

1 **65-6110. Rules and regulations; act not applicable to certain vehicles.**

2 (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance
3 services and emergency medical response agencies. Such rules and regulations shall include:

4 (1) A classification of the different types of ambulance services and emergency medical
5 response agencies;

6 (2) requirements as to equipment necessary for ambulances;

7 (3) qualifications and training of emergency medical service providers and instructor-
8 coordinators;

9 (4) requirements and fees for the licensure, temporary licensure, and renewal of licensure for
10 ambulances;

11 (5) records and equipment to be maintained by operators, instructor-coordinators, sponsoring
12 organizations and emergency medical service providers;

13 (6) requirements for a quality assurance and improvement program for ambulance services
14 and emergency medical response agencies; and

15 (7) such other matters as the board deems necessary to implement and administer the
16 provisions of this act.

17 (b) Nothing in this act or in the provisions of article 61 of chapter 65 of the Kansas Statutes

18 Annotated, and amendments thereto, shall authorize the board to specify the individuals who may or
19 may not ride on a helicopter while used as an ambulance.

1 **65-6111. Powers and duties of emergency medical services board; rules and regulations;**
2 **temporary variances; imposition of fines; issuance of subpoenas; reporting requirements. (a)**

3 The emergency medical services board shall:

4 (1) Adopt any rules and regulations necessary to carry out the provisions of this act;

5 (2) review and approve the allocation and expenditure of moneys appropriated for emergency
6 medical services;

7 (3) conduct hearings for all regulatory matters concerning ambulance services, emergency
8 medical response agencies, emergency medical service providers, instructor-coordinators, ~~training~~
9 ~~officers~~ and sponsoring organizations;

10 (4) submit a budget to the legislature for the operation of the board;

11 (5) develop a state plan for the delivery of emergency medical services;

12 (6) enter into contracts as may be necessary to carry out the duties and functions of the board
13 under this act;

14 (7) review and approve all requests for state and federal funding involving emergency medical
15 services projects in the state or delegate such duties to the executive director;

16 (8) approve all training programs for emergency medical service providers and instructor-
17 coordinators and prescribe certification application fees by rules and regulations;

18 (9) approve methods of examination for certification of emergency medical service providers
19 and instructor-coordinators and prescribe examination fees by rules and regulations;

20 (10) appoint a medical advisory council of not less than six members, including one board
21 member who shall be a physician and not less than five other physicians who are active and
22 knowledgeable in the field of emergency medical services who are not members of the board to
23 advise and assist the board in medical standards and practices as determined by the board. The
24 medical advisory council shall elect a chairperson from among its membership and shall meet upon
25 the call of the chairperson; and

1 (11) approve sponsoring organizations by prescribing standards and requirements by rules and
2 regulations and withdraw or modify such approval in accordance with the Kansas administrative
3 procedure act and the rules and regulations of the board.

4 (b) The emergency medical services board may grant a temporary variance from an identified
5 rule or regulation when a literal application or enforcement of the rule or regulation would result in
6 serious hardship and the relief granted would not result in any unreasonable risk to the public
7 interest, safety or welfare.

8 (c) (1) In addition to or in lieu of any other administrative, civil or criminal remedy provided by
9 law, the board, in accordance with the Kansas administrative procedure act, upon the finding of a
10 violation of a provision of this act or the provisions of article 61 of chapter 65 of the Kansas Statutes
11 Annotated, and amendments thereto, or rules and regulations adopted pursuant to such provisions
12 may impose a fine on:

13 (A) Any person granted a certificate by the board in an amount not to exceed \$500 for each
14 violation; or

15 (B) an ambulance service or emergency medical response agency that holds a permit to operate
16 in this state or on a sponsoring organization in an amount not to exceed \$2,500 for each violation.

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

21 (d) (1) In connection with any investigation by the board, the board or its duly authorized agents
22 or employees shall at all reasonable times have access to, for the purpose of examination and the
23 right to copy any document, report, record or other physical evidence of any person being
24 investigated, or any document, report, record or other evidence maintained by and in possession of
25 any clinic, laboratory, pharmacy, medical care facility or other public or private agency, if such

1 document, report, record or evidence relates to professional competence, unprofessional conduct or
2 the mental or physical ability of the person to perform activities the person is authorized to perform.

3 (2) For the purpose of all investigations and proceedings conducted by the board:

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

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

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

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

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

1 (3) Disclosure or use of any such information received by the board or of any record containing
2 such information, for any purpose other than that provided by this subsection is a class A
3 misdemeanor and shall constitute grounds for removal from office, termination of employment or
4 denial, revocation or suspension of any certificate or permit issued under article 61 of chapter 65 of
5 the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be
6 construed to make unlawful the disclosure of any such information by the board in a hearing held
7 pursuant to this act.

8 (4) Patient records, including clinical records, medical reports, laboratory statements and reports,
9 files, films, other reports or oral statements relating to diagnostic findings or treatment of patients,
10 information from which a patient or a patient's family might be identified, peer review or risk
11 management records or information received and records kept by the board as a result of the
12 investigation procedure outlined in this subsection shall be confidential and shall not be disclosed.

13 (5) Nothing in this subsection or any other provision of law making communications between a
14 physician and the physician's patient a privileged communication shall apply to investigations or
15 proceedings conducted pursuant to this subsection. The board and its employees, agents and
16 representatives shall keep in confidence the names of any patients whose records are reviewed during
17 the course of investigations and proceedings pursuant to this subsection.

18 (e) The emergency medical services board shall prepare an annual report on or before January 15
19 of each year on the number, amount and reasons for the fines imposed by the board and the number
20 of and reasons for subpoenas issued by the board during the previous calendar year. The report shall
21 be provided to the senate committee on federal and state affairs and the house committee on federal
22 and state affairs.

1 **65-6112. Definitions.** As used in this act:

2 (a) "Administrator" means the executive director of the emergency medical services board.

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

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

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

10 (e) "Ambulance service" means any organization operated for the purpose of providing authorized
11 emergency care and transporting sick or injured persons to or from a place where medical care is
12 furnished, whether or not such persons may be in need of emergency or medical care in transit.

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

15 (g) "Emergency medical response agency" means any organization operated for the purpose of
16 providing authorized emergency care to individuals who are ill or injured and does not provide
17 patient transportation.

18 ~~(g)~~(h) "Emergency medical service" means the effective and coordinated delivery of such care as
19 may be required by an emergency that includes the care and transportation of individuals by
20 ambulance services and the performance of authorized emergency care by a physician, advanced
21 practice registered nurse, professional nurse, a licensed physician assistant or emergency medical
22 service provider as part of an emergency medical response agency.

23 ~~(h)~~(i) "Emergency medical service provider" means an emergency medical responder, advanced
24 emergency medical technician, emergency medical technician or paramedic certified by the
25 emergency medical services board.

1 ~~(j)~~(j) "Emergency medical technician" means a person who holds an emergency medical technician
2 certificate issued pursuant to this act.

3 ~~(k)~~(k) "Emergency medical responder" means a person who holds an emergency medical responder
4 certificate issued pursuant to this act.

5 ~~(l)~~(l) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

6 ~~(m)~~(m) "Instructor-coordinator" means a person who is certified under this act to teach or coordinate
7 both initial certification and continuing education classes.

8 ~~(n)~~(n) "Medical director" means a physician.

9 ~~(o)~~(o) "Medical protocols" mean written guidelines that authorize emergency medical service
10 providers to perform certain medical procedures prior to contacting a physician, physician assistant
11 authorized by a physician, advanced practice registered nurse authorized by a physician or
12 professional nurse authorized by a physician. The medical protocols shall be approved by a county
13 medical society or the medical staff of a hospital to which the ambulance service primarily transports
14 patients, or if neither of the above are able or available to approve the medical protocols, then the
15 medical protocols shall be submitted to the medical advisory council for approval.

16 ~~(p)~~(p) "Municipality" means any city, county, township, fire district or ambulance service district.

17 ~~(q)~~(q) "Nonemergency transportation" means the care and transport of a sick or injured person
18 under a foreseen combination of circumstances calling for continuing care of such person. As used in
19 this subsection, transportation includes performance of the authorized level of services of the
20 emergency medical service provider whether within or outside the vehicle as part of such
21 transportation services.

22 ~~(r)~~(r) "Operator" means a person or municipality who has a permit to operate an ambulance service
23 or an emergency medical response agency in the state of Kansas.

24 ~~(s)~~(s) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

1 ~~(s)~~(t) "Person" means an individual, a partnership, an association, a joint-stock company or a
2 corporation.

3 ~~(t)~~(u) "Physician" means a person licensed by the state board of healing arts to practice medicine
4 and surgery.

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

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

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

14
15 **(New Section). Permit to operate emergency medical response agency; application; contents. (a)**

16 Application for a permit to operate an emergency medical response agency shall be made to the
17 board by the operator of the emergency medical response agency upon forms provided by the
18 administrator and shall be accompanied by a permit fee which shall be fixed by rules and regulations
19 of the board to cover all or any part of the cost of regulation of emergency medical response
20 agencies.

21 (b) The application shall state the name of the operator, the names of the emergency medical service
22 providers of such emergency medical response agency, the primary territory for which the permit is
23 sought, the type of service offered, the location and physical description of the facility whereby calls
24 for service will be received, the location of all stations and substations, a listing of medications and
25 equipment to be used by the service and such other information as the board may require.

1 (c) Nothing in this act shall be construed as granting an exclusive territorial right to operate an
2 emergency medical response agency. Upon change of ownership of an emergency medical response
3 agency the permit issued to such agency shall expire 60 days after the change of ownership.
4

5 **65-6125. Unlawful to operate ambulance service without a permit.** It shall be unlawful for any
6 person or municipality to operate an ambulance service or emergency medical response agency
7 within this state without obtaining a permit pursuant to this act.
8

9 **65-6126. Medical director.** Each ~~emergency medical service operator~~ shall ~~have~~ appoint a medical
10 director ~~appointed by the operator of the service~~ to provide medical oversight. Medical oversight
11 duties include to review and implement medical protocols; and to approve and monitor the activities,
12 competency and education of the emergency medical service providers. The board may approve an
13 alternative procedure for medical oversight if no medical director is available.
14

15 **65-6128. Permit to operate; qualifications of applicant; denial of application; notice;**
16 **reapplication; renewal of permit; disposition of fees.** (a) A permit shall not be issued to an
17 operator unless the board finds the ambulance service or emergency medical response agency is or
18 will be staffed and equipped in accordance with the rules and regulations promulgated by the board
19 pursuant to K.S.A. 65-6110, and amendments thereto. If the board determines that an applicant is not
20 qualified, such applicant shall be notified of the denial of such application with a statement of the
21 reasons for such denial. The applicant may reapply upon submission of evidence that the
22 disqualifying factor alleged by the board has been corrected. No fee shall be required for the first
23 reapplication made if it is submitted to the board within one year of the date of the denial of the
24 application.

1 (b) A permit to operate an ambulance service or emergency medical response agency shall be valid
2 for a term fixed by the board not to exceed 18 months and may be renewed upon payment of a fee in
3 the amount fixed by the board pursuant to K.S.A. [65-6127](#), and amendments thereto. The board may
4 prorate to the nearest whole month the fee fixed under this subsection as necessary to implement the
5 provisions of this subsection.

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

10

11 **65-6130. Inspections; subpoenas of records; maintenance of records; personnel.** (a) The board
12 may inquire into the operation of ambulance services and emergency medical response agencies and
13 the conduct of emergency medical service providers, and may conduct periodic inspections of
14 facilities, communications services, materials and equipment at any time without notice.

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

21 (c) The board also may require operators to submit lists of personnel employed and to notify the
22 board of any changes in personnel or in ownership of the ambulance service or emergency medical
23 response agency.

1 **65-6153. Emergency medical services data collection system; information collected; rules and**
2 **regulations.** (a) Within the limits of appropriations therefor, the board of emergency medical
3 services shall develop and maintain a statewide data collection system to collect and analyze
4 emergency medical services information, including, but not limited to, dispatch, demographics,
5 patient data, assessment, treatment, disposition, financial and any other pertinent information that
6 will assist the board in improving the quality of emergency medical services.
7 (b) Each operator of an ambulance service shall collect and report to the board emergency medical
8 services information pursuant to rules and regulations adopted by the board. The board shall adopt
9 rules and regulations which use the most efficient, least intrusive means for collecting emergency
10 medical services information consistent with ensuring the quality, timeliness, completeness and
11 confidentiality of the system.