

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2438

By Committee on Federal and State Affairs

2-22

1 AN ACT concerning emergency medical services; eliminating the  
2 designation and certification of instructor-coordinators; amending  
3 K.S.A. 2022 Supp. 65-2891, 65-6102, 65-6112, 65-6124 and 65-6150  
4 and repealing the existing sections; also repealing K.S.A. 2022 Supp.  
5 65-6129b.

6  
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2022 Supp. 65-2891 is hereby amended to read as  
9 follows: 65-2891. (a) Any healthcare provider who in good faith renders  
10 emergency care or assistance at the scene of an emergency or accident  
11 including treatment of a minor without first obtaining the consent of the  
12 parent or guardian of such minor shall not be liable for any civil damages  
13 for acts or omissions other than damages occasioned by gross negligence  
14 or by willful or wanton acts or omissions by such person in rendering such  
15 emergency care.

16 (b) Any healthcare provider may render in good faith emergency care  
17 or assistance, without compensation, to any minor requiring such care or  
18 assistance as a result of having engaged in competitive sports, without first  
19 obtaining the consent of the parent or guardian of such minor. Such  
20 healthcare provider shall not be liable for any civil damages other than  
21 damages occasioned by gross negligence or by willful or wanton acts or  
22 omissions by such person in rendering such emergency care.

23 (c) Any healthcare provider may in good faith render emergency care  
24 or assistance during an emergency that occurs within a hospital or  
25 elsewhere, with or without compensation, until such time as the physician  
26 employed by the patient or by the patient's family or by guardian assumes  
27 responsibility for such patient's professional care. The healthcare provider  
28 rendering such emergency care shall not be held liable for any civil  
29 damages other than damages occasioned by negligence.

30 (d) ~~Any provision herein contained notwithstanding~~ *Except as*  
31 *otherwise provided*, the ordinary standards of care and rules of negligence  
32 shall apply in those cases wherein emergency care and assistance is  
33 rendered in any physician's or dentist's office, clinic, emergency room or  
34 hospital with or without compensation.

35 (e) As used in this section ~~the term~~, "healthcare provider" means any  
36 person licensed to practice any branch of the healing arts, licensed dentist,

1 licensed optometrist, licensed professional nurse, licensed practical nurse,  
2 licensed podiatrist, licensed pharmacist, licensed physical therapist, ~~and~~  
3 ~~any licensed~~ physician assistant ~~who has successfully completed an~~  
4 ~~American medical association approved training program and has~~  
5 ~~successfully completed the national board examination for physician~~  
6 ~~assistants of the American board of medical examiners, any licensed~~  
7 athletic trainer, any licensed occupational therapist, any licensed  
8 respiratory therapist, any person who holds a valid emergency medical  
9 service provider's certificate under K.S.A. 65-6129, and amendments  
10 thereto, any person who holds a valid certificate for the successful  
11 completion of a course in first aid offered or approved by the American red  
12 cross, by the American heart association, by the mining enforcement and  
13 safety administration of the bureau of mines of the department of interior,  
14 by the national safety council ~~or by any instructor-coordinator, as defined~~  
15 ~~in K.S.A. 65-6112, and amendments thereto, and by the emergency~~  
16 *medical services board* or any person engaged in a postgraduate training  
17 program approved by the state board of healing arts.

18 Sec. 2. K.S.A. 2022 Supp. 65-6102 is hereby amended to read as  
19 follows: 65-6102. (a) There is hereby established the emergency medical  
20 services board. The office of the emergency medical services board shall  
21 be located in the city of Topeka, Kansas.

22 (b) The emergency medical services board shall be composed of 15  
23 members to be appointed as follows:

24 (1) Eleven members shall be appointed by the governor. Of such  
25 members:

26 (A) Three shall be physicians who are actively involved in emergency  
27 medical services;

28 (B) two shall be county commissioners of counties making a levy for  
29 ambulance service, at least one of whom shall be from a county having a  
30 population of ~~less~~ *fewer* than 15,000;

31 (C) one shall be ~~an instructor-coordinator~~ *actively involved in*  
32 *teaching initial courses of instruction for certification as an emergency*  
33 *medical service provider*;

34 (D) one shall be a hospital administrator actively involved in  
35 emergency medical services;

36 (E) one shall be a member of a firefighting unit that provides  
37 emergency medical service; and

38 (F) three shall be emergency medical service providers who are  
39 actively involved in emergency medical service. At least two  
40 classifications of emergency medical service providers shall be  
41 represented. At least one of such members shall be from a volunteer  
42 emergency medical service; and

43 (2) four members shall be appointed as follows:

1 (A) One shall be a member of the Kansas senate to be appointed by  
2 the president of the senate;

3 (B) one shall be a member of the Kansas senate to be appointed by  
4 the minority leader of the senate;

5 (C) one shall be a member of the Kansas house of representatives to  
6 be appointed by the speaker of the house of representatives; and

7 (D) one shall be a member of the Kansas house of representatives to  
8 be appointed by the minority leader of the house of representatives.

9 (c) All members of the board shall be residents of the state of Kansas.  
10 Appointments to the board shall be made with due consideration that  
11 representation of the various geographical areas of the state is ensured. The  
12 governor may remove any member of the board upon recommendation of  
13 the board. Any person appointed to a position on the board shall forfeit  
14 such position upon vacating the office or position that qualified such  
15 person to be appointed as a member of the board.

16 (d) Members shall be appointed for terms of four years and until their  
17 successors are appointed and qualified. In the case of a vacancy in the  
18 membership of the board, the vacancy shall be filled for the unexpired  
19 term.

20 (e) The board shall meet at least four times annually and at least once  
21 each quarter and at the call of the chairperson or at the request of the  
22 executive director of the emergency medical services board or of any  
23 seven members of the board. At the first meeting of the board after January  
24 1 each year, the members shall elect a chairperson and a ~~vice chairperson~~  
25 *vice chairperson* who shall serve for a term of one year. The ~~vice~~  
26 ~~chairperson~~ *vice chairperson* shall exercise all of the powers of the  
27 chairperson in the absence of the chairperson. If a vacancy occurs in the  
28 office of the chairperson or ~~vice chairperson~~ *vice chairperson*, the board  
29 shall fill such vacancy by election of one of its members to serve the  
30 unexpired term of such office. Members of the board attending meetings of  
31 the board or attending a subcommittee meeting thereof authorized by the  
32 board shall be paid compensation, subsistence allowances, mileage and  
33 other expenses as provided in K.S.A. 75-3223, and amendments thereto.

34 (f) Except as otherwise provided by law, all vouchers for  
35 expenditures and all payrolls of the emergency medical services board  
36 shall be approved by the emergency medical services board or a person  
37 designated by the board.

38 Sec. 3. K.S.A. 2022 Supp. 65-6112 is hereby amended to read as  
39 follows: 65-6112. As used in article 61 of chapter 65 of the Kansas  
40 Statutes Annotated, and amendments thereto:

41 (a) "Administrator" means the executive director of the emergency  
42 medical services board.

43 (b) "Advanced emergency medical technician" means a person who

1 holds an advanced emergency medical technician certificate issued  
2 pursuant to this act.

3 (c) "Advanced practice registered nurse" means an advanced practice  
4 registered nurse as defined in K.S.A. 65-1113, and amendments thereto.

5 (d) "Ambulance" means any privately or publicly owned motor  
6 vehicle, airplane or helicopter designed, constructed, prepared, staffed and  
7 equipped for use in transporting and providing emergency care for  
8 individuals who are ill or injured.

9 (e) "Ambulance service" means any organization operated for the  
10 purpose of transporting sick or injured persons to or from a place where  
11 medical care is furnished, whether or not such persons may be in need of  
12 emergency or medical care in transit.

13 (f) "Board" means the emergency medical services board established  
14 pursuant to K.S.A. 65-6102, and amendments thereto.

15 (g) "Emergency medical service" means the effective and coordinated  
16 delivery of such care as may be required by an emergency that includes the  
17 care and transportation of individuals by ambulance services and the  
18 performance of authorized emergency care by a physician, advanced  
19 practice registered nurse, professional nurse, a licensed physician assistant  
20 or emergency medical service provider.

21 (h) "Emergency medical service provider" means an emergency  
22 medical responder, advanced emergency medical technician, emergency  
23 medical technician or paramedic certified by the emergency medical  
24 services board.

25 (i) "Emergency medical technician" means a person who holds an  
26 emergency medical technician certificate issued pursuant to this act.

27 (j) "Emergency medical responder" means a person who holds an  
28 emergency medical responder certificate issued pursuant to this act.

29 (k) "Hospital" means a hospital as defined by K.S.A. 65-425, and  
30 amendments thereto.

31 ~~(l) "Instructor-coordinator" means a person who is certified under this~~  
32 ~~act to teach or coordinate both initial certification and continuing~~  
33 ~~education classes.~~

34 ~~(m)~~ "Medical director" means a physician.

35 ~~(n)~~(m) "Medical oversight" means to review, approve and implement  
36 medical protocols and to approve and monitor the activities, competency  
37 and education of emergency medical service providers.

38 ~~(o)~~(n) "Medical protocols" means written guidelines that authorize  
39 emergency medical service providers to perform certain medical  
40 procedures prior to contacting a physician, physician assistant authorized  
41 by a physician, advanced practice registered nurse authorized by a  
42 physician or professional nurse authorized by a physician.

43 ~~(p)~~(o) "Municipality" means any city, county, township, fire district

1 or ambulance service district.

2 (¶)(p) "Nonemergency transportation" means the care and transport  
3 of a sick or injured person under a foreseen combination of circumstances  
4 calling for continuing care of such person. As used in this subsection,  
5 transportation includes performance of the authorized level of services of  
6 the emergency medical service provider whether within or outside the  
7 vehicle as part of such transportation services.

8 (¶)(q) "Operator" means a person or municipality who has a permit to  
9 operate an ambulance service in the state of Kansas.

10 (¶)(r) "Paramedic" means a person who holds a paramedic certificate  
11 issued pursuant to this act.

12 (¶)(s) "Person" means an individual, a partnership, an association, a  
13 joint-stock company or a corporation.

14 (¶)(t) "Physician" means a person licensed by the state board of  
15 healing arts to practice medicine and surgery.

16 (¶)(u) "Physician assistant" means a physician assistant as defined in  
17 K.S.A. 65-28a02, and amendments thereto.

18 (¶)(v) "Professional nurse" means a licensed professional nurse as  
19 defined by K.S.A. 65-1113, and amendments thereto.

20 (¶)(w) "Sponsoring organization" means any professional association,  
21 accredited postsecondary educational institution, ambulance service that  
22 holds a permit to operate in this state, fire department, other officially  
23 organized public safety agency, hospital, corporation, governmental entity  
24 or emergency medical services regional council, as approved by the  
25 executive director, to offer initial courses of instruction or continuing  
26 education programs.

27 Sec. 4. K.S.A. 2022 Supp. 65-6124 is hereby amended to read as  
28 follows: 65-6124. (a) No physician, physician assistant, advanced practice  
29 registered nurse or licensed professional nurse who gives emergency  
30 instructions to an emergency medical service provider during an  
31 emergency shall be liable for any civil damages as a result of issuing the  
32 instructions, except such damages that may result from gross negligence in  
33 giving such instructions.

34 (b) No emergency medical service provider who renders emergency  
35 care during an emergency pursuant to instructions given by a physician,  
36 physician assistant, advanced practice registered nurse or licensed  
37 professional nurse shall be liable for civil damages as a result of  
38 implementing such instructions, except such damages that may result from  
39 gross negligence or by willful or wanton acts or omissions on the part of  
40 such emergency medical service provider.

41 ~~(c) No person certified as an instructor-coordinator shall be liable for~~  
42 ~~any civil damages that may result from such instructor-coordinator's~~  
43 ~~course of instruction, except such damages that may result from gross~~

1 ~~negligence or by willful or wanton acts or omissions on the part of the~~  
2 ~~instructor-coordinator.~~

3 (d) No medical director who provides medical oversight shall be  
4 liable for any civil damages as a result of such medical oversight, except  
5 such damages that may result from gross negligence in the provision of  
6 such medical oversight.

7 Sec. 5. K.S.A. 2022 Supp. 65-6150 is hereby amended to read as  
8 follows: 65-6150. (a) It shall be unlawful for any individual to represent  
9 oneself as an emergency medical service provider ~~or instructor-coordinator~~  
10 unless such individual holds a valid certificate as such under this act.

11 (b) Any violation of subsection (a) shall constitute a class B  
12 misdemeanor.

13 Sec. 6. K.S.A. 2022 Supp. 65-2891, 65-6102, 65-6112, 65-6124, 65-  
14 6129b and 65-6150 are hereby repealed.

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