

Approved March 19, 1990
Date

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by REPRESENTATIVE ROBERT D. MILLER at
Chairperson

1:50 a.m./p.m. on MARCH 13, 1990 in room 521-S of the Capitol.

All members were present except:

Representative Brown, excused
Representative Gomez, excused

Committee staff present:

Mike Heim, Legislative Research Dept.
Theresa Kiernan, Revisor of Statutes' Office
Connie Smith, Committee Secretary

Conferees appearing before the committee:

Senator Don Montgomery
Bob McDanel, Administrator of the Emergency Medical Services Board
R. E. "Tuck" Duncan, representing Medevac Medical Services
Eileen Koutelas, Water District No. 1 of Johnson County

Chairman Miller called for hearings on SB 668.

SB 668 - Act concerning the emergency medical services board; relating to the powers, duties and functions thereof;

Chairman Miller recognized Senator Don Montgomery, who is a board member of EMS. Senator Montgomery stated the changes they are asking for are technical but are needed. Senator Montgomery verified the changes being made were approved by the board. No questions from the Committee.

Chairman Miller recognized Bob McDanel, Administrator of the Board of Emergency Medical Services, testified in support of SB 668 and provided written testimony. (Attachment I) Mr. McDanel summarized the changes proposed by this bill. He stated the primary change is on the definition of ambulance and ambulance service. Discussion followed.

Chairman Miller recognized R. E. "Tuck" Duncan, representing Medevac Medical Services, provided written testimony and stated that he had a problem with the changing of the definition of what constitutes ambulance and an ambulance service. (Attachment II) Discussion followed.

Chairman Miller closed the hearing on SB 668.

Chairman Miller turned the Committee's attention to SB 533.

SB 533 - Act concerning water supply and distribution districts; relating to the governing body thereof.

Chairman Miller recognized Eileen Koutelas, Water District No. 1 of Johnson County, testified in support of SB 533 and submitted written testimony. Ms Koutelas testified that SB 533 expands the size of the elected governing body of Johnson County Water District No. 1 from five to seven members after April, 1991 election. (Attachment III) Discussion followed.

Chairman Miller closed the hearing on SB 533.

Chairman Miller turned the Committee's attention to SB 584.

SB 584 - Act relating to fire departments in certain townships.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

room 521-S Statehouse, at 1:50 a.m./p.m. on MARCH 13, 1990.

Chairman Miller stated that Senator Sallee, sponsor of SB 584, had to leave to attend session, but had provided written testimony in support. (Attachment IV)

Chairman Miller asked staff to give an overview of SB 584. Staff stated SB 584 adds townships in Jackson County to the list of townships in certain counties that may operate fire departments under this act. It would permit township fire departments in Jackson County to participate in the firemen's relief insurance premium tax distribution. No questions.

Chairman Miller closed the hearing on SB 584.

Chairman Miller called for hearings on SB 466.

SB 466 - Act concerning emergency medical services; relating to qualifications for certain classes of attendant's certificates.

Staff gave an overview of SB 466.

Chairman Miller recognized Bob McDanel, who testified in support of SB 466 and provided written testimony. (Attachment V) Mr. McDanel stated this is basically a clean-up legislation. No question.

The Chairman closed the hearings on SB 466.

The Chairman called the Committee's attention to the revised agenda. He stated that the hearing on HB 3058 are cancelled and we will hold hearings on SB 479, SB 579, and SB 469. Thursday we will hear SB 478, SB 511, and SB 697.

The meeting adjourned at 2:40 p.m.



State of Kansas

BOARD OF EMERGENCY MEDICAL SERVICES

109 S.W. 6TH STREET, TOPEKA, KS 66603-3805

(913) 296-7296 Administration
(913) 296-7403 Education & Training
(913) 296-7299 Examination & Certification
(913) 296-7408 Planning & Regulation

Bob McDaneld
Administrator

Mike Hayden
Governor

DATE: March 13, 1990

TO: House Committee on Local Government

FROM: Bob McDaneld, Administrator *PM*

SUBJECT: Written Testimony in Support of S 668

Mr. Chairman and members of the committee:

I am Bob McDaneld, the administrator of the Emergency Medical Services Board. I am appearing this morning as a proponent of S 668.

When the Legislature created the Emergency Medical Services Board in 1988, a decision was made to consolidate existing emergency medical services statutes rather than draft new language. There appeared to be legislative consensus that the Emergency Medical Services Board could recommend changes if and when the board found it necessary. After almost two years of operation, the board has requested S 668 to correct some technical problems with the statutes and clarify the roles of the board.

I will briefly summarize the changes proposed by this bill:

- 1) Page 1, line 26: Add first responders and instructor-coordinators. (This would ensure that the records and equipment of all entities regulated by the board are included.)
- 2) Page 1, line 29: Delete (b). (This section is no longer necessary. The board is able to waive vehicle requirements in those instances where the board believes it to be merited.)
- 3) Page 1, line 33: Add new (b). (Most "rescue vehicles" are operated by fire departments. This amendment would ensure the board does not regulate rescue vehicles operated by fire departments.)
- 4) Page 1, line 41: Delete unnecessary and confusing language. (This would clarify the definition of ambulance to ensure that wheel-chair vans and similar vehicles are not regulated by the board. These vehicles are not currently regulated by the board; they are regulated by the Kansas Commerce Commission. It is the board's position that the board should regulate only those vehicles which are equipped to provide emergency transportation and/or medical treatment.)

(Continued on next page.)

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Attach. I

5) Page 2, line 3: Delete "disabled" and "incapacitated." (This would clarify the definition of ambulance service to ensure the board will not regulate hospitals, nursing homes, and social service agencies which transport clients but do not provide medical treatment or emergency transportation.)

6) Page 2, lines 17, 30, 35, 38; page 3, lines 3, 14, 22: Add "and who hold a valid _____ certificate under this act" to definitions of all levels of attendants and instructor-coordinator. (This same language is currently used for first responder certification.)

7) Page 2, line 40: Add emergency medical technician-defibrillator to those who can be certified as emergency medical technician-intermediate.

8) Page 3, line 14: Adds first responder to courses of instruction an instructor-coordinator may teach. (This is a technical change and conforms with what the board is currently doing.)

9) Page 4, line 9: Authorizes the administration of specific drugs. (This is a technical change and conforms with current practice.)

10) Page 4, line 13: (Deletion of this language would provide a physician with more flexibility in determining patient care during inter-hospital transports. This would be particularly valuable in rural areas, where RN and MICT shortages may be critical.)

11) Page 4, line 19: Deletes authorization to discontinue intravenous lines. (This would clarify the role of the EMT in monitoring intravenous fluids.)

12) Page 4, line 30: Deletes language requiring medical advisor for services using emergency medical technicians-defibrillator. (This paragraph is duplicative and unnecessary.)

13) Page 4, line 37: Adds "limited" and "modified" to actions the board may take. (This change would give the board more flexibility in taking regulatory action on service permits.)

14) Page 5, line 11: (This makes the language identical to that used in other sections.)

15) Page 5, line 17: Adds "limited" and "modified" to actions the board may take. (This would give the board more flexibility in taking regulatory action against instructor-coordinators or attendants.) NOTE: "instructor-coordinator" should be added after "attendant."

(Continued on next page.)

16) Page 5, line 37: (This makes the language identical to that used in other sections.)

17) Page 6, line 9: Adds a written notification requirement to use of an unlicensed vehicle. (This permits the board greater control over use of unlicensed vehicles by ambulance operators.)

18) Page 6, line 36: (This makes the language identical to that used in other sections.)

19) Page 7, line 11: (This makes the language identical to that used in other sections.)

20) Page 7, line 18: (This would add three levels of attendants to those who could be certified to use automated defibrillators.)

21) Page 7, line 35: (This makes the language identical to that used above.)

22) Page 7, line 41: (This would change the period of automated defibrillator certification from one year from the date of course completion to a calendar year basis. This would simplify scheduling training for attendants and service operators, and record-keeping for the board, attendants and service operators.)

23) Page 8, line 25: (This would make it possible for fire districts to use first responders or other attendants to provide emergency medical services. This change was proposed by the fire chief of Soldier Township.)

In closing, the board believes S 668 makes necessary corrections to existing emergency medical services statutes. The board requests the House Committee on Local Government consider this bill favorably. I would be happy to stand for any questions the committee may have.

RM/st

TESTIMONY TO
HOUSE COMMITTEE ON LOCAL GOVERNMENT
by
R.E. "Tuck" Duncan
for
MEDEVAC MEDICAL SERVICES
March 13, 1990

RE: Senate Bill 668

We respectfully request that the Committee not change the definition of ambulance services as currently set forth in K.S.A. 1989 Supp. 65-6112 as proposed in the bill. A change of this definition will create an environment where unregulated, unlicensed persons will be allowed to transport, without attendant or proper equipment, disabled or otherwise incapacitated persons.

If there are concerns with these definitions, then the Committee should perhaps attempt to further define what these terms mean. Eliminating these terms, we believe, creates regulatory problems and is not a solution.

We believe this approach is in conflict with the direction undertaken in 1988 in the recodification of the statutory provisions relating to EMS and the establishment of a separate EMS Board, following an in-depth interim study. Reference: Report on Kansas Legislative Interim Studies to the 1988 Legislature, filed December, 1987, pages 385-395 (excerpts attached).

Thank you for your attention to and consideration of this matter.

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Attach. II

Conclusions and Recommendations

The Committee believes, following extensive hearings and deliberations, that the emergency medical services program in Kansas needs basic structural change. The Committee concludes that the location of partial administrative responsibility with the School of Allied Health at the University of Kansas Medical Center in Kansas City and partial administrative responsibility with the Bureau and Advisory Council within the Kansas Highway Patrol in Topeka is unsatisfactory.

The Committee believes that the current divided structure has led to battles between the entities which have resulted in wasted effort, and difficulty in communication.

The Committee believes the current situation and ambiguous statutory language have led to a centralization of power in the position of Director of the Bureau. The Committee is particularly cognizant that the public expression of support by some providers for the Bureau and Council's proposed transfer of responsibilities from the Medical Center to the Bureau was tempered by these same providers' private expression of reservations to Committee members about the proposed transfer. In private conversations with some Committee members, fear of retaliation for opposing the Bureau's stand on this and other issues was expressed by various providers.

The Committee concludes that the Highway Patrol is not an appropriate agency to house a new emergency medical services administrative structure since the Patrol does not play a significant role in health care. The Committee believes that the training, credentialing, and regulation of ambulance attendants and the regulation of ambulance services should be considered a part of the health care field and therefore recommends the entire state administrative responsibility for emergency medical services activities should be housed at the state's medical training center. However, the role of the Medical Center and the University should be limited to the provision of support services as agreed to between the new administrative agency created by H.B. 2639 and the University of Kansas.

Of major importance, the Committee concludes, is the creation of a totally new structure to administer the training, credentialing, and regulation of ambulance attendants, ambulance services, and first responder services. The Committee agrees that the present structure is

unsatisfactory and that simply clarifying existing authority is not sufficient to resolve the problems and issues brought to the attention of the Special Committee on Local Government. Therefore, the Committee recommends the existing Bureau of Emergency Medical Services and the Emergency Medical Services Advisory Council be abolished, and a new emergency medical services board be created to carry out the responsibilities now vested in the University of Kansas Medical Center, the Bureau, and the Council.

It is the Committee's recommendation that the new board be responsible for approving training, issuing permits, issuing certificates, and overseeing all state activities concerning ambulance services, attendants, and first responder personnel. In order to carry out its responsibilities, the new board would be empowered to employ a part-time medical director, an administrator, and other necessary personnel.

As recommended by the Committee, the new emergency medical services board would be composed of 13 members appointed by the Governor. One member would be a member of the Kansas Medical Society, two members would be county commissioners, one representing a county under 15,000 population; four members would be legislators; three members would be emergency medical technicians actively involved in such services; and one member an instructor-coordinator; one member a hospital administrator actively involved in emergency medical services; one member would be a member of a fire firefighting unit which provides emergency medical service.

The Committee concluded that the ambiguity of the present laws, the internal inconsistencies in existing statutes, and the confusion resulting from authority to fund ambulance services being located in various sections of the statutes, makes it desirable to repeal the existing statutes and to replace them with one act that covers local authority to fund and operate ambulance services, the administrative and regulatory authority exercised by the state, the authority to contract for the development and operation of emergency medical communication systems, and the authority to operate complete emergency medical services systems by municipalities. Therefore, the Committee has prepared legislation which clarifies and codifies the existing statutory policies located in various sections of the Kansas statutes, creates the new state regulatory authority recommended by the Committee, and makes a number of technical and corrective changes that do not represent major policy changes.

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The Committee wants to stress that it believes Kansas is served by numerous qualified and dedicated emergency medical services personnel. The structural changes and clarifications of existing law aimed at improving the administrative structure and strengthening the overall program for Kansas.

Finally, the Committee wants to note that a copy of the Committee's first draft bill was submitted to the University of Kansas and Medical Center administration and the Bureau of Emergency Medical Services. Both the University of Kansas and the Medical Center responded with suggestions for improvements or clarifications of the bill. The Bureau, on the other hand, responded that it did not have time to adequately review the impact of the bill. The Bureau, however, did submit suggested changes on the final day of the Committee's meetings.

The recommendations of the Committee noted above are contained in H.B. 2639 which the Committee recommends to the 1988 Legislature.

Respectfully submitted,

November 13, 1987

Rep. Ivan Sand, Chairperson
Special Committee on Local
Government

- Sen. Don Montgomery, Vice-Chairperson
- Sen. August Bogina
- Sen. Norma Daniels
- Sen. Roy Ehrlich
- Sen. Jack Steineger
- Sen. Dan Thiessen

- Rep. Rick Bowden
- Rep. Nancy Brown
- Rep. Cindy Empson
- Rep. Mary Jane Johnson
- Rep. Robert D. Miller
- Rep. Debara K. Schauf
- Rep. John Sutter
- Rep. Thomas Walker

WATER DISTRICT NO. 1 OF JOHNSON COUNTY



5930 Beverly — Mission, Kansas 66202
Mailing Address: P.O. Box 2921, Mission, Kansas 66201

Tel. (913) 722-3000

**TESTIMONY IN SUPPORT OF
SENATE BILL 533
PRESENTED BEFORE THE
HOUSE LOCAL GOVERNMENT COMMITTEE
MARCH 13, 1990**

Good morning Mr. Chairman, members of the committee. My name is Eileen Koutelas. I am here today representing Water District No. 1 of Johnson County in support of Senate Bill 533.

Senate Bill 533 allows water districts organized under K.S.A. 19-3505 to expand their governing boards to seven members, beginning with the April, 1991, election. Currently our water district is the only district organized under this statute and is the only one impacted by this bill.

Mergers between Water District No. 1 and three rural water districts in the past year and a half have increased our boundaries significantly. As part of our merger contract with former Rural Water District No. 2, our Board agreed to pursue legislative amendments to increase the Board from five to seven members. SB 533 provides for creation of two additional board positions in April, 1991.

Consistent with current board elections, all board positions will continue to be elected at large by registered voters who reside within the District's service boundaries. Currently, two Board members on our five-member Board are from former rural water district service areas.

SB 533 also changes the method candidate names for board positions are listed on the election ballot. Names are currently listed in alphabetical order and that would be changed to a rotation method under the provisions of SB 533.

Thank you for the opportunity to appear before you today. I will be happy to entertain any questions you might have.

#

Submitted by:
Eileen Koutelas
Director, Community Relations
Water District No. 1 of Johnson County

EG
3-13-90
Attack III

STATE OF KANSAS



TOPEKA

SENATE CHAMBER

DON SALLEE

SENATOR, FIRST DISTRICT
ATCHISON, BROWN, DONIPHAN, JACKSON
AND JEFFERSON COUNTIES

R.R. 2
TROY, KANSAS 66087

COMMITTEE ASSIGNMENTS

CHAIRMAN: ELECTIONS
VICE-CHAIRMAN: ENERGY AND NATURAL RESOURCES
MEMBER: AGRICULTURE
LABOR, INDUSTRY AND SMALL BUSINESS
TRANSPORTATION AND UTILITIES

M E M O R A N D U M

TO: House Local Government Committee
FROM: Senator Don Sallee
DATE: March 13, 1990
RE: Senate Bill 584

Senate Bill 584 deals with township fire departments and would permit the townships in Jackson County to be added to the present list of townships in certain counties that may operate fire departments under this act.

The bill would allow participation in the firemen's relief insurance premium tax distributions by township fire departments in Jackson County.

LS
3-13-90
Attach. IV



State of Kansas

BOARD OF EMERGENCY MEDICAL SERVICES

109 S.W. 6TH STREET, TOPEKA, KS 66603-3805

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(913) 296-7408 Planning & Regulation

Bob McDanel
Administrator

Mike Hayden
Governor

DATE: March 13, 1990
TO: House Committee on Local Government
FROM: Bob McDanel *BM*
SUBJECT: Written Testimony on S 466

I am Bob McDanel, administrator for the Board of Emergency Medical Services. I appear today as a proponent of S 466.

As you know, S 466 deletes the requirement of one year's certification as an emergency medical technician prior to applying for certification as an emergency medical technician-intermediate or emergency medical technician-defibrillator. This bill was originally introduced by Senator Erlich at the request of the director of the Great Bend Ambulance Service.

When the emergency medical technician-intermediate and emergency medical technician-defibrillator were pilot programs several years ago, the Emergency Medical Training Program at KUMC required the year's wait. After two years of experience in approving training programs and certifying attendants, the board agrees the requirement for one year's certification as an emergency medical technician is unnecessary.

If Senators Erlich, Montgomery, and Hayden had not introduced S 466, the changes proposed in this bill would have been part of the board's legislative package, S 668. I would stand for any questions members of the committee might have.

RM/st

LS
3-13-90
attach. II