
Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) All powers, duties and functions of the emergency medical services board established by K.S.A. 65-6102, and amendments thereto, are hereby transferred to and imposed upon the secretary of health and environment. The emergency medical services board shall be advisory to the secretary regarding such transferred powers, duties and functions and shall be within the division of emergency medical services of the department of health and environment established by K.S.A. 65-6103, and amendments thereto.

(b) The secretary of health and environment shall be the successor in every way to the powers, duties and functions of the emergency medical services board that were vested prior to the effective date of this act. Every act performed in the exercise of such transferred powers, duties and functions by or under the authority of the secretary shall be deemed to have the same force and effect as if performed by the emergency medical services board in which such powers, duties and functions were vested prior to the effective date of this act.

(c) Wherever the emergency medical services board or words of like effect are referred to or designated by a statute, contract, memorandum of agreement or other document and such reference is in regard to any of the powers, duties or functions transferred to the secretary of health and environment, such reference or designation shall be deemed to apply to the
secretary.

(d) All rules and regulations, orders and directives of the emergency medical services board that relate to the powers, duties and functions transferred by this act that are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

(e) The balances of all funds or accounts thereof appropriated or reappropriated for the emergency medical services board relating to the powers, duties and functions transferred by this act are hereby transferred within the state treasury to the department of health and environment and shall be used only for the purposes for which the appropriation was originally made.

(f) Liability for all accrued compensation or salaries of officers and employees who are transferred to the department of health and environment under this act shall be assumed and paid by the department of health and environment under this act.

(g) When any conflict arises as to the disposition of any property, power, duty or function or the unexpended balance of any appropriation as a result of any transfer made by or under the authority of this act, such conflict shall be resolved by the governor, whose decision shall be final.

(h) The secretary of health and environment shall succeed to all property, property rights and records that were used for or pertain to the performance of powers, duties and functions transferred to the secretary. Any conflict as to the proper disposition of property, personnel or records arising under this act shall be resolved by the governor, whose decision shall be final.

(i) No suit, action or other proceeding, whether judicial or administrative, lawfully commenced, or that could have been commenced, by or against any state agency mentioned in this act or by or against any officer of the state in such officer's official duties shall abate by reason of the transfers effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(j) No criminal action commenced or that could have been commenced by the state shall abate by the taking effect of this act.

(k) All officers and employees of the emergency medical services board who, immediately prior to the effective date of this act, are engaged in the exercise and performance of the powers, duties and functions transferred by this act, are determined by the secretary of health and environment to be engaged in providing administrative, technical or other support services that are essential to the exercise and performance of the powers, duties and functions transferred by this act are hereby transferred
to the division of emergency medical services of the department of health
and environment. Each classified officer and employee transferred
pursuant to this section shall retain such officer's or employee's status as a
classified employee.

(l) Officers and employees of the emergency medical services board
transferred pursuant to this section shall retain all retirement benefits and
leave balances and rights that had accrued or vested prior to the date of
transfer. The service of each such officer or employee transferred pursuant
to this section shall be deemed to have been continuous. Any subsequent
transfers, layoffs or abolition of classified service positions under the
Kansas civil service act shall be made in accordance with the civil service
laws and any rules and regulations adopted thereunder. Nothing in this
section shall affect the classified status of any transferred person employed
by the emergency medical services board prior to the date of transfer.

(m) Notwithstanding the effective date of this section, the date of
transfer of officers and employees from the emergency medical services
board to the division of emergency medical services of the department of
health and environment shall commence at the start of a payroll period.

Sec. 2. K.S.A. 2019 Supp. 8-1404 is hereby amended to read as
follows: 8-1404. "Authorized emergency vehicle" means: Such fire
department vehicles or police bicycles or police vehicles which are
publicly owned; motor vehicles operated by ambulance services permitted
by the emergency medical services board secretary of health and
environment under the provisions of K.S.A. 65-6101 et seq., and
amendments thereto; wreckers, tow trucks or car carriers, as defined by
K.S.A. 66-1329, and amendments thereto, and having a certificate of
public service from the state corporation commission; and such other
publicly or privately owned vehicles which are designated as
emergency vehicles pursuant to K.S.A. 8-2010, and amendments thereto.

Sec. 3. K.S.A. 2019 Supp. 8-2010 is hereby amended to read as
follows: 8-2010. (a) Any particular vehicle listed in subsection (b) of
K.S.A. 8-2010a(b), and amendments thereto, shall be designated, by the
board of county commissioners in which such vehicle is located, as an
authorized emergency vehicle upon the filing of an application pursuant to
K.S.A. 8-2010a, and amendments thereto, and a finding that designation of
such vehicle is necessary to the preservation of life or property or to the
execution of emergency governmental functions. The designation shall be
in writing and the written designation shall be carried in the vehicle at all
times, but failure to carry the written designation shall not affect the status
of the vehicle as an authorized emergency vehicle.

(b) Any vehicle designated as an authorized emergency vehicle prior
to the effective date of this act, may continue to operate as an authorized
emergency vehicle, as long as: (1) The ownership of such vehicle remains
unchanged; and (2) the use of such vehicle for purposes for which such
vehicle was designated remains unchanged, except that all future operation
of such vehicle as an authorized emergency vehicle shall be in accordance
with this section and such other applicable provisions of law.

c) The following vehicles shall not be required to be designated by
the board of county commissioners as authorized emergency vehicles:
(1) Fire department vehicles or police vehicles—which that are
publicly owned;
(2) motor vehicles operated by ambulance services permitted by the
emergency medical services board secretary of health and environment
under the provisions of K.S.A. 65-6101 et seq., and amendments thereto;
and
(3) wreckers, tow trucks or car carriers, as defined by K.S.A. 66-
1329, and amendments thereto, and having a certificate of public service
from the state corporation commission.
(d) Any vehicle designated under the provisions of this section; as an
authorized emergency vehicle in the county in which such vehicle is
located; shall be a valid designation of such vehicle in any other county,
and such vehicle shall be authorized to operate as an authorized emergency
vehicle without being required to obtain any additional designation in any
other county.
Sec. 4. K.S.A. 2019 Supp. 12-5364 is hereby amended to read as
follows: 12-5364. (a) (1) There is hereby created the 911 coordinating
council—which shall to monitor the delivery of 911 services, develop
strategies for future enhancements to the 911 system and distribute
available grant funds to PSAPs. In as much as possible, the council shall
include individuals with technical expertise regarding 911 systems,
internet technology and GIS technology.
(2) The 911 coordinating council shall consist of 13 voting members
to be appointed by the governor: Two members representing information
technology personnel from government units; one member representing
the Kansas sheriff's association; one member representing the Kansas
association of chiefs of police; one member representing a fire chief; one
member recommended by the adjutant general; one member recommended
by the Kansas emergency medical services board secretary of health and
environment; one member recommended by the Kansas commission for
the deaf and hard of hearing; two members representing PSAPs located in
counties with less than 75,000 in population; two members representing
PSAPs located in counties with greater than 75,000 in population; and one
member representing the Kansas chapter of the association of public safety
communications officials. At least two of the members representing PSAPs
shall be administrators of a PSAP or have extensive prior 911 experience
in Kansas.
(3) Other voting members of the 911 coordinating council shall include: One member of the Kansas house of representatives as appointed by the speaker of the house; one member of the Kansas house of representatives as appointed by the minority leader of the house; one member of the Kansas senate as appointed by the senate president; and one member of the Kansas senate as appointed by the senate minority leader.

(4) The 911 coordinating council shall also include nonvoting members to be appointed by the governor: One member representing rural telecommunications companies recommended by the Kansas rural independent telephone companies; one member representing incumbent local exchange carriers with over 50,000 access lines; one member representing large wireless providers; one member representing VoIP providers; one member recommended by the league of Kansas municipalities; one member recommended by the Kansas association of counties; one member recommended by the Kansas geographic information systems policy board; one member recommended by the Kansas office of information technology services; one member, a Kansas resident, recommended by the Mid-America regional council; and two members representing non-traditional PSAPs, one of whom shall be a representative of tribal government.

(b) (1) Except as provided in subsections (b)(2) and (b)(3), the terms of office for voting members of the 911 coordinating council shall commence on the effective date of this act and shall be subject to reappointment every three years. No voting member shall serve longer than two successive three-year terms. A voting member appointed as a replacement for another voting member may finish the term of the predecessor and may serve two additional successive three-year terms.

(2) The following members, whose terms began on the effective date of this act, shall serve initial terms as follows:

(A) One member representing information technology personnel from government units, one member recommended by the adjutant general, one member representing PSAPs located in counties with less than 75,000 in population and one member representing PSAPs located in counties with 75,000 or more in population shall serve a term of two years;

(B) One member representing information technology personnel from government units, one member recommended by the Kansas emergency medical services board, secretary of health and environment, one member representing PSAPs located in counties with less than 75,000 in population and one member representing PSAPs without regard to size shall serve a term of three years; and

(C) One member representing a fire chief, one member recommended by the Kansas commission for the deaf and hard of hearing, one member representing the Kansas association of chiefs of police and one member...
representing PSAPs located in counties with 75,000 or more in population shall serve a term of four years.

(3) The initial term for one member representing the Kansas sheriff's association shall begin on July 1, 2014, and be for a period of three years.

(4) The terms of members specified in this subsection shall expire on June 30 in the last year of such member's term.

(c) (1) The governor shall select the chair of the 911 coordinating council, who shall serve at the pleasure of the governor and have extensive prior 911 experience in Kansas.

(2) The chair shall serve as the coordinator of E-911 services and next generation 911 services in the state, implement statewide 911 planning, have the authority to sign all certifications required under 47 C.F.R. part 400 and administer the 911 federal grant fund and 911 state maintenance fund. The chair shall serve subject to the direction of the council and ensure that policies adopted by the council are carried out. The chair shall serve as the liaison between the council and the LCPA. The chair shall preside over all meetings of the council and assist the council in effectuating the provisions of this act.

(d) The 911 coordinating council, by an affirmative vote of nine voting members, shall select the local collection point administrator, pursuant to K.S.A. 2019 Supp. 12-5367, and amendments thereto, to collect 911 fees and to distribute such fees to PSAPs and to distribute 911 operations fund moneys and 911 state grant fund moneys as directed by the council. The council shall adopt rules and regulations for the terms of the contract with the LCPA. All contract terms and conditions shall satisfy all contract requirements as established by the secretary of administration. The council shall determine the compensation of the LCPA who shall provide the council with any staffing necessary in carrying out the business of the council or effectuating the provisions of this act. The moneys used to reimburse these expenses shall be paid from the 911 operations fund, pursuant to subsection (j).

(e) (1) The 911 coordinating council is hereby authorized to adopt rules and regulations necessary to effectuate the provisions of this act, including, but not limited to: (A) Creating a uniform reporting form designating how moneys, including 911 fees, have been spent by the PSAPs; (B) requiring service providers to notify the council pursuant to subsection (k); (C) establishing standards for coordinating and purchasing equipment; (D) recommending standards for general operations training of PSAP personnel; (E) establishing training standards and programs related to the technology and operations of the NG911 hosted solution; (F) establishing data standards, maintenance policies and data reporting requirements for GIS data; and (G) assessing civil penalties pursuant to subsection (m).
(2) The chair of the council shall work with the council to adopt rules and regulations necessary for the administration of this act, but the council shall not adopt any rules and regulations or impose any requirements that creates a mandatory certification program of PSAP operations or PSAP emergency communications personnel.

(f) If the 911 coordinating council finds that the GIS data for a PSAP is inaccurate or has not been updated for one year or more, the council shall give written notice to the governing body that oversees the PSAP. If, within 60 days of providing such notice, the council does not receive an acceptable proposal for the PSAP to bring the GIS data into compliance, the council may contract with a third party to review and update the GIS data. A PSAP with GIS data that has not been updated for one year or more may provide a certification attesting that the GIS data has been reviewed and remains accurate. If the council receives such certification and has information that the data may not be accurate, the council shall provide a written notice to the PSAP that describes the areas the council believes to be inaccurate and a deadline of 30 days for the PSAP to submit updated GIS data. If the updated GIS data is not received within the deadline, the council may contract with a third party to review and update the GIS data. The council shall assess the governing body that oversees the PSAP for any costs incurred in updating the GIS data.

(g) The council may, pursuant to rules and regulations, lower the 911 fee established pursuant to K.S.A. 2019 Supp. 12-5369, and amendments thereto, upon a finding based on information submitted on the uniform reporting forms, that moneys generated by such fee are in excess of the costs required to operate PSAPs in the state.

(h) The council may appoint subcommittees as necessary to administer grants, oversee collection and distribution of moneys by the LCPA, develop technology standards, develop training recommendations and other issues as deemed necessary by the council. Subcommittees, if appointed, shall include members of the council and other persons as needed.

(i) The council may reimburse independent contractors or state agencies for expenses incurred in carrying out the business of the council, including salaries, that are directly attributable to effectuating the provisions of this act. The moneys used to reimburse these expenses shall be paid from the 911 operations fund, pursuant to subsection (j).

(j) All expenses related to the council shall be paid from the 911 operations fund. No more than 2.0% of the total receipts from providers and the department received by the LCPA shall be used to pay for administrative expenses of the council. Members of the council and other persons appointed to subcommittees by the council may receive reimbursement for meals and travel expenses, but shall serve without other
compensation with the exception of legislative members who shall receive compensation pursuant to K.S.A. 75-3212, and amendments thereto.

(k) Every provider shall submit contact information for the provider to the council. Any provider that has not previously provided wireless telecommunications service in this state shall submit contact information for the provider to the council within three months of first offering wireless telecommunications services in this state.

(l) (1) Each PSAP shall file an annual report with the council by March 1 of each year demonstrating how such PSAP has spent the moneys earned from the 911 fee during the preceding calendar year. The council shall designate the content and form of such report and any associated documentation that is required to finalize such report.

(2) If a PSAP fails to file and finalize an annual report, the council shall provide notice of such failure to the PSAP and the governing body of such PSAP. If such PSAP fails to file or finalize an annual report within 60 days of receiving such notice, 10% of each subsequent distribution of 911 fees to such PSAP pursuant to K.S.A. 2019 Supp. 12-5373, and amendments thereto, shall be withheld by the LCPA and only distributed to such PSAP once the report has been submitted.

(m) The council, upon a finding that a provider has violated any provision of this act, may impose a civil penalty. No civil penalty shall be imposed pursuant to this section except upon the written order of the council. Such order shall state the violation, the penalty to be imposed and the right of such person to appeal to a hearing before the council. Any such person may, within 15 days after service of the order, make a written request to the council for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(n) Any action of the council pursuant to subsection (m) is subject to review in accordance with the Kansas judicial review act.

(o) Any civil penalty recovered pursuant to this section shall be transferred to the LCPA for deposit in the 911 state grant fund.

(p) The 911 coordinating council shall make an annual report, to include a detailed description of all expenditures made from 911 fees received by the PSAPs, to the house committee on energy, utilities and telecommunications and the senate committee on utilities.

Sec. 5. K.S.A. 2019 Supp. 21-6324 is hereby amended to read as follows: 21-6324. (a) Unlawful possession or use of a traffic control signal preemption device is knowingly:

(1) Possessing a traffic control signal preemption device;
(2) using a traffic control signal preemption device;
(3) selling a traffic control signal preemption device; or
(4) purchasing a traffic control signal preemption device.
(b) Unlawful possession or use of a traffic control signal preemption device as defined in:

(1) Subsection (a)(1) is a class B misdemeanor;

(2) subsection (a)(2):

(A) Is a severity level 9, nonperson felony, except as provided in subsection (b)(2)(B) or (b)(2)(C);

(B) which results in a traffic accident causing injury to any person or damage to any vehicle or other property is a severity level 7, person felony; and

(C) which results in a traffic accident causing the death of any person is a severity level 5, person felony.

(3) Subsection (a)(3) or (a)(4) is a severity level 9, nonperson felony.

(c) The provisions of this section shall not apply to the operator, passenger or owner of any of the following authorized emergency vehicles, in the course of such person's emergency duties:

(1) Publicly owned fire department vehicles;

(2) publicly owned police vehicles; or

(3) motor vehicles operated by ambulance services permitted by the secretary of health and environment under the provisions of K.S.A. 65-6101 et seq., and amendments thereto.

(d) As used in this section, "traffic control signal preemption device" means any device, instrument or mechanism designed, intended or used to interfere with the operation or cycle of a traffic-control signal, as defined in K.S.A. 8-1478, and amendments thereto.

(e) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for battery or any homicide.

Sec. 6. K.S.A. 2019 Supp. 65-4915 is hereby amended to read as follows: 65-4915. (a) As used in this section:

(1) "Healthcare provider" means: (A) Those persons and entities defined as a healthcare provider under K.S.A. 40-3401, and amendments thereto; and (B) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of healing arts, a physical therapist assistant certified by the state board of healing arts, an occupational therapist licensed by the state board of healing arts, an occupational therapy assistant licensed by the state board of healing arts, a respiratory therapist licensed by the state board of healing arts, a physician assistant licensed by the state board of healing arts and emergency medical service provider and ambulance services certified by the secretary of health and environment.

(2) "Healthcare provider group" means:
(A) A state or local association of healthcare providers or one or more committees thereof;
(B) the board of governors created under K.S.A. 40-3403, and amendments thereto;
(C) an organization of healthcare providers formed pursuant to state or federal law and authorized to evaluate medical and healthcare services;
(D) a review committee operating pursuant to K.S.A. 65-2840c, and amendments thereto;
(E) an organized medical staff of a licensed medical care facility as defined by K.S.A. 65-425, and amendments thereto, an organized medical staff of a private psychiatric hospital licensed under K.S.A. 2019 Supp. 39-2001 et seq., and amendments thereto, or an organized medical staff of a state psychiatric hospital or state institution for people with intellectual disability, as follows: Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center;
(F) a healthcare provider;
(G) a professional society of healthcare providers or one or more committees thereof;
(H) a Kansas corporation whose stockholders or members are healthcare providers or an association of healthcare providers, which corporation evaluates medical and healthcare services;
(I) an insurance company, health maintenance organization or administrator of a health benefits plan that engages in any of the functions defined as peer review under this section; or
(J) the university of Kansas medical center.
(3) "Peer review" means any of the following functions:
(A) Evaluate and improve the quality of healthcare services rendered by healthcare providers;
(B) determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care;
(C) determine that the cost of healthcare rendered was considered reasonable by the providers of professional health services in this area;
(D) evaluate the qualifications, competence and performance of the providers of healthcare or to act upon matters relating to the discipline of any individual provider of healthcare;
(E) reduce morbidity or mortality;
(F) establish and enforce guidelines designed to keep within reasonable bounds the cost of healthcare;
(G) conduct of research;
(H) determine if a hospital's facilities are being properly utilized;
(I) supervise, discipline, admit, determine privileges or control
members of a hospital's medical staff;

(J) review the professional qualifications or activities of healthcare providers;

(K) evaluate the quantity, quality and timeliness of healthcare services rendered to patients in the facility;

(L) evaluate, review or improve methods, procedures or treatments being utilized by the medical care facility or by healthcare providers in a facility rendering healthcare.

(4) "Peer review officer or committee" means:

(A) An individual employed, designated or appointed by, or a committee of or employed, designated or appointed by, a healthcare provider group and authorized to perform peer review; or

(B) a healthcare provider monitoring the delivery of healthcare at correctional institutions under the jurisdiction of the secretary of corrections.

(b) Except as provided by K.S.A. 60-437, and amendments thereto, and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records submitted to or generated by peer review committees or officers shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. The peer review officer or committee creating or initially receiving the record is the holder of the privilege established by this section. This privilege may be claimed by the legal entity creating the peer review committee or officer, or by the commissioner of insurance for any records or proceedings of the board of governors.

(c) Subsection (b) shall not apply to proceedings in which a healthcare provider contests the revocation, denial, restriction or termination of staff privileges or the license, registration, certification or other authorization to practice of the healthcare provider. A licensing agency in conducting a disciplinary proceeding in which admission of any peer review committee report, record or testimony is proposed shall hold the hearing in closed session when any such report, record or testimony is disclosed. Unless otherwise provided by law, a licensing agency conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of a report or record privileged under this section is proposed. In closing a portion of a hearing as provided by this section, the presiding officer may exclude any person from the hearing location except the licensee, the licensee's attorney, the agency's attorney, the witness, the court reporter and appropriate staff support for either
counsel. The licensing agency shall make the portions of the agency record
in which such report or record is disclosed subject to a protective order
prohibiting further disclosure of such report or record. Such report or
record shall not be subject to discovery, subpoena or other means of legal
compulsion for their release to any person or entity. No person in
attendance at a closed portion of a disciplinary proceeding shall at a
subsequent civil, criminal or administrative hearing, be required to testify
regarding the existence or content of a report or record privileged under
this section that was disclosed in a closed portion of a hearing, nor shall
such testimony be admitted into evidence in any subsequent civil, criminal
or administrative hearing. A licensing agency conducting a disciplinary
proceeding may review peer review committee records, testimony or
reports but must prove its findings with independently obtained testimony
or records that shall be presented as part of the disciplinary proceeding in
open meeting of the licensing agency. Offering such testimony or records
in an open public hearing shall not be deemed a waiver of the peer review
privilege relating to any peer review committee testimony, records or
report.

(d) Nothing in this section shall limit the authority that may otherwise
be provided by law of the commissioner of insurance, the state board of
healing arts or other healthcare provider licensing or disciplinary boards of
this state to require a peer review committee or officer to report to it any
disciplinary action or recommendation of such committee or officer; to
transfer to it records of such committee's or officer's proceedings or actions
to restrict or revoke the license, registration, certification or other
authorization to practice of a healthcare provider; or to terminate the
liability of the fund for all claims against a specific healthcare provider for
damages for death or personal injury pursuant to K.S.A. 40-3403(i), and
amendments thereto. Reports and records so furnished shall not be subject
to discovery, subpoena or other means of legal compulsion for their release
to any person or entity and shall not be admissible in evidence in any
judicial or administrative proceeding other than a disciplinary proceeding
by the state board of healing arts or other healthcare provider licensing or
disciplinary boards of this state.

(e) A peer review committee or officer may report to and discuss its
activities, information and findings to other peer review committees or
officers or to a board of directors or an administrative officer of a
healthcare provider without waiver of the privilege provided by subsection
(b) and the records of all such committees or officers relating to such
report shall be privileged as provided by subsection (b).

(f) Nothing in this section shall be construed to prevent an insured
from obtaining information pertaining to payment of benefits under a
contract with an insurance company, a health maintenance organization or
an administrator of a health benefits plan.

Sec. 7. K.S.A. 65-4941 is hereby amended to read as follows: 65-4941. As used in this act:

(a) "Cardiopulmonary resuscitation" means chest compressions, assisted ventilations, intubation, defibrillation, administration of cardiotonic medications or other medical procedure which is intended to restart breathing or heart functioning;

(b) "do not resuscitate" directive or "DNR directive" means a witnessed document in writing, voluntarily executed by the declarant in accordance with the requirements of this act;

(c) "do not resuscitate order" or "DNR order" means instruction by the physician or physician assistant who is responsible for the care of the patient while admitted to a medical care facility licensed pursuant to K.S.A. 65-429, and amendments thereto, or an adult care home licensed pursuant to K.S.A. 39-928, and amendments thereto;

(d) "health care provider" means a health care provider as that term is defined by K.S.A. 65-4915, and amendments thereto;

(e) "DNR identifier" means a medallion or bracelet designed to be worn by a patient which has been inscribed to identify the patient and contains the letters "DNR" or the statement "do not resuscitate" when such DNR identifier is distributed by an entity certified by the emergency medical services board secretary of health and environment;

(f) "physician" means a person licensed to practice medicine and surgery by the state board of healing arts;

(g) "physician assistant" means a person licensed by the state board of healing arts to practice as a physician assistant; and

(h) "declarant" means any person who has executed a "do not resuscitate" directive in accordance with the provisions of this act.

Sec. 8. K.S.A. 65-4946 is hereby amended to read as follows: 65-4946. The emergency medical services board secretary of health and environment shall certify pursuant to rules and regulations entities which distribute DNR identifiers. Such entities may be certified when a DNR identifier is distributed only pursuant to a properly executed "do not resuscitate" directive and when such entity maintains a toll free, staffed telephone line that may be called at any time to verify the identity of the patient.

Sec. 9. K.S.A. 65-5733 is hereby amended to read as follows: 65-5733. (a) For the purposes of this section:

(1) "Advisory committee" means the state interoperability advisory committee;

(2) "coordinator" means the statewide interoperability coordinator;

(3) "executive subcommittee" means the executive subcommittee of the advisory committee created in subsection (f); and
(4) "state emergency management director" or "director" means the adjutant general of the state of Kansas or the adjutant general's designee.

(b) (1) There is hereby created the state interoperability advisory committee, which shall provide input to the adjutant general's department for the development and deployment of centralized interoperable communications planning and implementation capacity for the state of Kansas. The advisory committee shall:

(A) Make policy recommendations to the adjutant general's department for increasing communications and interagency coordination for the purpose of safeguarding and informing the public of public safety risks and operations;

(B) assist with the development of policies and procedures that increase communications and interagency coordination for the purpose of enhancing public safety interoperable communications;

(C) provide input to the adjutant general's department on statewide contracts for public safety communications equipment, software and consulting services;

(D) make recommendations to the adjutant general's department regarding revisions to the state communications interoperability plan;

(E) make recommendations to the adjutant general's department for the assessment of institutions and organizations that benefit from services provided;

(F) make recommendations to the adjutant general's department concerning the development, release and review of requests for proposals and awarding contracts for public safety communications technology public-private partnerships; and

(G) make recommendations to the adjutant general's department to pursue other opportunities to improve public safety communications as the advisory committee deems appropriate.

(2) The advisory committee shall not have authority to:

(A) require certification of public safety agencies or employees;

(B) require training or the establishment of mandatory training standards beyond what is necessary for the operation, care and security of interoperable communications systems and plans developed by the advisory committee; or

(C) limit local purchasing options for equipment compatible with the interoperability plan.

(c) (1) The advisory committee shall be overseen by the state emergency management director.

(2) The director shall appoint a statewide interoperability coordinator to administer the advisory committee's business, serve as the advisory committee's chairperson, and act on the advisory committee's behalf.

(3) The chairperson shall appoint the vice-chairperson of the advisory
committee.

(d) The advisory committee shall consist of the following members:

(1) The director;
(2) the coordinator;
(3) the secretary of transportation or the secretary's designee;
(4) the superintendent of the highway patrol or the superintendent's designee;
(5) the executive branch chief information security officer or the executive branch chief information security officer's designee;
(6) one tribal representative appointed by the governor;
(7) the 911 coordinating council administrator or the administrator's designee;
(8) the chief executive officer of the state board of regents or the chief executive officer's designee;
(9) one member appointed by the Kansas association of public safety communications officials;
(10) one member appointed by the Kansas sheriffs' association;
(11) one member appointed by the emergency medical services board secretary of health and environment;
(12) one member appointed by the Kansas association of chiefs of police;
(13) one member appointed by the Kansas state association of fire chiefs;
(14) one member appointed by the mid-America regional council;
(15) one member appointed by the league of Kansas municipalities;
(16) one member appointed by the Kansas association of counties;
and
(17) one member appointed by the Kansas emergency management association.

(e) (1) All members of the advisory committee shall be appointed by their respective appointing authority on or before August 1, 2018.
(2) Each executive branch member of the advisory committee shall serve until succeeded. Each non-executive branch member of the advisory committee shall serve for a three-year term, beginning on August 1, 2018, and shall be eligible to serve for more than one term. Members of the advisory committee may be removed, for cause, by a majority vote of the advisory committee or by their appointing or designating authority.
(3) Any vacancy on the advisory committee shall be filled in the same manner provided in this section for the original member.
(4) The first meeting of the advisory committee shall be held prior to September 1, 2018. The advisory committee shall meet once every quarter of the calendar year and may hold additional meetings at the call of the director or coordinator.
(5) A majority of the voting members of the advisory committee constitutes a quorum. Any action by the advisory committee shall be by motion adopted by a majority of voting members present when there is a quorum.

(f) (1) There is hereby established an executive subcommittee within the advisory committee to assist in the administration of the advisory committee's business when the full advisory committee is not meeting. (2) The executive subcommittee shall be composed of the advisory committee members listed in subsection subsections (d)(1) through (d)(4). (3) The executive subcommittee may transact any business of the advisory committee that has been delegated to the executive subcommittee.

(g) (1) The chairperson may appoint and convene working groups to address specific interoperability and communications requirements, research topics and to make recommendations. In addition, the chairperson may add additional subject matter experts ad hoc to assist the working groups in carrying out their functions and responsibilities. (2) Each established working group shall meet once every quarter of the calendar year and may hold additional meetings at the call of the director, coordinator or the working group's chairperson. (3) Working groups shall make recommendations to the advisory committee regarding the following: (A) Improving interagency communications, training and exercise coordination; (B) improving effective receipt of information from and communicating information to the public; (C) improving logistics coordination during on-site events; (D) evaluating communication and communication protection technologies and recommending procurement standards; (E) identifying and promoting anti-intrusion technologies for communications from individuals to public safety agencies; (F) identifying methods to protect sensitive public safety operations from placement on social media sites that deliberately or inadvertently place public safety workers at risk; (G) identifying and collecting relevant public safety communications systems and equipment performance metrics; and (H) such other responsibilities as shall be assigned by the chairperson.

(h) The director shall provide staff support for the advisory committee and working groups from the office of the director.

Sec. 10. K.S.A. 2019 Supp. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board to advise the secretary of health and environment on issues
relating to emergency medical services. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of 15 members to be appointed as follows:

(1) Eleven members shall be appointed by the governor. Of such members:

(A) Three shall be physicians who are actively involved in emergency medical services;
(B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;
(C) one shall be an instructor-coordinator;
(D) one shall be a hospital administrator actively involved in emergency medical services;
(E) one shall be a member of a firefighting unit that provides emergency medical service; and
(F) three shall be emergency medical service providers who are actively involved in emergency medical service. At least two classifications of emergency medical service providers shall be represented. At least one of such members shall be from a volunteer emergency medical service; and

(2) four members shall be appointed as follows:

(A) One shall be a member of the Kansas senate to be appointed by the president of the senate;
(B) one shall be a member of the Kansas senate to be appointed by the minority leader of the senate;
(C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and
(D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.

(c) All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor secretary of health and environment may remove any member of the board—upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position that qualified such person to be appointed as a member of the board.

(d) Members shall be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.

(e) The board shall meet at least four times annually and at least once
each quarter and at the call of the chairperson or at the request of the executive director of the division of emergency medical services board or of any seven members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(f) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board secretary of health and environment.

Sec. 11. K.S.A. 65-6103 is hereby amended to read as follows: 65-6103. The chief administrative officer of the emergency medical services board shall be the administrator of the emergency medical services board. The emergency medical services board shall appoint the administrator. The administrator shall be in the unclassified service under the Kansas civil service act and shall serve at the pleasure of the board. The administrator shall administer the duties and responsibilities of the emergency medical services board as directed by the board. The administrator shall appoint other officers and employees as may be necessary to carry out the functions of the emergency medical services board. All such officers and employees shall be within the classified service under the Kansas civil service act.

(a) The division of emergency medical services is hereby established as a part of the department of health and environment. The secretary of health and environment shall appoint a director of emergency medical services to manage and supervise the division of emergency medical services. The director shall serve at the pleasure of the secretary. The director shall be in the unclassified service and shall receive a salary fixed by the secretary and approved by the governor.

(b) The secretary may delegate the secretary's powers, duties and functions under article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, to the director.

Sec. 12. K.S.A. 2019 Supp. 65-6110 is hereby amended to read as follows: 65-6110. (a) The board secretary shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include:

(1) A classification of the different types of ambulance services;
(2) requirements as to equipment necessary for ambulances;
(3) qualifications and training of emergency medical service providers and instructor-coordinators;
(4) requirements and fees for the licensure, temporary licensure and renewal of licensure for ambulances;
(5) records and equipment to be maintained by operators, instructor-coordinators, sponsoring organizations and emergency medical service providers;
(6) requirements for a quality assurance and improvement program for ambulance services; and
(7) such other matters as the board deems necessary to implement and administer the provisions of this act.

(b) Nothing in this act or in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall authorize the board secretary to specify the individuals who may or may not ride on a helicopter while used as an ambulance.

Sec. 13. K.S.A. 2019 Supp. 65-6111 is hereby amended to read as follows: 65-6111. (a) The emergency medical services board secretary of health and environment shall:
(1) Adopt any rules and regulations necessary to carry out the provisions of this act;
(2) review and approve the allocation and expenditure of moneys appropriated for emergency medical services;
(3) conduct hearings for all regulatory matters concerning ambulance services, emergency medical service providers, instructor-coordinators, training officers and sponsoring organizations;
(4) submit a budget to the legislature for the operation of the board;
(5) develop a state plan for the delivery of emergency medical services;
(6) enter into contracts as may be necessary to carry out the duties and functions of the board under this act;
(7) review and approve all requests for state and federal funding involving emergency medical services projects in the state or delegate such duties to the executive director;
(8) approve all training programs for emergency medical service providers and instructor-coordinators and prescribe certification application fees by rules and regulations;
(9) approve methods of examination for certification of emergency medical service providers and instructor-coordinators and prescribe examination fees by rules and regulations;
(10) appoint a medical advisory council of not less than six members, including one board member who shall be a physician and not less than five other physicians who are active and knowledgeable in the field of
emergency medical services who are not members of the board to advise and assist the board in medical standards and practices as determined by the board. The medical advisory council shall elect a chairperson from among its membership and shall meet upon the call of the chairperson; and

(11) approve sponsoring organizations by prescribing standards and requirements by rules and regulations and withdraw or modify such approval in accordance with the Kansas administrative procedure act and the rules and regulations of the board secretary.

(b) The emergency medical services board secretary of health and environment may grant a temporary variance from an identified rule or regulation when a literal application or enforcement of the rule or regulation would result in serious hardship and the relief granted would not result in any unreasonable risk to the public interest, safety or welfare.

(c) (1) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the board secretary, in accordance with the Kansas administrative procedure act, upon the finding of a violation of a provision of this act or the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted pursuant to such provisions may impose a fine on:

(A) Any person granted a certificate by the board secretary in an amount not to exceed $500 for each violation; or

(B) an ambulance service that holds a permit to operate in this state or on a sponsoring organization in an amount not to exceed $2,500 for each violation.

(2) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) (1) In connection with any investigation by the board secretary, the board secretary or its the secretary’s duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic, laboratory, pharmacy, medical care facility or other public or private agency, if such document, report, record or evidence relates to professional competence, unprofessional conduct or the mental or physical ability of the person to perform activities the person is authorized to perform.

(2) For the purpose of all investigations and proceedings conducted by the board secretary:

(A) The board secretary may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination
or copying of documents or any other physical evidence if such evidence relates to professional competence, unprofessional conduct or the mental or physical ability of a person being investigated to perform activities the person is authorized to perform. Within five days after the service of the subpoena on any person requiring the production of any evidence in the person's possession or under the person's control, such person may petition the board secretary to revoke, limit or modify the subpoena. The board secretary shall revoke, limit or modify such subpoena if, in its opinion, the evidence required does not relate to practices that may be grounds for disciplinary action, is not relevant to the charge that is the subject matter of the proceeding or investigation or does not describe with sufficient particularity the physical evidence that is required to be produced. Any member of the board, The secretary, or any agent designated by the board secretary, may administer oaths or affirmations, examine witnesses and receive such evidence.

(B) Any person appearing before the board secretary shall have the right to be represented by counsel.

(C) The district court, upon application by the board secretary or by the person subpoenaed, shall have jurisdiction to issue an order:

(i) Requiring such person to appear before the board secretary or the board's secretary's duly authorized agent to produce evidence relating to the matter under investigation; or

(ii) revoking, limiting or modifying the subpoena if, in the court's opinion, the evidence demanded does not relate to practices that may be grounds for disciplinary action, is not relevant to the charge that is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence that is required to be produced.

(3) Disclosure or use of any such information received by the board secretary or of any record containing such information, for any purpose other than that provided by this subsection, is a class A misdemeanor and shall constitute grounds for removal from office, termination of employment or denial, revocation or suspension of any certificate or permit issued under article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be construed to make unlawful the disclosure of any such information by the board secretary in a hearing held pursuant to this act.

(4) Patient records, including clinical records, medical reports, laboratory statements and reports, files, films, other reports or oral statements relating to diagnostic findings or treatment of patients, information from which a patient or a patient's family might be identified, peer review or risk management records or information received and records kept by the board secretary as a result of the investigation procedure outlined in this subsection shall be confidential and shall not be
disclosed.

(5) Nothing in this subsection or any other provision of law making communications between a physician and the physician's patient a privileged communication shall apply to investigations or proceedings conducted pursuant to this subsection. The board secretary and its the secretary's employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this subsection.

(e) The emergency medical services board secretary shall prepare an annual report on or before January 15 of each year on the number, amount and reasons for the fines imposed by the board secretary and the number of and reasons for subpoenas issued by the board secretary during the previous calendar year. The report shall be provided to the senate committee on federal and state affairs and the house of representatives committee on federal and state affairs.

Sec. 14. K.S.A. 2019 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, unless the context requires otherwise:

(a) "Administrator" means the executive director of the emergency medical services board, director of emergency medical services appointed by the secretary of health and environment under K.S.A. 65-6103, and amendments thereto.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced practice registered nurse" means an advanced practice registered nurse as defined in K.S.A. 65-1113, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(g) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency that includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced practice registered nurse, professional nurse, a licensed physician assistant
or emergency medical service provider.

(h) "Emergency medical service provider" means an emergency medical responder, advanced emergency medical technician, emergency medical technician or paramedic certified by the emergency medical services board.

(i) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.

(j) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.

(k) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(l) "Instructor-coordinator" means a person who is certified under this act to teach or coordinate both initial certification and continuing education classes.

(m) "Medical director" means a physician.

(n) "Medical protocols" mean written guidelines that authorize emergency medical service providers to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced practice registered nurse authorized by a physician or professional nurse authorized by a physician. The medical protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

(o) "Municipality" means any city, county, township, fire district or ambulance service district.

(p) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the emergency medical service provider whether within or outside the vehicle as part of such transportation services.

(q) "Operator" means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

(r) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

(s) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

(t) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(u) "Physician assistant" means a physician assistant as defined in K.S.A. 65-28a02, and amendments thereto.
(v) "Professional nurse" means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

(w) "Secretary" means the secretary of health and environment.

(x) "Sponsoring organization" means any professional association, accredited postsecondary educational institution, ambulance service that holds a permit to operate in this state, fire department, other officially organized public safety agency, hospital, corporation, governmental entity or emergency medical services regional council, as approved by the executive director secretary, to offer initial courses of instruction or continuing education programs.

Sec. 15. K.S.A. 65-6113 is hereby amended to read as follows: 65-6113. (a) The governing body of any municipality may establish, operate and maintain an emergency medical service or ambulance service as provided in this act as a municipal function and may contract with any person, other municipality or board of a county hospital for the purpose of furnishing emergency medical services or ambulance services within or without the boundaries of the municipality upon such terms and conditions and for such compensation as may be agreed upon which shall be payable from the general fund of such municipality or from a special fund for which a tax is levied under the provisions of this act.

(b) The governing body of the municipality may make an annual tax levy of not to exceed three mills upon all of the taxable tangible property within such municipality for the establishment, operation and maintenance of an emergency medical service or ambulance service under this act and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto.

(c) No tax shall be levied under the provisions of subsection (b) until the governing body of the municipality adopts an ordinance or resolution authorizing the levy of such tax. Such ordinance or resolution shall be published once each week for three consecutive weeks in the official newspaper of the municipality. If within 60 days following the last publication of such ordinance or resolution, a petition in opposition to the levy of such tax, signed by a number of the qualified electors of such municipality equal to not less than 5% of the electors of such municipality who voted for the office of secretary of state at the last general election, is filed with the county election officer of the county in which such municipality is located, the question of whether the levy shall be made shall be submitted to the electors of the municipality at the next primary or general election within such municipality, or if such primary or general election does not take place within 60 days after the date the petition was filed, the question may be submitted at a special election called and held therefor. If no petition has been filed and the time prescribed for filing the petition expires prior to August 1 in any year, or if the petition was filed
and a majority of the electors voting on the question of levying the tax
vote in favor thereof at an election held prior to August 1 in any year, the
governing body of the municipality may levy in that year and in each
succeeding year in the amount specified in the ordinance or resolution, but
not exceeding three mills. If no petition has been filed and the time
prescribed for filing the petition expires after September 30 in any year, or
if the petition was filed and a majority of the electors voting on the
question of levying the tax vote in favor thereof at an election held after
September 30 in any year, the governing body of the municipality may
levy in the next succeeding year and in each succeeding year thereafter the
amount specified in the ordinance or resolution, but not exceeding three
mills.

(d) In the case of a county, the board of county commissioners shall
not provide ambulance service under the provisions of this act in any part
of the county which receives ambulance service, but the county shall
reimburse any taxing district which on the effective date of this act
provides ambulance services to such district with its proportionate share of
the county general fund or special tax levy fund budgeted for ambulance
services within the county. Such reimbursement shall be based on the
amount that the assessed tangible taxable valuation of the taxing district
bears to the total taxable tangible valuation of the county, but in no event
shall such taxing district receive from the county more than the district's
cost of furnishing such ambulance services. Any taxing district
establishing ambulance service in any part of a county under the
provisions of this act on or after the effective date of this act shall not be
entitled to receive reimbursement pursuant to this subsection until a final
order of the emergency medical services board secretary ordering such
reimbursement is issued following the furnishing of notice and an
opportunity for a hearing to the interested parties. No order for
reimbursement shall be issued unless the emergency medical service board
secretary finds that such establishment shall enhance or improve
ambulance service provided to the residents of such taxing district as
determined in accordance with criteria established by rules and regulations
adopted by the board secretary.

Sec. 16. K.S.A. 2019 Supp. 65-6120 is hereby amended to read as
follows: 65-6120. Notwithstanding any other provision of law to the
contrary, an advanced emergency medical technician may:

(a) Perform any of the activities identified by K.S.A. 65-6121, and
amendments thereto; and

(b) perform any of the following interventions, by use of the devices,
medications and equipment, or any combination thereof, as specifically
identified in rules and regulations, after successfully completing an
approved course of instruction, local specialized device training and
competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician, or professional nurse where authorized by a physician upon order of such a person: (1) Advanced airway management; (2) referral of patient of alternate medical care site based on assessment; (3) transportation of a patient with a capped arterial line; (4) veni-puncture for obtaining blood sample; (5) initiation and maintenance of intravenous infusion or saline lock; (6) initiation of intraosseous infusion; (7) nebulized therapy; (8) manual defibrillation; (9) cardiac monitoring; (10) electrocardiogram interpretation; (11) monitoring of a nasogastric tube; and (12) administration of medications by methods as specified by rules and regulations of the board secretary.

Sec. 17. K.S.A. 65-6121 is hereby amended to read as follows: 65-6121. (a) Notwithstanding any other provision of law to the contrary, an emergency medical technician may perform any activities identified in K.S.A. 65-6144, and amendments thereto, and any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse when authorized by a physician or a professional nurse when authorized by a physician, upon order of such person:

(1) Airway maintenance including use of:
(A) Single lumen airways as approved by the board secretary;
(B) multilumen airways;
(C) ventilator devices;
(D) non-invasive positive pressure ventilation;
(E) forceps removal of airway obstruction;
(F) CO2 monitoring;
(G) airway suctioning;
(2) monitoring urinary catheter;
(3) capillary blood sampling;
(4) administration of patient assisted medications as approved by the board secretary;
(5) administration of medications, as approved by the board secretary, by appropriate routes;
(6) monitor, maintain or discontinue flow of IV line if a physician approves transfer by an emergency medical technician; and
(7) application of a traction splint.

Sec. 18. K.S.A. 2019 Supp. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical director appointed by the operator of the service to review and implement medical protocols, approve and monitor the activities, competency and education of the emergency medical service providers. The board secretary may approve an alternative procedure for medical oversight if no medical director is available.

Sec. 19. K.S.A. 2019 Supp. 65-6127 is hereby amended to read as follows: 65-6127. (a) Application for a permit to operate an ambulance service shall be made to the board secretary by the operator of the ambulance service upon forms provided by the administrator and shall be accompanied by a permit fee that shall be a base amount plus an amount for each vehicle used by such operator in such operator's ambulance service and that shall be fixed by rules and regulations of the board secretary to cover all or any part of the cost of regulation of ambulance services.

(b) The application shall state the name of the operator, the names of the emergency medical service providers of such ambulance service, the primary territory for which the permit is sought, the type of service offered, the location and physical description of the facility whereby calls for service will be received, the facility wherein vehicles are to be garaged, a description of vehicles and other equipment to be used by the service and such other information as the board secretary may require.

(c) Nothing in this act shall be construed as granting an exclusive territorial right to operate an ambulance service. Upon change of ownership of an ambulance service, the permit issued to such service shall expire 60 days after the change of ownership.

Sec. 20. K.S.A. 65-6128 is hereby amended to read as follows: 65-6128. (a) A permit shall not be issued to an operator unless the board secretary finds the ambulance service is or will be staffed and equipped in accordance with the rules and regulations promulgated adopted by the board secretary pursuant to K.S.A. 65-6110, and amendments thereto. If the board secretary determines that an applicant is not qualified, such applicant shall be notified of the denial of such application with a statement of the reasons for such denial. The applicant may reapply upon submission of evidence that the disqualifying factor alleged by the board secretary has been corrected. No fee shall be required for the first reapplication made if the reapplication is submitted to the board secretary within one year of the date of the denial of the application.

(b) A permit to operate an ambulance service shall be valid for a term fixed by the board secretary not to exceed 18 months and may be renewed upon payment of a fee in the amount fixed by the board secretary pursuant
to K.S.A. 65-6127, and amendments thereto. The board secretary may prorate to the nearest whole month the fee fixed under this subsection as necessary to implement the provisions of this subsection.

(c) All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Sec. 21. K.S.A. 2019 Supp. 65-6129 is hereby amended to read as follows: 65-6129. (a) (1) Application for an emergency medical service provider certificate shall be made to the board secretary. The board secretary shall not grant an emergency medical service provider certificate unless the applicant meets the following requirements:

(A) (i) Has successfully completed coursework required by the rules and regulations adopted by the board secretary;
   (ii) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board secretary; or
   (iii) has provided evidence that such applicant holds a current and active certification with the national registry of emergency medical technicians, completed emergency medical technician training as a member of the army, navy, marine corps, air force, air or army national guard, coast guard or any branch of the military reserves of the United States that is substantially equivalent to that required by the rules and regulations adopted by the board secretary, and such applicant separated from such military service with an honorable discharge;
   (B) (i) has passed the examination required by the rules and regulations adopted by the board secretary; or
   (ii) has passed the certification or licensing examination in another jurisdiction that has been approved by the board secretary; and
   (C) has paid an application fee required by the rules and regulations adopted by the board secretary.

(b) (1) The emergency medical services board secretary may grant an emergency medical service provider certificate to any applicant who meets the requirements under subsection (a)(1)(A)(iii) but was separated from such military service with a general discharge under honorable conditions.

(b) (2) The emergency medical services board secretary may grant an emergency medical service provider certificate to any applicant who meets the requirements under subsection (a)(1)(A)(iii) but was separated from such military service with a general discharge under honorable conditions.

(b) (1) The emergency medical services board secretary may require an original applicant for certification as an emergency medical services provider to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The emergency medical services board secretary is authorized to submit the fingerprints to the
Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The emergency medical services board secretary may use the information obtained from fingerprinting and the applicant's criminal history for purposes of verifying the identification of the applicant and making the official determination of the qualifications and fitness of the applicant to be issued or to maintain a certificate.

(2) Local and state law enforcement officers and agencies shall assist the emergency medical services board secretary in taking the fingerprints of applicants for license, registration, permit or certificate. The Kansas bureau of investigation shall release all records of adult convictions, nonconvictions or adjudications in this state and any other state or country to the emergency medical services board secretary.

(3) The emergency medical services board secretary may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. The emergency medical services board secretary shall remit all moneys received from the fees established by this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services criminal history and fingerprinting fund.

(4) There is hereby created in the state treasury the emergency medical services criminal history and fingerprinting fund. All moneys credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history record checks for the emergency medical services board secretary. The fund shall be administered by the emergency medical services board secretary. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the emergency medical services board secretary or the chairperson's secretary's designee.

(c) The board secretary shall not grant an initial advanced emergency medical technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.

(d) An emergency medical service provider certificate shall expire on the date prescribed by the board secretary. An emergency medical service provider certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule rules and regulation regulations of the board secretary and upon presentation of satisfactory proof that the emergency medical service provider has successfully completed
continuing education as prescribed by the board secretary.

(e) All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

(f) If a person who was previously certified as an emergency medical service provider applies for an emergency medical service provider's certificate after the certificate's expiration, the board secretary may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board secretary.

(g) The board secretary shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, that shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 22. K.S.A. 2019 Supp. 65-6129a is hereby amended to read as follows: 65-6129a. (a) While engaged in a course of training or continuing education approved by the board secretary within a medical care facility, a student or emergency medical service provider engaged in such training or continuing education shall be under the supervision of a physician or a professional nurse. While engaged in training or continuing education in emergency or nonemergency transportation outside a medical care facility, a student or emergency medical service provider shall be under the direct supervision of an emergency medical service provider who is at the minimum certified to provide the level of care for which the student is seeking certification or the emergency medical service provider receiving the training is certified or shall be under the direct supervision of a physician or a professional nurse.

(b) Nothing in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall be construed to preclude the provision of authorized activities by students enrolled in a training program while engaged in such program.

Sec. 23. K.S.A. 2019 Supp. 65-6129b is hereby amended to read as follows: 65-6129b. (a) Application for an instructor-coordinator's certificate shall be made to the board secretary upon forms provided by the executive director secretary. The board secretary may grant an instructor-coordinator's certificate to an emergency medical service provider who:

(1) Has served as an emergency medical service provider in the emergency medical services field during the preceding 12 months prior to
applying for such certificate;
(2) has made application within one year after successfully completing the training, approved by the board secretary, in instructing and coordinating emergency medical service provider training programs;
(3) has passed an examination prescribed by the board secretary; and
(4) has paid a fee as prescribed by rules and regulations of the board secretary.

(b) The board may grant an instructor-coordinator's certificate to a physician or a professional nurse who:
(1) Has made application within one year after successfully completing the training, approved by the board secretary, in instructing and coordinating emergency medical service provider training programs;
(2) has passed an examination prescribed by the board secretary; and
(3) has paid a fee as prescribed by rules and regulations of the board secretary.

(c) An instructor-coordinator certificate shall expire on the expiration date of the instructor-coordinator's emergency medical service provider certificate, if the instructor-coordinator is an emergency medical service provider, or on the expiration date of the physician's or professional nurse's license, if the instructor is a physician or professional nurse. An instructor-coordinator's certificate may be renewed for the same period as the emergency medical service provider certificate or the physician's or professional nurse's license upon payment of a fee as prescribed by rules and regulations of the board secretary and upon presentation of satisfactory proof that the instructor-coordinator has successfully completed continuing education as prescribed by the board secretary. The board secretary may prorate to the nearest whole month the fee fixed under this subsection as necessary to implement the provisions of this subsection.

(d) An instructor-coordinator certificate may be denied, revoked, limited, modified or suspended by the board secretary or the board secretary may refuse to renew such certificate if such individual:
(1) Does not hold an emergency medical service provider certificate or a physician's or professional nurse's license;
(2) has made misrepresentations intentionally in obtaining a certificate or renewing a certificate;
(3) has demonstrated incompetence or engaged in unprofessional conduct as defined by rules and regulations adopted by the board secretary;
(4) has violated or aided and abetted in the violation of any provision of this act or rules and regulations adopted by the board secretary; or
(5) has been convicted of any state or federal crime that is related substantially to the qualifications, functions and duties of an instructor-
coordinator or any crime punishable as a felony under any state or federal statute, and the board secretary determines that such individual has not been sufficiently rehabilitated to warrant the public trust. A conviction means a plea of guilty, a plea of nolo contendere or a verdict of guilty. The board secretary may take disciplinary action pursuant to this section when the time for appeal has elapsed, or after the judgment of conviction is affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.

(e) The board secretary may deny, limit, modify, revoke or suspend a certificate or the board secretary may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

(f) All fees received pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(g) If a person who was previously certified as an instructor-coordinator applies for an instructor-coordinator certificate within two years of the date of its expiration, the board secretary may grant a certificate without the person completing the training or passing an examination if the person complies with the other provisions of subsection (a) or (b) and completes continuing education requirements prescribed by the board secretary.

Sec. 24. K.S.A. 2019 Supp. 65-6129d is hereby amended to read as follows: 65-6129d. (a) (1) There is hereby created the designation of inactive certificate. The board secretary is authorized to issue an inactive certificate to any person currently certified by the board secretary who makes written application for such inactive certificate on a form provided by the board secretary and remits the fee established by the board secretary in rules and regulations. The board secretary may issue an inactive certificate only to a person who is not directly engaged in the provision of emergency medical services for which certification is required and who does not hold oneself out to the public as being professionally engaged in the provision of emergency medical services. An inactive certificate shall not entitle the holder to engage in the practice of emergency medical services. Each inactive certificate may be renewed subject to the provisions of this section. Each inactive certificate holder shall be subject to the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, except as otherwise provided in this subsection. The holder of an inactive certificate shall not be required to submit evidence of satisfactory completion of the continuing education requirement prescribed by the board secretary.

(b) Each inactive certificate holder may apply for an active certificate
upon filing a written application with the board secretary. The request shall be on a form provided by the board secretary and shall be accompanied by a fee prescribed by the board secretary in rules and regulations. The inactive certificate holder may be required to complete such additional testing, training or education as the board secretary may deem necessary to establish the inactive certificate holder's current ability to engage in the provision of emergency medical services with reasonable skill and safety.

(c) This section shall be a part of and supplemental to article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 25. K.S.A. 2019 Supp. 65-6130 is hereby amended to read as follows: 65-6130. (a) The board secretary may inquire into the operation of ambulance services and the conduct of emergency medical service providers; and may conduct periodic inspections of facilities, communications services, materials and equipment at any time without notice.

(b) The board secretary may issue subpoenas in accordance with the provisions of K.S.A. 65-6111(d), and amendments thereto, to compel an operator holding a permit to make access to or for the production of records regarding services performed and to furnish such other information as the board secretary may require to carry out the provisions of this act to the same extent and subject to the same limitations as would apply if the subpoenas were issued or served in aid of a civil action in the district court. A copy of such records shall be kept in the operator's files for a period of not less than three years.

(c) The board also secretary may require operators to submit lists of personnel employed and to notify the board secretary of any changes in personnel or in ownership of the ambulance service.

Sec. 26. K.S.A. 65-6132 is hereby amended to read as follows: 65-6132. (a) An operator's permit may be denied, revoked, limited, modified or suspended by the board secretary upon proof that such operator or any agent or employee thereof:

(1) Has been guilty of misrepresentation in obtaining the permit or in the operation of the ambulance service;
(2) has engaged or attempted to engage in, or represented themselves as entitled to perform, any ambulance service not authorized in the permit;
(3) has demonstrated incompetence as defined by rules and regulations adopted by the board secretary or has shown themselves otherwise unable to provide adequate ambulance service;
(4) has failed to keep and maintain the records required by the provisions of this act, or the rules and regulations adopted by the board secretary, or has failed to make reports when and as required;
(5) has knowingly operated faulty or unsafe equipment;
(6) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations adopted by the board secretary; or
(7) has engaged in unprofessional conduct as defined by rules and regulations adopted by the board secretary.

(b) The board shall not limit, modify, revoke or suspend any operator's permit pursuant to this section without first conducting a hearing in accordance with the provisions of the Kansas administrative procedure act.

Sec. 27. K.S.A. 2019 Supp. 65-6133 is hereby amended to read as follows: 65-6133. (a) An emergency medical service provider certificate may be denied, revoked, limited, modified or suspended by the board secretary or the board secretary may refuse to renew such certificate upon proof that such individual:
(1) Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;
(2) has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;
(3) has demonstrated incompetence as defined by rules and regulations adopted by the board secretary or has provided inadequate patient care as determined by the board secretary;
(4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations adopted by the board secretary;
(5) has been convicted of a felony and, after investigation by the board secretary, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;
(6) has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition;
(7) has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board secretary; or
(8) has had a certificate, license or permit to practice emergency medical services as an emergency medical service provider denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such...
a fact for purposes of this paragraph.

(b) The board secretary may deny, limit, modify, revoke or suspend an emergency medical service provider certificate or the board secretary may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

Sec. 28. K.S.A. 65-6134 is hereby amended to read as follows: 65-6134. (a) An operator's permit may be temporarily limited or restricted by the board secretary, pending a hearing, upon receipt of a complaint indicating the public health, safety or welfare to be in imminent danger. If an inspection proves the complaint to be invalid, or that the cause therefor has been corrected, the limitation or restriction shall be terminated.

(b) Proceedings under this section may be initiated by the board secretary or by any person filing written charges with the board secretary. The board secretary shall not limit nor restrict any permit pursuant to this section without first conducting a hearing in accordance with the provisions of the Kansas administrative procedure act.

Sec. 29. K.S.A. 2019 Supp. 65-6135 is hereby amended to read as follows: 65-6135. (a) All ambulance services providing emergency care as defined by the rules and regulations adopted by the board secretary shall offer service 24 hours per day every day of the year.

(b) Whenever an operator is required to have a permit, at least one person on each vehicle providing emergency medical service shall be an emergency medical service provider certified pursuant to K.S.A. 65-6119, 65-6120 or 65-6121, and amendments thereto, a physician, a physician assistant, an advanced practice registered nurse or a professional nurse.

Sec. 30. K.S.A. 65-6136 is hereby amended to read as follows: 65-6136. (a) Nothing in this act shall be construed:

(1) To prevent the operation of a police emergency vehicle;
(2) to affect any statute or regulatory authority vested in the department of transportation concerning automotive equipment and safety requirements;
(3) to prohibit any privately owned vehicles and aircraft not ordinarily used in the ambulance service business from transporting persons who are sick, injured, wounded or otherwise incapacitated or helpless;
(4) to prevent any vehicle from being pressed into service as an ambulance when the operator determines an emergency exists and provides written notification to the board secretary within 72 hours after the use of such vehicle; or
(5) to prohibit any ambulance lawfully operating under the laws of a state adjoining Kansas from providing emergency transportation of a patient from a municipality not otherwise served by an ambulance service located in Kansas to a location within or outside the state of Kansas when
the governing body of such municipality declares a hardship. The
36 governing body or board shall notify the board secretary 30 days prior to
the initiation of such out-of-state service.
(b) Ambulances owned and operated by an agency of the United
States government shall be exempt from the provisions of this act.
(c) Any ambulance based outside of this state receiving a patient
within the state for transportation to a location within this state or
receiving a patient within this state for emergency transportation to a
location outside this state shall comply with the provisions of this act
except when such ambulance is rendering service in the case of a major
catastrophe, such ambulance is making a prearranged hospital-to-hospital
transfer or except as otherwise provided by rules and regulations adopted
by the board secretary.
Sec. 31. K.S.A. 65-6138 is hereby amended to read as follows: 65-
6138. In order to provide adequate emergency medical care for the people
of this state, the emergency medical services board secretary is hereby
authorized to establish, maintain and operate an emergency medical
services communications system, subject to approval by the executive
chief information technology officer under K.S.A. 75-4709, and
amendments thereto. The emergency medical services board secretary
shall establish communication centers, to be known as medical
communications centers, in various locations in the state to be determined
by the emergency medical services board secretary, for the purposes of
receiving requests for emergency medical assistance and for coordinating
the activities of ambulances with medical care facilities and other
emergency public safety agencies. Subject to approval by the executive
chief information technology officer under K.S.A. 75-4709, and
amendments thereto, the emergency medical services board secretary may
provide mobile radio units to ambulance services, as hereinafter provided,
which that will provide such ambulance services with direct
communication to or from medical communication centers established for
such purpose.
Sec. 32. K.S.A. 65-6139 is hereby amended to read as follows: 65-
6139. (a) For the purpose of establishing, operating and maintaining the
emergency medical services communications system, the board secretary
may enter into contracts with any state agency, and any such agency is
authorized to contract for such purpose with the board secretary. The
board secretary also may enter into contracts or other agreements with any
city, county, township, fire district or hospital district, or any person, firm
or corporation for the establishment of an emergency medical services
communications system or the establishment or operation of any part
thereof including placement, operation and maintenance of equipment. In
accordance with the authority of the executive chief information
technology officer under K.S.A. 75-4709, and amendments thereto, all contracts entered into by the board secretary under this section shall be subject to approval by the executive chief information technology officer.

(b) Any contract or agreement for the placement or operation of equipment with any ambulance service shall provide that the person, firm, corporation or municipality operating such ambulance service shall maintain such equipment in accordance with terms and conditions established by the board secretary. The contracts, agreements or contracts for the placement of equipment in medical communication centers shall provide that such equipment shall only be used for the purpose of operating the emergency medical services communications system and that the board secretary or the board’s secretary’s designated agent may inspect such equipment at any time. Ownership of any such equipment shall remain with the state and any contracts for the placement of such equipment may be withdrawn or canceled at any time, at the option of the board secretary and the executive chief information technology officer under K.S.A. 75-4709, and amendments thereto.

Sec. 33. K.S.A. 65-6140 is hereby amended to read as follows: 65-6140. For the purposes of establishing, operating and maintaining an emergency medical services communications system, the emergency medical services board secretary may accept any grant of money or property, including any federal moneys available therefor. Within the limits of appropriations available therefor and subject to approval by the executive chief information technology officer under K.S.A. 75-4709, and amendments thereto, the emergency medical services board secretary may acquire, in the name of the state, any equipment necessary for such communications system.

Sec. 34. K.S.A. 65-6144 is hereby amended to read as follows: 65-6144. (a) An emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse when authorized by a physician or a professional nurse when authorized by a physician, upon order of such person:

(1) (a) Emergency vehicle operations;
(2) (b) initial scene management;
(3) (c) patient assessment and stabilization;
(4) (d) cardiac arrest management through the use of cardiopulmonary resuscitation and the use of an automated external defibrillator;
(5)(e) airway management and oxygen therapy;
(6)(f) utilization of equipment for the purposes of acquiring an EKG rhythm strip;
(7)(g) control of bleeding;
(8)(h) extremity splinting;
(9)(i) spinal immobilization;
(10)(j) nebulizer therapy;
(11)(k) intramuscular injections with auto-injector;
(12)(l) administration of medications, as approved by the board secretary, by appropriate routes;
(13)(m) recognize and comply with advanced directives;
(14)(n) use of blood glucose monitoring;
(15)(o) assist with childbirth;
(16)(p) non-invasive monitoring of hemoglobin derivatives; and
(17)(q) other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board secretary.

Sec. 35. K.S.A. 65-6149a is hereby amended to read as follows: 65-6149a. (a) (1) Any person who in good faith renders emergency care or treatment by the use of or provision of an automated external defibrillator shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.
(2) No person or entity which owns, leases, possesses or otherwise controls an automated external defibrillator and provides such automated external defibrillator to others for use shall be held liable for any civil damages as a result of such use where the person or entity which owns, leases, possesses or otherwise controls the automated external defibrillator has developed, implemented and follows guidelines to ensure proper maintenance and operation of the device.
(3) No person licensed to practice medicine and surgery who pursuant to a prescription order authorizes the acquisition of an automated external defibrillator or participates in the development of usual and customary protocols for an automated external defibrillator by a person or entity which owns, leases, possesses or otherwise controls such automated external defibrillator and provides such automated external defibrillator for use by others shall be held liable for any civil damages as a result of such use.
(4) No person or entity which teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillators shall be held liable for any civil damages as a result of such training or use if such person or entity has provided
such training in a manner consistent with the usual and customary standards for the providing of such training.

(b) Pursuant to the provisions of this subsection, persons or entities which purchase or otherwise acquire an automated external defibrillator shall notify the emergency medical service which operates in the geographic area of the location of the automated external defibrillator. Persons or entities acquiring an automatic electronic defibrillator shall notify the emergency medical service providing local service on forms developed and provided by the emergency medical services board secretary.

(c) The secretary of administration, in conjunction with the Kansas highway patrol, shall develop guidelines for the placement of automated external defibrillators in state owned or occupied facilities. The guidelines shall include, but not be limited to:

(1) Which state owned or occupied facilities should have automated external defibrillators readily available for use;

(2) recommendations for appropriate training courses in cardiopulmonary resuscitation and automated external defibrillators use;

(3) integration with existing emergency response plans;

(4) proper maintenance and testing of the devices;

(5) coordination with appropriate professionals in the oversight of training; and

(6) coordination with local emergency medical services regarding placement and conditions of use.

(d) Nothing in this subsection (c) shall be construed to require the state to purchase automated external defibrillators.

Sec. 36. K.S.A. 65-6151 is hereby amended to read as follows: 65-6151. There is hereby created in the state treasury an emergency medical services operating fund. Expenditures from the emergency medical services operating fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the emergency medical services board secretary or by a person or persons designated by such chairperson the secretary.

Sec. 37. K.S.A. 65-6153 is hereby amended to read as follows: 65-6153. (a) Within the limits of appropriations therefor, the board of emergency medical services secretary shall develop and maintain a statewide data collection system to collect and analyze emergency medical services information, including, but not limited to, dispatch, demographics, patient data, assessment, treatment, disposition, financial and any other pertinent information that will assist the board secretary in improving the quality of emergency medical services.

(b) Each operator of an ambulance service shall collect and report to
the board emergency medical services secretary information pursuant to rules and regulations adopted by the board secretary. The board secretary shall adopt rules and regulations which use the most efficient, least intrusive means for collecting emergency medical services information consistent with ensuring the quality, timeliness, completeness and confidentiality of the system.

Sec. 38. K.S.A. 65-6154 is hereby amended to read as follows: 65-6154. (a) Any emergency medical services information provided to the board secretary shall be confidential and shall not be disclosed or made public, upon subpoena or otherwise, except such information may be disclosed if:

(1) No person can be identified in the information to be disclosed and the disclosure is for statistical purposes;

(2) all persons who are identifiable in the information to be disclosed consent in writing to its disclosure; or

(3) the disclosure is necessary, and only to the extent necessary, to protect the public health and does not identify specific persons, operators, as defined in K.S.A. 65-6112, and amendments thereto, or ambulance services.

(b) Except as provided in subsection (c), reports generated by the board secretary utilizing emergency medical services information shall be available in accordance with K.S.A. 45-215 et seq., and amendments thereto.

(c) Notwithstanding subsection (b), individually identifiable health information shall be confidential and shall not be disclosed, except that the board secretary may disclose such information to individuals, organizations or governmental agencies engaged in research that benefits the public's health, safety or welfare if the board secretary is satisfied that such information will remain confidential and adequately protected from disclosure. For purposes of this section, "individually identifiable health information" shall have the same meaning means the same as in 45 C.F.R. § 160.103.

Sec. 39. K.S.A. 65-6155 is hereby amended to read as follows: 65-6155. Any operator who reports emergency medical services information, in good faith, and in accordance with the requirements of this act and the rules and regulations prescribed by the board secretary, shall have immunity from any liability, civil or criminal, which might otherwise be incurred or imposed in an action resulting from such information. Nothing in this section shall be construed to apply to the unauthorized disclosure of confidential information when such disclosure is due to gross negligence or willful misconduct.

Sec. 40. K.S.A. 65-6157 is hereby amended to read as follows: 65-6157. There is hereby created in the state treasury the EMS revolving fund.
All moneys credited to the EMS revolving fund shall be used by the emergency medical services board secretary to improve and enhance emergency medical services in the state. All expenditures from the EMS revolving fund shall be made in accordance with appropriation acts; upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the emergency medical services board secretary or by a person or persons designated by such chairperson the secretary's designee.

Sec. 41. K.S.A. 74-120 is hereby amended to read as follows: 74-120.

(a) Notwithstanding any other provision of law, any person, board, commission or similar body that determines the qualifications of individuals for licensure, certification or registration may consider any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure, certification or registration.

(b) (1) Within 180 days of the effective date of this section, any person, board, commission or similar body that determines the qualifications of individuals for licensure, certification or registration shall revise their existing requirements to list the specific civil and criminal records that could disqualify an applicant from receiving a license, certification or registration. Such person, board, commission or similar body may only list any disqualifying criminal records or civil court records that are directly related to protecting the general welfare and the duties and responsibilities for such entities and in no case shall non-specific terms, such as moral turpitude or good character, or any arrests that do not result in a conviction be used to disqualify an individual's application for licensure, certification or registration.

(2) If an individual has a criminal record or civil court record that would disqualify the individual from receiving a license, certification or registration, other than a conviction for a crime that is a felony or a class A misdemeanor or any conviction for which issuance of such license, certification or registration could conflict with federal law, and the individual has not been convicted of any other crime in the five years immediately preceding the application for licensure, certification or registration, such record shall not be used to disqualify the individual for licensure, certification or registration for more than five years after the person satisfied the sentence imposed.

(3) An individual with a civil or criminal record may petition the person, board, commission or similar body responsible for licensure, certification or registration at any time for an informal, written advisory opinion concerning whether the individual's civil or criminal record will disqualify the individual from obtaining such license, certification or registration. This petition shall include details of the individual's civil or criminal record. In response to such petition, the person, board,
commission or similar body responsible for licensure, certification or registration shall issue an informal, written advisory opinion which shall not be binding upon such person, board, commission or similar body. The person, board, commission or similar body responsible for licensure, certification or registration shall respond to such petition within 120 days of receiving the petition from the applicant and may charge up to $50 for the review and issuance of an informal, written advisory opinion in response to such petition.

(4) All persons, boards, commissions or similar licensing bodies shall adopt and publicly maintain all necessary rules and regulations for the implementation of this section.

(c) The provisions of subsection (b) shall not apply to the:

(1) Kansas commission on peace officers' standards and training;
(2) Kansas highway patrol;
(3) board of accountancy;
(4) behavioral sciences regulatory board;
(5) state board of healing arts;
(6) state board of pharmacy;
(7) emergency medical services board; secretary of health and environment with regard to powers, duties and functions transferred thereto by section 1, and amendments thereto;
(8) board of nursing;
(9) Kansas real estate commission;
(10) office of the attorney general;
(11) department of insurance;
(12) any municipality as defined in K.S.A. 75-6102, and amendments thereto; and
(13) any profession that has an educational requirement for licensure that requires a degree beyond a bachelor's degree.

Sec. 42. K.S.A. 75-1508 is hereby amended to read as follows: 75-1508. (a) For the purpose of maintaining the department of the state fire marshal and the payment of the expenses incident thereto, each fire insurance company doing business in this state shall pay to the commissioner of insurance, on or before March 15 each year, in addition to the taxes, fees and charges now required by law to be paid by it, such levy as may be made by the state fire marshal. The levy shall not be more than .80% for calendar year 2004, and each calendar year thereafter, of a sum equal to the gross cash receipts as premiums of such company on all fire business transacted by it in the state of Kansas during the calendar year next preceding, as shown by its annual statement under oath to the state insurance department.

(b) For the purposes of maintaining the division of emergency medical services board of the department of health and environment and
the payment of the expenses incident thereto, each fire insurance company
doing business in this state shall pay to the commissioner of insurance, on
or before March 15 each year, beginning with calendar year 2002 and each
calendar year thereafter, in addition to the taxes, fees and charges now
required by law to be paid by it, such levy as may be made by the
emergency medical services board. The levy shall not be more than .25%
of a sum equal to the gross cash receipts as premiums of such company on
all fire business transacted by it in the state of Kansas during the calendar
year next preceding, as shown by its annual statement to the state
insurance department generated by or at the direction of its president and
secretary or other chief officers under penalty of K.S.A. 2019 Supp. 21-
5824, and amendments thereto.

(c) For the purposes of maintaining the fire service training program
of the university of Kansas and the payment of the expenses incident
thereto, each fire insurance company doing business in this state shall pay
to the commissioner of insurance, on or before March 15 each year,
beginning with calendar year 2004, and each calendar year thereafter, in
addition to the taxes, fees and charges now required by law to be paid by
it, such levy as may be made by the Kansas fire service training
commission. The levy shall not be more than .20% of a sum equal to the
gross cash receipts as premiums of such company on all fire business
transacted by it in the state of Kansas during the calendar year next
preceding, as shown by its annual statement under oath to the state
insurance department.

(d) The director of the fire service training program of the university
of Kansas shall submit a report concerning expenditures and activities of
the fire service training program of the university of Kansas to the house
committee on appropriations on or before February 1, 2005, and each
ensuing year thereafter.

Sec. 43. K.S.A. 75-1514 is hereby amended to read as follows: 75-
1514. (a) The commissioner of insurance shall remit all moneys received
by the commissioner under subsection (a) of K.S.A. 75-1508(a), and
amendments thereto, to the state treasurer in accordance with the
provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer
shall credit 10% of each such deposit to the state general fund and shall
credit the remainder of each such deposit to the fire marshal fee fund.

(b) There is hereby created the fire marshal fee fund in the state
treasury. All expenditures from the fire marshal fee fund shall be made in
accordance with appropriation acts upon warrants of the director of
accounts and reports issued pursuant to vouchers approved by the state fire
marshal or a person or persons designated by the state fire marshal.

(c) The commissioner of insurance shall remit all moneys received by
the commissioner under subsection (b) of K.S.A. 75-1508(b), and
amendments thereto, to the state treasurer in accordance with the 
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of 
each such remittance, the state treasurer shall deposit the entire amount in 
the state treasury to the credit of the emergency medical services board 
operating fund.

(d) The commissioner of insurance shall remit all moneys received by 
the commissioner under subsection (c) of K.S.A. 75-1508(c), and 
amendments thereto, to the state treasurer in accordance with the 
provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of 
each such remittance, the state treasurer shall deposit the entire amount in 
the state treasury to the credit of the fire service training program fund.

Sec. 44. K.S.A. 75-3036 is hereby amended to read as follows: 75- 
3036. (a) The state general fund is exclusively defined as the fund into 
which shall be placed all public moneys and revenue coming into the state 
treasury not specifically authorized by the constitution or by statute to be 
placed in a separate fund, and not given or paid over to the state treasurer 
in trust for a particular purpose, which unallocated public moneys and 
revenue shall constitute the general fund of the state. Moneys received or 
to be used under constitutional or statutory provisions or under the terms 
of a gift or payment for a particular and specific purpose are to be kept as 
separate funds and shall not be placed in the general fund or ever become a 
part of it.

(b) The following funds shall be used for the purposes set forth in the 
statutes concerning such funds and for no other governmental purposes. It 
is the intent of the legislature that the following funds and the moneys 
deposited in such funds shall remain intact and inviolate for the purposes 
set forth in the statutes concerning such funds: Board of accountancy fee 
fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special 
litigation reserve fund of the board of accountancy; bank commissioner fee 
fund, K.S.A. 9-1703, 16a-2-302 and 75-1308, and amendments thereto, 
bank investigation fund, K.S.A. 9-1111b, and amendments thereto, 
consumer education settlement fund and litigation expense fund of the 
state bank commissioner; securities act fee fund and investor education 
and protection fund, K.S.A. 17-12a601, and amendments thereto, of the 
office of the securities commissioner of Kansas; credit union fee fund, 
K.S.A. 17-2236, and amendments thereto, of the state department of credit 
unions; court reporters fee fund, K.S.A. 20-1a02, and amendments thereto, 
and bar admission fee fund, K.S.A. 20-1a03, and amendments thereto, of 
the judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and 
amendments thereto, and boiler inspection fee fund, K.S.A. 44-926, and 
amendments thereto, of the state fire marshal; food service inspection 
reimbursement fund, K.S.A. 36-512, and amendments thereto, of the 
Kansas department of agriculture; wage claims assignment fee fund,
K.S.A. 44-324, and amendments thereto, and workmen's compensation fee fund, K.S.A. 74-715, and amendments thereto, of the department of labor; veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of the state board of veterinary examiners; mined-land reclamation fund, K.S.A. 49-420, and amendments thereto, of the department of health and environment; conservation fee fund and well plugging assurance fund, K.S.A. 55-155, 55-176, 55-609, 55-711 and 55-901, and amendments thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155, and amendments thereto, and public service regulation fund, K.S.A. 66-1503, and amendments thereto, of the state corporation commission; land survey fee fund, K.S.A. 58-2011, and amendments thereto, of the state historical society; real estate recovery revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas real estate commission; appraiser fee fund, K.S.A. 58-4107, and amendments thereto, and appraisal management companies fee fund of the real estate appraisal board; amygdalin (laetrile) enforcement fee fund, K.S.A. 65-6b10, and amendments thereto, of the state board of mortuary arts; board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-1718, and amendments thereto, of the state board of mortuary arts; board of cosmetology fee fund, K.S.A. 65-1951 and 74-1718, and amendments thereto, of the state board of cosmetology; dental board fee fund, K.S.A. 74-1405, and amendments thereto, and special litigation reserve fund, of the Kansas dental board; optometry fee fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation fund, of the board of examiners in optometry; state board of pharmacy fee fund, K.S.A. 74-1609, and amendments thereto, and state board of pharmacy litigation fund, of the state board of pharmacy; abstracters' fee fund, K.S.A. 74-3903, and amendments thereto, of the abstracters' board of examiners; athletic fee fund, K.S.A. 74-50,188, and amendments thereto, of the department of commerce; hearing instrument board fee fund, K.S.A. 74-5805, and amendments thereto, and hearing instrument litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments; commission on disability concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the governor's department; technical professions fee fund, K.S.A. 74-7009, and amendments thereto, and special litigation reserve fund of the state board of technical professions; behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and
amendments thereto, of the behavioral sciences regulatory board; governmental ethics commission fee fund, K.S.A. 25-4119e, and amendments thereto, of the governmental ethics commission; emergency medical services board operating fund, K.S.A. 75-1514, and amendments thereto, of the emergency medical services board; fire service training program fund, K.S.A. 75-1514, and amendments thereto, of the university of Kansas; uniform commercial code fee fund, K.S.A. 75-448, and amendments thereto, of the state; prairie spirit rails-to-trails fee fund of the Kansas department of wildlife, parks and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the Kansas water office; insurance department service regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance department; state fair special cash fund, K.S.A. 2-220, and amendments thereto, of the state fair board; scrap metal theft reduction fee fund, K.S.A. 2019 Supp. 50-6,109a, and amendments thereto; and any other fund in which fees are deposited for licensing, regulating or certifying a person, profession, commodity or product.

(c) If moneys received pursuant to statutory provisions for a specific purpose by a fee agency are proposed to be transferred to the state general fund or a special revenue fund to be expended for general government services and purposes in the governor's budget report submitted pursuant to K.S.A. 75-3721, and amendments thereto, or any introduced house or senate bill, the person or business entity who paid such moneys within the preceding 24-month period shall be notified by the fee agency within 30 days of such submission or introduction:

(1) By electronic means, if the fee agency has an electronic address on record for such person or business entity. If no such electronic address is available, the fee agency shall send written notice by first class mail; or

(2) any agency that receives fees from a tax, fee, charge or levy paid to the commissioner of insurance shall post the notification required by this subsection on such agency's website.

(d) Any such moneys which are wrongfully or by mistake placed in the general fund shall constitute a proper charge against such general fund. All legislative appropriations which do not designate a specific fund from which they are to be paid shall be considered to be proper charges against the general fund of the state. All revenues received by the state of Kansas or any department, board, commission, or institution of the state of Kansas, and required to be paid into the state treasury shall be placed in and become a part of the state general fund, except as otherwise provided by law.

(e) The provisions of this section shall not apply to the 10% credited to the state general fund to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services, and
any and all other state governmental services, as provided in K.S.A. 75-3170a, and amendments thereto.

(f) Beginning on January 8, 2018, the director of the budget shall prepare a report listing the unencumbered balance of each fund in subsection (b) on June 30 of the previous fiscal year and January 1 of the current fiscal year. Such report shall be delivered to the secretary of the senate and the chief clerk of the house of representatives on or before the first day of the regular legislative session each year.

(g) As used in this section, "fee agency" shall include the state agencies specified in K.S.A. 75-3717(f), and amendments thereto, and any other state agency that collects fees for licensing, regulating or certifying a person, profession, commodity or product.

Sec. 45. K.S.A. 75-37,121 is hereby amended to read as follows: 75-37,121. (a) There is created the office of administrative hearings within the department of administration, to be headed by a director appointed by the secretary of administration. The director shall be in the unclassified service under the Kansas civil service act.

(b) The office may employ or contract with presiding officers, court reporters and other support personnel as necessary to conduct proceedings required by the Kansas administrative procedure act for adjudicative proceedings of the state agencies, boards and commissions specified in subsection (h). The office shall conduct adjudicative proceedings of any state agency which is specified in subsection (h) when requested by such agency. Only a person admitted to practice law in this state or a person directly supervised by a person admitted to practice law in this state may be employed as a presiding officer. The office may employ regular part-time personnel. Persons employed by the office shall be under the classified civil service.

(c) If the office cannot furnish one of its presiding officers within 60 days in response to a requesting agency's request, the director shall designate in writing a full-time employee of an agency other than the requesting agency to serve as presiding officer for the proceeding, but only with the consent of the employing agency. The designee must possess the same qualifications required of presiding officers employed by the office.

(d) The director may furnish presiding officers on a contract basis to any governmental entity to conduct any proceeding other than a proceeding as provided in subsection (h).

(e) The secretary of administration may adopt rules and regulations:

(1) To establish procedures for agencies to request and for the director to assign presiding officers. An agency may neither select nor reject any individual presiding officer for any proceeding except in accordance with the Kansas administrative procedure act;

(2) to establish procedures and adopt forms, consistent with the
Kansas administrative procedure act, the model rules of procedure, and
other provisions of law, to govern presiding officers; and
(3) to facilitate the performance of the responsibilities conferred upon
the office by the Kansas administrative procedure act.
(f) The director may implement the provisions of this section and
rules and regulations adopted under its authority.
(g) The secretary of administration may adopt rules and regulations to
establish fees to charge a state agency for the cost of using a presiding
officer.
(h) The following state agencies, boards and commissions shall
utilize the office of administrative hearings for conducting adjudicative
hearings under the Kansas administrative procedure act in which the
presiding officer is not the agency head or one or more members of the
agency head:
(1) On and after July 1, 2005: Kansas department for children and
families, juvenile justice authority, Kansas department for aging and
disability services, department of health and environment, Kansas public
employees retirement system, Kansas water office, Kansas department of
agriculture division of animal health and Kansas insurance department.
(2) On and after July 1, 2006: Emergency medical services board,
Emergency medical services council and Kansas human rights
commission.
(3) On and after July 1, 2007: Kansas lottery, Kansas racing and
gaming commission, state treasurer, pooled money investment board,
Kansas department of wildlife, parks and tourism and state board of tax
appeals.
(4) On and after July 1, 2008: Department of human resources, state
corporation commission, Kansas department of agriculture division of
conservation, agricultural labor relations board, department of
administration, department of revenue, board of adult care home
administrators, Kansas state grain inspection department, board of
accountancy and Kansas wheat commission.
(5) On and after July 1, 2009, all other Kansas administrative
procedure act hearings not mentioned in subsections (1), (2), (3) and (4).
(i) (1) Effective July 1, 2005, any presiding officer in agencies
specified in subsection (h)(1) which conduct hearings pursuant to the
Kansas administrative procedure act, except those exempted pursuant to
K.S.A. 77-551, and amendments thereto, and support personnel for such
presiding officers, shall be transferred to and shall become employees of
the office of administrative hearings. Such personnel shall retain all rights
under the state personnel system and retirement benefits under the laws of
this state which had accrued to or vested in such personnel prior to the
effective date of this section. Such person's services shall be deemed to
have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(2) Effective July 1, 2006, any presiding officer in agencies specified in subsection (h)(2) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(3) Effective July 1, 2007, any presiding officer in agencies specified in subsection (h)(3) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment had occurred.

(4) Effective July 1, 2008, any full-time presiding officer in agencies specified in subsection (h)(4) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of
this state which had accrued to or vested in such personnel prior to the
effective date of this section. Such person's services shall be deemed to
have been continuous. All transfers of personnel positions in the classified
service under the Kansas civil service act shall be in accordance with civil
service laws and any rules and regulations adopted thereunder. This
section shall not affect any matter pending before an administrative
hearing officer at the time of the effective date of the transfer, and such
matter shall proceed as though no transfer of employment had occurred.

(5) Effective July 1, 2009, any full-time presiding officer in agencies
specified in subsection (h)(5) which conduct hearings pursuant to the
Kansas administrative procedure act, except those exempted pursuant to
K.S.A. 77-551, and amendments thereto, and support personnel for such
presiding officers, shall be transferred to and shall become employees of
the office of administrative hearings. Such personnel shall retain all rights
under the state personnel system and retirement benefits under the laws of
this state which had accrued to or vested in such personnel prior to the
effective date of this section. Such person's services shall be deemed to
have been continuous. All transfers of personnel positions in the classified
service under the Kansas civil service act shall be in accordance with civil
service laws and any rules and regulations adopted thereunder. This
section shall not affect any matter pending before an administrative
hearing officer at the time of the effective date of the transfer, and such
matter shall proceed as though no transfer of employment occurred.

Sec. 46. K.S.A. 75-5664 is hereby amended to read as follows: 75-
5664. (a) There is hereby established an advisory committee on trauma.
The advisory committee on trauma shall be advisory to the secretary of
health and environment and shall be within the division of public health of
the department of health and environment as a part thereof.

(b) On July 1, 2001, the advisory committee on trauma in existence
immediately prior to July 1, 2001, is hereby abolished and a new advisory
committee on trauma is created in accordance with this section. The terms
of all members of the advisory committee on trauma in existence prior to
July 1, 2001, are hereby terminated. On and after July 1, 2001, the
advisory committee on trauma shall be composed of 24 members
representing both rural and urban areas of the state appointed as follows:

(1) Two members shall be persons licensed to practice medicine and
surgery appointed by the governor. At least 30 days prior to the expiration
of terms described in this section, for each member to be appointed under
this section, the Kansas medical society shall submit to the governor a list
of three names of persons of recognized ability and qualification. The
governor shall consider such list of persons in making appointments to the
board under this paragraph.

(2) One member shall be licensed to practice osteopathic medicine
appointed by the governor. At least 30 days prior to the expiration of the
term of the member appointed under this section, the Kansas association of
osteopathic medicine shall submit to the governor a list of three persons of
recognized ability and qualification. The governor shall consider such list
of persons in making appointments to the board under this paragraph.

(3) Three members shall be representatives of hospitals appointed by
the governor. At least 30 days before the expiration of terms described in
this section, for each member to be appointed under this section, the
Kansas hospital association shall submit to the governor a list of three
names of persons of recognized ability and qualification. The governor
shall consider such list of persons in making appointments to the board
under this paragraph.

(4) Two members shall be licensed professional nurses specializing in
trauma care or emergency nursing appointed by the governor. At least 30
days before the expiration of terms described in this section, for each
member to be appointed under this section, the Kansas state nurses
association shall submit to the governor a list of three names of persons of
recognized ability and qualification. The governor shall consider such list
of persons in making appointments to the board under this paragraph.

(5) Two members shall be emergency medical service providers as
defined in K.S.A. 65-6112, and amendments thereto, who are on the roster
of an ambulance service permitted by the board of emergency medical
services. At least 30 days prior to the expiration of one of these positions,
the Kansas emergency medical services association shall submit to the
governor a list of three persons of recognized ability and qualification. The
governor shall consider such list of persons in making this appointment to
the board. For the other member appointed under this section, at least 30
days prior to the expiration of the term of such member, the Kansas
emergency medical technician association shall submit a list of three
persons of recognized ability and qualification. The governor shall
consider such list of persons in making appointments to the board under
this paragraph.

(6) Two members shall be administrators of ambulance services, one
rural and one urban, appointed by the governor. At least 30 days prior to
the expiration of the terms of such members, the Kansas emergency
medical services association and Kansas emergency medical technician
association in consultation shall submit to the governor a list of four
persons of recognized ability and qualification. The governor shall
consider such list of persons in making this appointment to the board
under this paragraph.

(7) Six members shall be representatives of regional trauma councils,
one per council, appointed by the governor. At least 30 days prior to the
expiration of one of these positions, the relevant regional trauma council
shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making these appointments to the board.

(8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.

(9) The chairperson of the emergency medical services board, director of emergency medical services of the department of health and environment or the chairperson's director's designee shall be an ex officio member.

(10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

(c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under subsection (b)(1) through (b)(7): Six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years. Thereafter members shall serve terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).

(d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.

(f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee and officers thereof when acting in their
official capacity in considering incidents of trauma injury or trauma care
shall constitute a peer review committee and peer review officers for all
purposes of K.S.A. 65-4915, and amendments thereto.
(2) The advisory committee or an officer thereof may advise, report
to and discuss activities, information and findings of the committee that
relate to incidents of trauma injury or trauma care with the secretary of
health and environment as provided in subsections (a) and (e) without
waiver of the privilege provided by this subsection and K.S.A. 65-4915,
and amendments thereto, and the records and findings of such committee
or officer that are privileged under this subsection and K.S.A. 65-4915,
and amendments thereto, shall remain privileged as provided by this
subsection and K.S.A. 65-4915, and amendments thereto, prior to July 1,
2021.
(3) The provisions of this subsection shall expire on July 1, 2021,
unless the legislature reviews and reenacts this provision prior to July 1,
2021.
(g) Members of the advisory committee attending meetings of the
advisory committee or attending a subcommittee of the advisory
committee or other authorized meeting of the advisory committee shall not
be paid compensation but shall be paid amounts provided in K.S.A. 75-
3223(e), and amendments thereto.
Sec. 47. K.S.A. 65-4941, 65-4946, 65-5733, 65-6103, 65-6113, 65-
120, 75-1508, 75-1514, 75-3036, 75-37,121 and 75-5664 and K.S.A. 2019
Supp. 8-1404, 8-2010, 12-5364, 21-6324, 65-4915, 65-6102, 65-6110, 65-
65-6129d, 65-6130, 65-6133 and 65-6135 are hereby repealed.
Sec. 48. This act shall take effect and be in force from and after its
publication in the statute book.