



# The **JOURNEY** of HB 2183

By Jason White

HB 2183 (aka the Chy Miller Bill or Communicable Disease Bill) has become law in Kansas. Governor Sam Brownback has put pen to the legislation authorizing the Kansas Department of Health & Environment (KDHE) to move ahead with the adoption of rules and regulations to deal with the work related exposure of health care workers regarding infectious and contagious diseases.

The EMS community in Kansas will now engage with KDHE regarding the crafting of rules and regulations, which will better protect EMS personnel, firefighters, law enforcement personnel and other health care workers regarding the potential of becoming infected with a contagious disease due to an exposure while working.

The old Kansas law was pretty thin and thus we originally offered HB 2183 as an effort to beef up the notification of exposure information as well as provide for a means of source testing.

The original version of HB 2183 was pretty detailed with a focus on how to help make sure information flowed between hospitals and EMS when a paramedic had a dirty needle stick and needed information on the patient they just dropped off. The original bill sought to follow the best practices found in state laws and regulations around the nation. The House Committee on Health & Human Services, chaired by Representative David Crum (one of the heroes of this simple story with several plot twists) held a hearing and clearly was very supportive of our original legislation. Who doesn't want to protect paramedics and company from contracting Hepatitis B or some other ugly disease?

Soon after the first of several legislative hearings, the Secretary of KDHE asked to meet with members of the EMS community in order to discuss HB 2183. That meeting resulted in the decision to transform HB 2183 from being very detailed legislation to becoming enabling legislation, which would better allow KDHE to develop rules and regulations which could better protect many

different health care workers in hospitals, nursing homes, clinics as well as in ambulances.

We agreed with KDHE that this approach would be better. The new HB 2183 was born.

The next legislative hearing went well, but had we been better meteorologists we might have seen the storm clouds on the horizon. The new and improved HB 2183 passed in the Kansas House of Representatives 122-1.

Then the storm broke.

The new HB 2183 removed some statutory language from a 1988, law which provided special consideration for "HIV/AIDS." Please recall that in 1988 the topic of AIDS/HIV was an extremely polarizing issue as the world sought to deal with the new disease and its impact on society.

The Lesbian Gay Bisexual and Transgender community (LGBT) and the American Civil Liberties Union (ACLU) announced their opposition to HB 2183 thus endangering our effort to improve the protection of EMS personnel who might sustain an exposure to blood or other body fluids.

Needless to say the LGBT/ACLU community pressed their case strongly (just as you would expect us to press the case for better protection of EMS personnel), which led to considerable exposure of this little known issue. At least four TV stations ran coverage; numerous newspaper articles and the blogosphere went crazy with dozens of hits if you googled "Kansas HIV/AIDS legislation." One key senator logged over 1,000 e-mails (from as far away as London) voicing displeasure with HB 2183.

While technically correct regarding the new legislative language, KDHE (and those of us who sought the original legislative protection and thus accidentally kicked this hornets' nest) had created the impression of insensitivity toward some people and left them truly worried that the government might use this new HB 2183 to quarantine people based on their sexual orientation.

Whether the LGBT/ACLU community was technically correct or we were correct was less relevant. There were suddenly a large number



of people genuinely worried about the power that government has over their lives, in a very conservative state, regarding some people that often feel slighted in society.

The members of the Kansas Legislature did a wonderful job. They provided respectful consideration yet accepted the technical reality of the rule of law. The legislation ultimately passed with the amended language (which is already the rule of law) that all orders for isolation or quarantine must be “medically necessary and reasonable.”

In the middle of this debate Chy Miller, a leader in Kansas EMS, passed away. His state representative happened to be the “floor handler” of HB 2183. Representative Marshall Christmann wanted to recognize the contribution of Chy. The suggestion to name the legislation to honor Chy was made by one of three legislators (out of 165 total legislators) who could possibly accomplish that endeavor in the short window of time available.

The naming of legislation to recognize the contribution of someone is very impressive and a wonderful honor of a life well lived in service to others. A nice fit.

Accepting that change (to name the legislation after Chy) also created a danger as now the bill not only needed to pass in the Senate in the face of the storm, but we would also have to go back to the House one extra time.

The clock is not the friend of those who want to pass legislation, and we added substantially to the complexity by naming the bill for Chy; but that

type of honor for an EMS person does not come around often and frankly it was worth the extra worry, especially after the bill passed the House unanimously.

The final message. The unintended consequences of our actions led directly to some people becoming seriously worried about government impinging (issuing quarantine orders due to their sexual orientation) on their lives. While we supported the legislation in order to achieve the improved protection of EMS people doing a tough job, we must recognize our responsibility to those we serve and the impact of our actions upon them.



The signing of HB 2183 included: Kansas Governor Sam Brownback, seated, and standing left to right: Senator Mary Pilcher-Cook; Scott Stueven, Butler County EMS; Terry David, Past President of KEMSA; J.R. Behan, Chairman KBEMS; Steve Sutton, Executive Director KBEMS; Dr. Michael Machen, MAC; Taylor Miller, daughter of Chy Miller; Paul Marx, Attorney, KDHE; Representative Marshall Christmann; Representative Jan Pauls; Nathan Bainbridge, Policy Analyst, KDHE; Charlie Hunt, Epidemiologist, KDHE

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