

Approved 2-3-87
Date

MINUTES OF THE SENATE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by SENATOR ROY M. EHRLICH at
Chairperson

10:00 a.m./~~p.m.~~ on January 27, 1987 in room 526-S of the Capitol.

All members were present except:

Committee staff present:

Emalene Correll, Legislative Research
Bill Wolff, Legislative Research
Norm Furse, Revisor of Statutes Office
Clarene Wilms, Committee Secretary

Conferees appearing before the committee:

Others attending: see attached list

The minutes of January 15, 20, 21, 22, 1987, were presented for approval or correction. Senator Hayden made the motion to accept the minutes as presented with a second from Senator Morris, with the proviso that the typographical errors be corrected. Motion carried.

A bill from the emergency medical services providing for first responder certification was presented to the committee by the chairman. Lyle Eckert who was requesting the bill was not present. Senator Hayden made the motion to accept the bill. Senator Anderson seconded the motion and the motion carried. This bill would provide certification for first responders. (attachment 1)

SB-18 - An Act concerning human body parts; declaring certain acts relating thereto not to be a sale and limiting liability therefor;

Senate Bill 18 was presented with no conferees appearing. In discussion it was stated that Kansas is one of 15 states that does not limit liability for tissue banks and organ banks. It was noted that there were two areas where it would apply, one in SB-18 as a relief from standard warranty in a contract and the second is embodied in one of the other bills where the definition of facility was changed to delete references to "certified or approved by the state or other states." Basically the bills are an attempt to extend to the organ and tissue banks the same types of relief that the legislature has chosen to extend to those banks that deal with blood products. This is simply an extension of a policy adopted in 1971 toward blood products by extending it to the area of tissue and organs which is now the new area of concern.

SB-19 - An Act concerning coroners; authorizing the removal of body parts for anatomical gift purposes;

Senate Bill 19 was presented with no conferees appearing.

The meeting adjourned at 10:18 a.m. The next meeting is scheduled for January 28, 1987 at 10:00 a.m.

SENATE
PUBLIC HEALTH AND WELFARE COMMITTEE

DATE 1-27-87

(PLEASE PRINT)
NAME AND ADDRESS

ORGANIZATION

HAROLD C. PITTS

KCOA

KEITH R. LANDIS

CHRISTIAN SCIENCE COMMITTEE
ON PUBLICATION FOR KANSAS

THERESA SHIVELY

KANSAS NARAL

GARY ROBBING

KS OPTOMETRIC ASSN

CHARLOTTE DUGAN

KANSAS ASSOC OF LOCAL HEALTH DEPTS

PAT SCOTT

KS ASSOC OF LOCAL HEALTH DEPTS

KEN SCHAERMAYER

KS PHARMACISTS ASSOC.

ELAINE HACKER, M.A.

SAS - Med. PROGRAM

JACK SNOWEY

A.C.C.H. PERRY KS

GRETCHEN STOREY

DIV OF BUDGET

JERRY STAUGHTON

KS MEDICAL SOCIETY

For Sen. Ehrlich

BILL NO. _____

By _____

AN ACT concerning emergency medical services; providing for first responder certification; providing for administration of the act; declaring certain acts to be unlawful and classifying the crime and the penalties for violations; providing exceptions from liability for civil damages.

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

Section 1. As used in this act:

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

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

(c) "Person" means any individual, firm, partnership, corporation or other association of persons.

(d) "Director" means director of emergency medical services appointed under K.S.A. 74-2127 and amendments thereto.

(e) "First responder" means a person who has been trained in preliminary emergency care, who holds a valid certificate under this act and who provides services to individuals in need of emergency medical care that assist in stabilization or improvement of such individual's condition until personnel with a higher level of training arrive at the scene and assume responsibility for the individual.

(f) "Superintendent" means superintendent of the Kansas highway patrol.

Sec. 2. It shall be the duty of the council after consultation with the superintendent:

- (a) To adopt rules and regulations pursuant to this act;
- (b) to enter into contracts as may be necessary to carry out the duties and functions of the council under this act; and
- (c) to take such action as may be necessary to carry out

SPH+W
1-27-87
(Attachment 1)

the duties of the council under this act.

Sec. 3. (a) On and after January 1, 1988, it shall be unlawful for any individual to represent oneself as a certified first responder unless such individual holds a valid certificate as a first responder under this act.

(b) Any violation of subsection (a) shall constitute a class A misdemeanor.

Sec. 4. (a) Application for a first responder's certificate shall be made to the bureau of emergency medical services upon forms provided by the director. The director may grant a certificate to an applicant who: (1) Has made application within two years after successfully completing the appropriate course of instruction for the first responder as specified in subsection (b) if such course of instruction was completed prior to the effective date of this act or has made application within one year after successfully completing such course of instruction if such course of instruction was completed on or after the effective date of this act; (2) has passed an examination prescribed by the director; and (3) has paid a registration fee of \$7.50.

(b) An individual applying for a first responder's certificate shall have completed training in preliminary emergency medical care of not to exceed 45 clock hours in a course of instruction approved by the university of Kansas school of medicine.

(c) A first responder's certificate shall be valid through December 31 of the year following the date of its initial issuance and may be renewed thereafter for a period of one year for each renewal for a fee of \$2 upon presentation of satisfactory proof that the first responder has successfully completed supplemental instruction in emergency medical care as provided in this subsection (c). First responders shall complete not more than eight hours of supplemental instruction as prescribed and approved by the council for each full calendar year that has elapsed since the certification or the last renewal

thereof. If a certificate is not renewed within 30 days after its expiration, such certificate shall be void.

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

(e) If an applicant for a certificate has within two years preceding the date of the application held a first responder's certificate, the director may grant a certificate to such applicant without such applicant completing a course of instruction specified in subsection (b) if the applicant has passed an examination prescribed by the director and has paid a registration fee of \$7.50.

Sec. 5. The director may inquire into the conduct of first responders. The director may require a first responder certified under this act to make records regarding services performed and to furnish such other information as the director may require to carry out the provisions of this act. A copy of such records shall be kept in the first responder's files for a period of not less than three years. The records shall be made available to the director upon request.

Sec. 6. A first responder may perform any of the following activities:

(a) Scene control including, but not limited to, gaining access to the individual in need of emergency care, appropriate extrication of the individual and lifting and moving the individual;

(b) cardiopulmonary resuscitation and airway management;

(c) control of bleeding;

(d) rigid and air extremity splinting;

(e) stabilization of the condition of the individual in need of emergency care;

(f) oxygen therapy;

(g) use of oropharyngeal airways;

(h) use of bag valve masks; and

(i) other techniques of preliminary care a first responder is trained to provide as approved by the university of Kansas school of medicine and by the council.

Sec. 7. Nothing in this act shall be construed: (a) To preclude any municipality from licensing or otherwise regulating first responders operating within its jurisdiction, but any licensing requirements or regulations imposed by a municipality shall be in addition to and not in lieu of the provisions of this act and the rules and regulations adopted pursuant to this act;

(b) to preclude any person certified as an attendant under article 43 of chapter 65 of the Kansas Statutes Annotated and acts amendatory to the provisions thereof or supplemental thereto from providing emergency medical services to persons requiring such services; or

(c) to preclude any individual who is not a certified first responder from providing assistance during an emergency so long as such individual does not represent oneself to be a certified first responder.

Sec. 8. (a) A first responder's certificate may be revoked or suspended by the director upon proof that such first responder:

(1) Has been guilty of misrepresentation in obtaining the certificate;

(2) has engaged or attempted to engage in, or represented oneself as entitled to perform, any service not authorized in the certificate;

(3) has demonstrated incompetence or has shown oneself otherwise unable to provide adequate service;

(4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations promulgated thereunder;

(5) has been convicted of any offense involving moral turpitude;

(6) has been convicted of a felony and, after investigation

by the director, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;

(7) has demonstrated habitual intemperance or is addicted to the use of habit-forming drugs; or

(8) has engaged in unprofessional conduct.

(b) The council shall not revoke or suspend any first responder's certificate pursuant to this section without first conducting a hearing in accordance with the provisions of the Kansas administrative procedure act.

Sec. 9. No certificate issued pursuant to this act shall be revoked, suspended or modified without a hearing before the council. The council may appoint a hearing panel to conduct such hearing. The hearing panel shall have the same powers in conducting the hearing as the council.

Proceedings under this section may be initiated by the director upon the director's own motion or by any person filing written charges with the director. Whenever written charges are filed by or with the director, the director shall cause a copy thereof to be mailed to the first responder named in the charge within 15 days thereafter, together with the notice of the time and place of the hearing. The copy of the charges and notice shall be mailed to such first responder, at the address shown in the files of the bureau of emergency medical services, at least 20 days before the date fixed for the hearing. The first responder shall file with the director, not less than five days prior to the hearing, a written answer to the charges. Copies of all charges and notice of the time and place of the hearing shall be transmitted to each member of the council at least 15 days prior to the hearing. Upon such hearing, the chairperson or vice-chairperson of the council or the hearing panel may administer oaths and may issue subpoenas to compel the attendance of witnesses or for the production of relevant books and papers. Upon completion of the hearing, the council either shall dismiss the charges or suspend, revoke or modify the certificate, as the case may be. Any action of the council pursuant to this section

is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

Sec. 10. No first responder who renders emergency care during an emergency shall be liable for civil damages as a result of rendering such emergency care, except for such damages which may result from gross negligence or from willful or wanton acts or omissions on the part of the first responder rendering such emergency care.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.