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State of Kansas

Legislative Administrative Services

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet on the dates listed below based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at 785-296-2391 or TTY 711, or email legserv@las.ks.gov.

No Meetings Scheduled

Tom Day, Director
Legislative Administrative Services

Doc. No. 047224
State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 6-3-19 through 6-9-19

<table>
<thead>
<tr>
<th>Term</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-89 days</td>
<td>2.39%</td>
</tr>
<tr>
<td>3 months</td>
<td>2.38%</td>
</tr>
<tr>
<td>6 months</td>
<td>2.35%</td>
</tr>
<tr>
<td>12 months</td>
<td>2.27%</td>
</tr>
<tr>
<td>18 months</td>
<td>2.15%</td>
</tr>
<tr>
<td>2 years</td>
<td>2.05%</td>
</tr>
</tbody>
</table>

Scott Miller
Director of Investments

Doc. No. 047218

State of Kansas

Secretary of State

Code Mortgage Rate for June

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of June 1-30, 2019, is 12 percent. The reference rate referred to in the definition of “code mortgage rate” set forth in K.S.A. 16a-1-301(11)(b)(i) is discontinued, has become impractical to use, and/or is otherwise not readily ascertainable from the Federal Home Loan Mortgage Corporation.

Scott Schwab
Secretary of State

Doc. No. 047225

State of Kansas

Governor’s Grants Program

Notice of Available Grant Funding for the Federal Project Safe Neighborhoods Grant Program

Grant funds are available from the Federal Project Safe Neighborhoods (PSN) Grant Program for fiscal year 2019. The purpose of this grant program is to create and foster safer neighborhoods through a sustained reduction in violent crime, including but not limited to, addressing criminal gangs and the felonious possession and use of firearms. It is estimated that approximately $261,000 will be available. This is a competitive grant process with no guarantee of continue funding. The targeted priority areas for this 2019 application process are to fund 1) a research partner, and 2) city/county jurisdictions identified with higher than average rates of gang and gun violence. For a copy of the grant application, please contact Jocelyn Scott at 785-291-3205 or jocelyn.scott@ks.gov. All grant applications must be postmarked to the Kansas Governor’s Grants Program by June 28, 2019.

Juliene Maska
Interim Administrator

Doc. No. 047220

State of Kansas

Governor’s Grants Program

Notice of Grant Funding Application

The Kansas Governor’s Grants Program has prepared the Federal Fiscal Year 2019 Federal Edward Byrne Memorial Justice Assistance Grant (JAG) Program application including the five-year state strategy to be submitted to the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance no later than June 25, 2019. The federal application is currently available for public comment. Comments must be submitted no later than June 14, 2019. This document is pending final approval by the Kansas Criminal Justice Coordinating Council until public comments are received and reviewed. The application can be accessed at https://grants.ks.gov/.

Please submit your comments to Jamie Bowser by email at Jamie.Bowser@ks.gov or at 785-291-3205.

Juliene Maska
Interim Administrator

Doc. No. 047219

State of Kansas

Department of Labor

Notice of Maximum and Minimum Weekly Benefit Amounts

Each year, in accordance with K.S.A. 44-704 of the Kansas Employment Security Law, the maximum and minimum weekly benefit amounts payable to unemployment insurance claimants are recalculated. For SFY 2020, new claims filed on or after July 1, 2019 and before July 1, 2020, the maximum weekly benefit amount will be $488.00 and the minimum weekly benefit amount will be $122.00.

Delía García
Secretary

Doc. No. 047221

State of Kansas

Department of Administration

Procurement and Contracts

Notice to Bidders

Sealed bids for items listed will be received by the Director of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

06/20/2019 EVT0006660 D1A2 Ready Mix Concrete
06/25/2019 EVT0006652 Fire Alarm System/Maintenance

The above referenced bid documents can be downloaded at the following website:

http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations

(continued)
There are No Bids Under this Website Closing in this Week’s Ad

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or http://admin.ks.gov/offices/ofpm/dcc.

Tracy T. Diel, Director
Office of Procurement and Contracts

Doc. No. 047231

State of Kansas

Wichita State University

Notice of Intent to Lease Land and/or Building Space

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. The university will consider leasing such property and/or space to those whose presence on campus would advance the university’s applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good, or otherwise provide supporting services and amenities to the campus community (such as restaurants, retail establishments, financial institutions, etc.). Because tenant use must be a good fit with the university’s educational mission and identify anticipated benefits to the university, its students, and the WSU community (e.g., applied learning, joint research, faculty start-up, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Rental rate shall be assessed per leased or leasable square foot of the building but is negotiable based on term of lease and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization, or company and such offers will be considered until a selection is made or this notice is withdrawn. If interested, please contact Vice President for Research and Technology Transfer, Dr. John Tomblin, john.tomblin@wichita.edu or University Property Manager Crystal Stegeman, crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for Finance and Administration
Wichita State University

Doc. No. 047167

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation (KDOT) is seeking qualified consulting engineering firms prequalified in category 333 – Geotechnical Specialist for On-Call Pile Driving Analysis services. A PDF (1Mb maximum size) of the interest response must be emailed to David Lutgen, P.E., Contracts Engineer at kdot.designcontracts@ks.gov. Interest responses are limited to four pages, the subject line of the email and the PDF file name must read “Pile Driving Analysis–Firm Name,” and must be received by 12:00 p.m. June 17, 2019 for the consulting engineering firm to be considered.

Qualifications-Based Selection Process

Based on the Qualifications submitted in the Letter of Interest (LOI) and other information available to KDOT, on or about June 20, 2019, KDOT will shortlist firms and notify all firms submitting LOIs of the names of the shortlisted firms by return email. KDOT will select up to three of the most highly qualified firms expressing interest, based on the letter of interest, professional qualifications, experience of staff, workload of firm, prequalification, work history and performance record. At KDOT’s option, it may interview shortlisted firms by telephone.
conference call or ask them to attend meetings or participate in other discussions with KDOT. After review of the firm’s submittal and other information available to KDOT, up to three of the highest ranking firms will be asked to enter into negotiations with KDOT for an on-call agreement for services under which KDOT may request design services via tasks or work orders over a period of four years, subject to a maximum cumulative aggregate amount payable under the on-call agreement.

The firm’s accounting systems must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable, and current costs must be available within the system to support actual costs and pricing data.
- Capability to provide a means of measuring the reasonableness of incurred costs.
- Capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger.
- Ability to provide supporting documentation of actual expenditures for each billing, based on costs.

If you have any questions, please feel free to contact David Lutgen at kdot.designcontracts@ks.gov.

Ron Seitz, P.E. Director
Division of Engineering and Design

Vol. 38, No. 23, June 6, 2019
return email. Thereafter, KDOT will issue a Request for Proposal (RFP) to the shortlisted firms soliciting a technical proposal. At KDOT’s option, shortlisted firms may be interviewed by telephone conference call or asked to attend meetings or participate in other discussions with KDOT. Technical proposals will be evaluated on the basis of the factors listed below, evenly weighted, to rank the most qualified firm in order of preference as first, second and third: 1) the quality of the response to the RFP; 2) qualifications and experience of consultant personnel proposed for services; 3) proposed (typical and atypical) approach to performance, data gathering, as well as efficiency and accuracy of services; and 4) past performance history. Information relevant to the evaluation criteria include recent relevant experience in airport projects and aviation system-level studies, capability to perform all aspects of the project, ability to meet schedules within budget, experience with PAVER, and knowledge of pertinent FAA/AIP standards. The highest ranked firm will be asked to enter into negotiations with KDOT for a contract, with compensation provisions for payment of actual direct costs plus fixed fee, subject to an upper limit of compensation. In the event KDOT cannot reach agreement with the highest ranked firm, it will terminate negotiations with such firm and commence negotiations with the next highest ranked firm, and so on, until either agreement is reached for a satisfactory scope of services for a fair and reasonable price, or KDOT decides to pursue other alternatives.

Please do not call, write, or otherwise contact KDOT staff for information regarding the services in this RFQ. Email all inquiries/questions to David Lutgen at kdot.designcontracts@ks.gov.

Ron Seitz, P.E., Director
Division of Engineering and Design

State of Kansas
Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

### Public Notice No. KS-AG-19-198/204

**Pending Permits for Confined Feeding Facilities**

<table>
<thead>
<tr>
<th>Name and Address of Applicant</th>
<th>Legal Description</th>
<th>Receiving Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bryan L. Mosier</td>
<td>SW/4 of Section 9 T20S, R11W</td>
<td>Upper Arkansas River Basin</td>
</tr>
<tr>
<td>814 SE 50 Rd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ellinwood, KS 67526</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This is a renewal permit for an existing facility of 25 head (25 animal units) of cattle weighing greater than 700 pounds. There has been no change in animal units from the last permit.

<table>
<thead>
<tr>
<th>Name and Address of Applicant</th>
<th>Legal Description</th>
<th>Receiving Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Metzger Farms II</td>
<td>NE/4 of Section 21 and E/2 of Section 22</td>
<td>Missouri River Basin</td>
</tr>
<tr>
<td>Douglas Metzger</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2293 P Rd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seneca, KS 66538</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This permit is being reissued. The permit contains modifications consisting of using an existing unused enclosed building for confinement of swine for a confined animal feeding operation for 40 head (16 animal units) of swine weighing more than 55 pounds and 300 head (30 animal units) of swine weighing less than 55 pounds. There is no change in the permitted animal units.

<table>
<thead>
<tr>
<th>Name and Address of Applicant</th>
<th>Legal Description</th>
<th>Receiving Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grabbe Farms Feedlot</td>
<td>SE/4 of Section 17 T15S, R18W</td>
<td>Smoky Hill River Basin</td>
</tr>
<tr>
<td>John Grabbe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>436 240th Ave.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hays, KS 67601</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This is a renewal permit for an existing facility for 950 head (950 animal units) of cattle weighing greater than 700 pounds. There has been no change in animal units from the last permit.

<table>
<thead>
<tr>
<th>Name and Address of Applicant</th>
<th>Legal Description</th>
<th>Receiving Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loren Grimm—Swine Finishing Barn</td>
<td>NW/4 of Section 10 T02S, R15E</td>
<td>Missouri River Basin</td>
</tr>
<tr>
<td>Loren Grimm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>409 270th St.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sabetha, KS 66534</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This is a permit modification for an existing facility of 800 head (800 animal units) of cattle weighing greater than 700 pounds. The proposed modification is a 199 head (199 animal units) of cattle weighing greater than 700 pounds increase from the previous permit. No additional structures are being constructed.

<table>
<thead>
<tr>
<th>Name and Address of Applicant</th>
<th>Legal Description</th>
<th>Receiving Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>O’Neil Dairy</td>
<td>NW/4 of Section 23 T02S, R09E</td>
<td>Big Blue River Basin</td>
</tr>
<tr>
<td>Doug O’Neil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2331 Ironstone Rd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Beatell, KS 66406</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

This is a renewal permit for an existing facility to 25 head (25 animal units) of cattle more than 700 pound and 30 head (15 animal units) of cattle 700 pounds or less, for a total of 40 animal units. This is a 38.5 animal unit decrease from the previous permit.

<table>
<thead>
<tr>
<th>Name and Address of Applicant</th>
<th>Legal Description</th>
<th>Receiving Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garber Farms, Inc. #1</td>
<td>NE/4 of Section 3 T02S, R14E</td>
<td>Kansas River Basin</td>
</tr>
<tr>
<td>2533 V Rd.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sabetha, KS 66534</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

© Kansas Secretary of State 2019

Vol. 38, No. 23, June 6, 2019
Notice of Intent to Revoke/Terminate

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment (KDHE) hereby provides notice of intent to revoke/terminate the following KDHE-issued permit.

Klein Dairy
Phil Klein
655 N. West St.
Garden Plain, KS 67050
Kansas Permit No. A-ARSG-M012

Proposed action: The Kansas Department of Health and Environment (KDHE) hereby provides notice of intent to revoke/terminate the following KDHE-issued permit.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.
Secretary
Doc. No. 047223

(Wichita Public Schools/USD 259)

Request for Proposals

Wichita Public Schools/USD 259 is seeing to establish a relationship with an Energy Service Company (ESCO) for the purposes of developing and implementing an Energy Conservation Contract as defined by K.S.A. 75-37, 125. It is anticipated significant improvements can be made and paid for through energy and operational savings. The primary task of the successful ESCO is to reduce the total energy and operational expenditures associated with the operating USD 259 facilities. For the full RFPQ, please visit https://259ebid.ionwave.net. An account will be required to view all documents and addendums.

The deadline for submitting responses is 3:00 p.m. (CST) Monday, July 1, 2019.

Wendi Frisbie, Purchasing Agent
Operations Division
Doc. No. 047228

(City of Atchison, Kansas)

Summary Notice of Bond Sale
$4,870,000*
General Obligation Refunding and Improvement Bonds, Series 2019-A

(General Obligation Bonds Payable from Unlimited Ad Valorem Taxes)

Bids

Subject to the Notice of Bond Sale dated May 20, 2019 (the “Notice”), facsimile and electronic bids will be received on behalf of the Finance Manager of the City of Atchison, Kansas (the “Issuer”) in the case of facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CST) June 17, 2019, for the purchase of the above-referenced bonds (the “Bonds”). No bid of less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of $5,000 or any integral multiple thereof. The Bonds will be dated July 11, 2019, and will become due on September 1 in the years as follows:

Vol. 38, No. 23, June 6, 2019 © Kansas Secretary of State 2019
### Bond Sales

<table>
<thead>
<tr>
<th>Year</th>
<th>Principal Amount*</th>
<th>Year</th>
<th>Principal Amount*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>$385,000</td>
<td>2030</td>
<td>$345,000</td>
</tr>
<tr>
<td>2021</td>
<td>410,000</td>
<td>2031</td>
<td>250,000</td>
</tr>
<tr>
<td>2022</td>
<td>430,000</td>
<td>2032</td>
<td>135,000</td>
</tr>
<tr>
<td>2023</td>
<td>435,000</td>
<td>2033</td>
<td>135,000</td>
</tr>
<tr>
<td>2024</td>
<td>300,000</td>
<td>2034</td>
<td>145,000</td>
</tr>
<tr>
<td>2025</td>
<td>300,000</td>
<td>2035</td>
<td>60,000</td>
</tr>
<tr>
<td>2026</td>
<td>310,000</td>
<td>2036</td>
<td>60,000</td>
</tr>
<tr>
<td>2027</td>
<td>320,000</td>
<td>2037</td>
<td>65,000</td>
</tr>
<tr>
<td>2028</td>
<td>325,000</td>
<td>2038</td>
<td>65,000</td>
</tr>
<tr>
<td>2029</td>
<td>330,000</td>
<td>2039</td>
<td>65,000</td>
</tr>
</tbody>
</table>

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semianually on March 1 and September 1 in each year, beginning on March 1, 2020.

### Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

### Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

### Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier’s or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of $97,400.

### Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about July 11, 2019, to DTC for the account of the successful bidder.

### Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2018 is $84,277,117. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is $10,670,000, which includes $850,000 of outstanding bonds which are to be refunded with proceeds from the sale of the Bonds.

### Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

### Additional Information

Additional information regarding the Bonds may be obtained from the undersigned or from the Municipal Advisor at the addresses set forth below:

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semianually on March 1 and September 1 in each year, beginning on March 1, 2020.

### Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

### Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

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Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier’s or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of $97,400.

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The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

### Additional Information

Additional information regarding the Bonds may be obtained from the undersigned or from the Municipal Advisor at the addresses set forth below:

### Municipal Advisor

George K. Baum & Company
Attn: David Arteberry
4801 Main St., Suite 500
Kansas City, MO 64112
800-821-7195
Fax: 816-283-5326
arteberry@gkbaum.com


Debra A. Clem
Clerk

* Subject to change, see the Notice

Doc. No. 047230

State of Kansas

Secretary of State

Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab
Secretary of State

(Published in the Kansas Register June 6, 2019.)

Senate Bill No. 53


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

New Section 1. (a) (1) There is hereby created the designation of inactive certificate. The board is authorized to issue an inactive certificate to any person currently certified by the board who makes written application for such inactive certificate on a form provided by the board and remits the fee established by the board in rules and regulations. The board may issue an inactive certificate only to a person who is not directly engaged in the provision of emergency medical services for which certification is required and who does not hold oneself out to the public as being professionally engaged in the provision of emergency medical services.
services. An inactive certificate shall not entitle the holder to engage in the practice of emergency medical services. Each inactive certificate may be renewed subject to the provisions of this section. Each inactive certificate holder shall be subject to the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, except as otherwise provided in this subsection. The holder of an inactive certificate shall not be required to submit evidence of satisfactory completion of the continuing education requirement prescribed by the board.

(b) Each inactive certificate holder may apply for an active certificate upon filing a written application with the board. The request shall be accompanied by the provision of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, upon completion of the inactive certificate holder's current ability to engage in the provision of emergency medical services with reasonable skill and safety.

Sec. 2. K.S.A. 2018 Supp. 8-1,159 is hereby amended to read as follows: 8-1,159. (a) No person shall be issued one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles that such person is an emergency medical services attendant service provider, as defined in K.S.A. 65-6112, and amendments thereto, upon compliance with the provisions of this section, may be issued one emergency medical service provider's distinctive license plates to each such passenger vehicle, truck or motorcycle. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant for a license plate authorized by this section may make application for such distinctive license plates, not less than 60 days prior to such applicant's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require under subsection (a). Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director the form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer.

Sec. 3. K.S.A. 2018 Supp. 21-6326 is hereby amended to read as follows: 21-6326. (a) Unlawful interference with an emergency medical services attendant service provider is knowingly:

(1) Interfering with any attendant emergency medical service provider while engaged in the performance of such attendant's emergency medical service provider's duties; or

(2) obstructing, interfering with or impeding the efforts of any attendant emergency medical service provider to reach the location of an emergency.

(b) Unlawful interference with an emergency medical services attendant service provider is a class B person misdemeanor.

(c) As used in this section, "attendant emergency medical service provider" means a person who has reasonable cause to believe that a resident is being or has been abused, neglected or exploited, or is in a condition which that is the result of such abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information which that the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.

Sec. 5. K.S.A. 2018 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a teacher, a bank trust officer and any other officer of financial institutions, a legal representative, a governmental assistance provider or an emergency medical services attendant service provider who has reasonable cause to believe that a resident is being or has been abused, neglected or exploited, or is in a condition which that is the result of such abuse, neglect or exploitation or is in need of protective services, shall report immediately such information or cause a report of such information to be made in any reasonable manner to the Kansas department for aging and disability services with respect to residents defined under K.S.A. 39-1401(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families and appropriate law enforcement agencies with respect to all other residents. Reports made to one department which that are required by this subsection to be made to the other department shall be made by the department to which the report is made to the appropriate department for that report, and any such report shall constitute compliance with this subsection. Reports shall be made during the normal working weeks and hours of operation of such departments. Reports shall be made to law enforcement agencies during the time the departments are not open for business. Law enforcement agencies shall submit the report and appropriate information to the appropriate department on the first working day that such department is open for business. A report made pursuant to K.S.A. 65-4924 or any other information which that the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(e) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that a resident is being or has been abused, neglected or exploited, or is in a condition which that is the result of such abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information which that the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult care home and medical care facility in this state.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.
amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal working days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is in operation. Law enforcement shall submit the report and appropriate information to the Kansas department for children and families and families is in operation after receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information which the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that an adult is being or has been abused, neglected or exploited, or is in need of protective services, shall report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

(d) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 through 39-1410, and amendments thereto.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.

(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or other facility licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, and other institutions included in subsection (a).

Sec. 6. K.S.A. 2018 Supp. 40-2141 is hereby amended to read as follows: 40-2141. (a) (1) Except as provided in paragraph (2), whenever a municipality provides for the payment of premiums for any health benefit plan for its emergency personnel, it shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of any emergency personnel who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse.

(A) On or after the end of the 18th calendar month after the date of death of the deceased emergency personnel;

(B) upon the remarriage of the deceased emergency personnel’s surviving spouse; or

(C) upon the deceased emergency personnel’s surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) “Emergency personnel” means any emergency medical services attendants or such term as is defined in K.S.A. 65-6112, and amendments thereto.

(2) “Health benefit plan” shall have the meaning ascribed to it in K.S.A. 40-4602, and amendments thereto.

(3) “Municipality” means a city or county.

Sec. 7. K.S.A. 2018 Supp. 44-131 is hereby amended to read as follows: 44-131. (a) No employer may discharge any employee by reason of the fact that the employee performed a good or laudable act as a volunteer certified emergency medical services attendant as defined in K.S.A. 65-6112, and amendments thereto, volunteer reserve law enforcement officer or volunteer part-time law enforcement officer. The provisions of this section shall not apply to an employer when the employee is employed by the employer as a full-time firefighter or law enforcement officer.

(b) For the purposes of this section, the term:

(1) “Employee” shall have the meaning ascribed to it in K.S.A. 44-313, and amendments thereto.

(2) “Employer” shall have the meaning ascribed to it in K.S.A. 44-313, and amendments thereto.

Sec. 8. K.S.A. 2018 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) “Employer” includes: (1) Any person or body of persons, corporate or unincorporated, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any county, city, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency which assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have all of the same rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party which filed such election with the director or on both if both parties have filed such election with the director; for purposes of community service work, “governmental agency” shall not include any court or any official or employee thereof and any case where there is deemed to be a “joint employer” shall not be construed to be a case of dual or multiple employment.

(b) “Workman” or “employee” or “worker” means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include, but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, attendants emergency medical service providers, as defined in subsection (f) of K.S.A. 65-6112, and amendments thereto, drivers of ambulances as defined in subsection (f) of K.S.A. 65-6112, and amendments thereto, firefighters, but only to the extent and during such periods as they are serving in such capacities; persons engaged in the performance of functions specified in K.S.A. 48-3302, and amendments thereto, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work, but only to the extent and during such periods as they are performing community service work and if an election has been filed as provided in K.S.A. 44-542a, and amendments thereto, for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency which assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have all of the same rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party which filed such election with the director or on both if both parties have filed such election with the director; for purposes of community service work, “governmental agency” shall not include any court or any official or employee thereof and any case where there is deemed to be a “joint employer” shall not be construed to be a case of dual or multiple employment.

(2) “Members of a family” means such members of the employee’s family as were wholly or in part dependent upon the employee at the time of the accident or injury.
(A) A birth child or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption; (B) a stepchild of the employee who lives in the employee’s household; (C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity; or (D) any child as defined in subsection (c)(3)(A), (3)(B) or (3)(C) who is less than 23 years of age and who is not physically or mentally capable of earning wages in any type of substantial and gainful employment or who is a full-time student attending an accredited institution of higher education or vocational education. (d) “Accident” means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An accident shall be identifiable by time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The accident cannot be the result of the repetitive trauma causing the injury. “Accident” shall in no case be construed to include repetitive trauma in any form. (e) “Repetitive trauma” refers to cases where an injury occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury must be demonstrated by diagnostic or clinical tests. The repetitive trauma must be the prevailing factor in causing the injury. “Repetitive trauma” shall in no case be construed to include occupational disease, as defined in K.S.A. 44-5a01, and amendments thereto. In the case of injury by repetitive trauma, the date of injury shall be the earliest of: (1) The date the employee, while employed for the employer against whom benefits are sought, is taken off work by a physician due to the diagnosed repetitive trauma; (2) the date the employee, while employed for the employer against whom benefits are sought, is placed on modified or restricted duty by a physician due to the diagnosed repetitive trauma; (3) the date the employee, while employed for the employer against whom benefits are sought, is advised by a physician that the condition is work-related; or (4) the last day worked, if the employee no longer works for the employer against whom benefits are sought. In no case shall the date of accident be later than the last date worked. (i) “Personal injury” and “injury” mean any lesion or change in the physical structure of the body, causing damage or harm thereto. Personal injury or injury may occur only by accident, repetitive trauma or occupational disease as those terms are defined. (A) An injury by repetitive trauma shall be deemed to arise out of employment only if: (i) The employment exposed the worker to an increased risk or hazard to which the worker would not have been exposed in normal non-employment life; (ii) the increased risk or hazard to which the employment exposed the worker was the prevailing factor in causing repetitive trauma; and (iii) the repetitive trauma is the prevailing factor in causing both the medical condition and resulting disability or impairment. (B) An injury by accident shall be deemed to arise out of employment only if: (i) There is a causal connection between the conditions under which the work is required to be performed and the resulting accident; and (ii) the accident is the prevailing factor causing the injury, medical condition and resulting disability or impairment.
(o) “Peer review” means an evaluation by a peer review committee of the appropriateness, quality and cost of health care and health services provided a patient which is based on accepted standards of the health care profession involved and which is conducted in conjunction with utilization review.

(p) “Peer review committee” means a committee composed of health care providers licensed to practice the same health care profession as the health care provider who rendered the health care services being reviewed.

(q) “Group-funded self-insurance plan” includes each group-funded workers compensation pool which is authorized to operate in this state under K.S.A. 44-581 through 44-592, and amendments thereto, each municipal group-funded pool under the Kansas municipal group-funded pool act which covering liabilities under the workers compensation act and any other similar group-funded or pooled plan or arrangement that provides coverage for employer liabilities under the workers compensation act and is authorized by law.

(r) On and after the effective date of this act, “workers compensation board” or “board” means the workers compensation appeals board established under K.S.A. 44-555c, and amendments thereto.

(s) “Usual charge” means the amount most commonly charged by health care providers for the same or similar services.

(t) “Customary charge” means the usual rates or range of fees charged by health care providers in the community in which such employee resides, or any similar range of fees charged by health care providers for the same or similar services.

(u) “Functional impairment” means the extent, expressed as a percentage, of the loss of a portion of the total physiological capabilities of the human body as established by competent medical evidence and based on the fourth edition of the American medical association guides to the evaluation of impairment, if the impairment is contained therein.

(v) “Authorized treating physician” means a licensed physician or other health care provider authorized by the employer or insurance carrier, or both, or appointed pursuant to court-order to provide those medical services deemed necessary to diagnose and treat an injury arising out of and in the course of employment.

(w) “Mail” means the use of the United States postal service or other land based delivery service or transmission by electronic means, including delivery by e-mail or other means of electronic delivery method designated by the director of workers compensation.

Sec. 9. K.S.A. 2018 Supp. 44-510h is hereby amended to read as follows: 44-510h. (a) It shall be the duty of the employer to provide the services of a health care provider and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides and within such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515a, and amendments thereto, if reasonable and necessary to cure and relieve the employee from the effects of the injury.

(b) (1) If the director finds, upon application of an injured employee, that the services of the health care provider furnished as provided in subsection (a) and rendered on behalf of the injured employee are not satisfactory, the director may authorize the appointment of some other health care provider. In any such case, the employer shall submit the names of two health care providers who, if possible, are not satisfactory, the director may authorize the appointment of some other health care provider. If the names of the health care providers submitted by the employer under this paragraph, either party or both parties may request the director to select a treating health care provider.

(2) Without application or approval, an employee may consult a health care provider of the employee’s choice for the purpose of examination, diagnosis or treatment, but the employer shall only be liable for the fees and charges of such health care provider up to a total amount of $500. The amount allowed for such examination, diagnosis or treatment shall not be used to obtain a functional impairment rating. Any medical opinion obtained in violation of this prohibition shall not be admissible in any claim proceedings under the workers compensation act.

(c) An injured employee whose injury or disability has been established under the workers compensation act may rely, if done in good faith, solely or partially on treatment by prayer or spiritual means in accordance with the tenets of practice of a church or religious denomination without suffering a loss of benefits subject to the following conditions:

(1) The employer or the employer’s insurance carrier agrees thereto in writing either before or after the injury;

(2) the employee submits to all physical examinations required by the workers compensation act;

(3) the cost of such treatment shall be paid by the employee unless the employer or insurance carrier agrees to make such payment;

(4) the injured employee shall be entitled only to benefits that would not reasonably have been expected had such employee undergone medical or surgical treatment; and

(5) the employer or insurance carrier that made an agreement under paragraph (1) or (3) of this subsection may withdraw from the agreement on 10 days' written notice.

(d) In any employment to which the workers compensation act applies, the employer shall be liable to each employee who is employed as a duly authorized law enforcement officer, firefighter, driver of an ambulance as defined in subsection (b) of K.S.A. 65-6112, and amendments thereto, an ambulance attendant as defined in subsection (d) of an emergency medical service provider as defined in K.S.A. 65-6112, and amendments thereto, or a member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, including any employee who is a volunteer in such capacity for all reasonable and necessary preventive medical care and treatment for hepatitis to which such employee is exposed under circumstances arising out of and in the course of employment.

(e) It is presumed that the employer's obligation to provide the services of a health care provider and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides and within such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with subsection (a) of K.S.A. 44-515a, and amendments thereto, shall terminate upon the employee reaching maximum medical improvement. Such presumption may be overcome by competent medical evidence that it is more probable true than not that additional medical treatment will be necessary after such time as the employee reaches maximum medical improvement.

(f) The term “medical treatment” as used in this subsection means only that treatment provided or prescribed by a licensed health care provider and shall not include home exercise programs or over-the-counter medications.

Sec. 10. K.S.A. 2018 Supp. 44-511 is hereby amended to read as follows: 44-511. (a) As used in this section:

(1) “Wage” means the total of the gross remuneration, on an hourly, output, salary, commission or other basis earned while employed by the employer, including bonuses and gratuities. Money shall not include any additional compensation, as defined in paragraph (2).

(2) (A) The term “additional compensation” shall include and mean only the following: (i) Board and lodging when furnished by the employer as part of the wages, which shall be valued at a maximum of $25 per week for board and lodging combined, unless the value has been fixed otherwise by the employer and employee prior to the date of the accident or injury, or unless a higher weekly value is proved; and (ii) employer-paid life insurance, disability insurance, health and accident insurance and employer contributions to pension and profit sharing plans. In no case shall the value of any contributions of employer taxes paid by the employer under the old-age and survivors insurance system embodied in the federal social security system.

(C) Additional compensation shall not be included in the calculation of average wage until and unless such additional compensation is discontinued. If such additional compensation is discontinued subsequent to a computation of average weekly wages under this section, there shall be a recomputation to include such discontinued additional compensation.

(b) (1) Unless otherwise provided, the employee’s average weekly wage for the purpose of computing any compensation benefits provided-
ed by the workers compensation act shall be the wages the employee earned during the calendar weeks employed by the employer, up to 26 calendar weeks immediately preceding the date of the injury, divided by the number of such weeks the employer actually worked, or by 26 as the case may be.

(2) If actually employed by the employer for less than one calendar week immediately preceding the accident or injury, the average weekly wage shall be determined by the administrative law judge based upon all of the evidence and circumstances, including the usual wage for similar services paid by the same employer, or if the employer has no employees performing similar services, the usual wage paid for similar services by other employers. The average weekly wage so determined shall not exceed the actual average weekly wage the employee was reasonably expected to earn in the employee’s specific employment, including the average weekly value of any additional compensation.

(3) The average weekly wage of an employee who performs the same or a very similar type of work on a part-time basis for each of two or more employers, shall be the sum of the average weekly wages of such employee paid by each of the employers.

(4) In determining an employee’s average weekly wage with respect to the employer against whom claim for compensation is made, no money or additional compensation paid to or received by the employee from such employer, or from any source other than from such employer, shall be included as wages, except as provided in this section. No wages, other compensation or benefits of any type, except as provided in this section, shall be considered or included in determining the employee’s average weekly wage.

(5) (A) The average weekly wage of a person serving on a volunteer basis as a duly authorized law enforcement officer, regional emergency medical response team member or emergency medical service provider as provided in subsection (b) of K.S.A. 44-508, and amendments thereto, firefighter or member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, who receives no wages for such services, or who receives wages which are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the dollar amount closest to, but not exceeding, 112½% of the state average weekly wage.

(B) The average weekly wage of any person performing community service work shall be deemed to be $37.50.

(C) The average weekly wage of a volunteer member of the Kansas department of civil air patrol officially engaged in the performance of functions specified in K.S.A. 48-3302, and amendments thereto, shall be deemed to be $476.38. Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1988, the average weekly wage which is deemed to be the average weekly wage under the provisions of this subsection for a volunteer member of the Kansas department of civil air patrol shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the average weekly wage deemed to be the average weekly wage of such volunteer member under the provisions of this subsection prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

(D) The average weekly wage of any other volunteer under the workers compensation act, who receives no wages for such services, or who receives wages which are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the usual wages paid by the employer for such services to employees who are not volunteers, or, if the employer has no employees performing such services for wages which are not volunteers, the average weekly wage shall be computed on the basis of the usual wages paid for such services by comparable employers to employees who are not volunteers. Volunteer employment is not presumed to be full-time employment.

(6) The state’s average weekly wage paid to employees in insured work subject to Kansas unemployment security law as determined annually by the secretary of labor as provided in K.S.A. 44-704, and amendments thereto.

(d) Members of a labor union or other association who perform services on behalf of the labor union or other association and who are not paid as full-time employees of the labor union or other association and who are injured or suffer occupational disease in the course of the performance of duties on behalf of the labor union or other association shall recover compensation benefits under the workers compensation act from the labor union or other association if the labor union or other association files an election with the director to bring its members who perform such services under the coverage of the workers compensation act. The average weekly wage for the purpose of this subsection shall be based on what the employee would earn in the employee’s general occupation if at the time of the injury the employee had been performing work in the employee’s general occupation. The insurance coverage shall be furnished by the labor union or other association.

Sec. 11. K.S.A. 2018 Supp. 44-1204 is hereby amended to read as follows: 44-1204. (a) On and after January 1, 1978, no employer shall employ any employee for a workweek longer than 46 hours, unless such employer receives compensation for employment in excess of 46 hours in a workweek at a rate of not less than 1½ times the hourly wage rate at which such employee is regularly employed.

(b) No employer shall be deemed to have violated subsection (a) with respect to the employment of any employee who is covered by this section, who is engaged in the public or private delivery of emergency medical services as an emergency medical service provider as defined by K.S.A. 65-6112, and amendments thereto, or who is engaged in fire protection or law enforcement activities, including any member of the security personnel in any correctional institution, and who is paid compensation at a rate of not less than 1½ times the regular rate at which such employee is employed:

(1) In any work period of 28 consecutive days in which such employee works for tours of duty which in the aggregate exceed 258 hours; or

(2) in the case of any such employee to whom a work period of at least seven but less than 28 days applies, in any such work period in which such employee works for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in such work period as 258 hours bears to 28 days.

(c) The provisions of this section shall not apply to the employment of:

(1) Any employee who is covered under the provisions of section 7 of the fair labor standards act of 1938 as amended, 29 U.S.C.A. § 207, and as amended by the fair labor standards amendments of 1974, and amendments thereto; or

(2) any person who is primarily engaged in selling motor vehicles, as defined in K.S.A. 8-126, and amendments thereto, for a non-manufacturing employer primarily engaged in the business of selling such vehicles to ultimate purchasers;

(3) any person who is sentenced to the custody of the secretary of corrections and any person serving a sentence in a county jail.

(d) For the purposes of this section, the agreement or practice by employers engaged in fire protection or law enforcement activities of substituting for one another on regularly scheduled tours of duty, or a part thereof, shall be deemed to have no effect on hours of work if:

(1) The substituting is done voluntarily by the employees and not at the behest of the employer;

(2) the reason for substituting is due not to the employer’s business practice but to the employee’s desire or need to attend to a personal matter;

(3) a record is maintained by the employer of all time substituted by the employer’s employees; and

(4) the period during which time is substituted and paid back does not exceed 12 months.

Sec. 12. K.S.A. 65-16,127 is hereby amended to read as follows: 65-16,127. (a) As used in this section:

(1) “Bystander” means a family member, friend, caregiver or other person in a position to assist a person who the family member, friend, caregiver or other person believes, in good faith, to be experiencing an opioid overdose.

(2) “Emergency opioid antagonist” means any drug that inhibits the effects of opioids and that is approved by the United States Food and drug administration for the treatment of an opioid overdose.

(3) "First responder" includes any attendant emergency medical service provider, as defined by K.S.A. 65-6112, and amendments thereto, any law enforcement officer, as defined by K.S.A. 22-2202, and amendments thereto, and any actual member of any organized fire department, whether regular or volunteer.

(4) “First responder agency” includes, but is not limited to, any law enforcement agency, fire department or criminal forensic laboratory of any city, county or the state of Kansas.
“Opioid antagonist protocol” means the protocol established by the state board of pharmacy pursuant to subsection (b).

“Opioid overdose” means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death, resulting from the consumption or use of an opioid or another substance with which an opioid was combined, or that a layperson would reasonably believe to be resulting from the consumption or use of an opioid or another substance with which an opioid was combined, and for which medical assistance is required.

“Patient” means a person believed to be at risk of experiencing an opioid overdose.

“School nurse” means a professional nurse licensed by the board of nursing and employed by a school district to perform nursing procedures in a school setting.

“Healthcare provider” means a physician licensed to practice medicine and surgery by the board of healing arts, a licensed dentist, a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto, or any person authorized by law to prescribe medication.

The board of pharmacy shall issue a statewide opioid antagonist protocol that establishes requirements for a licensed pharmacist to dispense emergency opioid antagonists to a person pursuant to this section. The opioid antagonist protocol shall include procedures to ensure accurate recordkeeping and education of the person to whom the emergency opioid antagonist is furnished, including, but not limited to: Opioid overdose prevention, recognition and response; safe administration of an emergency opioid antagonist; potential side effects or adverse events that may occur as a result of administering an emergency opioid antagonist; a requirement that the administering person immediately contact emergency medical services for a patient; and the availability of drug treatment programs.

A pharmacist may furnish an emergency opioid antagonist to a patient or bystander subject to the requirements of this section, the pharmacy act of the state of Kansas and any rules and regulations adopted by the state board of pharmacy thereunder.

A pharmacist furnishing an emergency opioid antagonist pursuant to this section may not permit the person to whom the emergency opioid antagonist is furnished to waive any consultation required by this section or any rules and regulations adopted thereunder.

Any first responder, scientist or technician operating under a first responder agency or school nurse is authorized to possess, store and administer emergency opioid antagonists as clinically indicated, provided that all personnel with access to emergency opioid antagonists are trained, at a minimum, on the following:

1. Techniques to recognize signs of an opioid overdose;
2. Standards and procedures to store and administer an emergency opioid antagonist;
3. Emergency follow-up procedures, including the requirement to summon emergency ambulance services either immediately before or immediately after administering an emergency opioid antagonist to a patient;
4. Inventory requirements and reporting any administration of an emergency opioid antagonist to a healthcare provider.

Any first responder agency or a licensed pharmacist for the purposes of:

A. Obtaining a supply of emergency opioid antagonists;
B. Receiving and storing emergency opioid antagonists and any rules and regulations adopted thereunder;
C. Training personnel; and
D. Coordinating agency activities with local emergency ambulance services and medical directors to provide quality assurance activities.

Any health care provider or pharmacist who, in good faith and with reasonable care, prescribes or dispenses an emergency opioid antagonist pursuant to this section shall not, by an act or omission, be subject to civil liability, criminal prosecution or any disciplinary or other adverse action by a professional licensure entity or any professional review.

The board of pharmacy shall adopt rules and regulations as may be necessary to implement the provisions of this section prior to January 1, 2018.

Sec. 13. K.S.A. 65-1728 is hereby amended to read as follows: 65-1728. For the purpose of removing an eye or part thereof, any embalmer licensed in accordance with the provisions of article 17 of chapter 65 of the Kansas Statutes Annotated, and any licensed technician, as defined under K.S.A. 65-6112, amendments thereto, or any person licensed to practice medicine and surgery is hereby authorized to enucleate an eye from any animal when the gift of such eye has been made in accordance with the terms of the revised uniform anatomical gift act of Kansas, 65-3220 through 65-3244, and amendments thereto. Persons so licensed and performing such enucleation are hereby authorized to perform any enucleation of eyes in accordance with the provisions of K.S.A. 65-3220 through 65-3244, and amendments thereto, shall incur no liability, civil or criminal, for his acts in performance of enucleation of eyes.

Sec. 14. K.S.A. 65-2891 is hereby amended to read as follows: 65-2891. (a) Any health care provider who, in good faith renders emergency care or assistance at the scene of an emergency or accident including treatment of a minor without first obtaining the consent of the parent or guardian of such minor shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or willful or wanton acts or omissions by such person in rendering such emergency care.

(b) Any health care provider may render in good faith emergency care or assistance, without compensation, to a minor requiring such care or assistance as a result of having engaged in competitive sports, without first obtaining the consent of the parent or guardian of such minor. Such health care provider shall not be liable for any civil damages other than damages occasioned by gross negligence or willful or wanton acts or omissions by such person in rendering such emergency care.

Any health care provider may render in good faith emergency care or assistance during an emergency which occurs within a hospital or elsewhere, with or without compensation, until such time as the physician employed by the patient or by the patient’s family or by guardian assumes responsibility for such patient’s professional care. The health care provider rendering such emergency care shall not be held liable for any civil damages other than damages occasioned by negligence.

Any provision herein contained notwithstanding, the ordinary standards of care and rules of negligence shall apply in those cases wherein emergency care and assistance is rendered in any physician’s or dentist’s office, clinic, emergency room or hospital with or without compensation.

As used in this section the term “health care provider” means any person licensed to practice any branch of the healing arts, licensed dentist, licensed optometrist, licensed professional nurse, licensed practical nurse, licensed podiatrist, licensed pharmacist, licensed physical therapist, and any physician assistant who has successfully completed an American medical association approved training program and has successfully completed the national board examination for physician assistants of the American board of medical examiners, and licensed athletic trainer, any licensed occupational therapist, any
licensed respiratory therapist, any person who holds a valid attendant’s emergency medical service provider’s certificate under K.S.A. 65-6129, and amendments thereto, any person who holds a valid certificate for the successful completion of a course in first aid offered or approved by the American red cross, by the American heart association, by the mining enforcement and safety administration of the bureau of mines of the department of interior, by the national safety council or by any instructor-coordinator, as defined in K.S.A. 65-6112, and amendments thereto, and any person engaged in a postgraduate training program approved by the state board of healing arts.

Sec. 15. K.S.A. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under the physical therapy practice act as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person’s name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board which that such licensee has earned. Each licensee when using the letters or title “Doctor” or “Doctor of” in conjunction with such licensee’s professional practice, whether in any written or oral communication, shall identify oneself as a “physical therapist” or “doctor of physical therapy.”

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person’s name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to the physical therapy practice act shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials which that such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of the physical therapy practice act shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b):

(1) Persons rendering assistance in the case of an emergency;
(2) members of any church practicing their religious tenets;
(3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;
(4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;
(5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law, persons performing services pursuant to the delegation of a licensee under K.S.A. 65-287, and amendments thereto;
(6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;
(7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under K.S.A. 65-6129, and amendments thereto;
(8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;
(9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;
(10) self-care by a patient or gratuitous care by a friend or family member;
(11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
(12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
(13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;
(14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;
(15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;
(16) persons practicing corrective therapy in accordance with their training in corrective therapy;
(17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;
(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;
(19) persons practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
(21) attendees—emergency medical service providers practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;
(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act and;
(23) acupuncturists practicing their profession when licensed and practicing in accordance with the acupuncture practice act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by the physical therapy practice act.

Sec. 16. K.S.A. 65-6001 is hereby amended to read as follows: 65-6001. As used in K.S.A. 65-6001, and amendments thereto, unless the context clearly requires otherwise:

(a) “AIDS” means the disease acquired immune deficiency syndrome.
(b) “HIV” means the human immunodeficiency virus.
(c) “Laboratory confirmation of HIV infection” means positive test results from a confirmation test approved by the secretary.
(d) “Secretary” means the secretary of health and environment.
(e) “Physician” means any person licensed to practice medicine and surgery.

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

(g) “HIV infection” means the presence of HIV in the body.
(h) “Racial/ethnic group” shall be designated as either white, black, Hispanic, Asian/Pacific Islander or American Indian/Alaskan Native.
(i) “ Corrections officer” means an employee of the department of corrections as defined in K.S.A. 75-5202 and, amendments thereto.
(j) “Emergency services employee” means an attendant emergency medical service provider as defined under K.S.A. 65-6112, and amendments thereto, or a firefighter.
(k) “Law enforcement employee” means:

(1) Any police officer or law enforcement officer as defined under K.S.A. 74-5602, and amendments thereto; (continued)
that administrator of a health benefits plan which corporation evaluates medical and health care services; healthcare providers or an association of healthcare providers, which committees thereof; medical staff of a state psychiatric hospital or state institution for people medical staff of a private psychiatric hospital licensed under K.S.A. 2018 amendments thereto; and (B) a dentist licensed by the Kansas dental board, defined as a health care provider under K.S.A. 40-3401, and amendments thereto; and (I) an insurance company, health maintenance organization or adm. (G) a professional society of healthcare providers or one or more committees thereof; (H) determine if a hospital’s facilities are being properly utilized; (J) review the professional qualifications or activities of healthcare providers; (K) evaluate the quantity, quality and timeliness of healthcare services rendered to patients in the facility; (L) evaluate, review or improve methods, procedures or treatments being utilized by the medical care facility or by healthcare providers in a facility rendering healthcare. (4) “Peer review officer or committee” means: (A) An individual employed, designated or appointed by, or a committee of or employed, designated or appointed by, a healthcare provider group and authorized to perform peer review; or (B) a healthcare provider monitoring the delivery of healthcare at correctional institutions under the jurisdiction of the secretary of corrections. (b) Except as provided by K.S.A. 60-437, and amendments thereto, and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records submitted to or generated by peer review committees or officers shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. The peer review officer or committee creating or initially receiving the record is the holder of the privilege established by this section. This privilege may be claimed by the legal entity creating the peer review committee or officer, or by the commissioner of insurance for any records or proceedings of the board of governors. (c) Subsection (b) shall not apply to proceedings in which a health- care provider contests the revocation, denial, restriction or termination of staff privileges or the license, registration, certification or other autho- rity to practice of the healthcare provider. A licensing agency in conducting a disciplinary proceeding in which admission of any peer review committee report, record or testimony is proposed shall hold the hearing in closed session when any such report, record or testimon- hy is disclosed. Unless otherwise provided by law, a licensing agency conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of a report or record privileged under this section is proposed. In closing a portion of a hearing as provided by this section, the presiding officer may exclude any person from the hearing location except the licensee, the licensee’s attorney, the agency’s attorney, the witness, the court reporter and appropriate staff support for either counsel. The licensing agency shall make the portions of the agency record in which such report or record is disclosed subject to a protective order prohibiting further disclosure of such report or record. Such report or record shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall at a subsequent civil, criminal or administrative hearing, be required to testify regarding the existence or content of a report or record privileged under this section that was disclosed in a closed portion of a hearing, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing. A licensing agency conducting a disciplinary proceeding may review peer review committee records, testimony or reports but must prove its findings with independently obtained testimony or records that shall be presented as part of the disciplinary proceeding in open meeting of the licensing agency. Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, records or report. (d) Nothing in this section shall limit the authority that may other- wise be provided by law of the commissioner of insurance, the state board of healing arts or other healthcare provider licensing or dis- ciplinary boards of this state or any exceptions to subsection (c) of this section, stating that such testimony or records shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. (1) “Healthcare provider” means: (A) Those persons and entities defined as a health care provider under K.S.A. 40-3401, and amendments thereto; and (B) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practice nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of health arts, a physical therapist assistant certified by the state board of health arts, an occupational therapist licensed by the state board of health arts, an occupational therapy assistant licensed by the state board of health arts, a respiratory therapist licensed by the state board of health arts, a physician assistant licensed by the state board of health arts and of- ficers. (2) “Healthcare provider group” means: (A) A state or local association of healthcare providers or one or more committees thereof; (B) the board of governors created under K.S.A. 40-3403, and amendments thereto; (C) an organization of healthcare providers formed pursuant to state or federal law and authorized to evaluate medical and healthcare services; (D) a committee operating pursuant to K.S.A. 65-2840c, and amendments thereto; (E) an organized medical staff of a licensed medical care facility as defined by K.S.A. 65-425, and amendments thereto; (F) a professional society of healthcare providers or one or more committees thereof; (G) a health care provider; (H) a Kansas corporation whose stockholders or members are healthcare providers or an association of healthcare providers, which corporation evaluates medical and health care services; (I) an insurance company, health maintenance organization or admin- istrator of a health benefits plan which engages in any of the functions defined as peer review under this section; (J) the university of Kansas medical center. (3) “Peer review” means any of the following functions: (A) Evaluate and improve the quality of healthcare services rendered by healthcare providers; (B) determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care; (C) determine that the cost of healthcare rendered was considered reasonable by the providers of professional health services in this area; (D) evaluate the qualifications, competence and performance of the providers of healthcare or to act upon matters relating to the discipline of any individual provider of healthcare; (E) reduce morbidity or mortality; (F) establish and enforce guidelines designed to keep within reason- able bounds the cost of healthcare;
Sec. 18. K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

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

(1) Eleven members shall be appointed by the governor. Of such members:
   (A) Three shall be physicians who are actively involved in emergency medical services;
   (B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;
   (C) one shall be an instructor-coordinator;
   (D) one shall be a hospital administrator actively involved in emergency medical services;
   (E) one shall be a member of a firefighting unit which provides emergency medical service; and
   (F) three shall be attendants emergency medical service providers who are actively involved in emergency medical service. At least two classifications of attendants emergency medical service providers shall be represented. At least one of such members shall be from a volunteer emergency medical service; and
   (2) four members shall be appointed as follows:
      (A) One shall be a member of the Kansas senate to be appointed by the minority leader of the senate;
      (B) one shall be a member of the Kansas senate to be appointed by the president of the senate;
      (C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and
      (D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.

(c) Nothing in this section shall be construed to prevent an insured healthcare provider without waiver of the privilege provided by subsection (b) and the records of all such committees or officers relating to such report shall be privileged as provided by subsection (b).

(d) Nothing in this section shall be construed to prevent an insured from obtaining information pertaining to payment of benefits under a contract with an insurance company, a health maintenance organization or an administrator of a health benefits plan.

Sec. 19. K.S.A. 65-6110 is hereby amended to read as follows: 65-6110. (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include: (1) A classification of the different types of emergency services; (2) requirements as to equipment necessary for ambulances and rescue vehicles; (3) qualifications and training of attendants emergency medical service providers and instructor-coordinators and training, officers; (4) requirements and fees for the licensure, temporary licensure, and renewal of licensure for ambulances and rescue vehicles; (5) records and equipment to be maintained by operators, instructor-coordinators, transporters, providers of training, sponsoring organizations and attendants emergency medical service providers; (6) requirements for a quality assurance and improvement program for ambulance services; and (7) such other matters as the board deems necessary to implement and administer the provisions of this act.

(b) The provisions of this act shall not apply to rescue vehicles operated by a fire department.

(c) Nothing in this act or in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall authorize the board to specify the individuals who may or may not ride on a helicopter while used as an ambulance.

Sec. 20. K.S.A. 65-6111 is hereby amended to read as follows: 65-6111. (a) The emergency medical services board shall:

(1) Adopt any rules and regulations necessary to carry out the provisions of this act;
(2) review and approve the following and expenditure of moneys appropriated for emergency medical services;
(3) conduct hearings for all regulatory matters concerning ambulance services, attendants emergency medical service providers, instructor-coordinators, training officers and sponsoring organizations;
(4) submit a budget to the legislature for the operation of the board;
(5) develop a state plan for the delivery of emergency medical services in the state;
(6) enter into contracts as may be necessary to carry out the duties and functions of the board under this act;
(7) review and approve all requests for state and federal funding involving emergency medical services projects in the state or delegate such duties to the executive director;
(8) approve all training programs for attendants emergency medical service providers and instructor-coordinators and training officers and prescribe certification application fees by rules and regulations;
(9) approve methods of examination for certification of attendants, training officers emergency medical service providers and instructor-coordinators and prescribe examination fees by rules and regulations;
(10) appoint a medical advisory council of not less than six members, including one board member who shall be a healthcare provider without waiver of the privilege provided by law, the board, and members of the public who are active and knowledgeable in the field of emergency medical services who are not members of the board to advise and assist the board in medical standards and practices as determined by the board. The medical advisory council shall elect a chairperson from among its membership and shall meet upon the call of the chairperson;
(11) approve sponsoring organizations by prescribing standards and requirements by rules and regulations and withdraw or modify such approval in accordance with the Kansas administrative procedure act and the rules and regulations of the board.

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

(c) (1) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the board, in accordance with the Kansas administrative procedure act, upon the finding of a violation of a provision of this act or the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted pursuant to such provisions may impose a fine on:
      (A) May impose a fine on any person granted a certificate by the board in an amount not to exceed $500 for each violation; or
      (B) may impose a fine on an ambulance service which holds a permit to operate in this state or on a sponsoring organization in an amount not to exceed $2,500 for each violation.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 21. K.S.A. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:

(a) “Administrator” means the executive director of the emergency medical services board.

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

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

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

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

(f) “Attendant” means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician intermediate, emergency medical technician defibrator, emergency medical technician intermediate/director, advanced emergency medical technician, or paramedic certified pursuant to this act.

(g) “Board” means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(h) “Hospital” means a hospital as defined by K.S.A. 65-645, and amendments thereto.

(i) “Administrator” means the executive director of the emergency medical services board.

(j) “Emergency medical technician certificate” means an emergency medical technician certificate issued pursuant to this act.

(k) “Emergency medical technician intermediate” means a person who holds an emergency medical technician intermediate certificate issued pursuant to this act.

(l) “Emergency medical technician defibrator” means a person who holds an emergency medical technician defibrator certificate issued pursuant to this act.

(m) “Emergency medical technician” means a person who holds an emergency medical technician certificate issued pursuant to this act.

(n) “First responder” means a person who holds a first responder certificate issued pursuant to this act.

(o) “Nonemergency transportation” means the care and transport of stock or injured persons under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the-attendee emergency medical service provider whether within or outside the vehicle as part of such transportation services.

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

(q) “Paramedic” means a person who holds a paramedic certificate issued pursuant to this act.
Person means an individual, a partnership, an association, a joint-stock company or a corporation.

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

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

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

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

(2) "Training officer" means a person who is certified pursuant to this article or to coordinate continuing education as prescribed by the board.

Sec. 22. K.S.A. 65-6119 is hereby amended to read as follows: 65-6119. (a) Notwithstanding any other provision of law, mobile intensive care technicians may:

(1) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6123, 65-6144, and amendments thereto;

(2) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician, or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such a person: (A) Perform all the activities identified in K.S.A. 65-6121, and amendments thereto;

(3) when specifically authorized to perform such activities by medical protocols; and

(4) perform, during an emergency, those activities specified in subsection (d)(2) before contacting a person identified in subsection (d)(2) when specifically authorized to perform such activities by medical protocols.

(b) An individual who holds a valid certificate as an emergency medical technician-intermediate once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be required to transition to become an emergency medical technician under this act, provided such individual has completed the continuing education hour requirements inclusive of the successful completion of a transition course, such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.

(3) Renewal as used in subsection (b), refers to the first opportunity of renewal of a certificate following the effective date of this act.

(d) Emergency medical technician-intermediates who fail to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency as determined by rules and regulations of the board, and renew the certificate. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.

(f) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.

(g) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:

(1) Perform all the activities identified by K.S.A. 65-6121, and amendments thereto; and

(2) perform any of the following interventions, by use of the devices, medications, and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician, or professional nurse where authorized by a physician upon order of such a person: (a) Advanced airway management; (b) referral of patient of alternate medical specialty based on assessment, diagnosis, and treatment of a patient with a cuffed endotracheal tube; (c) eninem-puncture for obtaining blood sample; (d) initiation and maintenance of intravenous infusion or saline line; (e) initiation of intraosseous infusion; (f) nebulized therapy; (g) manual defibrillation; (h) cardiac monitoring; (i) electrocardiogram interpretation; (j) monitoring of a nasogastric tube and (k) administration of medications by methods as specified by rules and regulations of the board.

(h) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be required to transition to become an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.
The emergency medical service provider shall make available for inspection and copying by the applicant a detailed report of the accident or incident that resulted in the loss of certification.

Sec. 25. K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical director appointed by the board. The medical director shall be responsible for the administration of the services offered by the emergency medical service, and shall provide medical direction to the emergency medical technicians employed by the service.

Sec. 26. K.S.A. 65-6127 is hereby amended to read as follows: 65-6127. (a) Application for a permit to operate an ambulance service shall be submitted to the board by the operator of the service upon forms provided by the administrator and shall be accompanied by a permit fee which shall be paid at the time of application.

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

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

Sec. 27. K.S.A. 65-6129 is hereby amended to read as follows: 65-6129. (a) (1) Application for an attendant's emergency medical service provider certificate shall be made to the board. The board shall not grant an attendant's emergency medical service provider certificate unless the applicant meets the following requirements:

(A) Has successfully completed coursework required by the rules and regulations adopted by the board;

(B) has passed the examination required by the rules and regulations adopted by the board;

(C) has paid an application fee required by the rules and regulations adopted by the board.

(2) The board may grant an attendant's emergency medical service provider certificate to any applicant who meets the requirements under subsection (a)(1)(A)(ii) but was separated from such military service with a general discharge under honorable conditions.

(d) No medical director who reviews, approves and monitors the activities of attendant emergency medical service providers shall be liable for any civil damages as a result of issuing the instructions, except such damages which may result from gross negligence in giving such instructions.

(e) Failure to successfully complete either the advanced emergency medical technician transition requirements or the emergency medical technician transition course will result in loss of certification.

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

(g) Nothing in this act as granting an exclusive territorial right to operate an ambulance service. Upon change of ownership of an ambulance service the permit issued to such service shall expire 60 days after the change of ownership.

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

(i) Nothing in this act as granting an exclusive territorial right to operate an ambulance service. Upon change of ownership of an ambulance service the permit issued to such service shall expire 60 days after the change of ownership.

Sec. 24. K.S.A. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced practice registered nurse or licensed professional nurse, who gives emergency instructions to an attendant emergency medical service provider as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, may result from gross negligence in giving such instructions.

(b) No attendant emergency medical service provider as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the supervising physician for a physician assistant, advanced practice registered nurse or licensed professional nurse, who gives emergency instructions, may result from gross negligence or by willful or wanton acts or omissions which result in injury to a patient or damage to property.

(c) No person certified as an instructor-coordinator and no training officer shall be liable for any civil damages which may result from such instructor-coordinator's or training officer's instruction, except such damages which may result from gross negligence or by willful or wanton acts or omissions in the training of such individual.

(d) No medical director who reviews, approves and monitors the activities of attendants emergency medical service providers shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages which may result from gross negligence in such review, approval or monitoring.

Sec. 25. K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical director appointed by the operator of the service to review and implement medical protocols, approve and monitor the activities, competency and education of the attendants emergency medical service providers. The board may approve an alternative procedure for medical oversight if no medical director is available.

Sec. 26. K.S.A. 65-6127 is hereby amended to read as follows: 65-6127. (a) Application for a permit to operate an ambulance service shall be made to the board by the operator of the ambulance service upon forms provided by the administrator and shall be accompanied by a permit fee which shall be paid at the time of application.

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

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

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

(e) Nothing in this act as granting an exclusive territorial right to operate an ambulance service. Upon change of ownership of an ambulance service the permit issued to such service shall expire 60 days after the change of ownership.
(3) The emergency medical services board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. The emergency medical services board shall remit all moneys received from the fees established by this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services criminal history and fingerprint fund.

(4) There is hereby created in the state treasury the emergency medical services criminal history and fingerprint fund. All moneys credited to this fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history record checks for the emergency medical services board. The fund shall be administered by the emergency medical services board. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the emergency medical services board or the chairperson’s designee.

(c) The board shall not grant an initial emergency medical technician intermediate certificate, advanced emergency medical technician certificate, mobile intensive care technician certificate or paramedic certificate as a result of a successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.

(d) An attendant’s emergency medical service provider certificate shall expire on the date prescribed by the board. An attendant’s emergency medical service provider certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the attendant emergency medical service provider has successfully completed continuing education as prescribed by the board.

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

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

(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 28. K.S.A. 65-6129a is hereby amended to read as follows: 65-6129a.

(a) While engaged in a course of training or continuing education approved by the board within a medical care facility, a student or attendant emergency medical service provider engaged in such training or continuing education shall be under the supervision of a physician or a professional nurse. While engaged in training or continuing education in emergency or nonemergency transportation outside a medical care facility, a student or attendant emergency medical service provider shall be under the direct supervision of an attendant emergency medical service provider who is at the minimum certified to provide the level of care for which the student is seeking certification or the attendant emergency medical service provider receiving the training is certified or shall be under the direct supervision of a physician or a professional nurse.

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

Sec. 29. K.S.A. 65-6129b is hereby amended to read as follows: 65-6129b.

(a) Application for an instructor-coordinator’s certificate shall be made to the board upon forms provided by the executive director. The board may grant an instructor-coordinator’s certificate to an attendant emergency medical service provider who: (1) Has served as an attendant emergency medical service provider in the emergency medical services field during the preceding 12 months prior to applying for such certificate; (2) has made application within one year after successfully completing the training, approved by the board, in instructing and coordinating attendant emergency medical service provider training programs; (3) has passed an examination prescribed by the board; and (4) has paid a fee as prescribed by rules and regulations of the board.

(b) The board may grant an instructor-coordinator’s certificate to a physician or a professional nurse who: (1) Has made application within one year after successfully completing the training, approved by the board, in instructing and coordinating attendant emergency medical service provider training programs; (2) has passed an examination prescribed by the board; and (3) has paid a fee as prescribed by rules and regulations of the board.

(c) An instructor-coordinator’s instructor-coordinator certificate shall expire on the expiration date of the attendant’s instructor-coordinator’s emergency medical service provider certificate if the instructor-coordinator is an attendant emergency medical service provider or on the expiration date of the physician’s or professional nurse’s license if the instructor is a physician or professional nurse. An instructor-coordinator’s certificate shall be renewed for the same period as the attendant’s emergency medical service provider certificate if the instructor’s or professional nurse’s license upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the instructor-coordinator has successfully completed continuing education prescribed by the board. The board may prorate to the nearest whole month the fee fixed under this subsection as necessary to implement the provisions of this subsection.

(d) An instructor-coordinator’s instructor-coordinator certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate if such individual: (1) Does not hold an attendant’s emergency medical service provider certificate or a physician’s or professional nurse’s license; (2) has made misrepresentations intentionally in obtaining a certificate or renewing a certificate; (3) has demonstrated incompetence or engaged in unprofessional conduct as defined by rules and regulations adopted by the board; (4) has violated or aided and abetted in the violation of any provision of this act or rules and regulations adopted by the board; or (5) has been convicted of any state or federal crime that is related substantially to the qualifications, functions and duties of an instructor-coordinator or any crime punishable as a felony under any state or federal statute, and the board determines that such individual has not been sufficiently rehabilitated to warrant the public trust. A conviction means a plea of guilty, a plea of nolo contendere or a verdict of guilty. The board may take disciplinary action pursuant to this section when the time for appeal has elapsed, or after the judgment of conviction is affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.

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

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

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

Sec. 30. K.S.A. 65-6130 is hereby amended to read as follows: 65-6130.

(a) The board may inquire into the operation of ambulance services and the conduct of attendant emergency medical service providers, and may conduct periodic inspections of facilities, communications services, vehicles, materials and equipment at any time without notice.

(b) The board may issue subpoenas in accordance with the provisions of K.S.A. 65-6111 (4), and amendments thereto, to compel an operator holding a permit to make access to or for the production of records regarding services performed and to furnish such other information as the board may require to carry out the provisions of this act to the same extent and subject to the same limitations as would apply if the subpoenas were issued or served in aid of a civil action in the district court. A copy of such records shall be kept in the operator’s files for a period of not less than three years.
(c) The board also may require operators to submit lists of personnel employed and to notify the board of any changes in personnel or in ownership of the ambulance service.

Sec. 31. K.S.A. 65-6133 is hereby amended to read as follows: 65-6133. (a) An attendant’s emergency medical service provider certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual:

1. Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;
2. Has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;
3. Has demonstrated incompetence as defined by rules and regulations adopted by the board or has provided inadequate patient care as determined by the board;
4. Has violated or aided and abetted in the violation of any provision of this act or the rules and regulations adopted by the board;
5. Has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;
6. Has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition;
7. Has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board; or
8. Has had a certificate, license or permit to practice emergency medical services as an attendant emergency medical service provider denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such a fact for purposes of this paragraph.

(b) The board may deny, limit, modify, revoke or suspend an attendant’s emergency medical service provider certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

Sec. 32. K.S.A. 65-6135 is hereby amended to read as follows: 65-6135. (a) All ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service 24 hours per day every day of the year.

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

Sec. 33. K.S.A. 65-6145 is hereby amended to read as follows: 65-6145. Nothing in this act shall be construed: (a) To preclude any municipality from licensing or otherwise regulating emergency medical responders operating within its jurisdiction, but any licensing requirements or regulations imposed by a municipality shall be in addition to and not in lieu of the provisions of this act and the rules and regulations adopted pursuant to this act;

(b) To preclude any person certified as an attendant emergency medical service provider from providing emergency medical services to persons requiring such services;

(c) To preclude any individual who is not a certified attendant emergency medical service provider as defined by K.S.A. 65-6112, and amendments thereto, from providing assistance during an emergency so long as such individual does not represent oneself to be an attendant emergency medical service provider as defined by K.S.A. 65-6112, and amendments thereto.

Sec. 34. K.S.A. 65-6150 is hereby amended to read as follows: 65-6150. (a) It shall be unlawful for any individual to represent oneself as an attendant emergency medical service provider unless such individual holds a valid certificate as such under this act.

(b) Any violation of subsection (a) shall constitute a class B misdemeanor.
section (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which entitled. Payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount that such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 37. K.S.A. 2018 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be advisory to the secretary of health and environment and shall be within the division of public health of the department of health and environment as a part thereof. (b) On July 1, 2001, the advisory committee on trauma in existence immediately prior to July 1, 2001, is hereby abolished and a new advisory committee on trauma is created in accordance with this section. The terms of all members of the advisory committee on trauma in existence prior to July 1, 2001, are hereby terminated. On and after July 1, 2001, the advisory committee on trauma shall be composed of 24 members representing both rural and urban areas of the state appointed as follows:

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

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

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

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

(5) Two members shall be—attendants emergency medical service providers as defined in K.S.A. 65-612, and amendments thereto, who are on the roster of an ambulance service permitted by the board of emergency medical services. At least 30 days prior to the expiration of one of these positions, the Kansas emergency medical services association shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board. For the other member appointed under this section, at least 30 days prior to the expiration of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making these appointments to the board.

(7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making these appointments to the board.

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

(9) The chairperson of the board of emergency medical services board or the chairperson’s designee shall be an ex officio member.

Four legislators are elected as follows: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

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

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

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

(f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee, upon request of a majority of the members, acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) The advisory committee or an officer thereof may advise, assist, and advise and assist in activities, information and findings of the committee to the governor, relating to trauma injury or trauma care with the secretary of health and environment as a part thereof. (a) and (e) without waiver of the privilege provided by this subsection and K.S.A. 65-4915, and amendments thereto, the records and findings of such committee or officer which are privileged under this subsection and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection and K.S.A. 65-4915, and amendments thereto, prior to July 1, 2021.
(3) The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision prior to July 1, 2021.

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

Sec. 38. K.S.A. 80-1557 is hereby amended to read as follows: 80-1557. (a) As used in this section:

(1) “Rescue service” means a service which provides emergency care by qualified personnel through a township or fire district fire department.

(2) “Emergency care” means the services provided after the onset of a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to: (A) Place the patient’s health in serious jeopardy; (B) seriously impair bodily functions; or (C) result in serious dysfunction of any bodily organ or part.

(3) “Qualified personnel” means any individual who holds a certificate as an attendant emergency medical service provider as defined in K.S.A. 65-6112, and amendments thereto.

(4) “Township” means any township which has established a fire department pursuant to K.S.A. 80-1901 et seq., and amendments thereto.

(5) “Fire district” means any fire district which has established a fire department pursuant to K.S.A. 80-1540 et seq., and amendments thereto.

(b) The township board or governing body of the fire district may authorize the township or fire district fire department to provide rescue service as a township or fire district function, within or without the township or fire district, or may contract with any person or governmental entity for the furnishing of rescue service and upon such terms and conditions, and for such compensation as may be agreed upon which shall be payable from the township general fund or the fire fund or the fire district fund.

(c) The township board or governing body of the fire district may establish charges to persons receiving rescue service inside or outside of such township or fire district. The charges so made and received shall be deposited in the general funds of the township or fire district, and the same may be used in addition to funds received under the tax levies authorized by K.S.A. 80-1546 and 80-1903, and amendments thereto.

(d) Qualified personnel providing rescue service shall be compensated in the same manner as other fire department employees and volunteers as provided by K.S.A. 80-1544 and 80-1904, and amendments thereto.


Sec. 40. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Wildlife, Parks and Tourism Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife, Parks and Tourism Commission at 6:30 p.m. Thursday, August 15, 2019, at University of Kansas Edwards Campus, Best Conference Center, 12600 Quivira Rd., Overland Park, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks and Tourism Commission will begin at 1:30 p.m. August 15, 2019 at the location listed above. The meeting will recess at approximately 5:00 p.m. and then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. August 16, 2019 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at 620-672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-2-1. This permanent regulation establishes fees for various issues of the department. The proposed changes to the regulation create new hunting, fishing and combination hunting and fishing licenses for thirty percent service-connected disabled veteran residents.

Economic Impact Summary: The sale of the new proposed licenses reduce fees by approximately $29,500 to the department. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-2-7. This permanent regulation establishes the backcountry access pass. The regulation is proposed for revocation.

Economic Impact Summary: The revocation of the regulation will have no fiscal impact and no other substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-5-3. This permanent regulation establishes the management units for furbearers and coyotes. The
proposed changes to the regulation would remove otters from the statewide management unit in order to better manage harvest of otters.

Economic Impact Summary: No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-5-3a. This new permanent regulation establishes the management units for otters. The new regulation would create otter management units in order to better manage harvest of otters.

Economic Impact Summary: No substantial negative economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-25-11. This exempt regulation establishes the furbearer open season and bag limits. The proposed version of the regulation manages otter harvest by management unit and open the season slightly earlier on opening day.

Economic Impact Summary: The sale of furharvester licenses generates $182,300 to the department, all of which accrues to the wildlife fee fund, and approximately $4,500,000 to the Kansas economy based on 2018 furharvester licenses sold. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of each regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department’s website at http://www.ksoutdoors.com, or by calling 785-296-2281.

Gerald Lauber
Chairman

Doc. No. 047226

State of Kansas
Kansas Bureau of Investigation
Permanent Administrative Regulations

Article 23.—KANSAS ASSET SEIZURE AND FORFEITURE REPOSITORY

10-23-1. Definitions. As used in this article of the KBI’s regulations, each of the following terms shall have the meaning specified in this regulation:

(a) "Director" means director of the KBI.
(b) "KBI" means Kansas bureau of investigation.
(c) "Law enforcement agency" means any Kansas entity vested by law with a duty to maintain public order or to make arrests for violations of the laws of Kansas or ordinances of any Kansas municipality. A law enforcement agency is deemed a seizing agency when the law enforcement agency makes a seizure for forfeiture.
(d) "Repository" means the Kansas asset seizure and forfeiture repository.
(e) "Seizing agency" has the meaning specified in K.S.A. 60-4102, and amendments thereto. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective June 21, 2019.)

10-23-2. Accuracy and completeness; duplicate reporting prohibited. Each law enforcement agency shall ensure the accuracy and completeness of all information that the law enforcement agency submits to the repository. No law enforcement agency shall knowingly provide a duplicate of any report required by the repository. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective June 21, 2019.)

10-23-3. Means of reporting. The information reported to the repository shall be submitted electronically or on a paper form that has been approved by the director. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective June 21, 2019.)

10-23-4. Seizure for forfeiture report. Once a seizing agency submits a seizure for forfeiture report to the repository, the repository staff shall review the report. Repository staff shall contact the seizing agency if the staff has any questions about the report. If the seizure for forfeiture report needs to be changed, the seizing agency shall submit an amended report to the repository within 30 calendar days of the date on which the repository staff requests an amended report. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective June 21, 2019.)

10-23-5. Forfeiture fund report. (a)(1) Once a law enforcement agency submits a forfeiture fund report for the preceding calendar year, the repository staff shall review the report.

(2) Repository staff shall contact the law enforcement agency if the staff has any questions about the forfeiture fund report. If the report needs to be changed, the law enforcement agency shall submit an amended report to the repository within 30 calendar days of the date on which the repository staff requests an amended report.

(b) If a law enforcement agency had zero seizures for forfeiture during the preceding calendar year, the law enforcement agency shall provide verification to the repository of no activity on the forfeiture fund report on or before the following February 1.

(c) Repository staff shall electronically send a request to complete a forfeiture fund report to all law enforcement agencies that have not met the requirements of paragraph (a)(1) or subsection (b). Each law enforcement agency that receives the request to complete a forfeiture fund report shall provide the repository with a forfeiture fund report or an electronic signature confirming zero seizures for forfeiture during the preceding calendar year. Each law enforcement agency that receives the request to complete a forfeiture fund report shall respond to the repository within 30 calendar days of the date on which the request was sent by the repository. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective June 21, 2019.)

10-23-6. Point of contact. With each annual submission of the forfeiture fund report, each law enforcement agency shall provide the repository with a point of contact for the law enforcement agency, including name, address, phone number, and email address. (Authorized by and implementing K.S.A. 2018 Supp. 60-4127; effective June 21, 2019.)

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(continued)
INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the Kansas Administrative Regulations and the 2018 Supplement of the Kansas Administrative Regulations. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 4: DEPARTMENT OF AGRICULTURE

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<td>A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009, through December 31, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register.</td>
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