

Kansas Academy of Physician Assistants

Remarks Concerning House Bill No. 2438 House Committee on Federal and State Affairs March 7, 2023

Dear Chairman Carpenter and Members of the House Committee on Federal and State Affairs:

The Kansas Academy of Physician Assistants (KAPA) appears today as neutral on the underlying legislation, but we do have a concern regarding existing language in Section 1 on page 2, lines 2-6. The language “and any physician assistant who has successfully completed an American medical association approved training program and has successfully completed the national board examination for physician assistants of the American board of medical examiners,” was originally added in 1976 and is now outdated.

The American Medical Association formally relinquished approval authority for Physician Assistant education programs in 1988. The Accreditation Review Commission on Education for the Physician Assistant (ARC-PA) succeeded in that role and is the current accrediting organization.

Additionally, physician assistants no longer take a national board examination through the American Board of Medical Examiners. The National Commission on Certification of Physician Assistants (NCCPA) administers the certifying examination.

Therefore, we ask that you strike the above referenced language and replace it with the simple language “licensed physician assistant.” The proposed amendment is attached.

As background, pursuant to K.S.A. 65-28a04 anyone seeking to be licensed as a physician assistant in Kansas must provide proof of successful completion of an education and training program for physician assistants approved by the State Board of Healing Arts or present proof that the applicant has acquired the minimum experience requirements while serving in the armed forces of the United States; and has passed an approved examination. The examination approved by the board for licensure as a physician assistant is the Physician Assistant National Certifying Examination (PANCE) prepared and administered by the National Commission on Certification of Physician Assistants (NCCPA).

Over 1,300 Physician Assistants (PAs) hold active licenses in Kansas, and we don’t want outdated language to affect a PA’s ability to render emergency care or create an unintended liability.

We ask for your support of our proposed amendment to House Bill No. 2438.

Thanks for your consideration on this matter of importance to Physician Assistants in Kansas.

Sincerely

Doug Smith
Executive Director

HOUSE BILL No. 2438

By Committee on Federal and State Affairs

2-22

1 AN ACT concerning emergency medical services; eliminating the
2 designation and certification of instructor-coordinators; amending
3 K.S.A. 2022 Supp. 65-2891, 65-6102, 65-6112, 65-6124 and 65-6150
4 and repealing the existing sections; also repealing K.S.A. 2022 Supp.
5 65-6129b.
6

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

8 Section 1. K.S.A. 2022 Supp. 65-2891 is hereby amended to read as
9 follows: 65-2891. (a) Any healthcare provider who in good faith renders
10 emergency care or assistance at the scene of an emergency or accident
11 including treatment of a minor without first obtaining the consent of the
12 parent or guardian of such minor shall not be liable for any civil damages
13 for acts or omissions other than damages occasioned by gross negligence
14 or by willful or wanton acts or omissions by such person in rendering such
15 emergency care.

16 (b) Any healthcare provider may render in good faith emergency care
17 or assistance, without compensation, to any minor requiring such care or
18 assistance as a result of having engaged in competitive sports, without first
19 obtaining the consent of the parent or guardian of such minor. Such
20 healthcare provider shall not be liable for any civil damages other than
21 damages occasioned by gross negligence or by willful or wanton acts or
22 omissions by such person in rendering such emergency care.

23 (c) Any healthcare provider may in good faith render emergency care
24 or assistance during an emergency that occurs within a hospital or
25 elsewhere, with or without compensation, until such time as the physician
26 employed by the patient or by the patient's family or by guardian assumes
27 responsibility for such patient's professional care. The healthcare provider
28 rendering such emergency care shall not be held liable for any civil
29 damages other than damages occasioned by negligence.

30 (d) ~~Any provision herein contained notwithstanding~~ *Except as*
31 *otherwise provided*, the ordinary standards of care and rules of negligence
32 shall apply in those cases wherein emergency care and assistance is
33 rendered in any physician's or dentist's office, clinic, emergency room or
34 hospital with or without compensation.

35 (e) As used in this section ~~the term~~, "healthcare provider" means any
36 person licensed to practice any branch of the healing arts, licensed dentist,

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

licensed physician assistant

18 Sec. 2. K.S.A. 2022 Supp. 65-6102 is hereby amended to read as
 19 follows: 65-6102. (a) There is hereby established the emergency medical
 20 services board. The office of the emergency medical services board shall
 21 be located in the city of Topeka, Kansas.

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

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

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

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

(C) one shall be ~~an instructor-coordinator~~ *actively involved in*
 27 *teaching initial courses of instruction for certification as an emergency*
 28 *medical service provider;*

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

(E) one shall be a member of a firefighting unit that provides
 30 emergency medical service; and

(F) three shall be emergency medical service providers who are
 31 actively involved in emergency medical service. At least two
 32 classifications of emergency medical service providers shall be
 33 represented. At least one of such members shall be from a volunteer
 34 emergency medical service; and

(2) four members shall be appointed as follows: