

**SENATE BILL No. 99**

By Committee on Federal and State Affairs

2-5

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1 AN ACT concerning emergency medical services; relating to the  
2 emergency medical services board; powers and duties thereof; creating  
3 the designation of inactive certificate; relating to the authorized  
4 activities of certain emergency medical services providers; updating  
5 terminology and references related thereto; amending K.S.A. 65-  
6 16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-6102, 65-  
7 6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6124, 65-6126, 65-  
8 6127, 65-6129, 65-6129a, 65-6129b, 65-6130, 65-6133, 65-6135, 65-  
9 6145, 65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp. 8-1,159,  
10 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-510h, 44-  
11 511, 44-1204, 75-4364 and 75-5664 and repealing the existing sections;  
12 also repealing K.S.A. 65-6123 and 65-6129c.  
13

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

15 New Section 1. (a) (1) There is hereby created the designation of  
16 inactive certificate. The board is authorized to issue an inactive certificate  
17 to any person currently certified by the board who makes written  
18 application for such inactive certificate on a form provided by the board  
19 and remits the fee established by the board in rules and regulations. The  
20 board may issue an inactive certificate only to a person who is not directly  
21 engaged in the provision of emergency medical services for which  
22 certification is required and who does not hold oneself out to the public as  
23 being professionally engaged in the provision of emergency medical  
24 services. An inactive certificate shall not entitle the holder to engage in the  
25 practice of emergency medical services. Each inactive certificate may be  
26 renewed subject to the provisions of this section. Each inactive certificate  
27 holder shall be subject to the provisions of article 61 of chapter 65 of the  
28 Kansas Statutes Annotated, and amendments thereto, except as otherwise  
29 provided in this subsection. The holder of an inactive certificate shall not  
30 be required to submit evidence of satisfactory completion of the  
31 continuing education requirement prescribed by the board.

32 (b) Each inactive certificate holder may apply for an active certificate  
33 upon filing a written application with the board. The request shall be on a  
34 form provided by the board and shall be accompanied by a fee prescribed  
35 by the board in rules and regulations. The inactive certificate holder may  
36 be required to complete such additional testing, training or education as

1 the board may deem necessary to establish the inactive certificate holder's  
2 current ability to engage in the provision of emergency medical services  
3 with reasonable skill and safety.

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

6 Sec. 2. K.S.A. 2018 Supp. 8-1,159 is hereby amended to read as  
7 follows: 8-1,159. (a) On and after January 1, 2008, any owner or lessee of  
8 one or more passenger vehicles, trucks of a gross weight of 20,000 pounds  
9 or less or motorcycles, who is a resident of the state of Kansas, and who  
10 submits satisfactory proof to the director of vehicles that such person is an  
11 emergency medical ~~services attendant~~ *service provider*, as defined in  
12 K.S.A. 65-6112, and amendments thereto, upon compliance with the  
13 provisions of this section, may be issued one emergency medical services  
14 license plate for each such passenger vehicle, truck or motorcycle. Such  
15 license plates shall be issued for the same period of time as other license  
16 plates upon proper registration and payment of the regular license fee as  
17 provided in K.S.A. 8-143, and amendments thereto.

18 (b) Any applicant for a license plate authorized by this section may  
19 make application for such distinctive license plates, not less than 60 days  
20 prior to such applicant's renewal of registration date, on a form prescribed  
21 and furnished by the director of vehicles, and any applicant for the  
22 distinctive license plates shall furnish the director with proof as the  
23 director shall require under subsection (a). Application for the registration  
24 of a passenger vehicle, truck or motorcycle and issuance of the license  
25 plates under this section shall be made by the owner or lessee in a manner  
26 prescribed by the director of vehicles upon forms furnished by the director.

27 (c) No registration or distinctive license ~~plates~~ *plate* issued under the  
28 authority of this section shall be transferable to any other person.

29 (d) Renewals of registration under this section shall be made  
30 annually, upon payment of the fee prescribed in subsection (a), in the  
31 manner prescribed in subsection (b) of K.S.A. 8-132, and amendments  
32 thereto. No renewal of registration shall be made to any applicant until  
33 such applicant has filed with the director a form as provided in subsection  
34 (b). If such form is not filed, the applicant shall be required to comply with  
35 K.S.A. 8-143, and amendments thereto, and return the distinctive license  
36 plates to the county treasurer.

37 Sec. 3. K.S.A. 2018 Supp. 21-6326 is hereby amended to read as  
38 follows: 21-6326. (a) Unlawful interference with an emergency medical  
39 ~~services attendant~~ *service provider* is knowingly:

40 (1) Interfering with any ~~attendant~~ *emergency medical service*  
41 *provider* while engaged in the performance of such ~~attendant's~~ *emergency*  
42 *medical service provider's* duties; or

43 (2) obstructing, interfering with or impeding the efforts of any

1 ~~attendant~~ *emergency medical service provider* to reach the location of an  
2 emergency.

3 (b) Unlawful interference with an emergency medical ~~services~~  
4 ~~attendant~~ *service provider* is a class B person misdemeanor.

5 (c) As used in this section, ~~"attendant"~~ *"emergency medical service*  
6 *provider"* means the same as in K.S.A. 65-6112, and amendments thereto.

7 (d) A person who violates the provisions of this section may also be  
8 prosecuted for, convicted of; and punished for assault or battery.

9 Sec. 4. K.S.A. 2018 Supp. 39-1402 is hereby amended to read as  
10 follows: 39-1402. (a) Any person who is licensed to practice any branch of  
11 the healing arts, a licensed psychologist, a licensed master level  
12 psychologist, a licensed clinical psychotherapist, a chief administrative  
13 officer of a medical care facility, an adult care home administrator or  
14 operator, a licensed social worker, a licensed professional nurse, a licensed  
15 practical nurse, a licensed marriage and family therapist, a licensed clinical  
16 marriage and family therapist, licensed professional counselor, licensed  
17 clinical professional counselor, registered alcohol and drug abuse  
18 counselor, a teacher, a bank trust officer and any other officers of financial  
19 institutions, a legal representative, a governmental assistance provider or  
20 an emergency medical ~~services~~ ~~attendant~~ *service provider* who has  
21 reasonable cause to believe that a resident is being or has been abused,  
22 neglected or exploited, or is in a condition ~~which~~ *that* is the result of such  
23 abuse, neglect or exploitation or is in need of protective services, shall  
24 report immediately such information or cause a report of such information  
25 to be made in any reasonable manner to the Kansas department for aging  
26 and disability services with respect to residents defined under K.S.A. 39-  
27 1401(a)(1), and amendments thereto, to the department of health and  
28 environment with respect to residents defined under K.S.A. 39-1401(a)(2),  
29 and amendments thereto, and to the Kansas department for children and  
30 families and appropriate law enforcement agencies with respect to all other  
31 residents. Reports made to one department ~~which~~ *that* are required by this  
32 subsection to be made to the other department shall be referred by the  
33 department to which the report is made to the appropriate department for  
34 that report, and any such report shall constitute compliance with this  
35 subsection. Reports shall be made during the normal working week days  
36 and hours of operation of such departments. Reports shall be made to law  
37 enforcement agencies during the time the departments are not open for  
38 business. Law enforcement agencies shall submit the report and  
39 appropriate information to the appropriate department on the first working  
40 day that such department is open for business. A report made pursuant to  
41 K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be deemed a  
42 report under this section.

43 (b) The report made pursuant to subsection (a) shall contain the name

1 and address of the person making the report and of the caretaker caring for  
2 the resident, the name and address of the involved resident, information  
3 regarding the nature and extent of the abuse, neglect or exploitation, the  
4 name of the next of kin of the resident, if known, and any other  
5 information ~~which~~ *that* the person making the report believes might be  
6 helpful in an investigation of the case and the protection of the resident.

7 (c) Any other person, not listed in subsection (a), having reasonable  
8 cause to suspect or believe that a resident is being or has been abused,  
9 neglected or exploited; or is in a condition ~~which~~ *that* is the result of such  
10 abuse, neglect or exploitation or is in need of protective services may  
11 report such information to the Kansas department for aging and disability  
12 services with respect to residents defined under K.S.A. 39-1401(a)(1), and  
13 amendments thereto, to the department of health and environment with  
14 respect to residents defined under ~~subsection~~ K.S.A. 39-1401(a)(2), and  
15 amendments thereto, and to the Kansas department for children and  
16 families with respect to all other residents. Reports made to ~~one the~~  
17 *incorrect* department ~~which are to be made to the other department~~ under  
18 this section shall be referred by ~~the such~~ department ~~to which the report is~~  
19 ~~made~~ to the appropriate department for that report.

20 (d) Notice of the requirements of this act and the department to which  
21 a report is to be made under this act shall be posted in a conspicuous  
22 public place in every adult care home and medical care facility in this  
23 state.

24 (e) Any person required to report information or cause a report of  
25 information to be made under subsection (a) who knowingly fails to make  
26 such report or cause such report to be made shall be guilty of a class B  
27 misdemeanor.

28 Sec. 5. K.S.A. 2018 Supp. 39-1431 is hereby amended to read as  
29 follows: 39-1431. (a) Any person who is licensed to practice any branch of  
30 the healing arts, a licensed psychologist, a licensed master level  
31 psychologist, a licensed clinical psychotherapist, the chief administrative  
32 officer of a medical care facility, a teacher, a licensed social worker, a  
33 licensed professional nurse, a licensed practical nurse, a licensed dentist, a  
34 licensed marriage and family therapist, a licensed clinical marriage and  
35 family therapist, licensed professional counselor, licensed clinical  
36 professional counselor, registered alcohol and drug abuse counselor, a law  
37 enforcement officer, an emergency medical ~~services attendant~~ *service*  
38 *provider*, a case manager, a rehabilitation counselor, a bank trust officer or  
39 any other officers of financial institutions, a legal representative, a  
40 governmental assistance provider, an owner or operator of a residential  
41 care facility, an independent living counselor and the chief administrative  
42 officer of a licensed home health agency, the chief administrative officer of  
43 an adult family home and the chief administrative officer of a provider of

1 community services and affiliates thereof operated or funded by the  
2 Kansas department for aging and disability services or licensed under  
3 K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, who has  
4 reasonable cause to believe that an adult is being or has been abused,  
5 neglected or exploited or is in need of protective services shall report,  
6 immediately from receipt of the information, such information or cause a  
7 report of such information to be made in any reasonable manner. An  
8 employee of a domestic violence center shall not be required to report  
9 information or cause a report of information to be made under this  
10 subsection. Other state agencies receiving reports that are to be referred to  
11 the Kansas department for children and families and the appropriate law  
12 enforcement agency, shall submit the report to the department and agency  
13 within six hours, during normal work days, of receiving the information.  
14 Reports shall be made to the Kansas department for children and families  
15 during the normal working week days and hours of operation. Reports  
16 shall be made to law enforcement agencies during the time the Kansas  
17 department for children and families is not in operation. Law enforcement  
18 shall submit the report and appropriate information to the Kansas  
19 department for children and families on the first working day that the  
20 Kansas department for children and families is in operation after receipt of  
21 such information.

22 (b) The report made pursuant to subsection (a) shall contain the name  
23 and address of the person making the report and of the caretaker caring for  
24 the involved adult, the name and address of the involved adult, information  
25 regarding the nature and extent of the abuse, neglect or exploitation, the  
26 name of the next of kin of the involved adult, if known, and any other  
27 information ~~which~~ that the person making the report believes might be  
28 helpful in the investigation of the case and the protection of the involved  
29 adult.

30 (c) Any other person, not listed in subsection (a), having reasonable  
31 cause to suspect or believe that an adult is being or has been abused,  
32 neglected or exploited or is in need of protective services may report such  
33 information to the Kansas department for children and families. Reports  
34 shall be made to law enforcement agencies during the time the Kansas  
35 department for children and families is not in operation.

36 (d) A person making a report under subsection (a) shall not be  
37 required to make a report under K.S.A. 39-1401 through 39-1410, and  
38 amendments thereto.

39 (e) Any person required to report information or cause a report of  
40 information to be made under subsection (a) who knowingly fails to make  
41 such report or cause such report not to be made shall be guilty of a class B  
42 misdemeanor.

43 (f) Notice of the requirements of this act and the department to which

1 a report is to be made under this act shall be posted in a conspicuous  
2 public place in every adult family home as defined in K.S.A. 39-1501, and  
3 amendments thereto, and every provider of community services and  
4 affiliates thereof operated or funded by the Kansas department for aging  
5 and disability services or other facility licensed under K.S.A. 2018 Supp.  
6 39-2001 et seq., and amendments thereto, and other institutions included in  
7 subsection (a).

8 Sec. 6. K.S.A. 2018 Supp. 40-2141 is hereby amended to read as  
9 follows: 40-2141. (a) (1) Except as provided in paragraph (2), whenever a  
10 municipality provides for the payment of premiums for any health benefit  
11 plan for its emergency personnel, it shall pay premiums for the  
12 continuation of coverage under COBRA for the surviving spouse and  
13 eligible dependent children under the age of 26 years of any emergency  
14 personnel who dies in the line of duty. Premiums for continuation of  
15 coverage under COBRA shall be paid for 18 months.

16 (2) A municipality may not be required to pay the premiums  
17 described in paragraph (1) for a surviving spouse:

18 (A) On or after the end of the 18<sup>th</sup> calendar month after the date of  
19 death of the deceased emergency personnel;

20 (B) upon the remarriage of the deceased emergency personnel's  
21 surviving spouse; or

22 (C) upon the deceased emergency personnel's surviving spouse  
23 reaching the age of 65.

24 (b) For the purposes of this section:

25 (1) "Emergency personnel" means an ~~attendant~~ *emergency medical*  
26 *service provider* as such term is defined in K.S.A. 65-6112, and  
27 amendments thereto.

28 (2) "Health benefit plan" shall have the meaning ascribed to it in  
29 K.S.A. 40-4602, and amendments thereto.

30 (3) "Municipality" means a city or county.

31 Sec. 7. K.S.A. 2018 Supp. 44-131 is hereby amended to read as  
32 follows: 44-131. (a) No employer may discharge any employee by reason  
33 of the fact that the employee performs duties as a volunteer firefighter,  
34 volunteer certified emergency medical ~~services attendant~~ *service provider*,  
35 as defined in K.S.A. 65-6112, and amendments thereto, volunteer reserve  
36 law enforcement officer or volunteer part-time law enforcement officer.  
37 The provisions of this section shall not apply to an employer when the  
38 employee is employed by the employer as a full-time firefighter or law  
39 enforcement officer.

40 (b) For the purposes of this section, the term:

41 (1) "Employee" shall have the meaning ascribed to it in K.S.A. 44-  
42 131, and amendments thereto.

43 (2) "Employer" shall have the meaning ascribed to it in K.S.A. 44-

1 313, and amendments thereto.

2 Sec. 8. K.S.A. 2018 Supp. 44-508 is hereby amended to read as  
3 follows: 44-508. As used in the workers compensation act:

4 (a) "Employer" includes: (1) Any person or body of persons,  
5 corporate or unincorporated, and the legal representative of a deceased  
6 employer or the receiver or trustee of a person, corporation, association or  
7 partnership; (2) the state or any department, agency or authority of the  
8 state, any city, county, school district or other political subdivision or  
9 municipality or public corporation and any instrumentality thereof; and (3)  
10 for the purposes of community service work, the entity for which the  
11 community service work is being performed and the governmental agency  
12 ~~which~~ *that* assigned the community service work, if any, if either such  
13 entity or such governmental agency has filed a written statement of  
14 election with the director to accept the provisions under the workers  
15 compensation act for persons performing community service work and in  
16 such case such entity and such governmental agency shall be deemed to be  
17 the joint employer of the person performing the community service work  
18 and both shall have the rights, liabilities and immunities provided under  
19 the workers compensation act for an employer with regard to the  
20 community service work, except that the liability for providing benefits  
21 shall be imposed only on the party ~~which~~ *that* filed such election with the  
22 director; or on both if both parties have filed such election with the  
23 director; for purposes of community service work, "governmental agency"  
24 shall not include any court or any officer or employee thereof and any case  
25 where there is deemed to be a "joint employer" shall not be construed to be  
26 a case of dual or multiple employment.

27 (b) "Workman" or "employee" or "worker" means any person who  
28 has entered into the employment of or works under any contract of service  
29 or apprenticeship with an employer. Such terms shall include, but not be  
30 limited to: Executive officers of corporations; professional athletes;  
31 persons serving on a volunteer basis as duly authorized law enforcement  
32 officers, ~~attendants~~ *emergency medical service providers*, as defined in  
33 ~~subsection (f) of K.S.A. 65-6112, and amendments thereto, drivers of~~  
34 ~~ambulances as defined in subsection (d) of K.S.A. 65-6112, and~~  
35 ~~amendments thereto~~, firefighters, but only to the extent and during such  
36 periods as they are so serving in such capacities; persons employed by  
37 educational, religious and charitable organizations, but only to the extent  
38 and during the periods that they are paid wages by such organizations;  
39 persons in the service of the state; or any department, agency or authority  
40 of the state, any city, school district; or other political subdivision or  
41 municipality or public corporation and any instrumentality thereof, under  
42 any contract of service, express or implied, and every official or officer  
43 thereof, whether elected or appointed, while performing official duties;

1 persons in the service of the state as volunteer members of the Kansas  
2 department of civil air patrol, but only to the extent and during such  
3 periods as they are officially engaged in the performance of functions  
4 specified in K.S.A. 48-3302, and amendments thereto; volunteers in any  
5 employment, if the employer has filed an election to extend coverage to  
6 such volunteers; minors, whether such minors are legally or illegally  
7 employed; and persons performing community service work, but only to  
8 the extent and during such periods as they are performing community  
9 service work and if an election has been filed an election to extend  
10 coverage to such persons. Any reference to an employee who has been  
11 injured shall, where the employee is dead, include a reference to the  
12 employee's dependents, to the employee's legal representatives; or, if the  
13 employee is a minor or an incapacitated person, to the employee's guardian  
14 or conservator. Unless there is a valid election in effect—~~which~~ *that* has  
15 been filed as provided in K.S.A. 44-542a, and amendments thereto, such  
16 terms shall not include individual employers, limited liability company  
17 members, partners or self-employed persons.

18 (c) (1) "Dependents" means such members of the employee's family  
19 as were wholly or in part dependent upon the employee at the time of the  
20 accident or injury.

21 (2) "Members of a family" means only surviving legal spouse and  
22 children; or if no surviving legal spouse or children, then parents or  
23 grandparents; or if no parents or grandparents, then grandchildren; or if no  
24 grandchildren, then brothers and sisters. In the meaning of this section,  
25 parents include stepparents, children include stepchildren, grandchildren  
26 include stepgrandchildren, brothers and sisters include stepbrothers and  
27 stepsisters, and children and parents include that relation by legal  
28 adoption. In the meaning of this section, a surviving spouse shall not be  
29 regarded as a dependent of a deceased employee or as a member of the  
30 family, if the surviving spouse shall have for more than six months  
31 willfully or voluntarily deserted or abandoned the employee prior to the  
32 date of the employee's death.

33 (3) "Wholly dependent child or children" means:

34 (A) A birth child or adopted child of the employee except such a child  
35 whose relationship to the employee has been severed by adoption;

36 (B) a stepchild of the employee who lives in the employee's  
37 household;

38 (C) any other child who is actually dependent in whole or in part on  
39 the employee and who is related to the employee by marriage or  
40 consanguinity; or

41 (D) any child as defined in subsection (c)(3)(A), (3)(B) or (3)(C) who  
42 is less than 23 years of age and who is not physically or mentally capable  
43 of earning wages in any type of substantial and gainful employment or



1 who is a full-time student attending an accredited institution of higher  
2 education or vocational education.

3 (d) "Accident" means an undesigned, sudden and unexpected  
4 traumatic event, usually of an afflictive or unfortunate nature and often,  
5 but not necessarily, accompanied by a manifestation of force. An accident  
6 shall be identifiable by time and place of occurrence, produce at the time  
7 symptoms of an injury, and occur during a single work shift. The accident  
8 must be the prevailing factor in causing the injury. "Accident" shall in no  
9 case be construed to include repetitive trauma in any form.

10 (e) "Repetitive trauma" refers to cases where an injury occurs as a  
11 result of repetitive use, cumulative traumas or microtraumas. The  
12 repetitive nature of the injury must be demonstrated by diagnostic or  
13 clinical tests. The repetitive trauma must be the prevailing factor in  
14 causing the injury. "Repetitive trauma" shall in no case be construed to  
15 include occupational disease, as defined in K.S.A. 44-5a01, and  
16 amendments thereto.

17 In the case of injury by repetitive trauma, the date of injury shall be the  
18 earliest of:

19 (1) The date the employee, while employed for the employer against  
20 whom benefits are sought, is taken off work by a physician due to the  
21 diagnosed repetitive trauma;

22 (2) the date the employee, while employed for the employer against  
23 whom benefits are sought, is placed on modified or restricted duty by a  
24 physician due to the diagnosed repetitive trauma;

25 (3) the date the employee, while employed for the employer against  
26 whom benefits are sought, is advised by a physician that the condition is  
27 work-related; or

28 (4) the last day worked, if the employee no longer works for the  
29 employer against whom benefits are sought.

30 In no case shall the date of accident be later than the last date worked.

31 (f) (1) "Personal injury" and "injury" mean any lesion or change in  
32 the physical structure of the body, causing damage or harm thereto.  
33 Personal injury or injury may occur only by accident, repetitive trauma or  
34 occupational disease as those terms are defined.

35 (2) An injury is compensable only if it arises out of and in the course  
36 of employment. An injury is not compensable because work was a  
37 triggering or precipitating factor. An injury is not compensable solely  
38 because it aggravates, accelerates or exacerbates a preexisting condition or  
39 renders a preexisting condition symptomatic.

40 (A) An injury by repetitive trauma shall be deemed to arise out of  
41 employment only if:

42 (i) The employment exposed the worker to an increased risk or  
43 hazard *to* which the worker would not have been exposed in normal non-

1 employment life;

2 (ii) the increased risk or hazard to which the employment exposed the  
3 worker is the prevailing factor in causing the repetitive trauma; and

4 (iii) the repetitive trauma is the prevailing factor in causing both the  
5 medical condition and resulting disability or impairment.

6 (B) An injury by accident shall be deemed to arise out of employment  
7 only if:

8 (i) There is a causal connection between the conditions under which  
9 the work is required to be performed and the resulting accident; and

10 (ii) the accident is the prevailing factor causing the injury, medical  
11 condition; and resulting disability or impairment.

12 (3) (A) The words "arising out of and in the course of employment"  
13 as used in the workers compensation act shall not be construed to include:

14 (i) Injury ~~which~~ *that* occurred as a result of the natural aging process  
15 or by the normal activities of day-to-day living;

16 (ii) accident or injury ~~which~~ *that* arose out of a neutral risk with no  
17 particular employment or personal character;

18 (iii) accident or injury ~~which~~ *that* arose out of a risk personal to the  
19 worker; or

20 (iv) accident or injury ~~which~~ *that* arose either directly or indirectly  
21 from idiopathic causes.

22 (B) The words "arising out of and in the course of employment" as  
23 used in the workers compensation act shall not be construed to include  
24 injuries to the employee occurring while the employee is on the way to  
25 assume the duties of employment or after leaving such duties, the  
26 proximate cause of which injury is not the employer's negligence. An  
27 employee shall not be construed as being on the way to assume the duties  
28 of employment or having left such duties at a time when the worker is on  
29 the premises owned or under the exclusive control of the employer or on  
30 the only available route to or from work ~~which~~ *that* is a route involving a  
31 special risk or hazard connected with the nature of the employment, that is  
32 not a risk or hazard to which the general public is exposed and ~~which~~ *that*  
33 is a route not used by the public except in dealings with the employer. An  
34 employee shall not be construed as being on the way to assume the duties  
35 of employment, if the employee is a provider of emergency services  
36 responding to an emergency.

37 (C) The words, "arising out of and in the course of employment" as  
38 used in the workers compensation act shall not be construed to include  
39 injuries to employees while engaged in recreational or social events under  
40 circumstances where the employee was under no duty to attend and where  
41 the injury did not result from the performance of tasks related to the  
42 employee's normal job duties or as specifically instructed to be performed  
43 by the employer.

1 (g) "Prevailing" as it relates to the term "factor" means the primary  
2 factor, in relation to any other factor. In determining what constitutes the  
3 "prevailing factor" in a given case, the administrative law judge shall  
4 consider all relevant evidence submitted by the parties.

5 (h) "Burden of proof" means the burden of a party to persuade the  
6 trier of facts by a preponderance of the credible evidence that such party's  
7 position on an issue is more probably true than not true on the basis of the  
8 whole record unless a higher burden of proof is specifically required by  
9 this act.

10 (i) "Director" means the director of workers compensation as  
11 provided for in K.S.A. 75-5708, and amendments thereto.

12 (j) "Healthcare provider" means any person licensed, by the proper  
13 licensing authority of this state, another state or the District of Columbia,  
14 to practice medicine and surgery, osteopathy, chiropractic, dentistry,  
15 optometry, podiatry, audiology or psychology.

16 (k) "Secretary" means the secretary of labor.

17 (l) "Construction design professional" means any person who is an  
18 architect, professional engineer, landscape architect or land surveyor who  
19 has been issued a license by the state board of technical professions to  
20 practice such technical profession in Kansas or any corporation organized  
21 to render professional services through the practice of one or more of such  
22 technical professions in Kansas under the professional corporation law of  
23 Kansas or any corporation issued a certificate of authorization under  
24 K.S.A. 74-7036, and amendments thereto, to practice one or more of such  
25 technical professions in Kansas.

26 (m) "Community service work" means: (1) Public or community  
27 service performed as a result of a contract of diversion or of assignment to  
28 a community corrections program or conservation camp or suspension of  
29 sentence or as a condition of probation or in lieu of a fine imposed by  
30 court order; or (2) public or community service or other work performed  
31 as a requirement for receipt of any kind of public assistance in accordance  
32 with any program administered by the secretary for children and families.

33 (n) "Utilization review" means the initial evaluation of  
34 appropriateness in terms of both the level and the quality of health care  
35 and health services provided to a patient, based on accepted standards of  
36 the health care profession involved. Such evaluation is accomplished by  
37 means of a system—~~which that~~ identifies the utilization of health care  
38 services above the usual range of utilization for such services, ~~which that~~  
39 is based on accepted standards of the health care profession involved; and  
40 ~~which that~~ refers instances of possible inappropriate utilization to the  
41 director for referral to a peer review committee.

42 (o) "Peer review" means an evaluation by a peer review committee of  
43 the appropriateness, quality and cost of health care and health services

1 provided a patient, ~~which that~~ is based on accepted standards of the health  
2 care profession involved and ~~which that~~ is conducted in conjunction with  
3 utilization review.

4 (p) "Peer review committee" means a committee composed of health  
5 care providers licensed to practice the same health care profession as the  
6 health care provider who rendered the health care services being reviewed.

7 (q) "Group-funded self-insurance plan" includes each group-funded  
8 workers compensation pool, ~~which that~~ is authorized to operate in this  
9 state under K.S.A. 44-581 through 44-592, and amendments thereto, each  
10 municipal group-funded pool under the Kansas municipal group-funded  
11 pool act ~~which that~~ is covering liabilities under the workers compensation  
12 act; and any other similar group-funded or pooled plan or arrangement that  
13 provides coverage for employer liabilities under the workers compensation  
14 act and is authorized by law.

15 (r) On and after the effective date of this act, "workers compensation  
16 board" or "board" means the workers compensation appeals board  
17 established under K.S.A. 44-555c, and amendments thereto.

18 (s) "Usual charge" means the amount most commonly charged by  
19 health care providers for the same or similar services.

20 (t) "Customary charge" means the usual rates or range of fees charged  
21 by health care providers in a given locale or area.

22 (u) "Functional impairment" means the extent, expressed as a  
23 percentage, of the loss of a portion of the total physiological capabilities of  
24 the human body as established by competent medical evidence and based  
25 on the fourth edition of the American medical association guides to the  
26 evaluation of impairment, if the impairment is contained therein.

27 (v) "Authorized treating physician" means a licensed physician or  
28 other health care provider authorized by the employer or insurance carrier,  
29 or both, or appointed pursuant to court-order to provide those medical  
30 services deemed necessary to diagnose and treat an injury arising out of  
31 and in the course of employment.

32 (w) "Mail" means the use of the United States postal service or other  
33 land based delivery service or transmission by electronic means, including  
34 delivery by fax, e-mail or other electronic delivery method designated by  
35 the director of workers compensation.

36 Sec. 9. K.S.A. 2018 Supp. 44-510h is hereby amended to read as  
37 follows: 44-510h. (a) It shall be the duty of the employer to provide the  
38 services of a health care provider; and such medical, surgical and hospital  
39 treatment, including nursing, medicines, medical and surgical supplies,  
40 ambulance, crutches, apparatus and transportation to and from the home of  
41 the injured employee to a place outside the community in which such  
42 employee resides; and within such community if the director, in the  
43 director's discretion, so orders, including transportation expenses

1 computed in accordance with ~~subsection (a)~~ of K.S.A. 44-515(a), and  
2 amendments thereto, as may be reasonably necessary to cure and relieve  
3 the employee from the effects of the injury.

4 (b) (1) If the director finds, upon application of an injured employee,  
5 that the services of the health care provider furnished as provided in  
6 subsection (a) and rendered on behalf of the injured employee are not  
7 satisfactory, the director may authorize the appointment of some other  
8 health care provider. In any such case, the employer shall submit the  
9 names of two health care providers who, if possible given the availability  
10 of local health care providers, are not associated in practice together. The  
11 injured employee may select one from the list who shall be the authorized  
12 treating health care provider. If the injured employee is unable to obtain  
13 satisfactory services from any of the health care providers submitted by the  
14 employer under this paragraph, either party or both parties may request the  
15 director to select a treating health care provider.

16 (2) Without application or approval, an employee may consult a  
17 health care provider of the employee's choice for the purpose of  
18 examination, diagnosis or treatment, but the employer shall only be liable  
19 for the fees and charges of such health care provider up to a total amount  
20 of \$500. The amount allowed for such examination, diagnosis or treatment  
21 shall not be used to obtain a functional impairment rating. Any medical  
22 opinion obtained in violation of this prohibition shall not be admissible in  
23 any claim proceedings under the workers compensation act.

24 (c) An injured employee whose injury or disability has been  
25 established under the workers compensation act may rely, if done in good  
26 faith, solely or partially on treatment by prayer or spiritual means in  
27 accordance with the tenets of practice of a church or religious  
28 denomination without suffering a loss of benefits subject to the following  
29 conditions:

30 (1) The employer or the employer's insurance carrier agrees thereto in  
31 writing either before or after the injury;

32 (2) the employee submits to all physical examinations required by the  
33 workers compensation act;

34 (3) the cost of such treatment shall be paid by the employee unless  
35 the employer or insurance carrier agrees to make such payment;

36 (4) the injured employee shall be entitled only to benefits that would  
37 reasonably have been expected had such employee undergone medical or  
38 surgical treatment; and

39 (5) the employer or insurance carrier that made an agreement under  
40 paragraph (1) or (3) ~~of this subsection~~ may withdraw from the agreement  
41 on 10 days' written notice.

42 (d) In any employment to which the workers compensation act  
43 applies, the employer shall be liable to each employee who is employed as

1 a duly authorized law enforcement officer, firefighter, ~~driver of an~~  
2 ~~ambulance as defined in subsection (b) of K.S.A. 65-6112, and~~  
3 ~~amendments thereto, an ambulance attendant as defined in subsection (d)~~  
4 ~~of an emergency medical service provider as defined in K.S.A. 65-6112,~~  
5 and amendments thereto, or a member of a regional emergency medical  
6 response team as provided in K.S.A. 48-928, and amendments thereto,  
7 including any person who is serving on a volunteer basis in such capacity,  
8 for all reasonable and necessary preventive medical care and treatment for  
9 hepatitis to which such employee is exposed under circumstances arising  
10 out of and in the course of employment.

11 (e) It is presumed that the employer's obligation to provide the  
12 services of a health care provider; and such medical, surgical and hospital  
13 treatment, including nursing, medicines, medical and surgical supplies,  
14 ambulance, crutches, apparatus and transportation to and from the home of  
15 the injured employee to a place outside the community in which such  
16 employee resides; and within such community if the director, in the  
17 director's discretion, so orders, including transportation expenses  
18 computed in accordance with ~~subsection (a) of K.S.A. 44-515(a), and~~  
19 amendments thereto, shall terminate upon the employee reaching  
20 maximum medical improvement. Such presumption may be overcome  
21 with medical evidence that it is more probably true than not that additional  
22 medical treatment will be necessary after such time as the employee  
23 reaches maximum medical improvement. ~~The term As used in this~~  
24 ~~subsection, "medical treatment" as used in this subsection (e) means only~~  
25 that treatment provided or prescribed by a licensed health care provider  
26 and shall not include home exercise programs or over-the-counter  
27 medications.

28 Sec. 10. K.S.A. 2018 Supp. 44-511 is hereby amended to read as  
29 follows: 44-511. (a) As used in this section:

30 (1) The term "money" shall be construed to mean the gross  
31 remuneration, on an hourly, output, salary, commission or other basis  
32 earned while employed by the employer, including bonuses and gratuities.  
33 Money shall not include any additional compensation, as defined in  
34 paragraph 2.

35 (2) (A) The term "additional compensation" shall include and mean  
36 only the following: (i) Board and lodging when furnished by the employer  
37 as part of the wages, which shall be valued at a maximum of \$25 per week  
38 for board and lodging combined, unless the value has been fixed otherwise  
39 by the employer and employee prior to the date of the accident or injury, or  
40 unless a higher weekly value is proved; and (ii) employer-paid life  
41 insurance, disability insurance, health and accident insurance and  
42 employer contributions to pension and profit sharing plans.

43 (B) In no case shall additional compensation include any amounts of

1 employer taxes paid by the employer under the old-age and survivors  
2 insurance system embodied in the federal social security system.

3 (C) Additional compensation shall not be included in the calculation  
4 of average wage until and unless such additional compensation is  
5 discontinued. If such additional compensation is discontinued subsequent  
6 to a computation of average weekly wages under this section, there shall  
7 be a recomputation to include such discontinued additional compensation.

8 (3) The term "wage" shall be construed to mean the total of the  
9 money and any additional compensation ~~which~~ *that* the employee receives  
10 for services rendered for the employer in whose employment the employee  
11 sustains an injury arising out of and in the course of such employment.

12 (b) (1) Unless otherwise provided, the employee's average weekly  
13 wage for the purpose of computing any compensation benefits provided by  
14 the workers compensation act shall be the wages the employee earned  
15 during the calendar weeks employed by the employer, up to 26 calendar  
16 weeks immediately preceding the date of the injury, divided by the number  
17 of calendar weeks the employee actually worked, or by 26 as the case may  
18 be.

19 (2) If actually employed by the employer for less than one calendar  
20 week immediately preceding the accident or injury, the average weekly  
21 wage shall be determined by the administrative law judge based upon all  
22 of the evidence and circumstances, including the usual wage for similar  
23 services paid by the same employer, or if the employer has no employees  
24 performing similar services, the usual wage paid for similar services by  
25 other employers. The average weekly wage so determined shall not exceed  
26 the actual average weekly wage the employee was reasonably expected to  
27 earn in the employee's specific employment, including the average weekly  
28 value of any additional compensation.

29 (3) The average weekly wage of an employee who performs the same  
30 or a very similar type of work on a part-time basis for each of two or more  
31 employers, shall be the sum of the average weekly wages of such  
32 employee paid by each of the employers.

33 (4) In determining an employee's average weekly wage with respect  
34 to the employer against whom claim for compensation is made, no money  
35 or additional compensation paid to or received by the employee from such  
36 employer, or from any source other than from such employer, shall be  
37 included as wages, except as provided in this section. No wages, other  
38 compensation or benefits of any type, except as provided in this section,  
39 shall be considered or included in determining the employee's average  
40 weekly wage.

41 (5) (A) The average weekly wage of a person serving on a volunteer  
42 basis as a duly authorized law enforcement officer, ~~ambulance attendants~~  
43 ~~and drivers~~ *emergency medical service provider* as provided in subsection

1 ~~(b)~~ of K.S.A. 44-508, and amendments thereto, firefighter or members of  
2 regional emergency medical response teams as provided in K.S.A. 48-928,  
3 and amendments thereto, who receives no wages for such services, or who  
4 receives wages ~~which~~ *that* are substantially less than the usual wages paid  
5 for such services by comparable employers to employees who are not  
6 volunteers, shall be computed on the basis of the dollar amount closest to,  
7 but not exceeding, 112½% of the state average weekly wage.

8 (B) The average weekly wage of any person performing community  
9 service work shall be deemed to be \$37.50.

10 (C) The average weekly wage of a volunteer member of the Kansas  
11 department of civil air patrol officially engaged in the performance of  
12 functions specified in K.S.A. 48-3302, and amendments thereto, shall be  
13 deemed to be \$476.38. Whenever the rates of compensation of the pay  
14 plan for persons in the classified service under the Kansas civil service act  
15 are increased for payroll periods chargeable to fiscal years commencing  
16 after June 30, 1988, the average weekly wage ~~which~~ *that* is deemed to be  
17 the average weekly wage under the provisions of this subsection for a  
18 volunteer member of the Kansas department of civil air patrol shall be  
19 increased by an amount, adjusted to the nearest dollar, computed by  
20 multiplying the average of the percentage increases in all monthly steps of  
21 such pay plan by the average weekly wage deemed to be the average  
22 weekly wage of such volunteer member under the provisions of this  
23 subsection prior to the effective date of such increase in the rates of  
24 compensation of the pay plan for persons in the classified service under  
25 the Kansas civil service act.

26 (D) The average weekly wage of any other volunteer under the  
27 workers compensation act, who receives no wages for such services, or  
28 who receives wages ~~which~~ *that* are substantially less than the usual wages  
29 paid for such services by comparable employers to employees who are not  
30 volunteers, shall be computed on the basis of the usual wages paid by the  
31 employer for such services to employees who are not volunteers, or, if the  
32 employer has no employees performing such services for wages who are  
33 not volunteers, the average weekly wage shall be computed on the basis of  
34 the usual wages paid for such services by comparable employers to  
35 employees who are not volunteers. Volunteer employment is not presumed  
36 to be full-time employment.

37 (c) The state's average weekly wage for any year shall be the average  
38 weekly wage paid to employees in insured work subject to Kansas  
39 employment security law as determined annually by the secretary of labor  
40 as provided in K.S.A. 44-704, and amendments thereto.

41 (d) Members of a labor union or other association who perform  
42 services ~~in~~ *on* behalf of the labor union or other association and who are  
43 not paid as full-time employees of the labor union or other association and



1 who are injured or suffer occupational disease in the course of the  
2 performance of duties ~~in~~ on behalf of the labor union or other association  
3 shall recover compensation benefits under the workers compensation act  
4 from the labor union or other association if the labor union or other  
5 association files an election with the director to bring its members who  
6 perform such services under the coverage of the workers compensation  
7 act. The average weekly wage for the purpose of this subsection shall be  
8 based on what the employee would earn in the employee's general  
9 occupation if at the time of the injury the employee had been performing  
10 work in the employee's general occupation. The insurance coverage shall  
11 be furnished by the labor union or other association.

12 Sec. 11. K.S.A. 2018 Supp. 44-1204 is hereby amended to read as  
13 follows: 44-1204. (a) On and after January 1, 1978, no employer shall  
14 employ any employee for a workweek longer than 46 hours, unless such  
15 employee receives compensation for employment in excess of 46 hours in  
16 a workweek at a rate of not less than 1½ times the hourly wage rate at  
17 which such employee is regularly employed.

18 (b) No employer shall be deemed to have violated subsection (a) with  
19 respect to the employment of any employee who is covered by this section,  
20 who is engaged in the public or private delivery of emergency medical  
21 services as an ~~attendant~~ *emergency medical service provider* as defined by  
22 K.S.A. 65-6112, and amendments thereto, or who is engaged in fire  
23 protection or law enforcement activities, including any member of the  
24 security personnel in any correctional institution, and who is paid  
25 compensation at a rate of not less than 1½ times the regular rate at which  
26 such employee is employed:

27 (1) In any work period of 28 consecutive days in which such  
28 employee works for tours of duty ~~which~~ *that* in the aggregate exceed 258  
29 hours; or

30 (2) in the case of any such employee to whom a work period of at  
31 least seven but less than 28 days applies, in any such work period in which  
32 such employee works for tours of duty ~~which~~ *that* in the aggregate exceed  
33 a number of hours ~~which bears~~ *that bear* the same ratio to the number of  
34 consecutive days in such work period as 258 hours bears to 28 days.

35 (c) The provisions of this section shall not apply to the employment  
36 of:

37 (1) Any employee who is covered under the provisions of section 7 of  
38 the fair labor standards act of 1938 as amended, 29 U.S.C.A. § 207, and as  
39 amended by the fair labor standards amendments of 1974, and  
40 amendments thereto; or

41 (2) any employee who is primarily engaged in selling motor vehicles,  
42 as defined in K.S.A. 8-126, and amendments thereto, for a non-  
43 manufacturing employer primarily engaged in the business of selling such

1 vehicles to ultimate purchasers;

2 (3) any person who is sentenced to the custody of the secretary of  
3 corrections and any person serving a sentence in a county jail.

4 (d) For the purposes of this section, the agreement or practice by  
5 employees engaged in fire protection or law enforcement activities of  
6 substituting for one another on regularly scheduled tours of duty, or a part  
7 thereof, shall be deemed to have no effect on hours of work if:

8 (1) The substituting is done voluntarily by the employees and not at  
9 the behest of the employer;

10 (2) the reason for substituting is due not to the employer's business  
11 practice but to the employee's desire or need to attend to a personal matter;

12 (3) a record is maintained by the employer of all time substituted by  
13 the employer's employees; and

14 (4) the period during which time is substituted and paid back does not  
15 exceed 12 months.

16 Sec. 12. K.S.A. 65-16,127 is hereby amended to read as follows: 65-  
17 16,127. (a) As used in this section:

18 (1) "Bystander" means a family member, friend, caregiver or other  
19 person in a position to assist a person who the family member, friend,  
20 caregiver or other person believes, in good faith, to be experiencing an  
21 opioid overdose.

22 (2) "Emergency opioid antagonist" means any drug that inhibits the  
23 effects of opioids and that is approved by the United States food and drug  
24 administration for the treatment of an opioid overdose.

25 (3) "First responder" includes any ~~attendant~~ *emergency medical*  
26 *service provider*, as defined by K.S.A. 65-6112, and amendments thereto,  
27 any law enforcement officer, as defined by K.S.A. 22-2202, and  
28 amendments thereto, and any actual member of any organized fire  
29 department, whether regular or volunteer.

30 (4) "First responder agency" includes, but is not limited to, any law  
31 enforcement agency, fire department or criminal forensic laboratory of any  
32 city, county or the state of Kansas.

33 (5) "Opioid antagonist protocol" means the protocol established by  
34 the state board of pharmacy pursuant to subsection (b).

35 (6) "Opioid overdose" means an acute condition including, but not  
36 limited to, extreme physical illness, decreased level of consciousness,  
37 respiratory depression, coma, mania or death, resulting from the  
38 consumption or use of an opioid or another substance with which an  
39 opioid was combined, or that a layperson would reasonably believe to be  
40 resulting from the consumption or use of an opioid or another substance  
41 with which an opioid was combined, and for which medical assistance is  
42 required.

43 (7) "Patient" means a person believed to be at risk of experiencing an

1 opioid overdose.

2 (8) "School nurse" means a professional nurse licensed by the board  
3 of nursing and employed by a school district to perform nursing  
4 procedures in a school setting.

5 (9) "Healthcare provider" means a physician licensed to practice  
6 medicine and surgery by the state board of healing arts, a licensed dentist,  
7 a mid-level practitioner as defined by K.S.A. 65-1626, and amendments  
8 thereto, or any person authorized by law to prescribe medication.

9 (b) The state board of pharmacy shall issue a statewide opioid  
10 antagonist protocol that establishes requirements for a licensed pharmacist  
11 to dispense emergency opioid antagonists to a person pursuant to this  
12 section. The opioid antagonist protocol shall include procedures to ensure  
13 accurate recordkeeping and education of the person to whom the  
14 emergency opioid antagonist is furnished, including, but not limited to:  
15 Opioid overdose prevention, recognition and response; safe administration  
16 of an emergency opioid antagonist; potential side effects or adverse events  
17 that may occur as a result of administering an emergency opioid  
18 antagonist; a requirement that the administering person immediately  
19 contact emergency medical services for a patient; and the availability of  
20 drug treatment programs.

21 (c) A pharmacist may furnish an emergency opioid antagonist to a  
22 patient or bystander subject to the requirements of this section, the  
23 pharmacy act of the state of Kansas and any rules and regulations adopted  
24 by the state board of pharmacy thereunder.

25 (d) A pharmacist furnishing an emergency opioid antagonist pursuant  
26 to this section may not permit the person to whom the emergency opioid  
27 antagonist is furnished to waive any consultation required by this section  
28 or any rules and regulations adopted thereunder.

29 (e) Any first responder, scientist or technician operating under a first  
30 responder agency or school nurse is authorized to possess, store and  
31 administer emergency opioid antagonists as clinically indicated, provided  
32 that all personnel with access to emergency opioid antagonists are trained,  
33 at a minimum, on the following:

34 (1) Techniques to recognize signs of an opioid overdose;

35 (2) standards and procedures to store and administer an emergency  
36 opioid antagonist;

37 (3) emergency follow-up procedures, including the requirement to  
38 summon emergency ambulance services either immediately before or  
39 immediately after administering an emergency opioid antagonist to a  
40 patient; and

41 (4) inventory requirements and reporting any administration of an  
42 emergency opioid antagonist to a healthcare provider.

43 (f) (1) Any first responder agency electing to provide an emergency

1 opioid antagonist to its employees or volunteers for the purpose of  
2 administering the emergency opioid antagonist shall procure the services  
3 of a physician to serve as physician medical director for the first responder  
4 agency's emergency opioid antagonist program.

5 (2) The first responder agency shall utilize the physician medical  
6 director or a licensed pharmacist for the purposes of:

7 (A) Obtaining a supply of emergency opioid antagonists;

8 (B) receiving assistance developing necessary policies and  
9 procedures that comply with this section and any rules and regulations  
10 adopted thereunder;

11 (C) training personnel; and

12 (D) coordinating agency activities with local emergency ambulance  
13 services and medical directors to provide quality assurance activities.

14 (g) (1) Any healthcare provider or pharmacist who, in good faith and  
15 with reasonable care, prescribes or dispenses an emergency opioid  
16 antagonist pursuant to this section shall not, by an act or omission, be  
17 subject to civil liability, criminal prosecution or any disciplinary or other  
18 adverse action by a professional licensure entity arising from the  
19 healthcare provider or pharmacist prescribing or dispensing the emergency  
20 opioid antagonist.

21 (2) Any patient, bystander, ~~or~~ school nurse, or a first responder,  
22 scientist or technician operating under a first responder agency, who, in  
23 good faith and with reasonable care, receives and administers an  
24 emergency opioid antagonist pursuant to this section to a person  
25 experiencing a suspected opioid overdose shall not, by an act or omission,  
26 be subject to civil liability or criminal prosecution, unless personal injury  
27 results from the gross negligence or willful or wanton misconduct in the  
28 administration of the emergency opioid antagonist.

29 (3) Any first responder agency employing or contracting any person  
30 that, in good faith and with reasonable care, administers an emergency  
31 opioid antagonist pursuant to this section to a person experiencing a  
32 suspected opioid overdose shall not, by an act or omission, be subject to  
33 civil liability, criminal prosecution, any disciplinary or other adverse  
34 action by a professional licensure entity or any professional review.

35 (h) The state board of pharmacy shall adopt rules and regulations as  
36 may be necessary to implement the provisions of this section prior to  
37 January 1, 2018.

38 (i) This section shall be part of and supplemental to the pharmacy act  
39 of the state of Kansas.

40 Sec. 13. K.S.A. 65-1728 is hereby amended to read as follows: 65-  
41 1728. For the purpose of removing an eye or part thereof, any embalmer  
42 licensed in accordance with the provisions of article 17 of chapter 65 of  
43 the Kansas Statutes Annotated, and ~~aets amendatory thereof~~ *amendments*

1 *thereto*, a licensed nurse, technician employed by a nationally certified eye  
2 bank, licensed optometrist, ~~attendant~~ *emergency medical service provider*  
3 as defined ~~under~~ by K.S.A. 65-6112, and amendments thereto, or physician  
4 assistant, who has completed a course in eye enucleation at a school  
5 certified by the department of ophthalmology, college of medicine of the  
6 university of Kansas school of medicine, and holds a valid certificate of  
7 competence from such certified school, or a person licensed to practice  
8 medicine and surgery is hereby authorized to enucleate eyes from any  
9 body when the gift of such eye has been made in accordance with the  
10 terms of the revised uniform anatomical gift act ~~(, K.S.A. 65-3220 through~~  
11 ~~65-3244, and amendments thereto)~~. Persons certified in accordance with  
12 this section and persons licensed to practice medicine and surgery who  
13 perform the enucleation of eyes in accordance with the provisions of  
14 K.S.A. 65-3220 through 65-3244, and amendments thereto, shall incur no  
15 liability, civil or criminal, for his acts in performance of enucleation of  
16 eyes.

17 Sec. 14. K.S.A. 65-2891 is hereby amended to read as follows: 65-  
18 2891. (a) Any health care provider who in good faith renders emergency  
19 care or assistance at the scene of an emergency or accident including  
20 treatment of a minor without first obtaining the consent of the parent or  
21 guardian of such minor shall not be liable for any civil damages for acts or  
22 omissions other than damages occasioned by gross negligence or by  
23 willful or wanton acts or omissions by such person in rendering such  
24 emergency care.

25 (b) Any health care provider may render in good faith emergency  
26 care or assistance, without compensation, to any minor requiring such care  
27 or assistance as a result of having engaged in competitive sports, without  
28 first obtaining the consent of the parent or guardian of such minor. Such  
29 health care provider shall not be liable for any civil damages other than  
30 damages occasioned by gross negligence or by willful or wanton acts or  
31 omissions by such person in rendering such emergency care.

32 (c) Any health care provider may in good faith render emergency care  
33 or assistance during an emergency ~~which~~ *that* occurs within a hospital or  
34 elsewhere, with or without compensation, until such time as the physician  
35 employed by the patient or by the patient's family or by guardian assumes  
36 responsibility for such patient's professional care. The health care provider  
37 rendering such emergency care shall not be held liable for any civil  
38 damages other than damages occasioned by negligence.

39 (d) Any provision herein contained notwithstanding, the ordinary  
40 standards of care and rules of negligence shall apply in those cases  
41 wherein emergency care and assistance is rendered in any physician's or  
42 dentist's office, clinic, emergency room or hospital with or without  
43 compensation.

1 (e) As used in this section the term "health care provider" means any  
2 person licensed to practice any branch of the healing arts, licensed dentist,  
3 licensed optometrist, licensed professional nurse, licensed practical nurse,  
4 licensed podiatrist, licensed pharmacist, licensed physical therapist, and  
5 any physician assistant who has successfully completed an American  
6 medical association approved training program and has successfully  
7 completed the national board examination for physician assistants of the  
8 American board of medical examiners, any licensed athletic trainer, any  
9 licensed occupational therapist, any licensed respiratory therapist, any  
10 person who holds a valid ~~attendant's~~ *emergency medical service provider's*  
11 certificate under K.S.A. 65-6129, and amendments thereto, any person  
12 who holds a valid certificate for the successful completion of a course in  
13 first aid offered or approved by the American red cross, by the American  
14 heart association, by the mining enforcement and safety administration of  
15 the bureau of mines of the department of interior, by the national safety  
16 council or by any instructor-coordinator, as defined in K.S.A. 65-6112, and  
17 amendments thereto, and any person engaged in a postgraduate training  
18 program approved by the state board of healing arts.

19 Sec. 15. K.S.A. 65-2913 is hereby amended to read as follows: 65-  
20 2913. (a) It shall be unlawful for any person who is not licensed under the  
21 physical therapy practice act as a physical therapist or whose license has  
22 been suspended or revoked in any manner to represent oneself as a  
23 physical therapist or to use in connection with such person's name the  
24 words physical therapist, physiotherapist, licensed physical therapist or  
25 doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T.,  
26 D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia,  
27 indicating or implying that such person is a physical therapist. A violation  
28 of this subsection shall constitute a class B nonperson misdemeanor.  
29 Nothing in this section shall be construed to prohibit physical therapists  
30 licensed under K.S.A. 65-2906 and 65-2909, and amendments thereto,  
31 from listing or using in conjunction with their name any letters, words,  
32 abbreviations or other insignia to designate any educational degrees,  
33 certifications or credentials recognized by the board ~~which~~ *that* such  
34 licensee has earned. Each licensee when using the letters or term "Dr." or  
35 "Doctor" in conjunction with such licensee's professional practice, whether  
36 in any written or oral communication, shall identify oneself as a "physical  
37 therapist" or "doctor of physical therapy."

38 (b) Any person who, in any manner, represents oneself as a physical  
39 therapist assistant, or who uses in connection with such person's name the  
40 words or letters physical therapist assistant, certified physical therapist  
41 assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words,  
42 abbreviations or insignia, indicating or implying that such person is a  
43 physical therapist assistant, without a valid existing certificate as a

1 physical therapist assistant issued to such person pursuant to the physical  
2 therapy practice act shall be guilty of a class B nonperson misdemeanor.  
3 Nothing in this section shall be construed to prohibit physical therapist  
4 assistants certified under K.S.A. 65-2906 and 65-2909, and amendments  
5 thereto, from listing or using in conjunction with their name any letters,  
6 words, abbreviations or other insignia to designate any educational  
7 degrees, certifications or credentials—~~which~~ *that* such physical therapist  
8 assistant has earned.

9 (c) Nothing in this act is intended to limit, preclude or otherwise  
10 interfere with the practices of other health care providers formally trained  
11 and practicing their profession. The provisions of the physical therapy  
12 practice act shall not apply to the following individuals so long as they do  
13 not hold themselves out in a manner prohibited under subsection (a) or (b):

14 (1) Persons rendering assistance in the case of an emergency;  
15 (2) members of any church practicing their religious tenets;  
16 (3) persons whose services are performed pursuant to the delegation  
17 of and under the supervision of a physical therapist who is licensed under  
18 this act;

19 (4) health care providers in the United States armed forces, public  
20 health services, federal facilities and coast guard or other military service  
21 when acting in the line of duty in this state;

22 (5) licensees under the healing arts act, and practicing their  
23 professions, when licensed and practicing in accordance with the  
24 provisions of law or persons performing services pursuant to the  
25 delegation of a licensee under K.S.A. 65-2872(~~g~~), and amendments  
26 thereto;

27 (6) dentists practicing their professions, when licensed and practicing  
28 in accordance with the provisions of law;

29 (7) nurses practicing their professions, when licensed and practicing  
30 in accordance with the provisions of law or persons performing services  
31 pursuant to the delegation of a licensed nurse under K.S.A. 65-1124(~~m~~),  
32 and amendments thereto;

33 (8) health care providers who have been formally trained and are  
34 practicing in accordance with their training or have received specific  
35 training in one or more functions included in this act pursuant to  
36 established educational protocols or both;

37 (9) students while in actual attendance in an accredited health care  
38 educational program and under the supervision of a qualified instructor;

39 (10) self-care by a patient or gratuitous care by a friend or family  
40 member;

41 (11) optometrists practicing their profession when licensed and  
42 practicing in accordance with the provisions of article 15 of chapter 65 of  
43 the Kansas Statutes Annotated, and amendments thereto;

1 (12) podiatrists practicing their profession when licensed and  
2 practicing in accordance with the provisions of article 20 of chapter 65 of  
3 the Kansas Statutes Annotated, and amendments thereto;

4 (13) occupational therapists practicing their profession when licensed  
5 and practicing in accordance with the occupational therapy practice act  
6 and occupational therapy assistants practicing their profession when  
7 licensed and practicing in accordance with the occupational therapy  
8 practice act;

9 (14) respiratory therapists practicing their profession when licensed  
10 and practicing in accordance with the respiratory therapy practice act;

11 (15) physician assistants practicing their profession when licensed  
12 and practicing in accordance with the physician assistant licensure act;

13 (16) persons practicing corrective therapy in accordance with their  
14 training in corrective therapy;

15 (17) athletic trainers practicing their profession when licensed and  
16 practicing in accordance with the athletic trainers licensure act;

17 (18) persons who massage for the purpose of relaxation, muscle  
18 conditioning or figure improvement, so long as no drugs are used and such  
19 persons do not hold themselves out to be physicians or healers;

20 (19) barbers practicing their profession when licensed and practicing  
21 in accordance with the provisions of article 18 of chapter 65 of the Kansas  
22 Statutes Annotated, and amendments thereto;

23 (20) cosmetologists practicing their profession when licensed and  
24 practicing in accordance with the provisions of article 19 of chapter 65 of  
25 the Kansas Statutes Annotated, and amendments thereto;

26 (21) ~~attendants~~ *emergency medical service providers* practicing their  
27 profession when certified and practicing in accordance with the provisions  
28 of article 61 of chapter 65 of the Kansas Statutes Annotated, and  
29 amendments thereto;

30 (22) naturopathic doctors practicing their profession when licensed  
31 and practicing in accordance with the naturopathic doctor licensure act;  
32 and

33 (23) acupuncturists practicing their profession when licensed and  
34 practicing in accordance with the acupuncture practice act.

35 (d) Any patient monitoring, assessment or other procedures designed  
36 to evaluate the effectiveness of prescribed physical therapy must be  
37 performed by or pursuant to the delegation of a licensed physical therapist  
38 or other health care provider.

39 (e) Nothing in this act shall be construed to permit the practice of  
40 medicine and surgery. No statute granting authority to licensees of the state  
41 board of healing arts shall be construed to confer authority upon physical  
42 therapists to engage in any activity not conferred by the physical therapy  
43 practice act.



1 Sec. 16. K.S.A. 65-6001 is hereby amended to read as follows: 65-  
2 6001. As used in K.S.A. 65-6001 to ~~65-6007, inclusive, and K.S.A. 65-~~  
3 ~~6008, 65-6009 and~~ through 65-6010, and amendments thereto, unless the  
4 context clearly requires otherwise:

5 (a) "AIDS" means the disease acquired immune deficiency syndrome.

6 (b) "HIV" means the human immunodeficiency virus.

7 (c) "Laboratory confirmation of HIV infection" means positive test  
8 results from a confirmation test approved by the secretary.

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

10 (e) "Physician" means any person licensed to practice medicine and  
11 surgery.

12 (f) "Laboratory director" means the person responsible for the  
13 professional, administrative, organizational and educational duties of a  
14 laboratory.

15 (g) "HIV infection" means the presence of HIV in the body.

16 (h) "Racial/ethnic group" shall be designated as either white, black,  
17 Hispanic, Asian/Pacific islander or American Indian/Alaskan Native.

18 (i) "Corrections officer" means an employee of the department of  
19 corrections as ~~defined described in subsections (f) and (g)~~ of K.S.A. 75-  
20 5202(f) and (g), and amendments thereto.

21 (j) "Emergency services employee" means an ~~attendant~~ *emergency*  
22 *medical service provider* as defined under K.S.A. 65-6112, and  
23 amendments thereto, or a firefighter.

24 (k) "Law enforcement employee" means:

25 (1) Any police officer or law enforcement officer as defined under  
26 K.S.A. 74-5602, and amendments thereto;

27 (2) any person in the service of a city police department or county  
28 sheriff's office who performs law enforcement duties without pay and is  
29 considered a reserve officer;

30 (3) any person employed by a city or county who is in charge of a jail  
31 or section of jail, including jail guards and those who conduct searches of  
32 persons taken into custody; or

33 (4) any person employed by a city, county or the state of Kansas who  
34 works as a scientist or technician in a forensic laboratory.

35 (l) "Employing agency or entity" means the agency or entity  
36 employing a corrections officer, emergency services employee, law  
37 enforcement employee or jailer.

38 (m) "Infectious disease" means AIDS.

39 (n) "Infectious disease tests" means tests approved by the secretary  
40 for detection of infectious diseases.

41 (o) "Juvenile correctional facility staff" means an employee of the  
42 juvenile justice authority working in a juvenile correctional facility as  
43 defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto.

1 Sec. 17. K.S.A. 65-4915 is hereby amended to read as follows: 65-  
2 4915. (a) As used in this section:

3 (1) "Healthcare provider" means: (A) Those persons and entities  
4 defined as a health care provider under K.S.A. 40-3401, and amendments  
5 thereto; and (B) a dentist licensed by the Kansas dental board, a dental  
6 hygienist licensed by the Kansas dental board, a professional nurse  
7 licensed by the board of nursing, a practical nurse licensed by the board of  
8 nursing, a mental health technician licensed by the board of nursing, a  
9 physical therapist licensed by the state board of healing arts, a physical  
10 therapist assistant certified by the state board of healing arts, an  
11 occupational therapist licensed by the state board of healing arts, an  
12 occupational therapy assistant licensed by the state board of healing arts, a  
13 respiratory therapist licensed by the state board of healing arts, a physician  
14 assistant licensed by the state board of healing arts and ~~attendants~~  
15 *emergency medical service provider* and ambulance services certified by  
16 the emergency medical services board.

17 (2) "Healthcare provider group" means:

18 (A) A state or local association of healthcare providers or one or more  
19 committees thereof;

20 (B) the board of governors created under K.S.A. 40-3403, and  
21 amendments thereto;

22 (C) an organization of healthcare providers formed pursuant to state  
23 or federal law and authorized to evaluate medical and healthcare services;

24 (D) a review committee operating pursuant to K.S.A. 65-2840c, and  
25 amendments thereto;

26 (E) an organized medical staff of a licensed medical care facility as  
27 defined by K.S.A. 65-425, and amendments thereto, an organized medical  
28 staff of a private psychiatric hospital licensed under K.S.A. 2018 Supp. 39-  
29 2001 et seq., and amendments thereto, or an organized medical staff of a  
30 state psychiatric hospital or state institution for people with intellectual  
31 disability, as follows: Larned state hospital, Osawatomie state hospital,  
32 Rainbow mental health facility, Kansas neurological institute and Parsons  
33 state hospital and training center;

34 (F) a healthcare provider;

35 (G) a professional society of healthcare providers or one or more  
36 committees thereof;

37 (H) a Kansas corporation whose stockholders or members are  
38 healthcare providers or an association of healthcare providers, which  
39 corporation evaluates medical and health care services;

40 (I) an insurance company, health maintenance organization or  
41 administrator of a health benefits plan ~~which~~ *that* engages in any of the  
42 functions defined as peer review under this section; or

43 (J) the university of Kansas medical center.

1 (3) "Peer review" means any of the following functions:

2 (A) Evaluate and improve the quality of healthcare services rendered  
3 by healthcare providers;

4 (B) determine that health services rendered were professionally  
5 indicated or were performed in compliance with the applicable standard of  
6 care;

7 (C) determine that the cost of healthcare rendered was considered  
8 reasonable by the providers of professional health services in this area;

9 (D) evaluate the qualifications, competence and performance of the  
10 providers of healthcare or to act upon matters relating to the discipline of  
11 any individual provider of healthcare;

12 (E) reduce morbidity or mortality;

13 (F) establish and enforce guidelines designed to keep within  
14 reasonable bounds the cost of healthcare;

15 (G) conduct of research;

16 (H) determine if a hospital's facilities are being properly utilized;

17 (I) supervise, discipline, admit, determine privileges or control  
18 members of a hospital's medical staff;

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

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

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

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

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

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

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

1 by the legal entity creating the peer review committee or officer, or by the  
2 commissioner of insurance for any records or proceedings of the board of  
3 governors.

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

36 (d) Nothing in this section shall limit the authority that may otherwise  
37 be provided by law of the commissioner of insurance, the state board of  
38 healing arts or other healthcare provider licensing or disciplinary boards of  
39 this state to require a peer review committee or officer to report to it any  
40 disciplinary action or recommendation of such committee or officer; to  
41 transfer to it records of such committee's or officer's proceedings or actions  
42 to restrict or revoke the license, registration, certification or other  
43 authorization to practice of a healthcare provider; or to terminate the

1 liability of the fund for all claims against a specific healthcare provider for  
2 damages for death or personal injury pursuant to K.S.A. 40-3403(i), and  
3 amendments thereto. Reports and records so furnished shall not be subject  
4 to discovery, subpoena or other means of legal compulsion for their release  
5 to any person or entity and shall not be admissible in evidence in any  
6 judicial or administrative proceeding other than a disciplinary proceeding  
7 by the state board of healing arts or other healthcare provider licensing or  
8 disciplinary boards of this state.

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

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

19 Sec. 18. K.S.A. 65-6102 is hereby amended to read as follows: 65-  
20 6102. (a) There is hereby established the emergency medical services  
21 board. The office of the emergency medical services board shall be located  
22 in the city of Topeka, Kansas.

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

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

27 (A) Three shall be physicians who are actively involved in emergency  
28 medical services;

29 (B) two shall be county commissioners of counties making a levy for  
30 ambulance service, at least one of whom shall be from a county having a  
31 population of less than 15,000;

32 (C) one shall be an instructor-coordinator;

33 (D) one shall be a hospital administrator actively involved in  
34 emergency medical services;

35 (E) one shall be a member of a firefighting unit ~~which~~ that provides  
36 emergency medical service; and

37 (F) three shall be ~~attendants~~ *emergency medical service providers*  
38 who are actively involved in emergency medical service. At least two  
39 classifications of ~~attendants~~ *emergency medical service providers* shall be  
40 represented. At least one of such members shall be from a volunteer  
41 emergency medical service; and

42 (2) four members shall be appointed as follows:

43 (A) One shall be a member of the Kansas senate to be appointed by

1 the president of the senate;

2 (B) one shall be a member of the Kansas senate to be appointed by  
3 the minority leader of the senate;

4 (C) one shall be a member of the Kansas house of representatives to  
5 be appointed by the speaker of the house of representatives; and

6 (D) one shall be a member of the Kansas house of representatives to  
7 be appointed by the minority leader of the house of representatives.

8 (c) All members of the board shall be residents of the state of Kansas.  
9 Appointments to the board shall be made with due consideration that  
10 representation of the various geographical areas of the state is ensured. The  
11 governor may remove any member of the board upon recommendation of  
12 the board. Any person appointed to a position on the board shall forfeit  
13 such position upon vacating the office or position ~~which~~ that qualified  
14 such person to be appointed as a member of the board.

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

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

33 ~~(e)~~(f) Except as otherwise provided by law, all vouchers for  
34 expenditures and all payrolls of the emergency medical services board  
35 shall be approved by the emergency medical services board or a person  
36 designated by the board.

37 Sec. 19. K.S.A. 65-6110 is hereby amended to read as follows: 65-  
38 6110. (a) The board shall adopt any rules and regulations necessary for the  
39 regulation of ambulance services. Such rules and regulations shall include:  
40 (1) A classification of the different types of ambulance services; (2)  
41 requirements as to equipment necessary for ambulances ~~and rescue~~  
42 ~~vehicles~~; (3) qualifications and training of ~~attendants~~, *emergency medical*  
43 *service providers and instructor-coordinators* ~~and training officers~~; (4)

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

9 (b) ~~The provisions of this act shall not apply to rescue vehicles~~  
10 ~~operated by a fire department.~~

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

15 Sec. 20. K.S.A. 65-6111 is hereby amended to read as follows: 65-  
16 6111. (a) The emergency medical services board shall:

17 (1) Adopt any rules and regulations necessary to carry out the  
18 provisions of this act;

19 (2) review and approve the allocation and expenditure of moneys  
20 appropriated for emergency medical services;

21 (3) conduct hearings for all regulatory matters concerning ambulance  
22 services, ~~attendants~~ *emergency medical service providers*, instructor-  
23 coordinators, training officers and sponsoring organizations;

24 (4) submit a budget to the legislature for the operation of the board;

25 (5) develop a state plan for the delivery of emergency medical  
26 services;

27 (6) enter into contracts as may be necessary to carry out the duties  
28 and functions of the board under this act;

29 (7) review and approve all requests for state and federal funding  
30 involving emergency medical services projects in the state or delegate such  
31 duties to the executive director;

32 (8) approve all training programs for ~~attendants~~, *emergency medical*  
33 *service providers* and instructor-coordinators and ~~training officers~~ and  
34 prescribe certification application fees by rules and regulations;

35 (9) approve methods of examination for certification of ~~attendants~~,  
36 ~~training officers~~ *emergency medical service providers* and instructor-  
37 coordinators and prescribe examination fees by rules and regulations;

38 (10) appoint a medical advisory council of not less than six members,  
39 including one board member who shall be a physician and not less than  
40 five other physicians who are active and knowledgeable in the field of  
41 emergency medical services who are not members of the board to advise  
42 and assist the board in medical standards and practices as determined by  
43 the board. The medical advisory council shall elect a chairperson from

1 among its membership and shall meet upon the call of the chairperson; and  
2 (11) approve sponsoring organizations by prescribing standards and  
3 requirements by rules and regulations and withdraw or modify such  
4 approval in accordance with the Kansas administrative procedure act and  
5 the rules and regulations of the board.

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

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

17 (A) ~~May impose a fine on~~ Any person granted a certificate by the  
18 board in an amount not to exceed \$500 for each violation; or

19 (B) ~~may impose a fine on~~ an ambulance service ~~which~~ *that* holds a  
20 permit to operate in this state or on a sponsoring organization in an amount  
21 not to exceed \$2,500 for each violation.

22 (2) All fines assessed and collected under this section shall be  
23 remitted to the state treasurer in accordance with the provisions of K.S.A.  
24 75-4215, and amendments thereto. Upon receipt of each such remittance,  
25 the state treasurer shall deposit the entire amount in the state treasury to  
26 the credit of the state general fund.

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

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

39 (A) The board may issue subpoenas compelling the attendance and  
40 testimony of witnesses or the production for examination or copying of  
41 documents or any other physical evidence if such evidence relates to  
42 professional competence, unprofessional conduct or the mental or physical  
43 ability of a person being investigated to perform activities the person is



1 authorized to perform. Within five days after the service of the subpoena  
2 on any person requiring the production of any evidence in the person's  
3 possession or under the person's control, such person may petition the  
4 board to revoke, limit or modify the subpoena. The board shall revoke,  
5 limit or modify such subpoena if in its opinion the evidence required does  
6 not relate to practices~~which~~ *that* may be grounds for disciplinary action, is  
7 not relevant to the charge~~which~~ *that* is the subject matter of the  
8 proceeding or investigation; or does not describe with sufficient  
9 particularity the physical evidence~~which~~ *that* is required to be produced.  
10 Any member of the board, or any agent designated by the board, may  
11 administer oaths or affirmations, examine witnesses and receive such  
12 evidence.

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

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

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

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

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

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

42 (5) Nothing in this subsection or any other provision of law making  
43 communications between a physician and the physician's patient a

1 privileged communication shall apply to investigations or proceedings  
 2 conducted pursuant to this subsection. The board and its employees, agents  
 3 and representatives shall keep in confidence the names of any patients  
 4 whose records are reviewed during the course of investigations and  
 5 proceedings pursuant to this subsection.

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

12 Sec. 21. K.S.A. 65-6112 is hereby amended to read as follows: 65-  
 13 6112. As used in this act:

14 (a) "Administrator" means the executive director of the emergency  
 15 medical services board.

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

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

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

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

29 ~~(f) "Attendant" means a first responder, an emergency medical~~  
 30 ~~responder, emergency medical technician, emergency medical technician-~~  
 31 ~~intermediate, emergency medical technician-defibrillator, emergency~~  
 32 ~~medical technician-intermediate/defibrillator, advanced emergency~~  
 33 ~~medical technician or paramedic certified pursuant to this act.~~

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

36 ~~(h)~~(g) "Emergency medical service" means the effective and  
 37 coordinated delivery of such care as may be required by an emergency  
 38 ~~which~~ *that* includes the care and transportation of individuals by  
 39 ambulance services and the performance of authorized emergency care by  
 40 a physician, advanced practice registered nurse, professional nurse, a  
 41 licensed physician assistant or ~~attendant~~ *emergency medical service*  
 42 *provider*.

43 (h) "Emergency medical service provider" means an emergency

1 *medical responder, advanced emergency medical technician, emergency*  
 2 *medical technician or paramedic certified by the emergency medical*  
 3 *services board.*

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

6 ~~(j) "Emergency medical technician-defibrillator" means a person who~~  
 7 ~~holds an emergency medical technician-defibrillator certificate issued~~  
 8 ~~pursuant to this act.~~

9 ~~(k) "Emergency medical technician-intermediate" means a person~~  
 10 ~~who holds an emergency medical technician-intermediate certificate issued~~  
 11 ~~pursuant to this act.~~

12 ~~(l) "Emergency medical technician-intermediate/defibrillator" means~~  
 13 ~~a person who holds both an emergency medical technician-intermediate~~  
 14 ~~and emergency medical technician-defibrillator certificate issued pursuant~~  
 15 ~~to this act.~~

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

18 ~~(n) "First responder" means a person who holds a first responder~~  
 19 ~~certificate issued pursuant to this act.~~

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

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

25 ~~(q)(m) "Medical director" means a physician.~~

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

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

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

1       ~~(t)~~(g) "Operator" means a person or municipality who has a permit to  
2 operate an ambulance service in the state of Kansas.

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

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

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

9       ~~(y)~~(u) "Physician assistant" means a physician assistant as defined in  
10 K.S.A. 65-28a02, and amendments thereto.

11       ~~(z)~~(v) "Professional nurse" means a licensed professional nurse as  
12 defined by K.S.A. 65-1113, and amendments thereto.

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

20       ~~(bb)~~ "Training officer" means a person who is certified pursuant to  
21 this act to teach or coordinate continuing education as prescribed by the  
22 board.

23       Sec. 22. K.S.A. 65-6119 is hereby amended to read as follows: 65-  
24 6119. (a) Notwithstanding any other provision of law, ~~mobile intensive~~  
25 ~~care technicians may:~~

26       ~~(1)~~ Perform all the authorized activities identified in K.S.A. 65-6120,  
27 65-6121, 65-6123, 65-6144, and amendments thereto;

28       ~~(2)~~ when voice contact or a telemetered electrocardiogram is  
29 monitored by a physician, physician assistant where authorized by a  
30 physician, an advanced practice registered nurse where authorized by a  
31 physician or licensed professional nurse where authorized by a physician  
32 and direct communication is maintained, and upon order of such person  
33 may administer such medications or procedures as may be deemed  
34 necessary by a person identified in subsection (a)(2);

35       ~~(3)~~ perform, during an emergency, those activities specified in  
36 subsection (a)(2) before contacting a person identified in subsection (a)(2)  
37 when specifically authorized to perform such activities by medical  
38 protocols; and

39       ~~(4)~~ perform, during nonemergency transportation, those activities  
40 specified in this section when specifically authorized to perform such  
41 activities by medical protocols.

42       ~~(b)~~ An individual who holds a valid certificate as a mobile intensive  
43 care technician once meeting the continuing education requirements

1 prescribed by the rules and regulations of the board, upon application for  
 2 renewal, shall be deemed to hold a certificate as a paramedic under this  
 3 act, and such individual shall not be required to file an original application  
 4 as a paramedic for certification under this act.

5 (c) ~~"Renewal" as used in subsection (b), refers to the first opportunity~~  
 6 ~~that a mobile intensive care technician has to apply for renewal of a~~  
 7 ~~certificate following the effective date of this act.~~

8 (d) ~~Upon transition notwithstanding any other provision of law, a~~  
 9 ~~paramedic may:~~

10 ~~(1)(a) Perform all the authorized activities identified in K.S.A. 65-~~  
 11 ~~6120, 65-6121, 65-6144, and amendments thereto;~~

12 ~~(2)(b) when voice contact or a telemetered electrocardiogram is~~  
 13 ~~monitored by a physician, physician assistant where authorized by a~~  
 14 ~~physician or an advanced practice registered nurse where authorized by a~~  
 15 ~~physician or licensed professional nurse where authorized by a physician~~  
 16 ~~and direct communication is maintained, and upon order of such person,~~  
 17 ~~may administer such medications or procedures as may be deemed~~  
 18 ~~necessary by a person identified in subsection-(d)(2) (b);~~

19 ~~(3)(c) perform, during an emergency, those activities specified in~~  
 20 ~~subsection-(d)(2) (b) before contacting a person identified in subsection-(d)~~  
 21 ~~(2) (b) when specifically authorized to perform such activities by medical~~  
 22 ~~protocols; and~~

23 ~~(4)(d) perform, during nonemergency transportation, those activities~~  
 24 ~~specified in this section when specifically authorized to perform such~~  
 25 ~~activities by medical protocols.~~

26 Sec. 23. K.S.A. 65-6120 is hereby amended to read as follows: 65-  
 27 6120. ~~(a) Notwithstanding any other provision of law to the contrary, an~~  
 28 ~~emergency medical technician-intermediate may:~~

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

31 ~~(2) when approved by medical protocols or where voice contact by~~  
 32 ~~radio or telephone is monitored by a physician, physician assistant where~~  
 33 ~~authorized by a physician, advanced practice registered nurse where~~  
 34 ~~authorized by a physician or professional nurse where authorized by a~~  
 35 ~~physician, and direct communication is maintained, upon order of such~~  
 36 ~~person, may perform veni-puncture for the purpose of blood sampling~~  
 37 ~~collection and initiation and maintenance of intravenous infusion of saline~~  
 38 ~~solutions, dextrose and water solutions or ringers lactate IV solutions,~~  
 39 ~~endotracheal intubation and administration of nebulized albuterol;~~

40 ~~(3) perform, during an emergency, those activities specified in~~  
 41 ~~subsection (a)(2) before contacting the persons identified in subsection (a)~~  
 42 ~~(2) when specifically authorized to perform such activities by medical~~  
 43 ~~protocols; or~~

1       ~~(4) perform, during nonemergency transportation, those activities-~~  
2 ~~specified in this section when specifically authorized to perform such~~  
3 ~~activities by medical protocols.~~

4       ~~(b) An individual who holds a valid certificate as an emergency-~~  
5 ~~medical technician-intermediate once successfully completing the board-~~  
6 ~~prescribed transition course, and validation of cognitive and psychomotor~~  
7 ~~competency as determined by rules and regulations of the board, may~~  
8 ~~apply to transition to become an advanced emergency medical technician.~~  
9 ~~Alternatively, upon application for renewal, such individual shall be~~  
10 ~~deemed to hold a certificate as an advanced emergency medical technician~~  
11 ~~under this act, provided such individual has completed all continuing~~  
12 ~~education hour requirements inclusive of the successful completion of a~~  
13 ~~transition course and such individual shall not be required to file an~~  
14 ~~original application for certification as an advanced emergency medical~~  
15 ~~technician under this act.~~

16       ~~(c) "Renewal" as used in subsection (b), refers to the first or second~~  
17 ~~opportunity after December 31, 2011, that an emergency medical~~  
18 ~~technician-intermediate has to apply for renewal of a certificate.~~

19       ~~(d) Emergency medical technician-intermediates who fail to meet the~~  
20 ~~transition requirements as specified may complete either the board-~~  
21 ~~prescribed emergency medical technician transition course or emergency~~  
22 ~~medical responder transition course, provide validation of cognitive and~~  
23 ~~psychomotor competency and all continuing education hour requirements~~  
24 ~~inclusive of the successful completion of a transition course as determined~~  
25 ~~by rules and regulations of the board. Upon completion, such emergency~~  
26 ~~medical technician-intermediate may apply to transition to become an~~  
27 ~~emergency medical technician or an emergency medical responder,~~  
28 ~~depending on the transition course that was successfully completed.~~  
29 ~~Alternatively, upon application for renewal of an emergency medical~~  
30 ~~technician-intermediate certificate, the applicant shall be renewed as an~~  
31 ~~emergency medical technician or an emergency medical responder,~~  
32 ~~depending on the transition course that was successfully completed. Such~~  
33 ~~individual shall not be required to file an original application for~~  
34 ~~certification as an emergency medical technician or emergency medical~~  
35 ~~responder.~~

36       ~~(e) Failure to successfully complete either an advanced emergency~~  
37 ~~medical technician transition course, an emergency medical technician~~  
38 ~~transition course or emergency medical responder transition course will~~  
39 ~~result in loss of certification.~~

40       ~~(f) Upon transition, notwithstanding any other provision of law to the~~  
41 ~~contrary, an advanced emergency medical technician may:~~

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

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

20       ~~(g) An individual who holds a valid certificate as both an emergency~~  
21 ~~medical technician-intermediate and as an emergency medical technician-~~  
22 ~~defibrillator once successfully completing the board prescribed transition~~  
23 ~~course, and validation of cognitive and psychomotor competency as~~  
24 ~~determined by rules and regulations of the board, may apply to transition~~  
25 ~~to an advanced emergency medical technician. Alternatively, upon~~  
26 ~~application for renewal, such individual shall be deemed to hold a~~  
27 ~~certificate as an advanced emergency medical technician under this act,~~  
28 ~~provided such individual has completed all continuing education hour~~  
29 ~~requirements inclusive of successful completion of a transition course, and~~  
30 ~~such individual shall not be required to file an original application for~~  
31 ~~certification as an advanced emergency medical technician under this act.~~

32       ~~(h) "Renewal" as used in subsection (g), refers to the first or second~~  
33 ~~opportunity after December 31, 2011, that an emergency medical~~  
34 ~~technician-intermediate and emergency medical technician-defibrillator~~  
35 ~~has to apply for renewal of a certificate.~~

36       ~~(i) An individual who holds both an emergency medical technician-~~  
37 ~~intermediate certificate and an emergency medical technician-defibrillator~~  
38 ~~certificate, who fails to meet the transition requirements as specified may~~  
39 ~~complete either the board prescribed emergency medical technician-~~  
40 ~~transition course or emergency medical responder transition course, and~~  
41 ~~provide validation of cognitive and psychomotor competency and all~~  
42 ~~continuing education hour requirements inclusive of successful completion~~  
43 ~~of a transition course as determined by rules and regulations of the board.~~

1 Upon completion, such individual may apply to transition to become an  
 2 emergency medical technician or emergency medical responder, depending  
 3 on the transition course that was successfully completed. Alternatively,  
 4 upon application for renewal of an emergency medical technician-  
 5 intermediate certificate and an emergency medical technician-defibrillator  
 6 certificate, the applicant shall be renewed as an emergency medical  
 7 technician or an emergency medical responder, depending on the transition  
 8 course that was successfully completed. Such individual shall not be  
 9 required to file an original application for certification as an emergency  
 10 medical technician or emergency medical responder.

11 (j) ~~Failure to successfully complete either the advanced emergency~~  
 12 ~~medical technician transition requirements, an emergency medical~~  
 13 ~~technician transition course or the emergency medical responder transition~~  
 14 ~~course will result in loss of certification.~~

15 Sec. 24. K.S.A. 65-6124 is hereby amended to read as follows: 65-  
 16 6124. (a) No physician, physician assistant, advanced practice registered  
 17 nurse or licensed professional nurse, who gives emergency instructions to  
 18 an ~~attendant~~ *emergency medical service provider* as defined by K.S.A. 65-  
 19 6112, and amendments thereto, during an emergency, shall be liable for  
 20 any civil damages as a result of issuing the instructions, except such  
 21 damages ~~which that~~ may result from gross negligence in giving such  
 22 instructions.

23 (b) No ~~attendant~~ *emergency medical service provider* as defined by  
 24 K.S.A. 65-6112, and amendments thereto, who renders emergency care  
 25 during an emergency pursuant to instructions given by a physician, the  
 26 supervising physician for a physician assistant, advanced practice  
 27 registered nurse or licensed professional nurse shall be liable for civil  
 28 damages as a result of implementing such instructions, except such  
 29 damages ~~which that~~ may result from gross negligence or by willful or  
 30 wanton acts or omissions on the part of such ~~attendant~~ *emergency medical*  
 31 *service provider* as defined by K.S.A. 65-6112, and amendments thereto.

32 (c) No person certified as an instructor-coordinator ~~and no training~~  
 33 ~~officer~~ shall be liable for any civil damages ~~which that~~ may result from  
 34 such instructor-coordinator's ~~or training officer's~~ course of instruction,  
 35 except such damages ~~which that~~ may result from gross negligence or by  
 36 willful or wanton acts or omissions on the part of the instructor-  
 37 coordinator ~~or training officer~~.

38 (d) No medical ~~adviser~~ *director* who reviews, approves and monitors  
 39 the activities of ~~attendants~~ *emergency medical service providers* shall be  
 40 liable for any civil damages as a result of such review, approval or  
 41 monitoring, except such damages ~~which that~~ may result from gross  
 42 negligence in such review, approval or monitoring.

43 Sec. 25. K.S.A. 65-6126 is hereby amended to read as follows: 65-



1 6126. Each emergency medical service shall have a medical director  
2 appointed by the operator of the service to review and implement medical  
3 protocols, approve and monitor the activities, *competency* and education of  
4 the ~~attendants~~ *emergency medical service providers*. The board may  
5 approve an alternative procedure for medical oversight if no medical  
6 director is available.

7 Sec. 26. K.S.A. 65-6127 is hereby amended to read as follows: 65-  
8 6127. (a) Application for a permit to operate an ambulance service shall be  
9 made to the board by the operator of the ambulance service upon forms  
10 provided by the administrator and shall be accompanied by a permit fee  
11 ~~which that~~ shall be a base amount plus an amount for each vehicle used by  
12 such operator in such operator's ambulance service and ~~which that~~ shall be  
13 fixed by rules and regulations of the board to cover all or any part of the  
14 cost of regulation of ambulance services.

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

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

26 Sec. 27. K.S.A. 65-6129 is hereby amended to read as follows: 65-  
27 6129. (a) (1) Application for an ~~attendant's~~ *emergency medical service*  
28 *provider* certificate shall be made to the board. The board shall not grant  
29 an ~~attendant's~~ *emergency medical service provider* certificate unless the  
30 applicant meets the following requirements:

31 (A) (i) Has successfully completed coursework required by the rules  
32 and regulations adopted by the board;

33 (ii) has successfully completed coursework in another jurisdiction  
34 that is substantially equivalent to that required by the rules and regulations  
35 adopted by the board; or

36 (iii) has provided evidence that such applicant holds a current and  
37 active certification with the national registry of emergency medical  
38 technicians, completed emergency medical technician training as a  
39 member of the army, navy, marine corps, air force, air or army national  
40 guard, coast guard or any branch of the military reserves of the United  
41 States that is substantially equivalent to that required by the rules and  
42 regulations adopted by the board, and such applicant separated from such  
43 military service with an honorable discharge;

1 (B) (i) has passed the examination required by the rules and  
2 regulations adopted by the board; or

3 (ii) has passed the certification or licensing examination in another  
4 jurisdiction that has been approved by the board; and

5 (C) has paid an application fee required by the rules and regulations  
6 adopted by the board.

7 (2) The board may grant an ~~attendant's emergency medical service~~  
8 *provider* certificate to any applicant who meets the requirements under  
9 subsection (a)(1)(A)(iii) but was separated from such military service with  
10 a general discharge under honorable conditions.

11 (b) (1) ~~The board shall not grant a temporary attendant's certificate~~  
12 ~~unless the applicant meets the following requirements:~~

13 ~~(A) If the applicant is certified or licensed as an attendant in another~~  
14 ~~jurisdiction, but the applicant's coursework is determined not to be~~  
15 ~~substantially equivalent to that required by the board, such temporary~~  
16 ~~certificate shall be valid for one year from the date of issuance or until the~~  
17 ~~applicant has completed the required coursework, whichever occurs first;~~  
18 ~~or~~

19 ~~(B) if the applicant has completed the required coursework, has taken~~  
20 ~~the required examination, but has not received the results of the~~  
21 ~~examination, such temporary certificate shall be valid for 120 days from~~  
22 ~~the date of the examination.~~

23 (2) ~~An applicant who has been granted a temporary certificate shall~~  
24 ~~be under the direct supervision of a physician, a physician assistant, a~~  
25 ~~professional nurse or an attendant holding a certificate at the same level or~~  
26 ~~higher than that of the applicant. The emergency medical services board~~  
27 ~~may require an original applicant for certification as an emergency~~  
28 ~~medical services provider to be fingerprinted and submit to a state and~~  
29 ~~national criminal history record check. The fingerprints shall be used to~~  
30 ~~identify the applicant and to determine whether the applicant has a record~~  
31 ~~of criminal history in this state or another jurisdiction. The emergency~~  
32 ~~medical services board is authorized to submit the fingerprints to the~~  
33 ~~Kansas bureau of investigation and the federal bureau of investigation for~~  
34 ~~a state and national criminal history record check. The emergency medical~~  
35 ~~services board may use the information obtained from fingerprinting and~~  
36 ~~the applicant's criminal history for purposes of verifying the identification~~  
37 ~~of the applicant and making the official determination of the qualifications~~  
38 ~~and fitness of the applicant to be issued or to maintain a certificate.~~

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

1 country to the emergency medical services board.

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

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

21 (c) The board shall not grant an initial ~~emergency medical technician-~~  
22 ~~intermediate certificate,~~ advanced emergency medical technician  
23 certificate, ~~mobile intensive care technician certificate~~ or paramedic  
24 certificate as a result of successful course completion in the state of  
25 Kansas, unless the applicant for such an initial certificate is certified as an  
26 emergency medical technician.

27 (d) An ~~attendant's~~ emergency medical service provider certificate  
28 shall expire on the date prescribed by the board. An ~~attendant's~~ emergency  
29 medical service provider certificate may be renewed for a period of two  
30 years upon payment of a fee as prescribed by rule and regulation of the  
31 board and upon presentation of satisfactory proof that the ~~attendant-~~  
32 ~~emergency medical service provider~~ has successfully completed  
33 continuing education as prescribed by the board.

34 (e) All fees received pursuant to the provisions of this section shall be  
35 remitted to the state treasurer in accordance with the provisions of K.S.A.  
36 75-4215, and amendments thereto. Upon receipt of each such remittance,  
37 the state treasurer shall deposit the entire amount in the state treasury to  
38 the credit of the emergency medical services operating fund established by  
39 K.S.A. 65-6151, and amendments thereto.

40 (f) If a person who was previously certified as an ~~attendant-~~  
41 ~~emergency medical service provider~~ applies for an ~~attendant's~~ emergency  
42 medical service provider's certificate after the certificate's expiration, the  
43 board may grant a certificate without the person completing an initial

1 course of instruction or passing a certification examination if the person  
2 has completed education requirements and has paid a fee as specified in  
3 rules and regulations adopted by the board.

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

9 Sec. 28. K.S.A. 65-6129a is hereby amended to read as follows: 65-  
10 6129a. (a) While engaged in a course of training or continuing education  
11 approved by the board within a medical care facility, a student or ~~attendant~~  
12 *emergency medical service provider* engaged in such training or  
13 continuing education shall be under the supervision of a physician or a  
14 professional nurse. While engaged in training or continuing education in  
15 emergency or nonemergency transportation outside a medical care facility,  
16 a student or ~~attendant~~ *emergency medical service provider* shall be under  
17 the direct supervision of an ~~attendant~~ *emergency medical service provider*  
18 who is at the minimum certified to provide the level of care for which the  
19 student is seeking certification or the ~~attendant~~ *emergency medical service*  
20 *provider* receiving the training is certified or shall be under the direct  
21 supervision of a physician or a professional nurse.

22 (b) Nothing in the provisions of article 61 of chapter 65 of the Kansas  
23 Statutes Annotated ~~or acts amendatory of the provisions thereof or~~  
24 ~~supplemental, and amendments~~ thereto, shall be construed to preclude the  
25 provision of authorized activities by students enrolled in a training  
26 program while engaged in such program.

27 Sec. 29. K.S.A. 65-6129b is hereby amended to read as follows: 65-  
28 6129b. (a) Application for an instructor-coordinator's certificate shall be  
29 made to the board upon forms provided by the executive director. The  
30 board may grant an instructor-coordinator's certificate to an ~~attendant~~  
31 *emergency medical service provider* who: (1) Has served as an ~~attendant~~  
32 *emergency medical service provider* in the emergency medical services  
33 field during the preceding 12 months prior to applying for such certificate;  
34 (2) has made application within one year after successfully completing the  
35 training, approved by the board, in instructing and coordinating ~~attendant~~  
36 *emergency medical service provider* training programs; (3) has passed an  
37 examination prescribed by the board; and (4) has paid a fee as prescribed  
38 by rules and regulations of the board.

39 (b) The board may grant an instructor-coordinator's certificate to a  
40 physician or a professional nurse who: (1) Has made application within  
41 one year after successfully completing the training, approved by the board,  
42 in instructing and coordinating ~~attendant~~ *emergency medical service*  
43 *provider* training programs; (2) has passed an examination prescribed by

1 the board; and (3) has paid a fee as prescribed by rules and regulations of  
2 the board.

3 (c) An ~~instructor-coordinator's~~ *instructor-coordinator* certificate shall  
4 expire on the expiration date of the ~~attendant's~~ *instructor-coordinator's*  
5 *emergency medical service provider* certificate if the instructor-coordinator  
6 is an ~~attendant~~ *emergency medical service provider* or on the expiration  
7 date of the physician's or professional nurse's license if the instructor is a  
8 physician or professional nurse. An instructor-coordinator's certificate may  
9 be renewed for the same period as the ~~attendant's~~ *emergency medical*  
10 *service provider* certificate or the physician's or professional nurse's  
11 license upon payment of a fee as prescribed by rule and regulation of the  
12 board and upon presentation of satisfactory proof that the instructor-  
13 coordinator has successfully completed continuing education as prescribed  
14 by the board. The board may prorate to the nearest whole month the fee  
15 fixed under this subsection as necessary to implement the provisions of  
16 this subsection.

17 (d) An ~~instructor-coordinator's~~ *instructor-coordinator* certificate may  
18 be denied, revoked, limited, modified or suspended by the board or the  
19 board may refuse to renew such certificate if such individual:

20 (1) Does not hold an ~~attendant's~~ *emergency medical service provider*  
21 certificate or a physician's or professional nurse's license;

22 (2) has made misrepresentations intentionally in obtaining a  
23 certificate or renewing a certificate;

24 (3) has demonstrated incompetence or engaged in unprofessional  
25 conduct as defined by rules and regulations adopted by the board;

26 (4) has violated or aided and abetted in the violation of any provision  
27 of this act or rules and regulations adopted by the board; or

28 (5) has been convicted of any state or federal crime that is related  
29 substantially to the qualifications, functions and duties of an instructor-  
30 coordinator or any crime punishable as a felony under any state or federal  
31 statute, and the board determines that such individual has not been  
32 sufficiently rehabilitated to warrant the public trust. A conviction means a  
33 plea of guilty, a plea of nolo contendere or a verdict of guilty. The board  
34 may take disciplinary action pursuant to this section when the time for  
35 appeal has elapsed, or after the judgment of conviction is affirmed on  
36 appeal or when an order granting probation is made suspending the  
37 imposition of sentence.

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

41 (f) All fees received pursuant to this section shall be remitted to the  
42 state treasurer in accordance with the provisions of K.S.A. 75-4215, and  
43 amendments thereto. Upon receipt of each such remittance, the state

1 treasurer shall deposit the entire amount in the state treasury to the credit  
2 of the state general fund.

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

9 Sec. 30. K.S.A. 65-6130 is hereby amended to read as follows: 65-  
10 6130. (a) The board may inquire into the operation of ambulance services  
11 and the conduct of ~~attendants~~ *emergency medical service providers*, and  
12 may conduct periodic inspections of facilities, communications services,  
13 materials and equipment at any time without notice.

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

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

26 Sec. 31. K.S.A. 65-6133 is hereby amended to read as follows: 65-  
27 6133. (a) An ~~attendant's~~ *emergency medical service provider* certificate  
28 may be denied, revoked, limited, modified or suspended by the board or  
29 the board may refuse to renew such certificate upon proof that such  
30 individual:

31 (1) Has made intentional misrepresentations in obtaining a certificate  
32 or renewing a certificate;

33 (2) has performed or attempted to perform activities not authorized by  
34 statute at the level of certification held by the individual;

35 (3) has demonstrated incompetence as defined by rules and  
36 regulations adopted by the board or has provided inadequate patient care  
37 as determined by the board;

38 (4) has violated or aided and abetted in the violation of any provision  
39 of this act or the rules and regulations adopted by the board;

40 (5) has been convicted of a felony and, after investigation by the  
41 board, it is determined that such person has not been sufficiently  
42 rehabilitated to warrant the public trust;

43 (6) has demonstrated an inability to perform authorized activities with

1 reasonable skill and safety by reason of illness, alcoholism, excessive use  
2 of drugs, controlled substances or any physical or mental condition;

3 (7) has engaged in unprofessional conduct, as defined by rules and  
4 regulations adopted by the board; or

5 (8) has had a certificate, license or permit to practice emergency  
6 medical services as an ~~attendant~~ *emergency medical service provider*  
7 denied, revoked, limited or suspended or has been publicly or privately  
8 censured, by a licensing or other regulatory authority of another state,  
9 agency of the United States government, territory of the United States or  
10 other country or has had other disciplinary action taken against the  
11 applicant or holder of a permit, license or certificate by a licensing or other  
12 regulatory authority of another state, agency of the United States  
13 government, territory of the United States or other country. A certified  
14 copy of the record or order of public or private censure, denial, suspension,  
15 limitation, revocation or other disciplinary action of the licensing or other  
16 regulatory authority of another state, agency of the United States  
17 government, territory of the United States or other country shall constitute  
18 prima facie evidence of such a fact for purposes of this paragraph.

19 (b) The board may deny, limit, modify, revoke or suspend an  
20 ~~attendant's~~ *emergency medical service provider* certificate or the board  
21 may refuse to renew such certificate in accordance with the provisions of  
22 the Kansas administrative procedure act.

23 Sec. 32. K.S.A. 65-6135 is hereby amended to read as follows: 65-  
24 6135. (a) All ambulance services providing emergency care as defined by  
25 the rules and regulations adopted by the board shall offer service 24 hours  
26 per day every day of the year.

27 (b) Whenever an operator is required to have a permit, at least one  
28 person on each vehicle providing emergency medical service shall be an  
29 ~~attendant~~ *emergency medical service provider* certified pursuant to K.S.A.  
30 65-6119, 65-6120 or 65-6121, and amendments thereto, a physician, a  
31 physician assistant, an advanced practice registered nurse or a professional  
32 nurse.

33 Sec. 33. K.S.A. 65-6145 is hereby amended to read as follows: 65-  
34 6145. Nothing in this act shall be construed: (a) To preclude any  
35 municipality from licensing or otherwise regulating—~~first~~ *emergency*  
36 *medical* responders operating within its jurisdiction, but any licensing  
37 requirements or regulations imposed by a municipality shall be in addition  
38 to and not in lieu of the provisions of this act and the rules and regulations  
39 adopted pursuant to this act;

40 (b) to preclude any person certified as an—~~attendant~~ *emergency*  
41 *medical service provider* from providing emergency medical services to  
42 persons requiring such services; or

43 (c) to preclude any individual who is not a certified—~~attendant~~

1 *emergency medical service provider* as defined by K.S.A. 65-6112, and  
2 amendments thereto, from providing assistance during an emergency so  
3 long as such individual does not represent oneself to be an ~~attendant~~  
4 *emergency medical service provider* as defined by K.S.A. 65-6112, and  
5 amendments thereto.

6 Sec. 34. K.S.A. 65-6150 is hereby amended to read as follows: 65-  
7 6150. (a) It shall be unlawful for any individual to represent oneself as an  
8 ~~attendant~~ *emergency medical service provider* or instructor-coordinator  
9 unless such individual holds a valid certificate as such under this act.

10 (b) Any violation of subsection (a) shall constitute a class B  
11 misdemeanor.

12 Sec. 35. K.S.A. 74-4954a is hereby amended to read as follows: 74-  
13 4954a. (a) As used in this section "emergency medical service technician"  
14 means any ~~attendant~~ *emergency medical service provider* as defined by  
15 ~~subsection (d)~~ of K.S.A. 65-6112, and amendments thereto, who is  
16 certified pursuant to K.S.A. 65-6129, and amendments thereto.

17 (b) For the purposes of any affiliation under subsection (c), whenever  
18 the word "fireman" is used in article 49 of chapter 74, and amendments  
19 thereto, it shall be construed to include "emergency medical service  
20 technician" as defined by subsection (a).

21 (c) Any county or city providing emergency medical service as a  
22 third function apart from police and fire, as an eligible employer under the  
23 Kansas police and firemen's retirement system, may make application or  
24 supplemental application to affiliate with the Kansas police and firemen's  
25 retirement system in accordance with and subject to K.S.A. 74-4954, and  
26 amendments thereto, with regard to coverage of emergency medical  
27 service technicians under that system.

28 Sec. 36. K.S.A. 2018 Supp. 75-4364 is hereby amended to read as  
29 follows: 75-4364. (a) As used in this section:

30 (1) "Dependent" means: (A) A birth child, adopted child or stepchild;  
31 or (B) any child other than the foregoing who is actually dependent in  
32 whole or in part on the individual and who is related to such individual by  
33 marriage or consanguinity.

34 (2) "Emergency medical ~~services~~ ~~attendant~~ *service provider*" means  
35 ~~an attendant as defined by~~ *the same as defined in* K.S.A. 65-6112, and  
36 amendments thereto.

37 (3) "Firefighter" means a person who is: (A) Employed by any city,  
38 county, township or other political subdivision of the state and who is  
39 assigned to the fire department thereof and engaged in the fighting and  
40 extinguishment of fires and the protection of life and property therefrom;  
41 or (B) a volunteer member of a fire district, fire department or fire  
42 company.

43 (4) "Kansas educational institution" means and includes community



1 colleges, the municipal university, state educational institutions, the  
2 institute of technology at Washburn university and technical colleges.

3 (5) "Law enforcement officer" means a person who by virtue of office  
4 or public employment is vested by law with a duty to maintain public  
5 order or to make arrests for violation of the laws of the state of Kansas or  
6 ordinances of any municipality thereof or with a duty to maintain or assert  
7 custody or supervision over persons accused or convicted of crime, and  
8 includes wardens, superintendents, directors, security personnel, officers  
9 and employees of adult and juvenile correctional institutions, jails or other  
10 institutions or facilities for the detention of persons accused or convicted  
11 of crime, while acting within the scope of their authority.

12 (6) "Military service" means any active service in any armed service  
13 of the United States and any active state or federal service in the Kansas  
14 army or air national guard.

15 (7) "Prisoner of war" means any person who was a resident of Kansas  
16 at the time the person entered service of the United States armed forces  
17 and who, while serving in the United States armed forces, has been  
18 declared to be a prisoner of war, as established by the United States  
19 secretary of defense, after January 1, 1960.

20 (8) "Public safety officer" means a law enforcement officer or a  
21 firefighter or an emergency medical ~~services attendant~~ *service provider*.

22 (9) "Resident of Kansas" means a person who is a domiciliary  
23 resident as defined by K.S.A. 76-729, and amendments thereto.

24 (10) "Spouse" means the spouse of a deceased public safety officer or  
25 deceased member of the military service who has not remarried.

26 (11) "State board" means the state board of regents.

27 (b) Every Kansas educational institution shall provide for enrollment  
28 without charge of tuition or fees for: (1) Any dependent or spouse of a  
29 public safety officer who died as the result of injury sustained while  
30 performing duties as a public safety officer so long as such dependent or  
31 spouse is eligible; (2) any dependent or spouse of any resident of Kansas  
32 who died on or after September 11, 2001, while, and as a result of, serving  
33 in military service; and (3) any prisoner of war. Any such dependent or  
34 spouse and any prisoner of war shall be eligible for enrollment at a Kansas  
35 educational institution without charge of tuition or fees for not to exceed  
36 10 semesters of undergraduate instruction, or the equivalent thereof, at all  
37 such institutions.

38 (c) Subject to appropriations therefor, any Kansas educational  
39 institution, at which enrollment, without charge of tuition or fees, of a  
40 prisoner of war or a dependent or spouse is provided for under subsection  
41 (b), may file a claim with the state board for reimbursement of the amount  
42 of such tuition and fees. The state board shall include in its budget  
43 estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request

1 for appropriations to cover tuition and fee claims pursuant to this section.  
2 The state board shall be responsible for payment of reimbursements to  
3 Kansas educational institutions upon certification by each such institution  
4 of the amount of reimbursement to which entitled. Payments to Kansas  
5 educational institutions shall be made upon vouchers approved by the state  
6 board and upon warrants of the director of accounts and reports. Payments  
7 may be made by issuance of a single warrant to each Kansas educational  
8 institution at which one or more eligible dependents or spouses or  
9 prisoners of war are enrolled for the total amount of tuition and fees not  
10 charged for enrollment at that institution. The director of accounts and  
11 reports shall cause such warrant to be delivered to the Kansas educational  
12 institution at which any such eligible dependents or spouses or prisoners of  
13 war are enrolled. If an eligible dependent or spouse or prisoner of war  
14 discontinues attendance before the end of any semester, after the Kansas  
15 educational institution has received payment under this subsection, the  
16 institution shall pay to the state the entire amount ~~which~~ *that* such eligible  
17 dependent or spouse or prisoner of war would otherwise qualify to have  
18 refunded, not to exceed the amount of the payment made by the state in  
19 behalf of such dependent or spouse or prisoner of war for the semester. All  
20 amounts paid to the state by Kansas educational institutions under this  
21 subsection shall be deposited in the state treasury and credited to the state  
22 general fund.

23 (d) The state board shall adopt rules and regulations for  
24 administration of the provisions of this section and shall determine the  
25 qualification of persons as dependents and spouses of public safety officers  
26 or United States military personnel and the eligibility of such persons for  
27 the benefits provided for under this section.

28 Sec. 37. K.S.A. 2018 Supp. 75-5664 is hereby amended to read as  
29 follows: 75-5664. (a) There is hereby established an advisory committee  
30 on trauma. The advisory committee on trauma shall be advisory to the  
31 secretary of health and environment and shall be within the division of  
32 public health of the department of health and environment as a part  
33 thereof.

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

41 (1) Two members shall be persons licensed to practice medicine and  
42 surgery appointed by the governor. At least 30 days prior to the expiration  
43 of terms described in this section, for each member to be appointed under

1 this section, the Kansas medical society shall submit to the governor a list  
2 of three names of persons of recognized ability and qualification. The  
3 governor shall consider such list of persons in making appointments to the  
4 board under this paragraph.

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

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

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

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

38 (6) Two members shall be administrators of ambulance services, one  
39 rural and one urban, appointed by the governor. At least 30 days prior to  
40 the expiration of the terms of such members, the Kansas emergency  
41 medical services association and Kansas emergency medical technician  
42 association in consultation shall submit to the governor a list of four  
43 persons of recognized ability and qualification. The governor shall

1 consider such list of persons in making this appointment to the board  
2 under this paragraph.

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

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

12 (9) The chairperson of the ~~board~~ of emergency medical services  
13 *board* or the chairperson's designee shall be an ex officio member.

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

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

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

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

43 (f) (1) Any meeting of the advisory committee or any part of a

1 meeting of the advisory committee during which a review of incidents of  
2 trauma injury or trauma care takes place shall be conducted in closed  
3 session. The advisory committee and officers thereof when acting in their  
4 official capacity in considering incidents of trauma injury or trauma care  
5 shall constitute a peer review committee and peer review officers for all  
6 purposes of K.S.A. 65-4915, and amendments thereto.

7 (2) The advisory committee or an officer thereof may advise, report  
8 to and discuss activities, information and findings of the committee ~~which~~  
9 *that* relate to incidents of trauma injury or trauma care with the secretary  
10 of health and environment as provided in subsections (a) and (e) without  
11 waiver of the privilege provided by this subsection and K.S.A. 65-4915,  
12 and amendments thereto, and the records and findings of such committee  
13 or officer ~~which that~~ are privileged under this subsection and K.S.A. 65-  
14 4915, and amendments thereto, shall remain privileged as provided by this  
15 subsection and K.S.A. 65-4915, and amendments thereto, prior to July 1,  
16 2021.

17 (3) The provisions of this subsection shall expire on July 1, 2021,  
18 unless the legislature reviews and reenacts this provision prior to July 1,  
19 2021.

20 (g) Members of the advisory committee attending meetings of the  
21 advisory committee or attending a subcommittee of the advisory  
22 committee or other authorized meeting of the advisory committee shall not  
23 be paid compensation but shall be paid amounts provided in K.S.A. 75-  
24 3223(e), and amendments thereto.

25 Sec. 38. K.S.A. 80-1557 is hereby amended to read as follows: 80-  
26 1557. (a) As used in this section:

27 (1) "Rescue service" means a service ~~which that~~ provides emergency  
28 care by qualified personnel through a township or fire district fire  
29 department.

30 (2) "Emergency care" means the services provided after the onset of a  
31 medical condition manifesting itself by acute symptoms of sufficient  
32 severity such that the absence of immediate medical attention could  
33 reasonably be expected to: (A) Place the patient's health in serious  
34 jeopardy; (B) seriously impair bodily functions; or (C) result in serious  
35 dysfunction of any bodily organ or part.

36 (3) "Qualified personnel" means any individual who holds a  
37 certificate as an ~~attendant~~ *emergency medical service provider* as defined  
38 in K.S.A. 65-6112, and amendments thereto.

39 (4) "Township" means any township ~~which that~~ has established a fire  
40 department pursuant to K.S.A. 80-1901 et seq., and amendments thereto.

41 (5) "Fire district" means any fire district ~~which that~~ has established a  
42 fire department pursuant to K.S.A. 80-1540 et seq., and amendments  
43 thereto.

1 (b) The township board or governing body of the fire district may  
2 authorize the township or fire district fire department to provide rescue  
3 service as a township or fire district function, within or without the  
4 township or fire district, or may contract with any person or governmental  
5 entity for the furnishing of rescue service and upon such terms and  
6 conditions, and for such compensation as may be agreed upon which shall  
7 be payable from the township general fund or the fire fund or the fire  
8 district fund.

9 (c) The township board or governing body of the fire district may  
10 establish charges to persons receiving rescue service inside or outside of  
11 such township or fire district. The charges so made and received shall be  
12 deposited in the general funds of the township or fire district, and the same  
13 may be used in addition to funds received under the tax levies authorized  
14 by K.S.A. 80-1546 and 80-1903, and amendments thereto.

15 (d) Qualified personnel providing rescue service shall be  
16 compensated in the same manner as other fire department employees and  
17 volunteers as provided by K.S.A. 80-1544 and 80-1904, and amendments  
18 thereto.

19 Sec. 39. K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-  
20 6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6123,  
21 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6129c, 65-  
22 6130, 65-6133, 65-6135, 65-6145, 65-6150, 74-4954a and 80-1557 and  
23 K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131,  
24 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 are hereby  
25 repealed.

26 Sec. 40. This act shall take effect and be in force from and after its  
27 publication in the statute book.