

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