

**HOUSE BILL No. 2692**

By Committee on Health and Human Services

2-14

1 AN ACT concerning emergency medical services; relating to the  
2 emergency medical services board; transferring the powers, duties and  
3 functions of the board to the secretary of health and environment;  
4 making the board advisory to the secretary; establishing the division of  
5 emergency medical services within the department of health and  
6 environment; amending K.S.A. 65-4941, 65-4946, 65-5733, 65-6103,  
7 65-6113, 65-6121, 65-6128, 65-6132, 65-6134, 65-6136, 65-6138, 65-  
8 6139, 65-6140, 65-6144, 65-6149a, 65-6151, 65-6153, 65-6154, 65-  
9 6155, 65-6157, 74-120, 75-1508, 75-1514, 75-3036, 75-37,121 and 75-  
10 5664 and K.S.A. 2019 Supp. 8-1404, 8-2010, 12-5364, 21-6324, 65-  
11 4915, 65-6102, 65-6110, 65-6111, 65-6112, 65-6120, 65-6126, 65-  
12 6127, 65-6129, 65-6129a, 65-6129b, 65-6129d, 65-6130, 65-6133 and  
13 65-6135 and repealing the existing sections.  
14

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

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

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

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

1 secretary.

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

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

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

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

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

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

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

37 (k) All officers and employees of the emergency medical services  
38 board who, immediately prior to the effective date of this act, are engaged  
39 in the exercise and performance of the powers, duties and functions  
40 transferred by this act, are determined by the secretary of health and  
41 environment to be engaged in providing administrative, technical or other  
42 support services that are essential to the exercise and performance of the  
43 powers, duties and functions transferred by this act are hereby transferred

1 to the division of emergency medical services of the department of health  
2 and environment. Each classified officer and employee transferred  
3 pursuant to this section shall retain such officer's or employee's status as a  
4 classified employee.

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

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

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

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

41 (b) Any vehicle designated as an authorized emergency vehicle prior  
42 to the effective date of this act, may continue to operate as an authorized  
43 emergency vehicle, as long as: (1) The ownership of such vehicle remains

1 unchanged; and (2) the use of such vehicle for purposes for which such  
2 vehicle was designated remains unchanged, except that all future operation  
3 of such vehicle as an authorized emergency vehicle shall be in accordance  
4 with this section and such other applicable provisions of law.

5 (c) The following vehicles shall not be required to be designated by  
6 the board of county commissioners as authorized emergency vehicles:

7 (1) Fire department vehicles or police vehicles—~~which~~ *that* are  
8 publicly owned;

9 (2) motor vehicles operated by ambulance services permitted by the  
10 ~~emergency medical services board~~ *secretary of health and environment*  
11 under the provisions of K.S.A. 65-6101 et seq., and amendments thereto;  
12 and

13 (3) wreckers, tow trucks or car carriers, as defined by K.S.A. 66-  
14 1329, and amendments thereto, and having a certificate of public service  
15 from the state corporation commission.

16 (d) Any vehicle designated under the provisions of this section; as an  
17 authorized emergency vehicle in the county in which such vehicle is  
18 located; shall be a valid designation of such vehicle in any other county,  
19 and such vehicle shall be authorized to operate as an authorized emergency  
20 vehicle without being required to obtain any additional designation in any  
21 other county.

22 Sec. 4. K.S.A. 2019 Supp. 12-5364 is hereby amended to read as  
23 follows: 12-5364. (a) (1) There is hereby created the 911 coordinating  
24 council—~~which shall~~ *to* monitor the delivery of 911 services, develop  
25 strategies for future enhancements to the 911 system and distribute  
26 available grant funds to PSAPs. In as much as possible, the council shall  
27 include individuals with technical expertise regarding 911 systems,  
28 internet technology and GIS technology.

29 (2) The 911 coordinating council shall consist of 13 voting members  
30 to be appointed by the governor: Two members representing information  
31 technology personnel from government units; one member representing  
32 the Kansas sheriff's association; one member representing the Kansas  
33 association of chiefs of police; one member representing a fire chief; one  
34 member recommended by the adjutant general; one member recommended  
35 by the ~~Kansas emergency medical services board~~ *secretary of health and*  
36 *environment*; one member recommended by the Kansas commission for  
37 the deaf and hard of hearing; two members representing PSAPs located in  
38 counties with less than 75,000 in population; two members representing  
39 PSAPs located in counties with greater than 75,000 in population; and one  
40 member representing the Kansas chapter of the association of public safety  
41 communications officials. At least two of the members representing PSAPs  
42 shall be administrators of a PSAP or have extensive prior 911 experience  
43 in Kansas.

1 (3) Other voting members of the 911 coordinating council shall  
2 include: One member of the Kansas house of representatives as appointed  
3 by the speaker of the house; one member of the Kansas house of  
4 representatives as appointed by the minority leader of the house; one  
5 member of the Kansas senate as appointed by the senate president; and one  
6 member of the Kansas senate as appointed by the senate minority leader.

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

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

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

30 (A) One member representing information technology personnel from  
31 government units, one member recommended by the adjutant general, one  
32 member representing PSAPs located in counties with less than 75,000 in  
33 population and one member representing PSAPs located in counties with  
34 75,000 or more in population shall serve a term of two years;

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

41 (C) one member representing a fire chief, one member recommended  
42 by the Kansas commission for the deaf and hard of hearing, one member  
43 representing the Kansas association of chiefs of police and one member

1 representing PSAPs located in counties with 75,000 or more in population  
2 shall serve a term of four years.

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

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

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

10 (2) The chair shall serve as the coordinator of E-911 services and next  
11 generation 911 services in the state, implement statewide 911 planning,  
12 have the authority to sign all certifications required under 47 C.F.R. part  
13 400 and administer the 911 federal grant fund and 911 state maintenance  
14 fund. The chair shall serve subject to the direction of the council and  
15 ensure that policies adopted by the council are carried out. The chair shall  
16 serve as the liaison between the council and the LCPA. The chair shall  
17 preside over all meetings of the council and assist the council in  
18 effectuating the provisions of this act.

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

32 (e) (1) The 911 coordinating council is hereby authorized to adopt  
33 rules and regulations necessary to effectuate the provisions of this act,  
34 including, but not limited to: (A) Creating a uniform reporting form  
35 designating how moneys, including 911 fees, have been spent by the  
36 PSAPs; (B) requiring service providers to notify the council pursuant to  
37 subsection (k); (C) establishing standards for coordinating and purchasing  
38 equipment; (D) recommending standards for general operations training of  
39 PSAP personnel; (E) establishing training standards and programs related  
40 to the technology and operations of the NG911 hosted solution; (F)  
41 establishing data standards, maintenance policies and data reporting  
42 requirements for GIS data; and (G) assessing civil penalties pursuant to  
43 subsection (m).

1 (2) The chair of the council shall work with the council to adopt rules  
2 and regulations necessary for the administration of this act, but the council  
3 shall not adopt any rules and regulations or impose any requirements that  
4 creates a mandatory certification program of PSAP operations or PSAP  
5 emergency communications personnel.

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

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

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

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

38 (j) All expenses related to the council shall be paid from the 911  
39 operations fund. No more than 2.0% of the total receipts from providers  
40 and the department received by the LCPA shall be used to pay for  
41 administrative expenses of the council. Members of the council and other  
42 persons appointed to subcommittees by the council may receive  
43 reimbursement for meals and travel expenses, but shall serve without other

1 compensation with the exception of legislative members who shall receive  
2 compensation pursuant to K.S.A. 75-3212, and amendments thereto.

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

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

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

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

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

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

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

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

- 40 (1) Possessing a traffic control signal preemption device;
- 41 (2) using a traffic control signal preemption device;
- 42 (3) selling a traffic control signal preemption device; or
- 43 (4) purchasing a traffic control signal preemption device.



1 (b) Unlawful possession or use of a traffic control signal preemption  
2 device as defined in:

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

4 (2) subsection (a)(2):

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

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

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

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

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

16 (1) Publicly owned fire department vehicles;

17 (2) publicly owned police vehicles; or

18 (3) motor vehicles operated by ambulance services permitted by the  
19 ~~emergency medical services board~~ *secretary of health and environment*  
20 under the provisions of K.S.A. 65-6101 et seq., and amendments thereto.

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

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

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

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

43 (2) "Healthcare provider group" means:

- 1 (A) A state or local association of healthcare providers or one or more  
2 committees thereof;
- 3 (B) the board of governors created under K.S.A. 40-3403, and  
4 amendments thereto;
- 5 (C) an organization of healthcare providers formed pursuant to state  
6 or federal law and authorized to evaluate medical and healthcare services;
- 7 (D) a review committee operating pursuant to K.S.A. 65-2840c, and  
8 amendments thereto;
- 9 (E) an organized medical staff of a licensed medical care facility as  
10 defined by K.S.A. 65-425, and amendments thereto, an organized medical  
11 staff of a private psychiatric hospital licensed under K.S.A. 2019 Supp. 39-  
12 2001 et seq., and amendments thereto, or an organized medical staff of a  
13 state psychiatric hospital or state institution for people with intellectual  
14 disability, as follows: Larned state hospital, Osawatomie state hospital,  
15 Rainbow mental health facility, Kansas neurological institute and Parsons  
16 state hospital and training center;
- 17 (F) a healthcare provider;
- 18 (G) a professional society of healthcare providers or one or more  
19 committees thereof;
- 20 (H) a Kansas corporation whose stockholders or members are  
21 healthcare providers or an association of healthcare providers, which  
22 corporation evaluates medical and healthcare services;
- 23 (I) an insurance company, health maintenance organization or  
24 administrator of a health benefits plan that engages in any of the functions  
25 defined as peer review under this section; or
- 26 (J) the university of Kansas medical center.
- 27 (3) "Peer review" means any of the following functions:
- 28 (A) Evaluate and improve the quality of healthcare services rendered  
29 by healthcare providers;
- 30 (B) determine that health services rendered were professionally  
31 indicated or were performed in compliance with the applicable standard of  
32 care;
- 33 (C) determine that the cost of healthcare rendered was considered  
34 reasonable by the providers of professional health services in this area;
- 35 (D) evaluate the qualifications, competence and performance of the  
36 providers of healthcare or to act upon matters relating to the discipline of  
37 any individual provider of healthcare;
- 38 (E) reduce morbidity or mortality;
- 39 (F) establish and enforce guidelines designed to keep within  
40 reasonable bounds the cost of healthcare;
- 41 (G) conduct of research;
- 42 (H) determine if a hospital's facilities are being properly utilized;
- 43 (I) supervise, discipline, admit, determine privileges or control

1 members of a hospital's medical staff;

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

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

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

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

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

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

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

30 (c) Subsection (b) shall not apply to proceedings in which a  
31 healthcare provider contests the revocation, denial, restriction or  
32 termination of staff privileges or the license, registration, certification or  
33 other authorization to practice of the healthcare provider. A licensing  
34 agency in conducting a disciplinary proceeding in which admission of any  
35 peer review committee report, record or testimony is proposed shall hold  
36 the hearing in closed session when any such report, record or testimony is  
37 disclosed. Unless otherwise provided by law, a licensing agency  
38 conducting a disciplinary proceeding may close only that portion of the  
39 hearing in which disclosure of a report or record privileged under this  
40 section is proposed. In closing a portion of a hearing as provided by this  
41 section, the presiding officer may exclude any person from the hearing  
42 location except the licensee, the licensee's attorney, the agency's attorney,  
43 the witness, the court reporter and appropriate staff support for either

1 counsel. The licensing agency shall make the portions of the agency record  
2 in which such report or record is disclosed subject to a protective order  
3 prohibiting further disclosure of such report or record. Such report or  
4 record shall not be subject to discovery, subpoena or other means of legal  
5 compulsion for their release to any person or entity. No person in  
6 attendance at a closed portion of a disciplinary proceeding shall at a  
7 subsequent civil, criminal or administrative hearing, be required to testify  
8 regarding the existence or content of a report or record privileged under  
9 this section that was disclosed in a closed portion of a hearing, nor shall  
10 such testimony be admitted into evidence in any subsequent civil, criminal  
11 or administrative hearing. A licensing agency conducting a disciplinary  
12 proceeding may review peer review committee records, testimony or  
13 reports but must prove its findings with independently obtained testimony  
14 or records that shall be presented as part of the disciplinary proceeding in  
15 open meeting of the licensing agency. Offering such testimony or records  
16 in an open public hearing shall not be deemed a waiver of the peer review  
17 privilege relating to any peer review committee testimony, records or  
18 report.

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

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

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

1 an administrator of a health benefits plan.

2 Sec. 7. K.S.A. 65-4941 is hereby amended to read as follows: 65-  
3 4941. As used in this act:

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

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

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

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

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

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

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

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

29 Sec. 8. K.S.A. 65-4946 is hereby amended to read as follows: 65-  
30 4946. The ~~emergency medical services board~~ *secretary of health and*  
31 *environment* shall certify pursuant to rules and regulations entities ~~which~~  
32 *that* distribute DNR identifiers. Such entities may be certified when a  
33 DNR identifier is distributed only pursuant to a properly executed "do not  
34 resuscitate" directive and when such entity maintains a ~~toll-free~~ *toll-free*,  
35 staffed telephone line that may be called at any time to verify the identity  
36 of the patient.

37 Sec. 9. K.S.A. 65-5733 is hereby amended to read as follows: 65-  
38 5733. (a) For the purposes of this section:

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

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

42 (3) "executive subcommittee" means the executive subcommittee of  
43 the advisory committee created in subsection (f); and

1 (4) "state emergency management director" or "director" means the  
2 adjutant general of the state of Kansas or the adjutant general's designee.

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

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

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

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

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

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

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

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

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

31 (A) Require certification of public safety agencies or employees;

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

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

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

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

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

1 committee.

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

3 (1) The director;

4 (2) the coordinator;

5 (3) the secretary of transportation or the secretary's designee;

6 (4) the superintendent of the highway patrol or the superintendent's  
7 designee;

8 (5) the executive branch chief information security officer or the  
9 executive branch chief information security officer's designee;

10 (6) one tribal representative appointed by the governor;

11 (7) the 911 coordinating council administrator or the administrator's  
12 designee;

13 (8) the chief executive officer of the state board of regents or the  
14 chief executive officer's designee;

15 (9) one member appointed by the Kansas association of public safety  
16 communications officials;

17 (10) one member appointed by the Kansas sheriffs' association;

18 (11) one member appointed by the ~~emergency medical services board~~  
19 *secretary of health and environment*;

20 (12) one member appointed by the Kansas association of chiefs of  
21 police;

22 (13) one member appointed by the Kansas state association of fire  
23 chiefs;

24 (14) one member appointed by the mid-America regional council;

25 (15) one member appointed by the league of Kansas municipalities;

26 (16) one member appointed by the Kansas association of counties;  
27 and

28 (17) one member appointed by the Kansas emergency management  
29 association.

30 (e) (1) All members of the advisory committee shall be appointed by  
31 their respective appointing authority on or before August 1, 2018.

32 (2) Each executive branch member of the advisory committee shall  
33 serve until succeeded. Each non-executive branch member of the advisory  
34 committee shall serve for a three-year term, beginning on August 1, 2018,  
35 and shall be eligible to serve for more than one term. Members of the  
36 advisory committee may be removed, for cause, by a majority vote of the  
37 advisory committee or by their appointing or designating authority.

38 (3) Any vacancy on the advisory committee shall be filled in the same  
39 manner provided in this section for the original member.

40 (4) The first meeting of the advisory committee shall be held prior to  
41 September 1, 2018. The advisory committee shall meet once every quarter  
42 of the calendar year and may hold additional meetings at the call of the  
43 director or coordinator.

1 (5) A majority of the voting members of the advisory committee  
2 constitutes a quorum. Any action by the advisory committee shall be by  
3 motion adopted by a majority of voting members present when there is a  
4 quorum.

5 (f) (1) There is hereby established an executive subcommittee within  
6 the advisory committee to assist in the administration of the advisory  
7 committee's business when the full advisory committee is not meeting.

8 (2) The executive subcommittee shall be composed of the advisory  
9 committee members listed in ~~subsection~~ *subsections* (d)(1) through (d)(4).

10 (3) The executive subcommittee may transact any business of the  
11 advisory committee that has been delegated to the executive  
12 subcommittee.

13 (g) (1) The chairperson may appoint and convene working groups to  
14 address specific interoperability and communications requirements,  
15 research topics and to make recommendations. In addition, the chairperson  
16 may add additional subject matter experts ad hoc to assist the working  
17 groups in carrying out their functions and responsibilities.

18 (2) Each established working group shall meet once every quarter of  
19 the calendar year and may hold additional meetings at the call of the  
20 director, coordinator or the working group's chairperson.

21 (3) Working groups shall make recommendations to the advisory  
22 committee regarding the following:

23 (A) Improving interagency communications, training and exercise  
24 coordination;

25 (B) improving effective receipt of information from and  
26 communicating information to the public;

27 (C) improving logistics coordination during on-site events;

28 (D) evaluating communication and communication protection  
29 technologies and recommending procurement standards;

30 (E) identifying and promoting anti-intrusion technologies for  
31 communications from individuals to public safety agencies;

32 (F) identifying methods to protect sensitive public safety operations  
33 from placement on social media sites that deliberately or inadvertently  
34 place public safety workers at risk;

35 (G) identifying and collecting relevant public safety communications  
36 systems and equipment performance metrics; and

37 (H) such other responsibilities as shall be assigned by the  
38 chairperson.

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

41 Sec. 10. K.S.A. 2019 Supp. 65-6102 is hereby amended to read as  
42 follows: 65-6102. (a) There is hereby established the emergency medical  
43 services board *to advise the secretary of health and environment on issues*



1 *relating to emergency medical services.* The office of the emergency  
2 medical services board shall be located in the city of Topeka, Kansas.

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

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

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

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

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

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

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

17 (F) three shall be emergency medical service providers who are  
18 actively involved in emergency medical service. At least two  
19 classifications of emergency medical service providers shall be  
20 represented. At least one of such members shall be from a volunteer  
21 emergency medical service; and

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

23 (A) One shall be a member of the Kansas senate to be appointed by  
24 the president of the senate;

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

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

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

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

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

43 (e) The board shall meet at least four times annually and at least once

1 each quarter and at the call of the chairperson or at the request of the  
2 ~~executive~~ director of the *division of* emergency medical services ~~board~~ or  
3 of any seven members of the board. At the first meeting of the board after  
4 January 1 each year, the members shall elect a chairperson and a vice-  
5 chairperson who shall serve for a term of one year. The vice-chairperson  
6 shall exercise all of the powers of the chairperson in the absence of the  
7 chairperson. If a vacancy occurs in the office of the chairperson or vice-  
8 chairperson, the board shall fill such vacancy by election of one of its  
9 members to serve the unexpired term of such office. Members of the board  
10 attending meetings of the board or attending a subcommittee meeting  
11 thereof authorized by the board shall be paid compensation, subsistence  
12 allowances, mileage and other expenses as provided in K.S.A. 75-3223,  
13 and amendments thereto.

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

18 Sec. 11. K.S.A. 65-6103 is hereby amended to read as follows: 65-  
19 6103. ~~The chief administrative officer of the emergency medical services~~  
20 ~~board shall be the administrator of the emergency medical services board.~~  
21 ~~The emergency medical services board shall appoint the administrator. The~~  
22 ~~administrator shall be in the unclassified service under the Kansas civil~~  
23 ~~service act and shall serve at the pleasure of the board. The administrator~~  
24 ~~shall administer the duties and responsibilities of the emergency medical~~  
25 ~~services board as directed by the board. The administrator shall appoint~~  
26 ~~other officers and employees as may be necessary to carry out the~~  
27 ~~functions of the emergency medical services board. All such officers and~~  
28 ~~employees shall be within the classified service under the Kansas civil~~  
29 ~~service act~~ *(a) The division of emergency medical services is hereby*  
30 *established as a part of the department of health and environment. The*  
31 *secretary of health and environment shall appoint a director of emergency*  
32 *medical services to manage and supervise the division of emergency*  
33 *medical services. The director shall serve at the pleasure of the secretary.*  
34 *The director shall be in the unclassified service and shall receive a salary*  
35 *fixed by the secretary and approved by the governor.*

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

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

43 (1) A classification of the different types of ambulance services;

- 1 (2) requirements as to equipment necessary for ambulances;
- 2 (3) qualifications and training of emergency medical service
- 3 providers and instructor-coordinators;
- 4 (4) requirements and fees for the licensure, temporary licensure and
- 5 renewal of licensure for ambulances;
- 6 (5) records and equipment to be maintained by operators, instructor-
- 7 coordinators, sponsoring organizations and emergency medical service
- 8 providers;
- 9 (6) requirements for a quality assurance and improvement program
- 10 for ambulance services; and
- 11 (7) such other matters as the board deems necessary to implement and
- 12 administer the provisions of this act.
- 13 (b) Nothing in this act or in the provisions of article 61 of chapter 65
- 14 of the Kansas Statutes Annotated, and amendments thereto, shall authorize
- 15 the ~~board~~ *secretary* to specify the individuals who may or may not ride on
- 16 a helicopter while used as an ambulance.
- 17 Sec. 13. K.S.A. 2019 Supp. 65-6111 is hereby amended to read as
- 18 follows: 65-6111. (a) ~~The emergency medical services board~~ *secretary of*
- 19 *health and environment* shall:
- 20 (1) Adopt any rules and regulations necessary to carry out the
- 21 provisions of this act;
- 22 (2) review and approve the allocation and expenditure of moneys
- 23 appropriated for emergency medical services;
- 24 (3) conduct hearings for all regulatory matters concerning ambulance
- 25 services, emergency medical service providers, instructor-coordinators,
- 26 training officers and sponsoring organizations;
- 27 (4) submit a budget to the legislature for the operation of the board;
- 28 (5) develop a state plan for the delivery of emergency medical
- 29 services;
- 30 (6) enter into contracts as may be necessary to carry out the duties
- 31 and functions of the board under this act;
- 32 (7) review and approve all requests for state and federal funding
- 33 involving emergency medical services projects in the state or delegate such
- 34 duties to the executive director;
- 35 (8) approve all training programs for emergency medical service
- 36 providers and instructor-coordinators and prescribe certification
- 37 application fees by rules and regulations;
- 38 (9) approve methods of examination for certification of emergency
- 39 medical service providers and instructor-coordinators and prescribe
- 40 examination fees by rules and regulations;
- 41 (10) appoint a medical advisory council of not less than six members,
- 42 including one board member who shall be a physician and not less than
- 43 five other physicians who are active and knowledgeable in the field of

1 emergency medical services who are not members of the board to advise  
2 and assist the board in medical standards and practices as determined by  
3 the board. The medical advisory council shall elect a chairperson from  
4 among its membership and shall meet upon the call of the chairperson; and

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

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

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

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

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

25 (2) All fines assessed and collected under this section shall be  
26 remitted to the state treasurer in accordance with the provisions of K.S.A.  
27 75-4215, and amendments thereto. Upon receipt of each such remittance,  
28 the state treasurer shall deposit the entire amount in the state treasury to  
29 the credit of the state general fund.

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

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

42 (A) The ~~board~~ *secretary* may issue subpoenas compelling the  
43 attendance and testimony of witnesses or the production for examination

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

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

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

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

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

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

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

1 disclosed.

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

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

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

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

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

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

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

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

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

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

1 or emergency medical service provider.

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

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

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

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

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

15 (m) "Medical director" means a physician.

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

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

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

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

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

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

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

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

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

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

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

11 Sec. 15. K.S.A. 65-6113 is hereby amended to read as follows: 65-  
12 6113. (a) The governing body of any municipality may establish, operate  
13 and maintain an emergency medical service or ambulance service as  
14 provided in this act as a municipal function and may contract with any  
15 person, other municipality or board of a county hospital for the purpose of  
16 furnishing emergency medical services or ambulance services within or  
17 without the boundaries of the municipality upon such terms and conditions  
18 and for such compensation as may be agreed upon which shall be payable  
19 from the general fund of such municipality or from a special fund for  
20 which a tax is levied under the provisions of this act.

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

27 (c) No tax shall be levied under the provisions of subsection (b) until  
28 the governing body of the municipality adopts an ordinance or resolution  
29 authorizing the levy of such tax. Such ordinance or resolution shall be  
30 published once each week for three consecutive weeks in the official  
31 newspaper of the municipality. If within 60 days following the last  
32 publication of such ordinance or resolution, a petition in opposition to the  
33 levy of such tax, signed by a number of the qualified electors of such  
34 municipality equal to not less than 5% of the electors of such municipality  
35 who voted for the office of secretary of state at the last general election, is  
36 filed with the county election officer of the county in which such  
37 municipality is located, the question of whether the levy shall be made  
38 shall be submitted to the electors of the municipality at the next primary or  
39 general election within such municipality, or if such primary or general  
40 election does not take place within 60 days after the date the petition was  
41 filed, the question may be submitted at a special election called and held  
42 therefor. If no petition has been filed and the time prescribed for filing the  
43 petition expires prior to August 1 in any year, or if the petition was filed



1 and a majority of the electors voting on the question of levying the tax  
2 vote in favor thereof at an election held prior to August 1 in any year, the  
3 governing body of the municipality may levy in that year and in each  
4 succeeding year in the amount specified in the ordinance or resolution, but  
5 not exceeding three mills. If no petition has been filed and the time  
6 prescribed for filing the petition expires after September 30 in any year, or  
7 if the petition was filed and a majority of the electors voting on the  
8 question of levying the tax vote in favor thereof at an election held after  
9 September 30 in any year, the governing body of the municipality may  
10 levy in the next succeeding year and in each succeeding year thereafter the  
11 amount specified in the ordinance or resolution, but not exceeding three  
12 mills.

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

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

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

40 (b) perform any of the following interventions, by use of the devices,  
41 medications and equipment, or any combination thereof, as specifically  
42 identified in rules and regulations, after successfully completing an  
43 approved course of instruction, local specialized device training and

1 competency validation and when authorized by medical protocols, or upon  
 2 order when direct communication is maintained by radio, telephone or  
 3 video conference with a physician, physician assistant where authorized by  
 4 a physician, an advanced practice registered nurse where authorized by a  
 5 physician, or professional nurse where authorized by a physician upon  
 6 order of such a person: (1) Advanced airway management; (2) referral of  
 7 patient of alternate medical care site based on assessment; (3)  
 8 transportation of a patient with a capped arterial line; (4) veni-puncture for  
 9 obtaining blood sample; (5) initiation and maintenance of intravenous  
 10 infusion or saline lock; (6) initiation of intraosseous infusion; (7)  
 11 nebulized therapy; (8) manual defibrillation; (9) cardiac monitoring; (10)  
 12 electrocardiogram interpretation; (11) monitoring of a nasogastric tube;  
 13 and (12) administration of medications by methods as specified by rules  
 14 and regulations of the ~~board~~ *secretary*.

15 Sec. 17. K.S.A. 65-6121 is hereby amended to read as follows: 65-  
 16 6121. (a) Notwithstanding any other provision of law to the contrary, an  
 17 emergency medical technician may perform any activities identified in  
 18 K.S.A. 65-6144, and amendments thereto, and any of the following  
 19 interventions, by use of the devices, medications and equipment, or any  
 20 combination thereof, after successfully completing an approved course of  
 21 instruction, local specialized device training and competency validation  
 22 and when authorized by medical protocols, or upon order when direct  
 23 communication is maintained by radio, telephone or video conference is  
 24 monitored by a physician, physician assistant when authorized by a  
 25 physician, an advanced practice registered nurse when authorized by a  
 26 physician or a professional nurse when authorized by a physician, upon  
 27 order of such person:

- 28 (1) Airway maintenance including use of:
  - 29 (A) Single lumen airways as approved by the ~~board~~ *secretary*;
  - 30 (B) multilumen airways;
  - 31 (C) ventilator devices;
  - 32 (D) non-invasive positive pressure ventilation;
  - 33 (E) forceps removal of airway obstruction;
  - 34 (F) CO2 monitoring;
  - 35 (G) airway suctioning;
- 36 (2) monitoring urinary catheter;
- 37 (3) capillary blood sampling;
- 38 (4) administration of patient assisted medications as approved by the  
 39 ~~board~~ *secretary*;
- 40 (5) administration of medications, as approved by the ~~board~~  
 41 *secretary*, by appropriate routes;
- 42 (6) monitor, maintain or discontinue flow of IV line if a physician  
 43 approves transfer by an emergency medical technician; and

1 (7) application of a traction splint.

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

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

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

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

29 Sec. 20. K.S.A. 65-6128 is hereby amended to read as follows: 65-  
30 6128. (a) A permit shall not be issued to an operator unless the ~~board~~  
31 *secretary* finds the ambulance service is or will be staffed and equipped in  
32 accordance with the rules and regulations ~~promulgated~~ *adopted* by the  
33 ~~board~~ *secretary* pursuant to K.S.A. 65-6110, and amendments thereto. If  
34 the ~~board~~ *secretary* determines that an applicant is not qualified, such  
35 applicant shall be notified of the denial of such application with a  
36 statement of the reasons for such denial. The applicant may reapply upon  
37 submission of evidence that the disqualifying factor alleged by the ~~board~~  
38 *secretary* has been corrected. No fee shall be required for the first  
39 reapplication made if ~~it~~ *the reapplication* is submitted to the ~~board~~  
40 *secretary* within one year of the date of the denial of the application.

41 (b) A permit to operate an ambulance service shall be valid for a term  
42 fixed by the ~~board~~ *secretary* not to exceed 18 months and may be renewed  
43 upon payment of a fee in the amount fixed by the ~~board~~ *secretary* pursuant

1 to K.S.A. 65-6127, and amendments thereto. The ~~board~~ *secretary* may  
2 prorate to the nearest whole month the fee fixed under this subsection as  
3 necessary to implement the provisions of this subsection.

4 (c) All fees received pursuant to the provisions of this section shall be  
5 remitted to the state treasurer in accordance with the provisions of K.S.A.  
6 75-4215, and amendments thereto. Upon receipt of each such remittance,  
7 the state treasurer shall deposit the entire amount in the state treasury to  
8 the credit of the state general fund.

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

14 (A) (i) Has successfully completed coursework required by the rules  
15 and regulations adopted by the ~~board~~ *secretary*;

16 (ii) has successfully completed coursework in another jurisdiction  
17 that is substantially equivalent to that required by the rules and regulations  
18 adopted by the ~~board~~ *secretary*; or

19 (iii) has provided evidence that such applicant holds a current and  
20 active certification with the national registry of emergency medical  
21 technicians, completed emergency medical technician training as a  
22 member of the army, navy, marine corps, air force, air or army national  
23 guard, coast guard or any branch of the military reserves of the United  
24 States that is substantially equivalent to that required by the rules and  
25 regulations adopted by the ~~board~~ *secretary*, and such applicant separated  
26 from such military service with an honorable discharge;

27 (B) (i) has passed the examination required by the rules and  
28 regulations adopted by the ~~board~~ *secretary*; or

29 (ii) has passed the certification or licensing examination in another  
30 jurisdiction that has been approved by the ~~board~~ *secretary*; and

31 (C) has paid an application fee required by the rules and regulations  
32 adopted by the ~~board~~ *secretary*.

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

37 (b) (1) The ~~emergency medical services board~~ *secretary* may require  
38 an original applicant for certification as an emergency medical services  
39 provider to be fingerprinted and submit to a state and national criminal  
40 history record check. The fingerprints shall be used to identify the  
41 applicant and to determine whether the applicant has a record of criminal  
42 history in this state or another jurisdiction. The ~~emergency medical~~  
43 ~~services board~~ *secretary* is authorized to submit the fingerprints to the

1 Kansas bureau of investigation and the federal bureau of investigation for  
2 a state and national criminal history record check. The ~~emergency medical~~  
3 ~~services board~~ *secretary* may use the information obtained from  
4 fingerprinting and the applicant's criminal history for purposes of verifying  
5 the identification of the applicant and making the official determination of  
6 the qualifications and fitness of the applicant to be issued or to maintain a  
7 certificate.

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

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

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

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

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

1 continuing education as prescribed by the ~~board~~ *secretary*.

2 (e) All fees received pursuant to the provisions of this section shall be  
3 remitted to the state treasurer in accordance with the provisions of K.S.A.  
4 75-4215, and amendments thereto. Upon receipt of each such remittance,  
5 the state treasurer shall deposit the entire amount in the state treasury to  
6 the credit of the emergency medical services operating fund established by  
7 K.S.A. 65-6151, and amendments thereto.

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

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

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

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

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

42 (1) Has served as an emergency medical service provider in the  
43 emergency medical services field during the preceding 12 months prior to

1 applying for such certificate;

2 (2) has made application within one year after successfully  
3 completing the training, approved by the ~~board~~ *secretary*, in instructing  
4 and coordinating emergency medical service provider training programs;

5 (3) has passed an examination prescribed by the ~~board~~ *secretary*; and

6 (4) has paid a fee as prescribed by rules and regulations of the ~~board~~  
7 *secretary*.

8 (b) The board may grant an instructor-coordinator's certificate to a  
9 physician or a professional nurse who:

10 (1) Has made application within one year after successfully  
11 completing the training, approved by the ~~board~~ *secretary*, in instructing  
12 and coordinating emergency medical service provider training programs;

13 (2) has passed an examination prescribed by the ~~board~~ *secretary*; and

14 (3) has paid a fee as prescribed by rules and regulations of the ~~board~~  
15 *secretary*.

16 (c) An instructor-coordinator certificate shall expire on the expiration  
17 date of the instructor-coordinator's emergency medical service provider  
18 certificate, if the instructor-coordinator is an emergency medical service  
19 provider, or on the expiration date of the physician's or professional nurse's  
20 license, if the instructor is a physician or professional nurse. An instructor-  
21 coordinator's certificate may be renewed for the same period as the  
22 emergency medical service provider certificate or the physician's or  
23 professional nurse's license upon payment of a fee as prescribed by ~~rule~~  
24 *rules* and ~~regulation~~ *regulations* of the ~~board~~ *secretary* and upon  
25 presentation of satisfactory proof that the instructor-coordinator has  
26 successfully completed continuing education as prescribed by the ~~board~~  
27 *secretary*. The ~~board~~ *secretary* may prorate to the nearest whole month the  
28 fee fixed under this subsection as necessary to implement the provisions of  
29 this subsection.

30 (d) An instructor-coordinator certificate may be denied, revoked,  
31 limited, modified or suspended by the ~~board~~ *secretary* or the ~~board~~  
32 *secretary* may refuse to renew such certificate if such individual:

33 (1) Does not hold an emergency medical service provider certificate  
34 or a physician's or professional nurse's license;

35 (2) has made misrepresentations intentionally in obtaining a  
36 certificate or renewing a certificate;

37 (3) has demonstrated incompetence or engaged in unprofessional  
38 conduct as defined by rules and regulations adopted by the ~~board~~  
39 *secretary*;

40 (4) has violated or aided and abetted in the violation of any provision  
41 of this act or rules and regulations adopted by the ~~board~~ *secretary*; or

42 (5) has been convicted of any state or federal crime that is related  
43 substantially to the qualifications, functions and duties of an instructor-

1 coordinator or any crime punishable as a felony under any state or federal  
2 statute, and the ~~board~~ *secretary* determines that such individual has not  
3 been sufficiently rehabilitated to warrant the public trust. A conviction  
4 means a plea of guilty, a plea of nolo contendere or a verdict of guilty. The  
5 ~~board~~ *secretary* may take disciplinary action pursuant to this section when  
6 the time for appeal has elapsed, ~~or~~ after the judgment of conviction is  
7 affirmed on appeal or when an order granting probation is made  
8 suspending the imposition of sentence.

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

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

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

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

43 (b) Each inactive certificate holder may apply for an active certificate



1 upon filing a written application with the ~~board~~ *secretary*. The request  
2 shall be on a form provided by the ~~board~~ *secretary* and shall be  
3 accompanied by a fee prescribed by the ~~board~~ *secretary* in rules and  
4 regulations. The inactive certificate holder may be required to complete  
5 such additional testing, training or education as the ~~board~~ *secretary* may  
6 deem necessary to establish the inactive certificate holder's current ability  
7 to engage in the provision of emergency medical services with reasonable  
8 skill and safety.

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

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

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

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

29 Sec. 26. K.S.A. 65-6132 is hereby amended to read as follows: 65-  
30 6132. (a) An operator's permit may be denied, revoked, limited, modified  
31 or suspended by the ~~board~~ *secretary* upon proof that such operator or any  
32 agent or employee thereof:

33 (1) Has been guilty of misrepresentation in obtaining the permit or in  
34 the operation of the ambulance service;

35 (2) has engaged or attempted to engage in, or represented themselves  
36 as entitled to perform, any ambulance service not authorized in the permit;

37 (3) has demonstrated incompetence as defined by rules and  
38 regulations adopted by the ~~board~~ *secretary* or has shown themselves  
39 otherwise unable to provide adequate ambulance service;

40 (4) has failed to keep and maintain the records required by the  
41 provisions of this act, or the rules and regulations adopted by the ~~board~~  
42 *secretary*, or has failed to make reports when and as required;

43 (5) has knowingly operated faulty or unsafe equipment;

1 (6) has violated or aided and abetted in the violation of any provision  
2 of this act or the rules and regulations adopted by the ~~board~~ secretary; or

3 (7) has engaged in unprofessional conduct as defined by rules and  
4 regulations adopted by the ~~board~~ secretary.

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

9 Sec. 27. K.S.A. 2019 Supp. 65-6133 is hereby amended to read as  
10 follows: 65-6133. (a) An emergency medical service provider certificate  
11 may be denied, revoked, limited, modified or suspended by the ~~board~~  
12 secretary or the ~~board~~ secretary may refuse to renew such certificate upon  
13 proof that such individual:

14 (1) Has made intentional misrepresentations in obtaining a certificate  
15 or renewing a certificate;

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

18 (3) has demonstrated incompetence as defined by rules and  
19 regulations adopted by the ~~board~~ secretary or has provided inadequate  
20 patient care as determined by the ~~board~~ secretary;

21 (4) has violated or aided and abetted in the violation of any provision  
22 of this act or the rules and regulations adopted by the ~~board~~ secretary;

23 (5) has been convicted of a felony and, after investigation by the  
24 ~~board~~ secretary, it is determined that such person has not been sufficiently  
25 rehabilitated to warrant the public trust;

26 (6) has demonstrated an inability to perform authorized activities with  
27 reasonable skill and safety by reason of illness, alcoholism, excessive use  
28 of drugs, controlled substances or any physical or mental condition;

29 (7) has engaged in unprofessional conduct, as defined by rules and  
30 regulations adopted by the ~~board~~ secretary; or

31 (8) has had a certificate, license or permit to practice emergency  
32 medical services as an emergency medical service provider denied,  
33 revoked, limited or suspended or has been publicly or privately censured,  
34 by a licensing or other regulatory authority of another state, agency of the  
35 United States government, territory of the United States or other country  
36 or has had other disciplinary action taken against the applicant or holder of  
37 a permit, license or certificate by a licensing or other regulatory authority  
38 of another state, agency of the United States government, territory of the  
39 United States or other country. A certified copy of the record or order of  
40 public or private censure, denial, suspension, limitation, revocation or  
41 other disciplinary action of the licensing or other regulatory authority of  
42 another state, agency of the United States government, territory of the  
43 United States or other country shall constitute prima facie evidence of such

1 a fact for purposes of this paragraph.

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

6 Sec. 28. K.S.A. 65-6134 is hereby amended to read as follows: 65-  
7 6134. (a) An operator's permit may be temporarily limited or restricted by  
8 the ~~board~~ *secretary*, pending a hearing, upon receipt of a complaint  
9 indicating the public health, safety or welfare to be in imminent danger. If  
10 an inspection proves the complaint to be invalid, or that the cause therefor  
11 has been corrected, the limitation or restriction shall be terminated.

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

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

21 (b) Whenever an operator is required to have a permit, at least one  
22 person on each vehicle providing emergency medical service shall be an  
23 emergency medical service provider certified pursuant to K.S.A. 65-6119,  
24 65-6120 or 65-6121, and amendments thereto, a physician, a physician  
25 assistant, an advanced practice registered nurse or a professional nurse.

26 Sec. 30. K.S.A. 65-6136 is hereby amended to read as follows: 65-  
27 6136. (a) Nothing in this act shall be construed:

28 (1) To prevent the operation of a police emergency vehicle;

29 (2) to affect any statute or regulatory authority vested in the  
30 department of transportation concerning automotive equipment and safety  
31 requirements;

32 (3) to prohibit any privately owned vehicles and aircraft not  
33 ordinarily used in the ambulance service business from transporting  
34 persons who are sick, injured, wounded or otherwise incapacitated or  
35 helpless;

36 (4) to prevent any vehicle from being pressed into service as an  
37 ambulance when the operator determines an emergency exists and  
38 provides written notification to the ~~board~~ *secretary* within 72 hours after  
39 the use of such vehicle; or

40 (5) to prohibit any ambulance lawfully operating under the laws of a  
41 state adjoining Kansas from providing emergency transportation of a  
42 patient from a municipality not otherwise served by an ambulance service  
43 located in Kansas to a location within or outside the state of Kansas when

1 the governing body of such municipality declares a hardship. The  
2 governing body or board shall notify the ~~board~~ *secretary* 30 days prior to  
3 the initiation of such out-of-state service.

4 (b) Ambulances owned and operated by an agency of the United  
5 States government shall be exempt from the provisions of this act.

6 (c) Any ambulance based outside of this state receiving a patient  
7 within the state for transportation to a location within this state or  
8 receiving a patient within this state for emergency transportation to a  
9 location outside this state shall comply with the provisions of this act  
10 except when such ambulance is rendering service in the case of a major  
11 catastrophe, such ambulance is making a prearranged hospital-to-hospital  
12 transfer or except as otherwise provided by rules and regulations adopted  
13 by the ~~board~~ *secretary*.

14 Sec. 31. K.S.A. 65-6138 is hereby amended to read as follows: 65-  
15 6138. In order to provide adequate emergency medical care for the people  
16 of this state, the ~~emergency medical services board~~ *secretary* is hereby  
17 authorized to establish, maintain and operate an emergency medical  
18 services communications system, subject to approval by the executive  
19 chief information technology officer under K.S.A. 75-4709, and  
20 amendments thereto. The ~~emergency medical services board~~ *secretary*  
21 shall establish communication centers, to be known as medical  
22 communications centers, in various locations in the state to be determined  
23 by the ~~emergency medical services board~~ *secretary*, for the purposes of  
24 receiving requests for emergency medical assistance and for coordinating  
25 the activities of ambulances with medical care facilities and other  
26 emergency public safety agencies. Subject to approval by the executive  
27 chief information technology officer under K.S.A. 75-4709, and  
28 amendments thereto, the ~~emergency medical services board~~ *secretary* may  
29 provide mobile radio units to ambulance services, as hereinafter provided,  
30 ~~which that~~ which that will provide such ambulance services with direct  
31 communication to or from medical communication centers established for  
32 such purpose.

33 Sec. 32. K.S.A. 65-6139 is hereby amended to read as follows: 65-  
34 6139. (a) For the purpose of establishing, operating and maintaining the  
35 emergency medical services communications system, the ~~board~~ *secretary*  
36 may enter into contracts with any state agency, and any such agency is  
37 authorized to contract for such purpose with the ~~board~~ *secretary*. The  
38 ~~board~~ *secretary* also may enter into contracts or other agreements with any  
39 city, county, township, fire district or hospital district, or any person, firm  
40 or corporation for the establishment of an emergency medical services  
41 communications system or the establishment or operation of any part  
42 thereof including placement, operation and maintenance of equipment. In  
43 accordance with the authority of the executive chief information

1 technology officer under K.S.A. 75-4709, and amendments thereto, all  
2 contracts entered into by the ~~board~~ *secretary* under this section shall be  
3 subject to approval by the executive chief information technology officer.

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

18 Sec. 33. K.S.A. 65-6140 is hereby amended to read as follows: 65-  
19 6140. For the purposes of establishing, operating and maintaining an  
20 emergency medical services communications system, the ~~emergency~~  
21 ~~medical services board~~ *secretary* may accept any grant of money or  
22 property, including any federal moneys available therefor. Within the  
23 limits of appropriations available therefor and subject to approval by the  
24 executive chief information technology officer under K.S.A. 75-4709, and  
25 amendments thereto, the ~~emergency medical services board~~ *secretary* may  
26 acquire, in the name of the state, any equipment necessary for such  
27 communications system.

28 Sec. 34. K.S.A. 65-6144 is hereby amended to read as follows: 65-  
29 6144. ~~(a)~~—An emergency medical responder may perform any of the  
30 following interventions, by use of the devices, medications and equipment,  
31 or any combination thereof, after successfully completing an approved  
32 course of instruction, local specialized device training and competency  
33 validation and when authorized by medical protocols, or upon order when  
34 direct communication is maintained by radio, telephone or video  
35 conference is monitored by a physician, physician assistant when  
36 authorized by a physician, an advanced practice registered nurse when  
37 authorized by a physician or a professional nurse when authorized by a  
38 physician, upon order of such person:

- 39 ~~(1)~~(a) Emergency vehicle operations;  
40 ~~(2)~~(b) initial scene management;  
41 ~~(3)~~(c) patient assessment and stabilization;  
42 ~~(4)~~(d) cardiac arrest management through the use of cardiopulmonary  
43 resuscitation and the use of an automated external defibrillator;

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

18       Sec. 35. K.S.A. 65-6149a is hereby amended to read as follows: 65-  
 19 6149a. (a) (1) Any person who in good faith renders emergency care or  
 20 treatment by the use of or provision of an automated external defibrillator  
 21 shall not be held liable for any civil damages as a result of such care or  
 22 treatment or as a result of any act or failure to act in providing or arranging  
 23 further medical treatment where the person acts as an ordinary reasonably  
 24 prudent person would have acted under the same or similar circumstances.

25       (2) No person or entity which owns, leases, possesses or otherwise  
 26 controls an automated external defibrillator and provides such automated  
 27 external defibrillator to others for use shall be held liable for any civil  
 28 damages as a result of such use where the person or entity which owns,  
 29 leases, possesses or otherwise controls the automated external defibrillator  
 30 has developed, implemented and follows guidelines to ensure proper  
 31 maintenance and operation of the device.

32       (3) No person licensed to practice medicine and surgery who pursuant  
 33 to a prescription order authorizes the acquisition of an automated external  
 34 defibrillator or participates in the development of usual and customary  
 35 protocols for an automated external defibrillator by a person or entity  
 36 which owns, leases, possesses or otherwise controls such automated  
 37 external defibrillator and provides such automated external defibrillator for  
 38 use by others shall be held liable for any civil damages as a result of such  
 39 use.

40       (4) No person or entity which teaches or provides a training program  
 41 for cardiopulmonary resuscitation that includes training in the use of  
 42 automated external defibrillators shall be held liable for any civil damages  
 43 as a result of such training or use if such person or entity has provided

1 such training in a manner consistent with the usual and customary  
2 standards for the providing of such training.

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

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

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

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

19 (3) integration with existing emergency response plans;

20 (4) proper maintenance and testing of the devices;

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

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

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

27 Sec. 36. K.S.A. 65-6151 is hereby amended to read as follows: 65-  
28 6151. There is hereby created in the state treasury an emergency medical  
29 services operating fund. Expenditures from the emergency medical  
30 services operating fund shall be made in accordance with appropriation  
31 acts upon warrants of the director of accounts and reports issued pursuant  
32 to vouchers approved by the ~~chairperson of the emergency medical~~  
33 ~~services board~~ *secretary* or by a person or persons designated by ~~such~~  
34 ~~chairperson~~ *the secretary*.

35 Sec. 37. K.S.A. 65-6153 is hereby amended to read as follows: 65-  
36 6153. (a) Within the limits of appropriations therefor, the ~~board of~~  
37 ~~emergency medical services~~ *secretary* shall develop and maintain a  
38 statewide data collection system to collect and analyze emergency medical  
39 services information, including, but not limited to, dispatch, demographics,  
40 patient data, assessment, treatment, disposition, financial and any other  
41 pertinent information that will assist the ~~board~~ *secretary* in improving the  
42 quality of emergency medical services.

43 (b) Each operator of an ambulance service shall collect and report to

1 the ~~board emergency medical services~~ *secretary* information pursuant to  
2 rules and regulations adopted by the ~~board~~ *secretary*. The ~~board~~ *secretary*  
3 shall adopt rules and regulations ~~which~~ *that* use the most efficient, least  
4 intrusive means for collecting emergency medical services information  
5 consistent with ensuring the quality, timeliness, completeness and  
6 confidentiality of the system.

7 Sec. 38. K.S.A. 65-6154 is hereby amended to read as follows: 65-  
8 6154. (a) Any emergency medical services information provided to the  
9 ~~board~~ *secretary* shall be confidential and shall not be disclosed or made  
10 public, upon subpoena or otherwise, except such information may be  
11 disclosed if:

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

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

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

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

24 (c) Notwithstanding subsection (b), individually identifiable health  
25 information shall be confidential and shall not be disclosed, except that the  
26 ~~board~~ *secretary* may disclose such information to individuals,  
27 organizations or governmental agencies engaged in research that benefits  
28 the public's health, safety or welfare if the ~~board~~ *secretary* is satisfied that  
29 such information will remain confidential and adequately protected from  
30 disclosure. For purposes of this section, "individually identifiable health  
31 information" ~~shall have the same meaning~~ *means the same* as in 45 C.F.R.  
32 § 160.103.

33 Sec. 39. K.S.A. 65-6155 is hereby amended to read as follows: 65-  
34 6155. Any operator who reports emergency medical services information,  
35 in good faith, and in accordance with the requirements of this act and the  
36 rules and regulations prescribed by the ~~board~~ *secretary*, shall have  
37 immunity from any liability, civil or criminal, which might otherwise be  
38 incurred or imposed in an action resulting from such information. Nothing  
39 in this section shall be construed to apply to the unauthorized disclosure of  
40 confidential information when such disclosure is due to gross negligence  
41 or willful misconduct.

42 Sec. 40. K.S.A. 65-6157 is hereby amended to read as follows: 65-  
43 6157. There is hereby created in the state treasury the EMS revolving fund.



1 All moneys credited to the EMS revolving fund shall be used by the  
2 ~~emergency medical services board secretary~~ to improve and enhance  
3 emergency medical services in the state. All expenditures from the EMS  
4 revolving fund shall be made in accordance with appropriation acts; upon  
5 warrants of the director of accounts and reports issued pursuant to  
6 vouchers approved by the ~~chairperson of the emergency medical services~~  
7 ~~board secretary~~ or ~~by a person or persons designated by such chairperson~~  
8 *the secretary's designee*.

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

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

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

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

37 (3) An individual with a civil or criminal record may petition the  
38 person, board, commission or similar body responsible for licensure,  
39 certification or registration at any time for an informal, written advisory  
40 opinion concerning whether the individual's civil or criminal record will  
41 disqualify the individual from obtaining such license, certification or  
42 registration. This petition shall include details of the individual's civil or  
43 criminal record. In response to such petition, the person, board,

1 commission or similar body responsible for licensure, certification or  
2 registration shall issue an informal, written advisory opinion which shall  
3 not be binding upon such person, board, commission or similar body. The  
4 person, board, commission or similar body responsible for licensure,  
5 certification or registration shall respond to such petition within 120 days  
6 of receiving the petition from the applicant and may charge up to \$50 for  
7 the review and issuance of an informal, written advisory opinion in  
8 response to such petition.

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

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

13 (1) Kansas commission on peace officers' standards and training;

14 (2) Kansas highway patrol;

15 (3) board of accountancy;

16 (4) behavioral sciences regulatory board;

17 (5) state board of healing arts;

18 (6) state board of pharmacy;

19 (7) ~~emergency medical services board~~ *secretary of health and*  
20 *environment with regard to powers, duties and functions transferred*  
21 *thereto by section 1, and amendments thereto;*

22 (8) board of nursing;

23 (9) Kansas real estate commission;

24 (10) office of the attorney general;

25 (11) department of insurance;

26 (12) any municipality as defined in K.S.A. 75-6102, and amendments  
27 thereto; and

28 (13) any profession that has an educational requirement for licensure  
29 that requires a degree beyond a bachelor's degree.

30 Sec. 42. K.S.A. 75-1508 is hereby amended to read as follows: 75-  
31 1508. (a) For the purpose of maintaining the department of the state fire  
32 marshal and the payment of the expenses incident thereto, each fire  
33 insurance company doing business in this state shall pay to the  
34 commissioner of insurance, on or before March 15 each year, in addition  
35 to the taxes, fees and charges now required by law to be paid by it, such  
36 levy as may be made by the state fire marshal. The levy shall not be more  
37 than .80% for calendar year 2004, and each calendar year thereafter, of a  
38 sum equal to the gross cash receipts as premiums of such company on all  
39 fire business transacted by it in the state of Kansas during the calendar  
40 year next preceding, as shown by its annual statement under oath to the  
41 state insurance department.

42 (b) For the purposes of maintaining the *division of emergency*  
43 *medical services* ~~board~~ *of the department of health and environment* and

1 the payment of the expenses incident thereto, each fire insurance company  
2 doing business in this state shall pay to the commissioner of insurance, on  
3 or before March 15 each year, beginning with calendar year 2002 and each  
4 calendar year thereafter, in addition to the taxes, fees and charges now  
5 required by law to be paid by it, such levy as may be made by the  
6 emergency medical services board. The levy shall not be more than .25%  
7 of a sum equal to the gross cash receipts as premiums of such company on  
8 all fire business transacted by it in the state of Kansas during the calendar  
9 year next preceding, as shown by its annual statement to the state  
10 insurance department generated by or at the direction of its president and  
11 secretary or other chief officers under penalty of K.S.A. 2019 Supp. 21-  
12 5824, and amendments thereto.

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

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

30 Sec. 43. K.S.A. 75-1514 is hereby amended to read as follows: 75-  
31 1514. (a) The commissioner of insurance shall remit all moneys received  
32 by the commissioner under ~~subsection (a) of~~ K.S.A. 75-1508(a), and  
33 amendments thereto, to the state treasurer in accordance with the  
34 provisions of K.S.A. 75-4215, and amendments thereto. The state treasurer  
35 shall credit 10% of each such deposit to the state general fund and shall  
36 credit the remainder of each such deposit to the fire marshal fee fund.

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

42 (c) The commissioner of insurance shall remit all moneys received by  
43 the commissioner under ~~subsection (b) of~~ K.S.A. 75-1508(b), and

1 amendments thereto, to the state treasurer in accordance with the  
2 provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of  
3 each such remittance, the state treasurer shall deposit the entire amount in  
4 the state treasury to the credit of the emergency medical services-board  
5 operating fund.

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

12 Sec. 44. K.S.A. 75-3036 is hereby amended to read as follows: 75-  
13 3036. (a) The state general fund is exclusively defined as the fund into  
14 which shall be placed all public moneys and revenue coming into the state  
15 treasury not specifically authorized by the constitution or by statute to be  
16 placed in a separate fund, and not given or paid over to the state treasurer  
17 in trust for a particular purpose, which unallocated public moneys and  
18 revenue shall constitute the general fund of the state. Moneys received or  
19 to be used under constitutional or statutory provisions or under the terms  
20 of a gift or payment for a particular and specific purpose are to be kept as  
21 separate funds and shall not be placed in the general fund or ever become a  
22 part of it.

23 (b) The following funds shall be used for the purposes set forth in the  
24 statutes concerning such funds and for no other governmental purposes. It  
25 is the intent of the legislature that the following funds and the moneys  
26 deposited in such funds shall remain intact and inviolate for the purposes  
27 set forth in the statutes concerning such funds: Board of accountancy fee  
28 fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special  
29 litigation reserve fund of the board of accountancy; bank commissioner fee  
30 fund, K.S.A. 9-1703, 16a-2-302 and 75-1308, and amendments thereto,  
31 bank investigation fund, K.S.A. 9-1111b, and amendments thereto,  
32 consumer education settlement fund and litigation expense fund of the  
33 state bank commissioner; securities act fee fund and investor education  
34 and protection fund, K.S.A. 17-12a601, and amendments thereto, of the  
35 office of the securities commissioner of Kansas; credit union fee fund,  
36 K.S.A. 17-2236, and amendments thereto, of the state department of credit  
37 unions; court reporters fee fund, K.S.A. 20-1a02, and amendments thereto,  
38 and bar admission fee fund, K.S.A. 20-1a03, and amendments thereto, of  
39 the judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and  
40 amendments thereto, and boiler inspection fee fund, K.S.A. 44-926, and  
41 amendments thereto, of the state fire marshal; food service inspection  
42 reimbursement fund, K.S.A. 36-512, and amendments thereto, of the  
43 Kansas department of agriculture; wage claims assignment fee fund,

1 K.S.A. 44-324, and amendments thereto, and workmen's compensation fee  
2 fund, K.S.A. 74-715, and amendments thereto, of the department of labor;  
3 veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of  
4 the state board of veterinary examiners; mined-land reclamation fund,  
5 K.S.A. 49-420, and amendments thereto, of the department of health and  
6 environment; conservation fee fund and well plugging assurance fund,  
7 K.S.A. 55-155, 55-176, 55-609, 55-711 and 55-901, and amendments  
8 thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155, and  
9 amendments thereto, and public service regulation fund, K.S.A. 66-1503,  
10 and amendments thereto, of the state corporation commission; land survey  
11 fee fund, K.S.A. 58-2011, and amendments thereto, of the state historical  
12 society; real estate recovery revolving fund, K.S.A. 58-3074, and  
13 amendments thereto, of the Kansas real estate commission; appraiser fee  
14 fund, K.S.A. 58-4107, and amendments thereto, and appraisal  
15 management companies fee fund of the real estate appraisal board;  
16 amygdalin (laetrile) enforcement fee fund, K.S.A. 65-6b10, and  
17 amendments thereto; mortuary arts fee fund, K.S.A. 65-1718, and  
18 amendments thereto, of the state board of mortuary arts; board of  
19 barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the  
20 Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-  
21 2704, and amendments thereto, of the Kansas state board of cosmetology;  
22 healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-  
23 5513, 65-6910, 65-7210 and 65-7309, and amendments thereto, and  
24 medical records maintenance trust fund, of the state board of healing arts;  
25 other state fees fund, K.S.A. 65-4024b, and amendments thereto, of the  
26 Kansas department for aging and disability services; board of nursing fee  
27 fund, K.S.A. 74-1108, and amendments thereto, of the board of nursing;  
28 dental board fee fund, K.S.A. 74-1405, and amendments thereto, and  
29 special litigation reserve fund, of the Kansas dental board; optometry fee  
30 fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation  
31 fund, of the board of examiners in optometry; state board of pharmacy fee  
32 fund, K.S.A. 74-1609, and amendments thereto, and state board of  
33 pharmacy litigation fund, of the state board of pharmacy; abstracters' fee  
34 fund, K.S.A. 74-3903, and amendments thereto, of the abstracters' board of  
35 examiners; athletic fee fund, K.S.A. 74-50,188, and amendments thereto,  
36 of the department of commerce; hearing instrument board fee fund, K.S.A.  
37 74-5805, and amendments thereto, and hearing instrument litigation fund  
38 of the Kansas board of examiners in fitting and dispensing of hearing  
39 instruments; commission on disability concerns fee fund, K.S.A. 74-6708,  
40 and amendments thereto, of the governor's department; technical  
41 professions fee fund, K.S.A. 74-7009, and amendments thereto, and  
42 special litigation reserve fund of the state board of technical professions;  
43 behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and

1 amendments thereto, of the behavioral sciences regulatory board;  
2 governmental ethics commission fee fund, K.S.A. 25-4119e, and  
3 amendments thereto, of the governmental ethics commission; emergency  
4 medical services ~~board~~ operating fund, K.S.A. 75-1514, and amendments  
5 thereto, of the ~~emergency medical services board~~ *department of health and*  
6 *environment*; fire service training program fund, K.S.A. 75-1514, and  
7 amendments thereto, of the university of Kansas; uniform commercial  
8 code fee fund, K.S.A. 75-448, and amendments thereto, of the secretary of  
9 state; prairie spirit rails-to-trails fee fund of the Kansas department of  
10 wildlife, parks and tourism; water marketing fund, K.S.A. 82a-1315c, and  
11 amendments thereto, of the Kansas water office; insurance department  
12 service regulation fund, K.S.A. 40-112, and amendments thereto, of the  
13 insurance department; state fair special cash fund, K.S.A. 2-220, and  
14 amendments thereto, of the state fair board; scrap metal theft reduction fee  
15 fund, K.S.A. 2019 Supp. 50-6,109a, and amendments thereto; and any  
16 other fund in which fees are deposited for licensing, regulating or  
17 certifying a person, profession, commodity or product.

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

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

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

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

41 (e) The provisions of this section shall not apply to the 10% credited  
42 to the state general fund to reimburse the state general fund for accounting,  
43 auditing, budgeting, legal, payroll, personnel and purchasing services, and

1 any and all other state governmental services, as provided in K.S.A. 75-  
2 3170a, and amendments thereto.

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

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

13 Sec. 45. K.S.A. 75-37,121 is hereby amended to read as follows: 75-  
14 37,121. (a) There is created the office of administrative hearings within the  
15 department of administration, to be headed by a director appointed by the  
16 secretary of administration. The director shall be in the unclassified service  
17 under the Kansas civil service act.

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

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

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

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

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

43 (2) to establish procedures and adopt forms, consistent with the

1 Kansas administrative procedure act, the model rules of procedure, and  
2 other provisions of law, to govern presiding officers; and

3 (3) to facilitate the performance of the responsibilities conferred upon  
4 the office by the Kansas administrative procedure act.

5 (f) The director may implement the provisions of this section and  
6 rules and regulations adopted under its authority.

7 (g) The secretary of administration may adopt rules and regulations to  
8 establish fees to charge a state agency for the cost of using a presiding  
9 officer.

10 (h) The following state agencies, boards and commissions shall  
11 utilize the office of administrative hearings for conducting adjudicative  
12 hearings under the Kansas administrative procedure act in which the  
13 presiding officer is not the agency head or one or more members of the  
14 agency head:

15 (1) On and after July 1, 2005: Kansas department for children and  
16 families, juvenile justice authority, Kansas department for aging and  
17 disability services, department of health and environment, Kansas public  
18 employees retirement system, Kansas water office, Kansas department of  
19 agriculture division of animal health and Kansas insurance department.

20 (2) On and after July 1, 2006: ~~Emergency medical services board,~~  
21 Emergency medical services council and Kansas human rights  
22 commission.

23 (3) On and after July 1, 2007: Kansas lottery, Kansas racing and  
24 gaming commission, state treasurer, pooled money investment board,  
25 Kansas department of wildlife, parks and tourism and state board of tax  
26 appeals.

27 (4) On and after July 1, 2008: Department of human resources, state  
28 corporation commission, Kansas department of agriculture division of  
29 conservation, agricultural labor relations board, department of  
30 administration, department of revenue, board of adult care home  
31 administrators, Kansas state grain inspection department, board of  
32 accountancy and Kansas wheat commission.

33 (5) On and after July 1, 2009, all other Kansas administrative  
34 procedure act hearings not mentioned in subsections (1), (2), (3) and (4).

35 (i) (1) Effective July 1, 2005, any presiding officer in agencies  
36 specified in subsection (h)(1) which conduct hearings pursuant to the  
37 Kansas administrative procedure act, except those exempted pursuant to  
38 K.S.A. 77-551, and amendments thereto, and support personnel for such  
39 presiding officers, shall be transferred to and shall become employees of  
40 the office of administrative hearings. Such personnel shall retain all rights  
41 under the state personnel system and retirement benefits under the laws of  
42 this state which had accrued to or vested in such personnel prior to the  
43 effective date of this section. Such person's services shall be deemed to



1 have been continuous. All transfers of personnel positions in the classified  
2 service under the Kansas civil service act shall be in accordance with civil  
3 service laws and any rules and regulations adopted thereunder. This  
4 section shall not affect any matter pending before an administrative  
5 hearing officer at the time of the effective date of the transfer, and such  
6 matter shall proceed as though no transfer of employment had occurred.

7 (2) Effective July 1, 2006, any presiding officer in agencies specified  
8 in subsection (h)(2) which conduct hearings pursuant to the Kansas  
9 administrative procedure act, except those exempted pursuant to K.S.A.  
10 77-551, and amendments thereto, and support personnel for such presiding  
11 officers, shall be transferred to and shall become employees of the office  
12 of administrative hearings. Such personnel shall retain all rights under the  
13 state personnel system and retirement benefits under the laws of this state  
14 which had accrued to or vested in such personnel prior to the effective date  
15 of this section. Such person's services shall be deemed to have been  
16 continuous. All transfers of personnel positions in the classified service  
17 under the Kansas civil service act shall be in accordance with civil service  
18 laws and any rules and regulations adopted thereunder. This section shall  
19 not affect any matter pending before an administrative hearing officer at  
20 the time of the effective date of the transfer, and such matter shall proceed  
21 as though no transfer of employment had occurred.

22 (3) Effective July 1, 2007, any presiding officer in agencies specified  
23 in subsection (h)(3) which conduct hearings pursuant to the Kansas  
24 administrative procedure act, except those exempted pursuant to K.S.A.  
25 77-551, and amendments thereto, and support personnel for such presiding  
26 officers, shall be transferred to and shall become employees of the office  
27 of administrative hearings. Such personnel shall retain all rights under the  
28 state personnel system and retirement benefits under the laws of this state  
29 which had accrued to or vested in such personnel prior to the effective date  
30 of this section. Such person's services shall be deemed to have been  
31 continuous. All transfers of personnel positions in the classified service  
32 under the Kansas civil service act shall be in accordance with civil service  
33 laws and any rules and regulations adopted thereunder. This section shall  
34 not affect any matter pending before an administrative hearing officer at  
35 the time of the effective date of the transfer, and such matter shall proceed  
36 as though no transfer of employment had occurred.

37 (4) Effective July 1, 2008, any full-time presiding officer in agencies  
38 specified in subsection (h)(4) which conduct hearings pursuant to the  
39 Kansas administrative procedure act, except those exempted pursuant to  
40 K.S.A. 77-551, and amendments thereto, and support personnel for such  
41 presiding officers, shall be transferred to and shall become employees of  
42 the office of administrative hearings. Such personnel shall retain all rights  
43 under the state personnel system and retirement benefits under the laws of

1 this state which had accrued to or vested in such personnel prior to the  
2 effective date of this section. Such person's services shall be deemed to  
3 have been continuous. All transfers of personnel positions in the classified  
4 service under the Kansas civil service act shall be in accordance with civil  
5 service laws and any rules and regulations adopted thereunder. This  
6 section shall not affect any matter pending before an administrative  
7 hearing officer at the time of the effective date of the transfer, and such  
8 matter shall proceed as though no transfer of employment had occurred.

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

24 Sec. 46. K.S.A. 75-5664 is hereby amended to read as follows: 75-  
25 5664. (a) There is hereby established an advisory committee on trauma.  
26 The advisory committee on trauma shall be advisory to the secretary of  
27 health and environment and shall be within the division of public health of  
28 the department of health and environment as a part thereof.

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

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

43 (2) One member shall be licensed to practice osteopathic medicine

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

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

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

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

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

41 (7) Six members shall be representatives of regional trauma councils,  
42 one per council, appointed by the governor. At least 30 days prior to the  
43 expiration of one of these positions, the relevant regional trauma council

1 shall submit to the governor a list of three persons of recognized ability  
2 and qualification. The governor shall consider such list of persons in  
3 making these appointments to the board.

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

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

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

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

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

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

40 (f) (1) Any meeting of the advisory committee or any part of a  
41 meeting of the advisory committee during which a review of incidents of  
42 trauma injury or trauma care takes place shall be conducted in closed  
43 session. The advisory committee and officers thereof when acting in their

1 official capacity in considering incidents of trauma injury or trauma care  
2 shall constitute a peer review committee and peer review officers for all  
3 purposes of K.S.A. 65-4915, and amendments thereto.

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

14 (3) The provisions of this subsection shall expire on July 1, 2021,  
15 unless the legislature reviews and reenacts this provision prior to July 1,  
16 2021.

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

22 Sec. 47. K.S.A. 65-4941, 65-4946, 65-5733, 65-6103, 65-6113, 65-  
23 6121, 65-6128, 65-6132, 65-6134, 65-6136, 65-6138, 65-6139, 65-6140,  
24 65-6144, 65-6149a, 65-6151, 65-6153, 65-6154, 65-6155, 65-6157, 74-  
25 120, 75-1508, 75-1514, 75-3036, 75-37,121 and 75-5664 and K.S.A. 2019  
26 Supp. 8-1404, 8-2010, 12-5364, 21-6324, 65-4915, 65-6102, 65-6110, 65-  
27 6111, 65-6112, 65-6120, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b,  
28 65-6129d, 65-6130, 65-6133 and 65-6135 are hereby repealed.

29 Sec. 48. This act shall take effect and be in force from and after its  
30 publication in the statute book.