

SENATE BILL No. 332

By Committee on Ways and Means

1-22

AN ACT relating to emergency medical services; providing for emergency medical responder; amending K.S.A. 65-6001, 65-6112, 65-6124, 65-6144 and 65-6145 and K.S.A. 2003 Supp. 75-4364 and repealing the existing sections.

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

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

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

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

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

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

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

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

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

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

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

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

(k) "Law enforcement employee" means:

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

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

1 considered a reserve officer;

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

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

7 (l) "Employing agency or entity" means the agency or entity employ-
8 ing a corrections officer, emergency services employee, law enforcement
9 employee or jailer.

10 (m) "Infectious disease" means AIDS.

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

13 (o) "Juvenile correctional facility staff" means an employee of the
14 juvenile justice authority working in a juvenile correctional facility as de-
15 fined in K.S.A. 38-1602, and amendments thereto.

16 Sec. 2. K.S.A. 65-6112 is hereby amended to read as follows: 65-
17 6112. As used in this act:

18 (a) "Administrator" means the administrator of the emergency med-
19 ical services board.

20 (b) "Ambulance" means any privately or publicly owned motor ve-
21 hicle, airplane or helicopter designed, constructed, prepared and
22 equipped for use in transporting and providing emergency care for in-
23 dividuals who are ill or injured.

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

28 (d) "Attendant" means ~~a first~~ *an emergency medical* responder, emer-
29 gency medical technician, emergency medical technician-intermediate,
30 emergency medical technician-defibrillator or a mobile intensive care
31 technician certified pursuant to this act.

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

34 (f) "Emergency medical service" means the effective and coordinated
35 delivery of such care as may be required by an emergency which includes
36 the care and transportation of individuals by ambulance services and the
37 performance of authorized emergency care by a physician, professional
38 nurse, a licensed physician assistant or attendant.

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

41 (h) "Emergency medical technician-defibrillator" means a person
42 who holds an emergency medical technician defibrillator certificate issued
43 pursuant to this act.

1 (i) “Emergency medical technician-intermediate” means a person
2 who holds an emergency medical technician intermediate certificate is-
3 sued pursuant to this act.

4 (j) “~~First~~ *Emergency medical* responder” means a person who holds
5 ~~a first~~ *an emergency medical* responder certificate issued pursuant to this
6 act.

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

9 (l) “Instructor-coordinator” means a person who is certified under
10 this act to teach initial courses of certification of instruction and contin-
11 uing education classes.

12 (m) “Medical adviser” means a physician.

13 (n) “Medical protocols” mean written guidelines which authorize at-
14 tendants to perform certain medical procedures prior to contacting a phy-
15 sician, or professional nurse authorized by a physician. These protocols
16 shall be developed and approved by a county medical society or, if there
17 is no county medical society, the medical staff of a hospital to which the
18 ambulance service primarily transports patients.

19 (o) “Mobile intensive care technician” means a person who holds a
20 mobile intensive care technician certificate issued pursuant to this act.

21 (p) “Municipality” means any city, county, township, fire district or
22 ambulance service district.

23 (q) “Nonemergency transportation” means the care and transport of
24 a sick or injured person under a foreseen combination of circumstances
25 calling for continuing care of such person. As used in this subsection,
26 transportation includes performance of the authorized level of services of
27 the attendant whether within or outside the vehicle as part of such trans-
28 portation services.

29 (r) “Operator” means a person or municipality who has a permit to
30 operate an ambulance service in the state of Kansas.

31 (s) “Person” means an individual, a partnership, an association, a
32 joint-stock company or a corporation.

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

35 (u) “Physician assistant” means a person who is licensed under the
36 physician assistant licensure act and who is acting under the direction of
37 a responsible physician.

38 (v) “Professional nurse” means a licensed professional nurse as de-
39 fined by K.S.A. 65-1113, and amendments thereto.

40 (w) “Provider of training” means a corporation, partnership, accred-
41 ited postsecondary education institution, ambulance service, fire depart-
42 ment, hospital or municipality that conducts training programs that in-
43 clude, but are not limited to, initial courses of instruction and continuing

1 education for attendants, instructor-coordinators or training officers.

2 (x) “Responsible physician” means responsible physician as such term
3 is defined under K.S.A. 65-28a02 and amendments thereto.

4 (y) “Training officer” means a person who is certified pursuant to this
5 act to teach initial courses of instruction for ~~first~~ *emergency medical* re-
6 sponders and continuing education as prescribed by the board.

7 Sec. 3. K.S.A. 65-6124 is hereby amended to read as follows: 65-
8 6124. (a) No physician, physician’s assistant or licensed professional nurse,
9 who gives emergency instructions to a mobile intensive care technician,
10 emergency medical technician-defibrillator or emergency medical techni-
11 cian-intermediate during an emergency, shall be liable for any civil dam-
12 ages as a result of issuing the instructions, except such damages which
13 may result from gross negligence in giving such instructions.

14 (b) No mobile intensive care technician, emergency medical techni-
15 cian-defibrillator or emergency medical technician-intermediate who ren-
16 ders emergency care during an emergency pursuant to instructions given
17 by a physician, the responsible physician for a physician’s assistant or
18 licensed professional nurse shall be liable for civil damages as a result of
19 implementing such instructions, except such damages which may result
20 from gross negligence or by willful or wanton acts or omissions on the
21 part of such mobile intensive care technician, emergency medical techni-
22 cian-defibrillator or emergency medical technician-intermediate ren-
23 dering such emergency care.

24 (c) No ~~first~~ *emergency medical* responder who renders emergency
25 care during an emergency shall be liable for civil damages as a result of
26 rendering such emergency care, except for such damages which may re-
27 sult from gross negligence or from willful or wanton acts or omissions on
28 the part of the ~~first~~ *emergency medical* responder rendering such emer-
29 gency care.

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

36 (e) No medical adviser who reviews, approves and monitors the ac-
37 tivities of attendants shall be liable for any civil damages as a result of
38 such review, approval or monitoring, except such damages which may
39 result from gross negligence in such review, approval or monitoring.

40 Sec. 4. K.S.A. 65-6144 is hereby amended to read as follows: 65-
41 6144. ~~A first~~ *An emergency medical* responder may perform any of the
42 following activities:

43 (a) Initial scene management including, but not limited to, gaining

1 access to the individual in need of emergency care, extricating, lifting and
2 moving the individual;

- 3 (b) cardiopulmonary resuscitation and airway management;
- 4 (c) control of bleeding;
- 5 (d) extremity splinting excluding traction splinting;
- 6 (e) stabilization of the condition of the individual in need of emer-
7 gency care;
- 8 (f) oxygen therapy;
- 9 (g) use of oropharyngeal airways;
- 10 (h) use of bag valve masks;
- 11 (i) use automated external defibrillators; and
- 12 (j) other techniques of preliminary care ~~a first~~ *an emergency medical*
13 responder is trained to provide as approved by the board.

14 Sec. 5. K.S.A. 65-6145 is hereby amended to read as follows: 65-
15 6145. Nothing in this act shall be construed: (a) To preclude any munic-
16 ipality from licensing or otherwise regulating ~~first~~ *emergency medical* re-
17 sponders operating within its jurisdiction, but any licensing requirements
18 or regulations imposed by a municipality shall be in addition to and not
19 in lieu of the provisions of this act and the rules and regulations adopted
20 pursuant to this act;

21 (b) to preclude any person certified as an attendant from providing
22 emergency medical services to persons requiring such services; or

23 (c) to preclude any individual who is not a certified ~~first~~ *emergency*
24 *medical* responder from providing assistance during an emergency so long
25 as such individual does not represent oneself to be a certified ~~first~~ *emer-*
26 *gency medical* responder.

27 Sec. 6. K.S.A. 2003 Supp. 75-4364 is hereby amended to read as
28 follows: 75-4364. (a) As used in this section:

29 (1) “Kansas educational institution” means and includes area voca-
30 tional schools, area vocational-technical schools, community colleges, the
31 municipal university, state educational institutions, and technical colleges.

32 (2) “Public safety officer” means a law enforcement officer or a fire-
33 fighter or an emergency medical services attendant.

34 (3) “Law enforcement officer” means a person who by virtue of office
35 or public employment is vested by law with a duty to maintain public
36 order or to make arrests for violation of the laws of the state of Kansas
37 or ordinances of any municipality thereof or with a duty to maintain or
38 assert custody or supervision over persons accused or convicted of crime,
39 and includes wardens, superintendents, directors, security personnel, of-
40 ficers and employees of adult and juvenile correctional institutions, jails
41 or other institutions or facilities for the detention of persons accused or
42 convicted of crime, while acting within the scope of their authority.

43 (4) “Firefighter” means a person who is: (1) Employed by any city,

1 county, township or other political subdivision of the state and who is
2 assigned to the fire department thereof and engaged in the fighting and
3 extinguishment of fires and the protection of life and property therefrom;
4 or (2) a volunteer member of a fire district, fire department or fire
5 company.

6 (5) “Emergency medical services attendant” means ~~a first~~ *an emer-*
7 *gency medical* responder, emergency medical technician, emergency
8 medical technician-intermediate, emergency medical technician-defibril-
9 lator or a mobile intensive care technician certified by the emergency
10 medical services board pursuant to the statutory provisions contained in
11 article 61 of chapter 65 of Kansas Statutes Annotated.

12 (6) “Dependent” means (A) a birth child, adopted child or stepchild
13 of a public safety officer or (B) any child other than the foregoing who is
14 actually dependent in whole or in part on a public safety officer and who
15 is related to the public safety officer by marriage or consanguinity.

16 (7) “State board” means the state board of regents.

17 (b) Every Kansas educational institution shall provide for enrollment
18 without charge of tuition or fees for any dependent of a public safety
19 officer who died as the result of injury sustained while performing duties
20 as a public safety officer so long as such dependent is eligible. Any such
21 dependent shall be eligible for enrollment at a Kansas educational insti-
22 tution without charge of tuition or fees for not to exceed eight semesters
23 of undergraduate instruction, or the equivalent thereof, at all such insti-
24 tutions, in the aggregate, for any such dependent.

25 (c) Subject to appropriations therefor, any Kansas educational insti-
26 tution, at which enrollment, without charge of tuition or fees, of the de-
27 pendent of a deceased public safety officer is provided for under subsec-
28 tion (b), may file a claim with the state board for reimbursement of the
29 amount of such tuition and fees. The state board shall be responsible for
30 payment of reimbursements to Kansas educational institutions upon cer-
31 tification by each such institution of the amount of reimbursement to
32 which entitled. Payments to Kansas educational institutions shall be made
33 upon vouchers approved by the state board and upon warrants of the
34 director of accounts and reports. Payments may be made by issuance of
35 a single warrant to each Kansas educational institution at which one or
36 more eligible dependents are enrolled for the total amount of tuition and
37 fees not charged eligible dependents for enrollment at that institution.
38 The director of accounts and reports shall cause such warrant to be de-
39 livered to the Kansas educational institution at which such eligible de-
40 pendent or dependents are enrolled. If an eligible dependent discontin-
41 ues attendance before the end of any semester, after the Kansas
42 educational institution has received payment under this subsection, the
43 institution shall pay to the state the entire amount which such eligible

1 dependent would otherwise qualify to have refunded, not to exceed the
2 amount of the payment made by the state in behalf of such dependent
3 for the semester. All amounts paid to the state by Kansas educational
4 institutions under this subsection shall be deposited in the state treasury
5 and credited to the state general fund.

6 (d) The state board shall adopt rules and regulations for administra-
7 tion of the provisions of this section and shall determine the qualification
8 of persons as dependents of public safety officers and the eligibility of
9 such persons for the benefits provided for under this section.

10 Sec. 7. K.S.A. 65-6001, 65-6112, 65-6124, 65-6144 and 65-6145 and
11 K.S.A. 2003 Supp. 75-4364 are hereby repealed.

12 Sec. 8. This act shall take effect and be in force from and after its
13 publication in the statute book.

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