

SB 76 – An act concerning labor; relating to professional occupations; licensing and fees; restrictions.

Senate Committee on Federal and State Affairs

Neutral Testimony

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Chairman LaTurner and members of the committee, thank you for the opportunity to provide testimony upon items within SB 76 that we feel may need to be studied further or clarified.

Our testimony is based upon the assumptions that a goal of SB 76 is to minimize some of the obstacles to licensure that low-income individuals and military families may be encountering; and, that a secondary goal of SB 76 is to limit fees to work within a profession to one entity.

With these assumptions of goals in mind, our review of SB 76 identified the following items that may need to be studied further or clarified:

- Page 1, Line 6 – definition of “Licensing” – this definition includes required training and/or education in addition to the fee that a licensing agency may charge. This bill would require an agency to consider waiving fees for licensing requirements. The Emergency Medical Services Board does not offer initial courses of education and very rarely provides continuing education. We approve these offerings that are provided by other entities and would not have a mechanism to waive any course fees associated with the training necessary to become an EMS provider or the continuing education to maintain that certification. We currently provide grant opportunities for those that are willing to serve for an ambulance service over a given period of time in a frontier or rural area of Kansas. We could assist with lowering the overall cost of education by including low-income as an additional grouping within those grant opportunities, but it would be problematic, if not impossible, for us to offer complete waivers of this cost.
- Page 1, Lines 15-20 – determination of low-income families – if this bill becomes law, we would appreciate some further guidance on methods of verifying income and/or verifying participation in state or federal public assistance programs.
- Page 1, Lines 21-23 – this definition of military families and separated veterans potentially conflicts with other statutory language. Military personnel proposed amendments to many statutes in 2012 that required the individual to be discharged with honors or honorably discharged prior to the granting of initial certification. This enacted amendment added a step in the certification process within our agency. We feel that the language in SB 76 does a better job of clearly identifying who would qualify when “military families” is used, we would just want to verify there are no other potential statutory conflicts when using this definition.
- Page 2, Lines 12-20 – subsection (d) – we would ask if the 30-day time frame listed is consistent with the Kansas Administrative Procedures Act or whether it poses a potential conflict. Our statutes within Chapter 65, Article 61 read that the Kansas Administrative Procedures Act is followed for any denial of an application for certification and, in certain circumstances, we are provided 90 days to make that decision. It would be beneficial to have similar time frames in order to provide for consistencies in process.

- Page 2, Lines 21-30 – subsection (e) – this section seems to utilize language that has been previously determined to be an unlawful delegation of authority. Specifically, it would allow another state to set licensing requirements for the state of Kansas. For most occupations, licensing requirements and training across state lines are similar; however, for some occupations, there are considerable differences in quantity and content. Our Board spent a considerable amount of time researching different methods of loosening restrictions being encountered by our process for legal recognition of non-Kansas credentials. We have a regulation designed for this situation that we feel now adequately addresses legal recognition in a manner that is safe for the EMS occupation and is not a complex or time-consuming process for the applicant. Our current largest delay in the legal recognition process is verification of the individual being in “good standing” in the other jurisdiction.

We agree that reducing the obstacles that are presented to an individual to work within the state helps boost the workforce potential and should be a priority for all state licensing agencies. We believe that military members and their families deserve any accommodation that we can legally provide while maintaining our regulatory mandate to protect the public’s welfare. We believe that all of the items listed above could be addressed or further clarified to address any potential concerns.

We appreciate the opportunity to provide this testimony on SB 76 and would be happy to work with the committee towards meeting the aforementioned, assumed goals of this legislation. I would be happy to stand for questions at the appropriate time.