

SESSION OF 2021

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2234

As Amended by Senate Committee on Public
Health and Welfare

Brief*

HB 2234, as amended, would amend the Emergency Medical Services Act to clarify the oversight to be provided by medical directors with regard to emergency medical services and to provide an alternate procedure for appointment of a medical director. The bill would define “medical oversight” to mean to review, approve, and implement medical protocols and to approve and monitor the activities, competency, and education of emergency medical service providers. The term “medical oversight” would replace existing terms describing the oversight provided by a medical director.

Since the definition of medical oversight would include the approval of medical protocols, the bill would amend the definition of “medical protocols” to remove language referencing the required approval of medical protocols by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients or, if neither are able or available, by the Medical Advisory Council.

The bill would clarify that an operator would be required to designate a medical director to provide medical oversight, which includes the review, approval, and implementation of medical protocols. However, the Emergency Medical Services Board (Board) would be allowed to approve an alternate procedure for medical oversight by a physician if no medical director is available for designation by the operator. [Note:

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Continuing law defines “operator” as a person or municipality who has a permit to operate an ambulance service.]

The bill would also remove the designation of a supervising physician to clarify that an emergency medical services provider would be protected from liability for civil damages for implementing instructions from a physician, a physician assistant, an advanced practice registered nurse, or a licensed practical nurse when rendering emergency care. Under continuing law, emergency medical services providers are not protected from civil liability for damages resulting from their gross negligence or willful or wanton acts or omissions.

The bill would make technical amendments.

Background

The bill was introduced by the House Committee on Health and Human Services at the request of Representative Eplee on behalf of the Board.

House Committee on Health and Human Services

In the House Committee hearing, **proponent** testimony was provided by a representative of the Board. The Board representative stated the bill addresses two issues: a lack of clear expectation of the role of the medical directors in providing medical oversight, particularly in regard to developing care protocols and their approval and implementation, and the increasing difficulty obtaining medical protocol approval. The Board representative stated the bill represents a collaborative effort to address these topics by defining medical oversight to provide clarity, adding the ability to approve medical protocols, and placing any potential liability to approve protocols on the physician who is responsible for review and implementation of the protocols and ensuring the emergency medical services providers working and volunteering have the ability to completely

execute the protocols. Written-only **proponent** testimony was provided by a representative of the Kansas Medical Society.

No other testimony was provided.

Senate Committee on Public Health and Welfare

In the Senate Committee hearing, a representative of the Board provided **proponent** testimony.

No other testimony was provided.

The Senate Committee amended the bill to change its effective date to upon publication in the statute book.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill as introduced, the Board indicates enactment of the bill would have no fiscal effect. The Kansas Association of Counties indicates there could be a fiscal effect on counties if this expansion of duties requires a change to the contract with the medical director. However, the fiscal effect cannot be estimated.

Emergency medical services; medical oversight; medical director responsibilities; approval of medical protocols; civil liability protection