

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 5, 2008 in Room 526-S of the Capitol.

All members were present.

Committee staff present:

Dennis Hodgins, Kansas Legislative Research Department  
Melissa Doeblin, Revisor of Statutes Office  
Theresa Kiernan, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:

Robert Waller, Kansas Board of EMS

Others attending:

See attached list.

Senator Gilstrap requested a bill introduction that has to do with reduced ignition propensity cigarettes.

Senator Gilstrap moved that this request should be introduced as a committee bill. Senator Barnett seconded the motion. The motion carried.

Staff provided an overview of the bill.

**SB 512 -Emergency medical services, attendant's certificate requirements**

Chairman Brungardt opened the hearing on **SB 512**.

Robert Waller, Chief Administrator, Board of Emergency Medical Services, appeared in favor of the bill. (Attachment 1) The KBEMS was presented by EMS service directors and attendants, to adopt the National Registry of Emergency Medical Technicians (NREMT) as the state certification examination; the bill would also allow the Board to require any applicant to be fingerprinted and to submit to a criminal history record check.

Chairman Brungardt closed the hearing on **SB 512**

**SB 513 - Emergency medical services, fingerprinting, criminal history record checks**

Chairman Brungardt opened the hearing on **SB 513**

Robert Waller, Chief Administrator, Board of Emergency Medical Services, appeared in favor of the bill. The bill is to direct the Kansas Bureau of Investigation and the Federal Bureau of Investigation to conduct the criminal history record and fingerprint checks, which would be used by the Board to determine the qualifications and fitness of any current licensee or new licensee applicants.

Chairman Brungardt closed the hearing on **SB 513**

**SB 514 - Emergency medical services board, authority to grant exemptions or waivers to rules and regulations in certain circumstances.**

Chairman Brungardt opened the hearing on **SB 514**

Robert Waller, Chief Administrator, Board of Emergency Medical Services, appeared in favor of the bill. (Attachment 2) In December of 2007, the KBEMS Board was informed by the Attorney General that the Board did not have the statutory authority to issue or adopt a variance regulation, and that any changes to this regulation will not be approved due to lack of statutory authority.

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 5, 2008 in Room 526-S of the Capitol.

Chairman Brungardt closed the hearing on **SB 514**

Petition percentage requirements for **SB 454**, was provided by Kansas Farm Bureau. (Attachment 3)

The meeting was adjourned at 11:35 am. The next scheduled meeting is February 6, 2008.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE  
GUEST LIST

DATE 2-5-08

NAME	REPRESENTING
T Eghan Patterson	Derek Schmidt - Sen
Steve Surrin	Ks BOARD OF EMS
Chris Tilden	KDHE
Dan Leong	Kansas Hospital Association
Emily Geier	Hein Law Firm
Teha Walker	KBEMS
Bob Williams	Ks. Assoc Osteopathic Medicine
Dan Morin	Ks Medical Society
Pat Lehman	KFSA
Jason Darlund	Pingar Smith + Assoc.
MARK KNIGHT	KSN
Dan Murray	Federico Consult.
Sean Miller	CAPITOL STRATEGIES



# KANSAS

DENNIS ALLIN, M.D., CHAIR  
ROBERT WALLER, CHIEF ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

## BOARD OF EMERGENCY MEDICAL SERVICES

### Testimony

**Date:** February 4, 2008  
**To:** Senate Federal and State Affairs Committee  
**From:** Robert Waller, Chief Administrator  
**RE:** Senate Bill 512/513

Chairman Brungardt and members of the Senate Federal and State Affairs Committee, thank you for the opportunity to provide testimony on the Senate Bill 512/513, my name is Robert Waller and I am the Chief Administrator for the Kansas Board of Emergency Medical Services (KBEMS).

The mission of the Board of Emergency Medical Services is to ensure that quality out-of-hospital care is available throughout Kansas. This care is based on the optimal utilization of community resources that are consistent with the patient's needs. The delivery of optimal care is supported through the adoption of standards; definition of scopes of practice; and provision of health, safety, and prevention education and information to the public, and is achieved in collaboration with Emergency Medical Services services/agencies, Emergency Medical Services providers/instructors, related health care professionals, and other public service, health care and political entities.

#### 2008 Senate Bill 512

Over the last calendar year, the KBEMS Board was presented with a number of issues from the EMS public relating to current laws. Along with those issues presented by EMS service directors and attendants, was the decision to adopt the National Registry of Emergency Medical Technicians (NREMT) as the state certification examination. To adopt these changes, the Board tasked Board staff to develop language to revise KSA 65-6129, the changes are listed below:

- Change in language in section (a)(1)(A) that extends the period of eligibility from one year from last date of class to two years. This language mimics NREMT.
- Removal of language in section (a)(1)(B)(2) that grants automatic approval based on an "accreditation". The language eliminates verbiage that granted automatic approval of "accredited" programs that failed to meet the "equivalency" standards of Kansas EMS training programs both in course content and length. The language also removed any reference to the provider of training and focuses on an "equivalency" determination.

Thereby, allowing even formerly trained Kansas attendants, who left Kansas and returned with an out-of-state license/certification, to regain Kansas certification. Previous verbiage allowed for recognition of only "out-of-state" training thereby blocking this capability.

- Removal of EMT-Defibrillator language in section (b) is based on the elimination of that certification level for new applicants. Those attendants that are currently certified at this level may maintain it.
- Insertion of new language in section (b) that clarifies that the requirement for EMT-B certification prior to advanced certification. The new language is meant to eliminate the requirement of out-of-state advanced-level attendants (paramedics) seeking Kansas certification from having to become certified at a lower level (EMT-Basic) prior to applying for the advanced level of certification.
- Insertion of language in section (a)(1)(B) that requires an applicant who has taken out-of-state training, and is not certified, to apply for state certification within two years from last date of class. This language mimics NREMT. Previously, Kansas had no "time limit".
- Insertion of language in section (a)(2)(C) that requires a national criminal history background check for those seeking legal recognition/reciprocity (out-of-state), regain, increases in level of certification, and/or those residing less than 3 years residency within the state of Kansas (reference 2008 SB 513).

#### 2008 Senate Bill 513

Teachers, banking and financial institutions, law enforcement, and some motor carriers require criminal history background checks. The surrounding states of Arkansas, Colorado, Idaho, Missouri, Nebraska, and Texas require national criminal history background checks for those individuals seeking EMS certification at any attendant level. Although, KBEMS requires those with felony convictions to "check the box" in regards to prior felony conviction, to later be reviewed and a determination of certification made by the KBEMS Investigation Committee, applicants may be motivated to not provide a complete truth. Criminal history background checks provide validity and security to the citizens of the State in ensuring that the person providing them intimate and personal pre-hospital care has both been truthful in the information provided on their application, but more important, is trustworthy in the comfort and care provided. As KBEMS moves to allow a more "open state" in regards to legal recognition/reciprocity (found in 2008 SB 512), the disclosure of arrests and convictions becomes critical.

Annually, KBEMS process 1,500+ initial certifications, legal recognition/reciprocity (out-of-state), regain requests, and increases in the level of certification applications per year. According to our investigation statistics, in CY 2005, the KBEMS Investigation Committee reviewed 8 "reported" (check the box) felony applications, 16 in CY 2006, and 14 in CY 2007. Of those, the Investigation Committee reviewed felony cases involving aggravated robbery, aggravated child endangerment, breaking and entering, sexual exploitation of a minor, aggravated sexual battery, child endangerment, and numerous drug possession charges. However, the concern for the Board are the number of felony charges the Board has not been able to review or been "notified" of their existence. One instance occurred in October 2007, where an "individual" reported to the Board that an attendant had been convicted of child molestation during the 1980's, but was currently certified. Upon verification of his certification status, KBEMS confirmed that he obtained his certification in 1990 and upon further investigation of the applications submitted by the attendant...he marked "No" to the felony question. Unfortunately, the only way KBEMS was informed of the felony was by word of mouth, as opposed to the

initiation and verification that a criminal background check provides. The case is now under review.

### **Amendments**

KBEMS would propose a series of technical changes to the language requested by both the Kansas Bureau of Investigation and KBEMS. The KBEMS Staff, the Revisors' Office, and the Attorney's General office will be meeting on February 5, 2008 @ 12:00 noon to amend the bill for future consideration by the Committee.

### **Conclusion**

Simply, members of the Committee, the passage of Senate Bill 512/513 provides assurance to the general public that KBEMS has provided the appropriate screening of applicants and ensured KBEMS' responsibility to public safety. Thank you for allowing me to testify in support of the amended version of Senate Bill 512/513 and I will stand for any questions you may have.



# KANSAS

DENNIS ALLIN, M.D., CHAIR  
ROBERT WALLER, CHIEF ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

## BOARD OF EMERGENCY MEDICAL SERVICES

### Testimony

**Date:** February 4, 2008  
**To:** Senate Federal and State Affairs Committee  
**From:** Robert Waller, Chief Administrator  
**RE:** Senate Bill 514

Chairman Brungardt and members of the Senate Federal and State Affairs Committee, thank you for the opportunity to provide testimony on the Senate Bill 514, my name is Robert Waller and I am the Chief Administrator for the Kansas Board of Emergency Medical Services (KBEMS).

During the December 2007 KBEMS Board meeting, the Attorney General's (A.G.) office informed the Board that it did not have the statutory authority to issue or adopt a variance regulation. However, it was approved and in place. The AG's office advised the Board that any changes to this regulation will not be approved due to lack of statutory authority. In the past, the Board has granted variances in allowing on-line paramedic classes, recognition of education standard equivalent to Kansas standards, and rules and regulations relating to records, equipment, staffing during the Kiowa County (Greensburg) disaster. The Board believes it has utilized the regulation wisely, however is in "legal" limbo due to the lack of a statutory authority.

#### Amendments

None

#### Conclusion

The passage of Senate Bill 514 is truly a technical adjustment bill. The current rule and regulation has allowed the Board to assist EMS Services due to hardships without endangering the public. KBEMS would request favorable passage of the bill, and I will stand for any questions you may have.

DATE: January 31, 2008

FROM: Terry Holdren  
National Director—Governmental Relations  
Kansas Farm Bureau

TO: Chairman Brungardt  
Senator Vratil

CC: Members of the Senate Committee on Federal and State Affairs

RE: Petition Requirements

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At the recent hearing on SB 454 there were questions about other instances in statute where percentages at or above 20% were required to effect government activity. Our research found several some of which are highlighted below:

**K.S.A. 80-918**, prohibits townships from acquiring a chapel or similar facility except upon a petition signed by not less than 25% of resident taxpayers

**K.S.A. 13-1008e**, allows 50% of persons owning land abutting a proposed sidewalk to petition the city council requesting its construction.

**K.S.A. 24-404**, requires the County Commission convene a hearing to consider the formation of a drainage district in any county where not less than two-fifths (40%) of the taxpayers residing within the boundaries of a proposed district, or not less than 51% of the owners of record of the land within the district, request its formation.

**K.S.A. 12-1427**, requires a city to hold an election to consider abolition of a cemetery board and abandonment of that method of governing cemeteries upon the presentation of a petition signed by not less than 25% of the qualified voters of that city.

**K.S.A. 15-1018**, generally requires a County Commission to exclude certain property from a cemetery district upon a petition signed by not less than 51% of the owners of property within that portion of the district

Please let me know if you need more information or have additional questions.