CARE ASSN	TOPEKA
George Dugger	KS Dept. on Aging	"
Lynette K...	KS State Nurses' Assoc	"
Marilyn Bradt	KINH	Lawrence
Nickie Stein	KS St. Nurses' Assn.	Topeka
Dick Morrissey	KDHLE	TOPEKA
Dick Shirley	DHHS	KANSAS CITY, MO
JANICE HARDENBURGER	DHHS	KANSAS CITY, MO.
Rhett McMurray	DHHS	Kansas City, Mo.
Gerald Cooper	SKEMS	Garden City
Jean W. Coleman		Newton
Virginia Coleman		Newton
Allene Fuhr	University Daily Kansan	Lawrence
		(Attachment no. 1.)

HOUSE BILL No. 2294

By Representative Heinemann

2-8

Lyle Eckhart
Bureau of EMS
862-9360
X 570

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

*(Attachment
No. 2.)*

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.

0024 *Be it enacted by the Legislature of the State of Kansas:*

0025 Section 1. K.S.A. 1982 Supp. 65-4301 is hereby amended to
0026 read as follows: 65-4301. As used in this act: (a) "Emergency
0027 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

0037 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 (i) (j) "Governing body" means the governing body of any
0069 city of this state.

0070 (j) (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 hours 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.

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 fee of \$2 upon presentation of satisfactory proof that the attend-
0164 ant has successfully completed supplemental instruction in
0165 emergency medical care as provided in this subsection (c). At-
0166 tendants 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 (1) The secretary may issue a temporary certificate to any
0173 person who has not qualified 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 tem-
0178 porary 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 cer-
0183 tified 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

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

0185 such applicant completing a course of instruction specified in
0186 subsection (b) if the applicant has passed an examination pre-
0187 scribed by the secretary and has paid a registration fee of \$7.50.

0188 New Sec. 5. Notwithstanding any other provision of law to
0189 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 water 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. 65-4306 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.

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 an emergency medical technician - intermediate

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.

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. 3.)

0045 ployment 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 section who provide direct, individual care to residents and who do not administer medications to residents and who have not completed a course of education and training 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 section to complete successfully 40 hours of training in basic resident care skills. Any unlicensed person who has not completed 40 hours of training relating to resident care and treatment approved by the licensing agency shall not provide direct, individual care to residents. The 40 hours of training 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 40 hours of training 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 and training required by the licensing agency under subsection (3).

(3)

4

KANSAS HOSPITAL ASSOCIATION

TESTIMONY

HOUSE BILL 2510

February 28, 1983

The Kansas Hospital Association understands the intent of certifying high level emergency medical services but questions the need for another level of certification. In the instance of an emergency of this nature, the responding EMS team will still need to take the patient to the nearest emergency room for stabilization. It is the physician's responsibility to assess the needs of the patient, and if transfer is necessary, prepare the patient for an extended travel experience.

Hospitals are already certified by the state, Medicare and/or JCAH for various services and overall licensure. We fail to see the need for another certification process. We also find it difficult to understand how so specific a set of criteria can be applied to both urban and rural facilities.

The Kansas Hospital Association would recommend that no action be taken on this bill without further study of the impact of such a process on the general safety of emergency patients.

(Attachment
no. 4.)

HOUSE BILL No. 2368

By Representative Littlejohn

2-9

*Attachment
No. 5.*

0017 AN ACT relating to adult care homes; concerning licensure
0018 thereof and providing protection against insolvency.

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

0020 Section 1. (a) Each licensed adult care home or each new
0021 application for such license in addition to the provisions of K.S.A.
0022 1982 Supp. 39-927 shall deposit with the licensing agency or a
0023 trustee acceptable to such agency, cash, securities, a performance
0024 bond or any combination thereof, in the amount set forth in
0025 subsection (b) of this section.

0026 (b) The amount for such deposit described in subsection (a)
0027 shall be the greater of:

0028 (1) Five percent of its estimated operating expenditures for
0029 the first year or current year of operation;

0030 (2) twice its estimated average monthly operating expendi-
0031 tures for its first year or current year of operation; or

0032 (3) \$100,000.

0033 Sec. 2. Unless not applicable, a licensed adult care home that
0034 is in operation on the effective date of this act shall within 30
0035 days of such effective date comply with the deposit requirements
0036 of section 1.

0037 Sec. 3. The deposit requirements shall be applicable through

18 months

0038 the first ~~3 years~~ of operation by the same licensee.

0039 Sec. 4. The licensing agency may require the deposit re-
0040 quirement set out in section 1 of any license, when in the
0041 department's opinion a licensee's operations indicate insufficient
0042 net worth or inefficient operation and management.

Upon completion of that period of the licensee's satisfactory operation and management, as determined by the licensing agency, the deposit set forth in section 1 shall be returned by the licensing agency to the licensee or any person or entity designated by the licensee, or if a performance bond has been provided, that bond shall be cancelled.

0043 Sec. 5. The licensing agency may waive any of the deposit
0044 requirements set forth in section 1, for a licensee which have been
0045 in operation ~~3 years~~ or more and are assured the licensee has

licensing agent's

18 months

0046 sufficient net worth and an adequate history of operations to
0047 assure its financial stability for the next year.

0048 Sec. 6. This act shall take effect and be in force from and after
0049 its publication in the Kansas register. 7

Sec. 6. (a) The licensing agency may require the posting of a performance bond as set out in section 1, when, in the licensing agency's opinion, a licensee's operations indicate insufficient net worth or inefficient operation and management.

(b) The bond shall be in favor of the state of Kansas for the benefit of all persons, their legal representatives, attorneys or assigns, and shall be conditioned on the faithful performance of all the licensee's duties in the operation and management of an adult care home. Any person injured by the breach of any obligation may commence suit on the bond in any court of competent jurisdiction to recover damages that the person has sustained, but any suit commenced shall either be a class action or shall join as parties plaintiff or parties defendant or other persons who may be affected by such suit on the bond.

(c) County or city owned and operated adult care homes shall be exempt from the requirements set out in section 1, but county and city owned adult care homes operated by others who are not employees of the county or city shall be subject to those requirements set out in section 1.