

HOUSE BILL No. 2234

By Committee on Health and Human Services

2-4

1 AN ACT concerning emergency medical services; relating to medical
2 directors; requiring provision of medical oversight; amending K.S.A.
3 2020 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. 2020 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. 2020 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. 2020 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 *by a physician* if no medical director is available *to be*
2 *designated by the operator*.

3 Sec. 4. K.S.A. 2020 Supp. 65-6112, 65-6124 and 65-6126 are hereby
4 repealed.

5 Sec. 5. This act shall take effect and be in force from and after its
6 publication in the ~~Kansas register~~ *statute book*.