

**SENATE BILL No. 139**

By Senator Schmidt

2-8

1 AN ACT concerning members of regional trauma councils and advisory  
2 committee on trauma; amending K.S.A. 2010 Supp. 75-5664 and 75-  
3 5665 and repealing the existing sections.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2010 Supp. 75-5664 is hereby amended to read as  
7 follows: 75-5664. (a) There is hereby established an advisory committee  
8 on trauma. The advisory committee on trauma shall be advisory to the  
9 secretary of health and environment and shall be within the division of  
10 health of the department of health and environment as a part thereof.

11 ~~(b) On July 1, 2001, the advisory committee on trauma in existenee~~  
12 ~~immediately prior to July 1, 2001, is hereby abolished and a new advisory~~  
13 ~~committee on trauma is created in accordance with this section. The terms~~  
14 ~~of all members of the advisory committee on trauma in existenee prior to~~  
15 ~~July 1, 2001, are hereby terminated. On and after July 1, 2001, The~~  
16 advisory committee on trauma shall be composed of 24 members  
17 representing both rural and urban areas of the state appointed as follows:

18 (1) Two members shall be persons licensed to practice medicine and  
19 surgery appointed by the governor. At least 30 days prior to the expiration  
20 of terms described in this section, for each member to be appointed under  
21 this section, the Kansas medical society shall submit to the governor a list  
22 of three names of persons of recognized ability and qualification. The  
23 governor shall consider such ~~lists~~list of persons in making appointments  
24 to the board under this paragraph.

25 (2) One member shall be licensed to practice osteopathic medicine  
26 appointed by the governor. At least 30 days prior to the expiration of the  
27 term of the member appointed under this section, the Kansas association  
28 of osteopathic medicine shall submit to the governor a list of three  
29 persons of recognized ability and qualification. The governor shall  
30 consider such list of persons in making appointments to the board under  
31 this paragraph.

32 (3) Three members shall be representatives of hospitals appointed by  
33 the governor. At least 30 days before the expiration of terms described in  
34 this section, for each member to be appointed under this section, the  
35 Kansas hospital association shall submit to the governor a list of three  
36 names of persons of recognized ability and qualification. The governor

1 shall consider such ~~lists~~list of persons in making appointments to the  
2 board under this paragraph.

3 (4) Two members shall be licensed professional nurses specializing  
4 in trauma care or emergency nursing appointed by the governor. At least  
5 30 days before the expiration of terms described in this section, for each  
6 member to be appointed under this section, the Kansas state nurses  
7 association shall submit to the governor a list of three names of persons  
8 of recognized ability and qualification. The governor shall consider such  
9 ~~lists~~list of persons in making appointments to the board under this  
10 paragraph.

11 (5) Two members shall be attendants as defined in K.S.A. 65-6112,  
12 and amendments thereto, who are on the roster of an ambulance service  
13 permitted by the board of emergency medical services. At least 30 days  
14 prior to the expiration of one of these positions, the Kansas emergency  
15 medical services association shall submit to the governor a list of three  
16 persons of recognized ability and qualification. The governor shall  
17 consider such list of persons in making this appointment to the board. For  
18 the other member appointed under this section, at least 30 days prior to  
19 the expiration of the term of such member, the Kansas emergency  
20 medical technician association shall submit a list of three persons of  
21 recognized ability and qualification. The governor shall consider such list  
22 of persons in making appointments to the board under this paragraph.

23 (6) Two members shall be administrators of ambulance services, one  
24 rural and one urban, appointed by the governor. At least 30 days prior to  
25 the expiration of the terms of such members, the Kansas emergency  
26 medical services association and Kansas emergency medical technician  
27 association in consultation shall submit to the governor a list of four  
28 persons of recognized ability and qualification. The governor shall  
29 consider such list of persons in making this appointment to the board  
30 under this paragraph.

31 (7) Six members shall be representatives of regional trauma  
32 councils, one per council, appointed by the governor. At least 30 days  
33 prior to the expiration of one of these positions, the relevant regional  
34 trauma council shall submit to the governor a list of three persons of  
35 recognized ability and qualification. The governor shall consider such  
36 ~~lists~~list of persons in making these appointments to the board.

37 (8) The secretary of health and environment or the secretary's  
38 designee of an appropriately qualified person shall be an ex officio  
39 representative of the department of health and environment.

40 (9) The chairperson of the board of emergency medical services or  
41 the chairperson's designee shall be an ex officio member.

42 (10) Four legislators selected as follows shall be members: The  
43 chairperson and ranking minority member or their designees of the

1 committee on health and human services of the house of representatives,  
2 and the chairperson and ranking minority member or their designees from  
3 the committee on public health and welfare of the senate shall be  
4 members.

5 (c) All members shall be residents of the state of Kansas. Particular  
6 attention shall be given so that rural and urban interests and geography  
7 are balanced in representation. Organizations that submit lists of names to  
8 be considered for appointment by the governor under this section shall  
9 insure that names of people who reside in both rural and urban areas of  
10 the state are among those submitted. At least one person from each  
11 congressional district shall be among the members. Of the members  
12 appointed under paragraphs (1) through (7) of subsection (b), six shall be  
13 appointed to initial terms of two years; six shall be appointed to initial  
14 terms of three years; and six shall be appointed to initial terms of four  
15 years. Thereafter members shall serve terms of four years and until a  
16 successor is appointed and qualified. In the case of a vacancy in the  
17 membership of the advisory committee, the vacancy shall be filled for the  
18 unexpired term in like manner as that provided in subsection (b).

19 (d) The advisory committee shall meet quarterly and at the call of  
20 the chairperson or at the request of a majority of the members. At the first  
21 meeting of the advisory committee after July 1 each year, the members  
22 shall elect a chairperson and vice-chairperson who shall serve for terms  
23 of one year. The vice-chairperson shall exercise all of the powers of the  
24 chairperson in the absence of the chairperson. ~~The chairperson and vice-~~  
25 ~~chairperson serving on the effective date of this act shall be among the~~  
26 ~~members appointed to the advisory committee under subsection (b) and~~  
27 ~~shall continue to serve as chairperson and vice-chairperson of the~~  
28 ~~advisory committee until the first meeting of the advisory committee after~~  
29 ~~July 1, 2002.~~

30 (e) The advisory committee shall be advisory to the secretary of  
31 health and environment on all matters relating to the implementation and  
32 administration of this act.

33 (f) *All members of the advisory committee, when acting in their*  
34 *official capacity under this act, shall be considered peer review officers*  
35 *for all purposes of K.S.A. 65-4915, and amendments thereto.*

36 (g) Members of the advisory committee attending meetings of the  
37 advisory committee or attending a subcommittee of the advisory  
38 committee or other authorized meeting of the advisory committee shall  
39 not be paid compensation but shall be paid amounts provided in  
40 subsection (e) of K.S.A. 75-3223, and amendments thereto.

41 Sec. 2. K.S.A. 2010 Supp. 75-5665 is hereby amended to read as  
42 follows: 75-5665. The secretary of health and environment, after  
43 consultation with and consideration of recommendations from the

1 advisory committee, shall:

2 (a) Develop rules and regulations necessary to carry out the  
3 provisions of this act, including fixing, charging and collecting fees from  
4 trauma facilities to recover all or part of the expenses incurred in the  
5 designation of trauma facilities pursuant to subsection (f) of this section;

6 (b) develop a statewide trauma system plan including the  
7 establishment of regional trauma councils, using the ~~1998~~2001 Kansas  
8 EMS-trauma systems plan study as a guide and not more restrictive than  
9 state law. The secretary shall ensure that each council consist of at least  
10 six members. Members of the councils shall consist of persons chosen for  
11 their expertise in and commitment to emergency medical and trauma  
12 services. *All members of regional trauma councils, when acting in their*  
13 *official capacity under this act, shall be considered peer review officers*  
14 *for all purposes of K.S.A. 65-4915, and amendments thereto.* Such  
15 members shall be chosen from the region and include prehospital  
16 personnel, physicians, nurses and hospital personnel involved with the  
17 emergency medical and trauma services and a representative of a county  
18 health department. The plan should:

19 (1) Maximize local and regional control over decisions relating to  
20 trauma care;

21 (2) minimize bureaucracy;

22 (3) adequately protect the confidentiality of proprietary and personal  
23 health information;

24 (4) promote cost effectiveness;

25 (5) encourage participation by groups affected by the system;

26 (6) emphasize medical direction and involvement at all levels of the  
27 system;

28 (7) rely on accurate data as the basis for system planning and  
29 development; and

30 (8) facilitate education of health care providers in trauma care;

31 (c) plan, develop and administer a trauma registry to collect and  
32 analyze data on incidence, severity and causes of trauma and other  
33 pertinent information which may be used to support the secretary's  
34 decision-making and identify needs for improved trauma care;

35 (d) provide all technical assistance to the regional councils as  
36 necessary to implement the provisions of this act;

37 (e) collect data elements for the trauma registry that are consistent  
38 with the recommendations of the American college of surgeons  
39 committee on trauma and centers for disease control;

40 (f) designate trauma facilities by level of trauma care capabilities  
41 after considering the American college of surgeons committee on trauma  
42 standards and other states' standards except that trauma level designations  
43 shall not be based on criteria that place practice limitations on registered

1 nurse anesthetists which are not required by state law;

2 (g) develop a phased-in implementation schedule for each  
3 component of the trauma system, including the trauma registry, which  
4 considers the additional burden placed on the emergency medical and  
5 trauma providers;

6 (h) develop standard reports to be utilized by the regional trauma  
7 councils and those who report data to the registry in performing their  
8 functions;

9 (i) assess the fiscal impact on all components of the trauma system,  
10 and thereafter recommend other funding sources for the trauma system  
11 and trauma registry;

12 (j) prepare and submit an annual budget in accordance with the  
13 provisions of this act. Such budget shall include costs for the provision of  
14 technical assistance to the regional trauma councils and the cost of  
15 developing and maintaining the trauma registry and analyzing and  
16 reporting on the data collected; and

17 (k) enter into contracts as deemed necessary to carry out the duties  
18 and functions of the secretary under this act.

19 Sec. 3. K.S.A. 2010 Supp. 75-5664 and 75-5665 are hereby  
20 repealed.

21 Sec. 4. This act shall take effect and be in force from and after its  
22 publication in the statute book.

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