

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

A public hearing will be conducted on Tuesday, November 14, 2023 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 Thursday, November 9, 2023 at 4:30 p.m. via email to [joseph.house@ks.gov](mailto: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](mailto: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.

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K.A.R. 109-2-2 is being amended to better align with statutory requirements for information to be received on applications for an ambulance service permit and ambulance license as well as to reduce the administrative burden during renewal of an ambulance license or an ambulance service permit.

There is no anticipated economic impact to any governmental agency or unit or to the general public in the adoption of this amended 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](http://www.ksbems.org).

Joseph House

Executive Director

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**109-2-2. Application for ambulance service permit and ambulance license; permit renewal and license renewal.** (a)(1) ~~An~~ Any applicant for an ambulance service permit may apply for only one ambulance service permit for each ambulance service that the applicant seeks to operate. ~~Each applicant shall indicate the type of service for the permit requested as ground ambulance service or air ambulance service.~~

(2) ~~An~~ Any applicant for an ambulance license may apply for only one ambulance license for each ambulance that the applicant seeks to operate.

(3) Any operator may apply for a temporary license for an ambulance. Each temporary license shall be valid for 60 days. Any temporary license may be extended by the executive director.

(b) All ambulance service permit and ambulance license application and renewal forms shall be submitted in a format required by the executive director.

(c)(4) ~~Each initial and each renewal applicant~~ who submits an insufficient application for an ambulance service permit or ambulance license shall have 30 days to correct all identified deficiencies and submit a sufficient application. If the applicant or operator fails to correct the deficiencies and submit a sufficient application, the application may be considered by the board as withdrawn.

(d) Each application shall be deemed sufficient if both of the following conditions are met:

(1) The applicant or operator submits all requested information online, and no additional information is required by the board to complete the processing of the application.

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(2) The applicant or operator submits payment of the fee in the correct amount.

(e) Each initial application for a ground an ambulance service permit and ambulance license shall meet one of the following requirements:

~~(A) Obtain a mechanical and safety inspection from a person doing business as or employed by a vehicle maintenance service or a city, county, or township or from a certified mechanic as defined in K.A.R. 109-1-1, for each ambulance within 180 days before the date of ambulance service application renewal; or~~

~~(B) have a long term vehicle maintenance program with requirements equivalent to or exceeding the requirements of the mechanical and safety inspection form~~

(1) Specify the name of the operator;

(2) specify the name of the ambulance service;

(3) designate an ambulance service director;

(4) designate a medical director;

(5) designate an office address where all ambulance service records will be maintained;

(6) state the primary territory for which the permit is sought;

(7) designate the type of ambulance service being requested as either ground ambulance service or air ambulance service;

(8) designate the levels of service intended to be provided;

(9) include a copy of all operational policies;

(10) include a copy of all approved medical protocols;

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(11) include a listing of all EMS providers and health care providers operating for the ambulance service;

(12) include a listing of all station locations where an ambulance could be parked or stored;

(13) provide the location and physical description of the facility where calls for service will be received; and

(14) if the type of ambulance service being requested is for an air ambulance service, provide evidence of an air safety training program and an informational publication that meets all requirements of K.A.R. 109-2-10a.

~~(2) In order for an ambulance license to be renewed, the mechanical safety inspection forms shall not contain any deficiencies identified that would compromise the safe transport of patients.~~

~~(d) Each initial and each renewal application for an air ambulance shall include a valid standard airworthiness certificate for each aircraft, evidence of an air safety training program, and an informational publication.~~

(f) Each initial application for a ground ambulance license shall include the following:

~~(e) (1) Each new ground ambulance shall meet one of the following requirements:~~

~~(A) Be required to have A copy of the mechanical or safety inspection without deficiencies submitted on forms required by the board or shall require documentation~~

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from the manufacturer indicating that the vehicle has undergone a predelivery inspection without deficiencies; or

~~(B) have a long term vehicle maintenance program with requirements equivalent to or exceeding the requirements of the mechanical and safety inspection form.~~

(2) ~~Each used or retrofitted ground ambulance shall be required to have a mechanical and safety inspection~~ proof of state vehicle registration; and

(3) a copy of the list of supplies and equipment carried on the ambulance as approved by the medical director.

(g) Each initial application for an air ambulance license shall include the following:

(1) A copy of the valid standard airworthiness certificate;

(2) proof of aircraft registration with the federal aviation administration; and

(3) a copy of the list of supplies and equipment carried on the ambulance as approved by the medical director.

(f) ~~(h)~~ Each ambulance service permit and ~~non-temporary~~ nontemporary ambulance license shall expire on April 30 of each year. Any such permit or license may be renewed annually in accordance with this regulation. ~~If the board receives a complete application for renewal of an ambulance service permit or an ambulance license on or before April 30, the existing permit or license shall not expire until the board has taken final action upon the renewal application or, if the board's action is unfavorable, until the last day for seeking judicial review.~~

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~~(g) If the board receives an insufficient initial application or renewal application for an ambulance service permit or ambulance license, the applicant or operator shall be notified by the board of any errors or omissions. If the applicant or operator fails to correct the deficiencies and submit a sufficient application within 30 days from the date of written notification, the application may be considered by the board as withdrawn.~~

~~(h) An~~ (i) Each renewal application for an ambulance service permit ~~or permit renewal shall be deemed sufficient if all of~~ shall meet the following conditions requirements are met:

~~(1) The applicant or operator either completes all forms provided with the application for ambulance service permit or permit renewal or provides all requested information online. No additional information is required by the board to complete the processing of the application.~~

~~(2) Each~~ The operator submits the list of supplies and equipment carried on each ambulance validated by the signature of the ambulance service's medical director to the board each year with the operator's application for an ambulance service permit. shall affirm that the following information is current and accurate:

(A) Name of the ambulance service;

(B) personnel affiliated with the ambulance service, including the service director, medical director, EMS providers, and health care providers;

(C) office address where all ambulance service records shall be maintained;

(D) levels of service being provided;

(E) ambulance service's operational policies;

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(F) ambulance service's approved medical protocols;

(G) all locations where the ambulance service's ambulances could be parked or stored;

(H) location and physical description of facility where calls for service will be received;

(I) the entry of all requests for service for the previous calendar year into the board's data collection system; and

(J) for an air ambulance service, the ambulance service's air safety training program and informational publication.

~~(3) The applicant or operator submits payment of the fee in the correct amount for the ambulance service permit or permit renewal and ambulance license fees.~~

~~(4) Each operator provides the inspection results to the board on forms provided by the executive director with the application for renewal.~~

~~(i) Each publicly subsidized~~ (2) The operator shall provide the following statistical emergency medical service information to the board with the application for renewal of a permit:

~~(1) (A) The number of emergency and nonemergency ambulance responses and the number of patients transported for the previous calendar year~~ gross receipts received by the ambulance service during the previous calendar year from the provision of patient care;

~~(2) (B) the~~ ambulance service operating budget and, if any, the tax subsidy;

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~~(3) (C) the charge for emergency and nonemergency patient transports, including mileage fees; and~~

~~(4) (D) the number of full-time, part-time, and volunteer staff.~~

~~(j) Each private operator shall provide the following statistical information to the board with the application for renewal of a permit:~~

~~(1) The number of emergency and nonemergency ambulance responses and the number of patients transported for the previous calendar year;~~

~~(2) the charge for emergency and nonemergency patient transports, including mileage fees; and~~

~~(3) the number of full time, part time, and volunteer staff.~~

~~(k) As a condition of issuance of an initial ambulance service permit, each ambulance service operator shall provide with the application the ambulance service's operational policies and approved medical protocols pursuant to K.A.R. 109-2-5.~~

~~(l) The operator of each ground ambulance service or air ambulance service shall develop a list of the supplies and equipment that are carried on each ambulance. This list shall include the supplies and equipment required by the board for the license type and any additional supplies or equipment necessary to carry out the patient care activities as indicated in the ambulance service's medical protocols, in accordance with K.S.A. 65-6112 and amendments thereto. Each application for renewal of an ambulance license shall meet the following requirements:~~

~~(1) The operator shall affirm that the following information is current and accurate:~~

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(A) List of supplies and equipment carried on the ambulance; and

(B) the primary location where the ambulance is parked or stored.

(2) For a ground ambulance, the application shall include both of the following:

(A) Proof of valid state vehicle registration if not permanently registered; and

(B) proof of a mechanical and safety inspection completed after

November 1 indicating no deficiencies that would compromise the safe transport of patients.

(3) For an air ambulance, the application shall include proof of valid aircraft registration with the federal aviation administration.

(k) A mechanical and safety inspection for each ground ambulance shall be completed by a person doing business as or employed by a vehicle maintenance service or from a certified mechanic as defined in K.A.R. 109-1-1. Proof of this inspection shall be demonstrated by submitting one of the following:

(1) A completed mechanical and safety inspection form, as provided by the board; or

(2) documentation of regular service and preventative maintenance equivalent to or exceeding the requirements of the mechanical and safety inspection form provided by the board. (Authorized by K.S.A. 2015 2021 Supp. 65-6110 and 65-6111; implementing K.S.A. 2015 2021 Supp. 65-6110, K.S.A. 2021 Supp. 65-6127, and K.S.A. 65-6128; effective May 1, 1985; amended July 17, 1989; amended Jan. 31, 1997; amended Dec. 29, 2000; amended Jan. 27, 2012; amended Jan. 3, 2014; amended April 29, 2016; amended P-\_\_\_\_\_.)

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## 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. 109-2-2  
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.

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## Section I

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

K.A.R. 109-2-2 provides the requirements related to the applications, both initial and renewal, for an ambulance service permit and an ambulance license.

The proposed changes are to minimize the repetition of submission of documents and to allow for an attestation that all documents and information are current and accurate. In reviewing, it was noted that there were a couple of items required by statute that were not specifically listed within this regulation as being required for completeness – those have been added.

These changes did allow for elimination of duplicative language and for procedures that are detailed out in other statutes/regulations.

## 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 require the permitting of ambulance services based upon specific requirements.

## 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);

Ambulance services would be the subject of these proposed amended permanent regulations.

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

The benefits of this change are to enhance the readability of the regulation and to minimize the annual submission of information that has not changed or was required to be changed at a more frequent interval. This should reduce the cost involved from the time needed to complete the renewal application, but that cost is negligible.

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- 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 the revision of this proposed regulation. There may be cost reductions from this regulation due to not having to annually submit information that has not changed or that has been provided in the interim.

- 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. There are no additional measures being added, this simply better utilizes the information already being sent in and allowing for an affirmation that the information previously provided is still current.

- ☐ 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)  
☐ No and regulation(s), did the agency hold a public hearing to find that the estimated costs  
☒ Not Applicable 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.

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.

No estimate is possible. There is a cost already involved in the preparation and submission of paperwork, but this proposed regulation reduces that workload.

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- 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 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).

Discussions on these changes began in September 2019 with attempting to eliminate the annual submission of the airworthiness certificate. This item appeared as a topic in Board and Committee Meetings throughout 2020 and 2021, and was brought forth at each of the Board's annual legislative meetings. In June 2022, the Board proposed this regulation and submitted it to the six EMS regions for their comment as well as specifically asking for comment at the July 2022 legislative meeting. All comments received were addressed within this latest revision.

## 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.](#)

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- 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.](#)

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