

**Written testimony of Tamara D. Wilson Potts  
In support of the passage of House Bill #2211**

**What began on November 23<sup>rd</sup>, 2003 has led to this moment. Today my brother Jim and I ask that you seek passage of Bill 2211 so what happened that Sunday with our mother, Ella Alene Woodson Wilson, will never happen again to anyone else. My mother fell on our kitchen floor, breaking her hip. I was at church when my brother phoned with the urgent news. I hurried home. She was a petite woman of 68 years old – just a month away from her 69<sup>th</sup> birthday. He wanted to call 911 immediately but she told him to “wait til Tammy gets here. She’ll know what to do.”**

**I helped make decisions for my mother since my father’s passing in 1993. Our family attorney finalized a Durable Power of Attorney document at my mother’s urging, making me the DPOA for her healthcare/medical, and financial decisions in October of 1994. For almost 10 years, we carried that DPOA document everywhere we went.**

**I called 911 ( I told them she would probably say no to the transport but that I had a DPOA on scene). Three volunteers with the Fairmont Township responded first, and then came a paramedic and one EMT from the Leavenworth County EMS. I met them at the front door and led them to Mom’s bedside. She had a panicked look on her face with all the newcomers to her home.**

**The lead attendant talked with me in the downstairs hallway, shoving my DPOA paperwork back at me, never taking it from me and never reading it. He seemed indifferent to the situation, telling me he was “educating” me on patient’s rights. “Patient’s right to say no overrides any paper lady”, were his next words to me. I told him she suffered with dementia. He told me “there’s no way that lady has Alzheimer’s or dementia”. A Leavenworth Co EMS supervisor was on scene but turned away by this same paramedic at the front door. After an hour of pleading for my DPOA to be read and honored, they left Mom where they found her. As the paramedic was going out the door, he flippantly remarked, “We could be charged with kidnapping or even assault if we take her lady”. His last words to me were, “Call us back when she’s unconscious”.**

**She never went unconscious. She was always in pain, and could not move or walk by herself. Precious time was slipping away. We began a frantic phone search for help. I finally bought a wheelchair at a drugstore in Kansas City Kansas, loaded her in my mini-van and 17 hours after the 911 call was made -- finally made it to the hospital.**

**We’ve been told that Bill 2211 sets a legal precedent. It is a responsible answer to EMS questions regarding legal documents and response. Other states are watching the passage of Bill 2211, and how they can introduce it in their own states. The Kansas Board of EMS’ investigations committee asked the Kansas Attorney**

**General's office for these clarifications so EMS could respond accordingly in future situations. This stems from our complaints filed last April. My mother's case is still open as they consider a new "compassionate" educational program to specifically address the crew's conduct on scene.**

**An important amendment needs to be made to Bill 2211 to strengthen its effectiveness. I ask for the word "should" ( in line #1 in both sections I and I) be changed to "shall" to let there be no doubt that documents shall be reviewed by EMS on scene. They need to read the papers to know how to respond.**

**How do we prevent it from happening again? Bill 2211 is the first step. Every ambulance in the state of Kansas will be required to keep a copy of Bill 2211's provisions for on scene review of legal documents.**

**In my research this past year, there has not been one single case in the state of Kansas or even in the United States where an EMS worker was actually charged with kidnapping. This is an urban legend, a myth taught in EMS training. It needs to be seen for what it is and debunked by law. You should consider an amendment to Bill 2211 so that no EMS worker can claim they would be subject to kidnapping.**

**We do not want what happened with Alene to happen again. If Bill 2211 stops here and it does not become law, then this crew's callous actions will be repeated. It is a matter of time. They didn't read our DPOA. They ignored Mom's history of dementia, and lastly, they abandoned her with a life-threatening injury. Bill 2211 clearly defines legal documents and EMS required response. They should have transported her. It is a matter of common sense, compassion and truly caring for someone who does not understand the dire need of her injury or circumstances.**

**Lastly, I want to thank Mom's physician for his written testimony you have. Dr. Peter Cristiano is an outspoken advocate of Bill 2211. He was my mother's physician and critical of the non-transport decision made by Leavenworth County EMS. I commend the state of Kansas for leading the way in protecting the public with Bill 2211 and helping address EMS concerns. Thank you.**

