

**HOUSE BILL No. 2723**

By Committee on Federal and State Affairs

2-21

1 AN ACT concerning emergency medical services; relating to medical  
2 directors; requiring provision of medical oversight; amending K.S.A.  
3 2019 Supp. 65-6112, 65-6124 and 65-6126 and repealing the existing  
4 sections.

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

7 Section 1. K.S.A. 2019 Supp. 65-6112 is hereby amended to read as  
8 follows: 65-6112. As used in ~~this act~~ *article 61 of chapter 65 of the Kansas*  
9 *Statutes Annotated, and amendments thereto:*

10 (a) "Administrator" means the executive director of the emergency  
11 medical services board.

12 (b) "Advanced emergency medical technician" means a person who  
13 holds an advanced emergency medical technician certificate issued  
14 pursuant to this act.

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

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

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

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

27 (g) "Emergency medical service" means the effective and coordinated  
28 delivery of such care as may be required by an emergency that includes the  
29 care and transportation of individuals by ambulance services and the  
30 performance of authorized emergency care by a physician, advanced  
31 practice registered nurse, professional nurse, a licensed physician assistant  
32 or emergency medical service provider.

33 (h) "Emergency medical service provider" means an emergency  
34 medical responder, advanced emergency medical technician, emergency  
35 medical technician or paramedic certified by the emergency medical  
36 services board.

- 1 (i) "Emergency medical technician" means a person who holds an  
2 emergency medical technician certificate issued pursuant to this act.
- 3 (j) "Emergency medical responder" means a person who holds an  
4 emergency medical responder certificate issued pursuant to this act.
- 5 (k) "Hospital" means a hospital as defined by K.S.A. 65-425, and  
6 amendments thereto.
- 7 (l) "Instructor-coordinator" means a person who is certified under this  
8 act to teach or coordinate both initial certification and continuing  
9 education classes.
- 10 (m) "Medical director" means a physician.
- 11 (n) *"Medical oversight" means to review, approve and implement*  
12 *medical protocols and to approve and monitor the activities, competency*  
13 *and education of emergency medical service providers.*
- 14 (o) "Medical protocols" ~~mean~~ means written guidelines that authorize  
15 emergency medical service providers to perform certain medical  
16 procedures prior to contacting a physician, physician assistant authorized  
17 by a physician, advanced practice registered nurse authorized by a  
18 physician or professional nurse authorized by a physician. ~~The medical~~  
19 ~~protocols shall be approved by a county medical society or the medical~~  
20 ~~staff of a hospital to which the ambulance service primarily transports~~  
21 ~~patients, or if neither of the above are able or available to approve the~~  
22 ~~medical protocols, then the medical protocols shall be submitted to the~~  
23 ~~medical advisory council for approval.~~
- 24 (o) "Municipality" means any city, county, township, fire district or  
25 ambulance service district.
- 26 (p) "Nonemergency transportation" means the care and transport of a  
27 sick or injured person under a foreseen combination of circumstances  
28 calling for continuing care of such person. As used in this subsection,  
29 transportation includes performance of the authorized level of services of  
30 the emergency medical service provider whether within or outside the  
31 vehicle as part of such transportation services.
- 32 (q) "Operator" means a person or municipality who has a permit to  
33 operate an ambulance service in the state of Kansas.
- 34 (r) "Paramedic" means a person who holds a paramedic certificate  
35 issued pursuant to this act.
- 36 (s) "Person" means an individual, a partnership, an association, a  
37 joint-stock company or a corporation.
- 38 (t) "Physician" means a person licensed by the state board of healing  
39 arts to practice medicine and surgery.
- 40 (u) "Physician assistant" means a physician assistant as defined in  
41 K.S.A. 65-28a02, and amendments thereto.
- 42 (v) "Professional nurse" means a licensed professional nurse as  
43 defined by K.S.A. 65-1113, and amendments thereto.

1 (w) "Sponsoring organization" means any professional association,  
2 accredited postsecondary educational institution, ambulance service that  
3 holds a permit to operate in this state, fire department, other officially  
4 organized public safety agency, hospital, corporation, governmental entity  
5 or emergency medical services regional council, as approved by the  
6 executive director, to offer initial courses of instruction or continuing  
7 education programs.

8 Sec. 2. K.S.A. 2019 Supp. 65-6124 is hereby amended to read as  
9 follows: 65-6124. (a) No physician, physician assistant, advanced practice  
10 registered nurse or licensed professional nurse; who gives emergency  
11 instructions to an emergency medical service provider ~~as defined by~~  
12 ~~K.S.A. 65-6112, and amendments thereto~~; during an emergency; shall be  
13 liable for any civil damages as a result of issuing the instructions, except  
14 such damages that may result from gross negligence in giving such  
15 instructions.

16 (b) No emergency medical service provider ~~as defined by K.S.A. 65-~~  
17 ~~6112, and amendments thereto~~; who renders emergency care during an  
18 emergency pursuant to instructions given by a physician, the supervising  
19 physician for a physician assistant, advanced practice registered nurse or  
20 licensed professional nurse shall be liable for civil damages as a result of  
21 implementing such instructions, except such damages that may result from  
22 gross negligence or by willful or wanton acts or omissions on the part of  
23 such emergency medical service provider ~~as defined by K.S.A. 65-6112,~~  
24 ~~and amendments thereto~~.

25 (c) No person certified as an instructor-coordinator shall be liable for  
26 any civil damages that may result from such instructor-coordinator's  
27 course of instruction, except such damages that may result from gross  
28 negligence or by willful or wanton acts or omissions on the part of the  
29 instructor-coordinator.

30 (d) No medical director who ~~reviews, approves and monitors the~~  
31 ~~activities of emergency medical service providers~~ *provides medical*  
32 *oversight* shall be liable for any civil damages as a result of such ~~review,~~  
33 ~~approval or monitoring~~ *medical oversight*, except such damages that may  
34 result from gross negligence in *the provision of* such ~~review, approval or~~  
35 ~~monitoring~~ *medical oversight*.

36 Sec. 3. K.S.A. 2019 Supp. 65-6126 is hereby amended to read as  
37 follows: 65-6126. (a) *Except as provided in subsection (b), each*  
38 ~~emergency medical service operator shall have designate~~ a medical  
39 director ~~appointed by the operator of the service to review and implement~~  
40 ~~medical protocols, approve and monitor the activities, competency and~~  
41 ~~education of the emergency medical service providers to provide medical~~  
42 *oversight*.

43 (b) The board may approve an alternative procedure for medical

1 oversight if no medical director is available.

2       Sec. 4. K.S.A. 2019 Supp. 65-6112, 65-6124 and 65-6126 are hereby  
3 repealed.

4       Sec. 5. This act shall take effect and be in force from and after its  
5 publication in the Kansas register.