

MINUTES OF THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE

The meeting was called to order by Chairman Jim Morrison at 1:32 P.M. on February 16, 2005, in Room 526-S of the Capitol.

Committee members absent:

Representative Brenda Landwehr- excused
Representative Judy Showalter- excused

Committee staff present:

Melissa Calderwood, Kansas Legislative Research Department
Mary Galligan, Kansas Legislative Research Department
Rena Jefferies, Revisor of Statutes' Office
Gary Deeter, Committee Secretary

Conferees appearing before the committee:

Tamara Potts, Citizen, Basehor
David Lake, Administrator, Kansas Board of Emergency Medical Services
Dennis Allin, MD, Chair, Kansas Board of Emergency Medical Services

Others attending:

See attached list.

The Chair opened the hearing on [HB 2211](#).

Tamara Potts, a citizen from Basehor, told her story about her mother's fall, breaking her hip, and Ms. Potts' experience with ambulance attendants who refused the presentation of a durable power of attorney, leaving her mother unattended, ultimately causing her mother to die from her injury. ([Attachment 1](#)) Through this experience she said she learned that no specific protocols are taught to Emergency Medical Technicians. She said the bill would protect other injured parties from experiences like her mother's. She suggested changing *should* to *shall* on page 1, line 25, and page 2, line 7.

Peter Cristiano, MD, Ms. Potts' mother's physician, provided written testimony in support of the bill. ([Attachment 2](#))

David Lake, Administrator, Kansas Board of Emergency Medical Services (EMS), spoke as a neutral party. ([Attachment 3](#)) He said Ms. Potts' testimony illustrates the importance of proper training for EMS attendants, noting that beginning two months ago, the relevant legal documents were placed on the agency website to assure that attendants could make proper judgments when presented with documents. ([Attachment 4](#)) He also commented that some emergencies are attended by First Responder agencies who may or may not be EMS attendants. Nevertheless, he agreed that the bill dealt with critical information, and he supported the intent of the bill.

Tuck Duncan, representing American Medical Response, submitted written testimony as an opponent.

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:32 P.M. on February 16, 2005, in Room 526-S of the Capitol.

[\(Attachment 5\)](#)

Answering questions, Mr. Lake said some first responder organizations are not regulated by EMS; he cited the Topeka Fire Department as an example. He acknowledged that any EMS attendant should be cognizant of legal documents, but that in emergency situations he could not guarantee that the bill would always be followed to the letter. He also stated that additional training would be initiated to ensure thorough training for EMS attendants. He also noted that unless a directive document is at hand when attendants arrive, they are under no obligation to honor a verbal statement unless it comes from the patient, saying that an attendant who moves a patient against his or her wishes can be charged with assault.. He said the EMS Board does not personally train attendants, but it does approve their training and certify them.

The Chair closed the hearing on [HB 2211](#) and opened the hearing on [HB 2158](#).

David Lake, Administrator, Kansas Board of Emergency Medical Services, explained the need for the bill. [\(Attachment 6\)](#) He said the EMS Board has one of the most thorough training programs in the nation, and Kansas attendants are trained to give quality service to patients: about 2000 hours of training, including clinical experience under knowledgeable supervision. However, out-of-state attendants who want to work in Kansas may have inadequate training, often having been certified without any patient contact or clinical experience; therefore, the Board wants to give them time to be adequately trained before certifying that they have skills to treat the public. He said the bill will give the Board authority to grant a temporary certificate until an applicant can develop the necessary skills and will extend the time for preparation from one year to two years, noting that the change to two years corresponds with the national registry requirements.

Dennis Allin, MD, Chair, Kansas Board of Emergency Medical Services, spoke as a proponent. [\(Attachment 7\)](#) He said the bill removes the stipulation that a person must be an EMT (Emergency Medical Technician) before taking the certification test, and it provides a temporary certificate to the applicant rather than to the ambulance service.

Tuck Duncan, American Medical Response, provided written testimony in opposition to the bill. [\(Attachment 8\)](#)

Answering questions, Dr. Allin said the bill will not necessarily make it easier to certify EMTs, but it will assure that they are trained properly.

The Chair closed the hearing on [HB 2158](#) and announced that the committee would work [HB 2178](#).

A motion was made and seconded to pass out the bill favorably and place it on the Consent Calendar. The motion passed unanimously.

A motion was made and seconded to consider for passage [HB 2088](#). The motion passed 8-7.

CONTINUATION SHEET

MINUTES OF THE House Health and Human Services Committee at 1:32 P.M. on February 16, 2005, in Room 526-S of the Capitol.

Representative Mast recommended a substitute bill, saying that after the original bill's hearing she incorporated concerns and objections expressed at the hearing into a substitute bill.

Discussion ensued as members expressed concerns about various aspects of the bill: the felony punishment seemed excessive; the bill needed clarification as to whether the crime was in killing the baby or failing to report the death; the bill needed further work before being passed out. Other members replied that a person who hides a death needs to be held accountable.

A motion was made and seconded to refer the bill to the House Judiciary Committee.

Further discussion elicited more comments. A member said the Kansas Bureau of Investigation and the Lyon County Sheriff's Department wanted to see the bill passed, and a Child Death Review Board was on record that the issue of untended births needs to be addressed.

The motion to refer was defeated 8 to 9.

A motion was made and seconded to recommend **Sub for HB 2088** as favorable for passage. After brief discussion, the motion passed 9-8.

The meeting was adjourned at 3:15 p.m. The next meeting is scheduled for Thursday, February 17, 2005.