

**STATE OF KANSAS
BOARD OF EMERGENCY MEDICAL SERVICES
NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATION**

A public hearing will be conducted on Tuesday, August 2, 2022 at 10:00 a.m. in Room 560 of the Landon State Office Building, 900 S.W. Jackson, Topeka, Kansas to consider the adoption of a proposed administrative regulation of the Board of Emergency Medical Services on a permanent basis. The hearing will also be held via GoToMeeting conferencing. Remote access information will be provided upon request to any person wishing to observe, participate in, or listen to the hearing. Request for access must be submitted prior to Friday, July 29, 2022 at 4:30 p.m. via email to joseph.house@ks.gov.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendments to the regulation. All interested parties may submit written comments prior to the hearing to the Board of Emergency Medical Services, Landon State Office Building, 900 S.W. Jackson, Room 1031, Topeka, Kansas 66612 or by email to joseph.house@ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed amendments to the regulation during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentations to five minutes.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Suzette Smith at 785-296-7296 (or TTY 1-800-766-3777). Handicapped parking is located in front of and to the north of the Landon State Office Building.

RECEIVED

MAY 17 2022

**SCOTT SCHWAB
SECRETARY OF STATE**

Summary of the proposed regulation follows:

K.A.R. 109-17-3, Sponsoring organization; initial course of instruction, is an existing regulation providing the additional requirements for sponsoring organizations that choose to provide EMS initial courses of instruction. The proposed revision is to clearly identify the first-time a student takes the examination as basis for calculation of the pass rate noted in subsection (h).

There is no anticipated economic impact to any governmental agency or unit or to the general public in the adoption of this revised regulation.

Copies of the complete regulation and the complete economic impact statement may be obtained from the Board of Emergency Medical Services at the contact information above or can be accessed at www.ksbems.org.

Joseph House

Executive Director

RECEIVED

MAY 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

109-17-3. Sponsoring organization; initial course of instruction. (a) Any sponsoring organization may conduct an approved initial course of instruction through in-person instruction or distance learning, or a combination of both.

(b) Each sponsoring organization shall provide an enrollment roster listing each student enrolled in the course to the executive director within 20 days of the date of the first scheduled class session.

(c) Each sponsoring organization providing an initial course of instruction shall permit each student and the board access at each scheduled class session for in-person inspection of the course syllabus and all policies or documents addressing the following:

- (1) Student evaluation of course;
- (2) student attendance;
- (3) student discipline;
- (4) student and participant safety;
- (5) student requirements for successful course completion;
- (6) Kansas requirements for certification;
- (7) student dress and hygiene;
- (8) student progress conferences;
- (9) equipment use;
- (10) infection control; and
- (11) acknowledgement of the commitment to provide the support as defined in

the course curriculum from each of the following:

APPROVED

APR 11 2022

DIVISION OF THE BUDGET

APPROVED

APR 16 2022

DEPT. OF ADMINISTRATION

APPROVED

MAY 16 2022

ATTORNEY GENERAL

RECEIVED

MAY 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

- (A) Educational medical director;
- (B) ambulance service director for each ambulance service utilized for field training; and
- (C) administrator of each medical facility utilized for clinical training.
- (d) The course syllabus shall include at least the following information:
 - (1) A summary of course goals and objectives;
 - (2) student prerequisites, if any, for admission into the course;
 - (3) instructional and any other materials required to be purchased by the student;
 - (4) a description of the clinical and field training requirements, if applicable; and
 - (5) instructor information, which shall include the following:
 - (A) Instructor name;
 - (B) office hours or hours available for consultation; and
 - (C) instructor electronic-mail address.
- (e) Each sponsoring organization providing an initial course of instruction shall provide confirmation of each student's successful course completion to the board.
- (f) Each sponsoring organization shall schedule a psychomotor skills examination for the student's initial examination as specified in K.A.R. 109-8-2.
- (g) Each sponsoring organization shall maintain the following course records for each initial course of instruction for at least three years from the last date of class:
 - (1) Course syllabus;
 - (2) all policies or documents addressing the listed items in subsection (c);

APPROVED

APR 11 2022

DIVISION OF THE BUDGET

APPROVED

APR 16 2022

DEPT. OF ADMINISTRATION

APPROVED

MAY 16 2022

ATTORNEY GENERAL

RECEIVED

MAY 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

- (3) student attendance;
- (4) student grades;
- (5) student conferences;
- (6) course curriculum;
- (7) lesson plans for all lessons;
- (8) clinical training objectives;
- (9) field training objectives;
- (10) completed clinical and field training preceptor evaluations for each student;
- (11) a copy of each student's psychomotor skills evaluations;
- (12) a completed copy of each student's evaluations of each course, all instructors for the course, and all lab instructors for the course; and
- (13) a completed copy of the outcome assessment and outcome analyses tools used for the course that address at least the following:
 - (A) Each student's ability to perform competently in a simulated or actual field situation, or both; and
 - (B) each student's ability to integrate cognitive and psychomotor skills to appropriately care for sick and injured patients.
 - (h) Each sponsoring organization providing initial courses of instruction shall maintain an average pass rate of at least 70 percent on the cognitive examination for certification at each level of certification that the sponsoring organization instructs for all first attempts made by the students in the preceding calendar year. Each sponsoring

APPROVED

APR 11 2022

DIVISION OF THE BUDGET

APPROVED

APR 16 2022

DEPT. OF ADMINISTRATION

APPROVED

MAY 16 2022

ATTORNEY GENERAL

RECEIVED

MAY 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

organization that fails to meet or exceed this average pass rate shall submit to the board a plan for ensuring that future first-time cognitive examination pass rates meet or exceed this average no later than March 1.

(i) Any sponsoring organization may allow a student to enroll late in an initial course of instruction upon submitting to the executive director a make-up schedule that includes the provision of educational standards that the late enrollee missed, within seven days of the student's enrollment.

(j) Each sponsoring organization providing a paramedic initial course of instruction shall provide one of the following:

(1) Evidence that the sponsoring organization has been issued and maintains a current letter-of-review from the committee on accreditation of educational programs for emergency medical services professions; or

(2) evidence that the sponsoring organization holds accreditation from the committee on accreditation of allied health education programs.

(k) Each sponsoring organization shall provide any course documentation requested by the executive director within 30 days of the request.

(l) Violation of any provision of this regulation may subject the sponsoring organization to a civil fine and may result in a suspension of sponsoring organization approval. (Authorized by K.S.A. 2020 2021 Supp. 65-6110; implementing K.S.A. 2020 2021 Supp. 65-6111; effective Dec. 31, 2021; amended P-_____.)

APPROVED

APR 25 2022

DIVISION OF THE BUDGET

APPROVED

MAY 02 2022

DEPT. OF ADMINISTRATION

APPROVED

MAY 16 2022

ATTORNEY GENERAL

RECEIVED

MAY 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

Proposed

Kansas Administrative Regulations Economic Impact Statement (EIS)

Emergency Medical Services Board
Agency

Joseph House; Executive Director 785-296-7409
Agency Contact Contact Phone Number

K.A.R. 109-17-3
K.A.R. Number(s)

☒ Permanent ☐ Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- ☒ No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024 (as calculated in Section III, F)?
- ☐ Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration, the Attorney General, AND the Division of the Budget. The regulation(s) and the EIS will require Budget approval.
- ☒ No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.

DOB APPROVAL STAMP (If Required)

RECEIVED

MAY 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

Section I

Brief description of the proposed rule(s) and regulation(s).

On April 1, 2022, and after the first application of subsection (h) of this regulation, the Board approved pursuing a revision to this subsection to reflect only the 1st attempt a student makes when challenging the state cognitive examination for the level of certification being sought.

Section II

Statement by the agency if the rule(s) and regulation(s) exceed the requirements of applicable federal law, and a statement if the approach chosen to address the policy issue(s) is different from that utilized by agencies of contiguous states or the federal government. *(If the approach is different or exceeds federal law, then include a statement of why the proposed Kansas rule and regulation is different.)*

This proposed revision is not mandated by the federal government. All of our contiguous states track 1st attempt pass rates for the cognitive examination and all of our contiguous states utilize the same cognitive examination as the state of Kansas.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

This proposed change will neither enhance nor restrict business activities and growth.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

There are no anticipated implementation and/or compliance costs due to the proposed regulation.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

Sponsoring organizations are typically ambulance services, hospitals, etc. that have chosen to provide EMS education. These organizations would be required to submit a report if below the standard identified in regulation.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

There is no anticipated cost associated with the proposed regulatory revision. The report being requested should reflect the required quality assurance/quality improvement process being implemented by the sponsoring organization. The benefits associated with adoption of this revision include reducing confusion in the approach to calculating the standard.

DOB APPROVAL STAMP (If Required)

RECEIVED

MAY 17 2022

**SCOTT SCHWAB
SECRETARY OF STATE**

- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

There is no anticipated cost to revision of this proposed regulation. There were no measures necessary to minimize the cost and impact on business and economic development.

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or members of the public.

Note: Do not account for any actual or estimated cost savings that may be realized.

Costs to Affected Businesses – \$0

Costs to Local Governmental Units – \$0

Costs to Members of the Public – \$0

Total Annual Costs – \$0

(sum of above amounts)

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

There is no cost for implementation. Sponsoring organizations are required to have a quality assurance or quality improvement process.

- ☐ Yes If the total implementation and compliance costs exceed \$1.0 million over any two-year period through June 30, 2024, or exceed \$3.0 million over any two-year period on or after July 1, 2024, and prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- ☐ No
- ☒ Not Applicable

If applicable, click here to enter public hearing information.

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

None anticipated.

Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

None anticipated.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will

DOB APPROVAL STAMP (If Required)

RECEIVED

MAY 17 2022

SCOTT SCHWAB
SECRETARY OF STATE

increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

The proposed revision to this regulation neither increases nor decreases revenues of cities, counties, or school districts. The proposed revision to this regulation does not impose new functions or responsibilities upon cities, counties, or school districts.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).

Over the course of the past 4 years, there have been numerous stakeholder meetings where a pass percentage and method of determination have been discussed. This topic was again discussed at the Board's April 2022 meeting – 2 written comments were received prior to the meeting and no additional public comment was provided upon the Board's request during that April meeting

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

- ☐ Yes If yes, complete the remainder of Section IV.
☒ No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the persons who would bear the costs.

Click here to enter agency response.

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other persons who would bear the costs.

Click here to enter agency response.

- C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons who would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).

Click here to enter agency response.

- D. Provide a detailed statement of the data and methodology used in estimating the costs used.

Click here to enter agency response.

DOB APPROVAL STAMP (If Required)

RECEIVED

MAY 17 2022

SCOTT SCHWAB
SECRETARY OF STATE