

1 AN ACT relating to emergency medical services.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 311A.010 is amended to read as follows:

4 As used in this chapter, unless the context otherwise requires:

5 (1) **"Advanced emergency medical technician" or "AEMT" means a person certified**
 6 **under this chapter as an advanced emergency medical technician;**

7 (2) "Ambulance" means a vehicle which has been inspected and approved by the board,
 8 including a helicopter or fixed-wing aircraft, except vehicles or aircraft operated by
 9 the United States government, that are specially designed, constructed, or have been
 10 modified or equipped with the intent of using the same, for the purpose of
 11 transporting any individual who is sick, injured, or otherwise incapacitated who
 12 may require immediate stabilization or continued medical response and intervention
 13 during transit or upon arrival at the patient's destination to safeguard the patient's
 14 life or physical well-being;

15 (3)~~(2)~~ "Ambulance provider" means any individual or private or public organization,
 16 except the United States government, who is licensed by the board to provide
 17 medical transportation services at either basic life support level or advanced life
 18 support level and who may have a vehicle or vehicles, including ground vehicles,
 19 helicopters, or fixed-wing aircraft to provide such transportation. An ambulance
 20 provider may be licensed as **a Class I, II, III, or IV ground ambulance provider, a**
 21 **Class VI medical first response provider, a Class VII air ambulance provider, or a**
 22 **Class VIII event medicine provider**~~[an air ambulance provider, as a Class I ground~~
 23 ~~ambulance provider, as a Class II ground ambulance provider, or as a Class III~~
 24 ~~ground ambulance provider];~~

25 (4)~~(3)~~ "Board" means the Kentucky Board of Emergency Medical Services;

26 (5)~~(4)~~ "Emergency medical facility" means a hospital or any other institution
 27 licensed by the Cabinet for Health and Family Services that furnishes emergency

1 medical services;

2 **(6) "Emergency medical responder" or "EMR" means a person certified under this**
3 **chapter as an EMR or EMR instructor;**

4 ~~(7)(5)~~ "Emergency medical services" means the services utilized in providing care
5 for the perceived individual need for immediate medical care to protect against loss
6 of life, or aggravation of physiological or psychological illness or injury;

7 ~~(8)(6)~~ "Emergency Medical Services for Children Program" or "EMSC Program"
8 means the program established under this chapter;

9 ~~(9)(7)~~ "Emergency medical services personnel" means persons, certified or licensed,
10 and trained to provide emergency medical services, and an authorized emergency
11 medical services medical director, whether on a paid or volunteer basis;

12 ~~(10)(8)~~ "Emergency medical services system" means a coordinated system of health-
13 care delivery that responds to the needs of acutely sick and injured adults and
14 children, and includes community education and prevention programs, centralized
15 access and emergency medical dispatch, communications networks, trained
16 emergency medical services personnel, medical first response, ground and air
17 ambulance services, trauma care systems, mass casualty management, medical
18 direction, and quality control and system evaluation procedures;

19 ~~(11)(9)~~ "Emergency medical services training or educational institution" means any
20 person or organization which provides emergency medical services training or
21 education or in-service training, other than a licensed ambulance service which
22 provides training, or in-service training in-house for its own employees or
23 volunteers;

24 ~~(12)(10)~~ "Emergency medical technician" or "EMT" means a person certified under
25 this chapter as an EMT **or EMT instructor** ~~basic, EMT basic instructor, or EMT-~~
26 ~~instructor trainer~~;

27 ~~[(11) "First responder" means a person certified under this chapter as a first responder or~~

1 ~~first responder instructor;~~

2 ~~(12)~~ (13) "Emergency medical services medical director" means a physician licensed in
3 Kentucky who is employed by, under contract to, or has volunteered to provide
4 supervision for a paramedic or an ambulance service, or both;

5 (14)~~(13)~~ "Paramedic" means a person who is involved in the delivery of medical
6 services and is licensed under this chapter;

7 (15)~~(14)~~ "Paramedic course coordinator" means a person certified under this chapter to
8 coordinate a paramedic course. A paramedic course coordinator shall not practice as
9 a paramedic unless they are also licensed as a paramedic;

10 (16)~~(15)~~ "Paramedic preceptor" means a licensed paramedic who supervises a
11 paramedic student during the field portion of the student's training;

12 (17)~~(16)~~ "Prehospital care" means the provision of emergency medical services or
13 transportation by trained and certified or licensed emergency medical services
14 personnel at the scene or while transporting sick or injured persons to a hospital or
15 other emergency medical facility; and

16 (18)~~(17)~~ "Trauma" means a single or multisystem life-threatening or limb-threatening
17 injury requiring immediate medical or surgical intervention or treatment to prevent
18 death or permanent disability.

19 ➔Section 2. KRS 311A.015 is amended to read as follows:

20 (1) The Kentucky Board of Emergency Medical Services is created and shall be
21 attached to the Kentucky Community and Technical College System.

22 (2) The board shall consist of eighteen (18) members who are residents of Kentucky
23 appointed by the Governor in conjunction with recognized state emergency medical
24 services related organizations. Membership shall be made up of the following:

25 (a) One (1) paramedic who works for a government agency but is not serving in
26 an educational, management, or supervisory capacity;

27 (b) One (1) emergency medical technician~~-basic~~ who works for a government

- 1 agency but is not serving in an educational, management, or supervisory
2 capacity;
- 3 (c) One (1) emergency medical~~first~~ responder who is not serving in an
4 educational, management, or supervisory capacity;
- 5 (d) One (1) physician licensed in Kentucky having a primary practice in the
6 delivery of emergency medical care selected from a list of three (3) physicians
7 submitted by the Kentucky Medical Association;
- 8 (e) One (1) physician licensed in Kentucky serving as medical director of an
9 advanced life support ambulance service selected from a list of three (3)
10 physicians submitted by the Kentucky Medical Association;
- 11 (f) One (1) physician licensed in Kentucky who routinely is involved in the
12 emergency care of ill and injured children selected from a list of three (3)
13 physicians submitted by the Kentucky Medical Association;
- 14 (g) One (1) trauma surgeon licensed in Kentucky selected from a list of three (3)
15 physicians submitted by the Kentucky Medical Association;
- 16 (h) One (1) citizen having no involvement in the delivery of medical or
17 emergency services;
- 18 (i) One (1) emergency medical services educator certified by the board;
- 19 (j) One (1) mayor of a city that operates, either directly or through contract
20 services, a licensed Class I ground ambulance service;
- 21 (k) One (1) county judge/executive from a county that operates, whether directly
22 or through contract services, a licensed Class I ground ambulance service;
- 23 (l) One (1) volunteer-staffed, licensed Class I ground ambulance service
24 administrator who is a certified emergency medical technician or a licensed
25 paramedic;
- 26 (m) One (1) fire-service-based, licensed Class I ground ambulance service
27 administrator who is a certified emergency medical technician or a licensed

- 1 paramedic;
- 2 (n) One (1) licensed air ambulance service administrator or paramedic for a
3 licensed air ambulance service headquartered in Kentucky;
- 4 (o) One (1) private licensed Class 1 ground ambulance service administrator who
5 is a certified emergency medical technician or a licensed paramedic who is a
6 resident of Kentucky;
- 7 (p) One (1) hospital administrator selected from a list of five (5) nominees
8 submitted by the Kentucky Hospital Association;
- 9 (q) One (1) basic life support, licensed Class I government-operated ground
10 ambulance service administrator who is a certified emergency medical
11 technician or a licensed paramedic; and
- 12 (r) One (1) advanced life support, government-operated ambulance service
13 administrator who is a certified emergency medical technician or a licensed
14 paramedic.
- 15 (3) No board member shall serve more than two (2) consecutive terms. A member
16 appointed to a partial term vacancy exceeding two (2) years shall be deemed to have
17 served a full term. A former member may be reappointed following an absence of
18 one (1) term.
- 19 (4) The board shall annually:
- 20 (a) Meet at least six (6) times a year;
- 21 (b) At the first meeting of the board after September 1, elect a chair and vice chair
22 by majority vote of the members present; and
- 23 (c) Set a schedule of six (6) regular meetings for the next twelve (12) month
24 period.
- 25 (5) The board shall adopt a quorum and rules of procedure by administrative regulation.
- 26 (6) (a) A member of the board who misses three (3) regular meetings in one (1) year
27 shall be deemed to have resigned from the board and his or her position shall

- 1 be deemed vacant.
- 2 (b) The failure of a board member to attend a special or emergency meeting shall
3 not result in any penalty.
- 4 (c) The year specified in this subsection shall begin with the first meeting missed
5 and end three hundred sixty-five (365) days later or with the third meeting
6 missed, whichever occurs earlier.
- 7 (d) The Governor shall appoint a person of the same class to fill the vacancy
8 within ninety (90) days.
- 9 (e) The person removed under this subsection shall not be reappointed to the
10 board for ten (10) years.
- 11 (7) Members of the board shall be entitled to reimbursement for actual and necessary
12 expenses when carrying out official duties of the board in accordance with state
13 administrative regulations relating to travel reimbursement. The board shall meet at
14 least six (6) times each year.
- 15 (8) Annual reports and recommendations from the board shall be sent by September 1
16 each year to the Governor, the president of the Kentucky Community and Technical
17 College System, and the General Assembly.
- 18 ➔Section 3. KRS 311A.020 is amended to read as follows:
- 19 (1) The board shall:
- 20 (a) Exercise all of the administrative functions of the state not regulated by the
21 Board of Medical Licensure or Cabinet for Health and Family Services in the
22 regulation of the emergency medical services system and the practice of
23 emergency medical~~first~~ responders, emergency medical technicians,
24 paramedics, ambulance services, and emergency medical services training
25 institutions, with the exception of employment of personnel as described in
26 subsections (5) and (6) of this section;
- 27 (b) Issue any licenses or certifications authorized by this chapter;

1 (c) Oversee the operations and establish the organizational structure of the Office
 2 of the Kentucky Board of Emergency Medical Services, which is created and
 3 shall be attached to the board for administrative purposes. The office shall be
 4 headed by the executive director appointed under paragraph (d) of this
 5 subsection and shall be responsible for:

- 6 1. Personnel and budget matters affecting the board;
- 7 2. Fiscal activities of the board, including grant writing and disbursement
 8 of funds;
- 9 3. Information technology, including the design and maintenance of
 10 databases;
- 11 4. Certification and recertification of emergency medical~~[first]~~ responders;
- 12 5. Certification and recertification of emergency medical technicians;
- 13 6. Certification and recertification of advanced emergency medical
 14 technicians;
- 15 7. Licensure and relicensure of ambulances and ambulance services;
- 16 8.~~[7.]~~ Licensure and relicensure of paramedics;
- 17 9.~~[8.]~~ Certification and recertification of EMS educators and paramedic
 18 course coordinators;
- 19 10.~~[9.]~~ Investigation of and resolution of quality complaints and ethics
 20 issues; and
- 21 11.~~[10.]~~ Other responsibilities that may be assigned to the executive
 22 director by the board;

23 (d) Employ an executive director and deputy executive director and fix the
 24 compensation. The executive director and deputy executive director shall
 25 serve at the pleasure of the board, administer the day-to-day operations of the
 26 Office of the Kentucky Board of Emergency Medical Services, and supervise
 27 all directives of the board. The director and deputy executive director shall

- 1 possess a baccalaureate degree and shall have no less than five (5) years of
2 experience in public administration or in the administration of an emergency
3 medical services program;
- 4 (e) Employ or contract with a physician licensed in Kentucky who is board
5 certified in emergency medicine and fix the compensation. The physician shall
6 serve at the pleasure of the board and as the medical advisor to the Kentucky
7 Board of Emergency Medical Services and the staff of the board;
- 8 (f) Employ or contract with an attorney licensed to practice law in Kentucky and
9 fix the compensation. The attorney shall serve at the pleasure of the board and
10 have primary assignment to the board;
- 11 (g) Employ personnel sufficient to carry out the statutory responsibilities of the
12 board.
- 13 1. Personnel assigned to investigate an emergency medical~~[a first]~~
14 responder program complaint or regulate the emergency medical~~[first]~~
15 responder programs shall be certified emergency medical~~[first]~~
16 responders, emergency medical technicians, advanced emergency
17 medical technicians, or licensed paramedics.
 - 18 2. Personnel assigned to investigate an emergency medical technician
19 program complaint or regulate the emergency medical technician
20 program shall be certified emergency medical technicians, advanced
21 emergency medical technicians, or paramedics.
 - 22 3. Personnel assigned to investigate a paramedic program complaint or
23 regulate the paramedic program shall be licensed paramedics.
 - 24 4. A person who is employed by the board who is licensed or certified by
25 the board shall retain his or her license or certification if he or she meets
26 the in-service training requirements and pays the fees specified by
27 administrative regulation.

- 1 5. A person who is employed by the board may instruct in emergency
2 medical subjects in which he or she is qualified, with the permission of
3 the board. All instruction shall be rendered without remuneration other
4 than his or her state salary and the employee shall be considered as on
5 state duty when teaching.
- 6 6. A person who is employed by the board may render services for which
7 the person is qualified at a declared disaster or emergency or in a
8 situation where trained personnel are not available until those personnel
9 arrive to take over the patient, or where insufficient trained personnel are
10 available to handle a specific emergency medical incident. All aid shall
11 be rendered without remuneration other than the employee's state salary
12 and the employee shall be considered as on state duty when rendering
13 aid. In cases specified in this paragraph, the state medical advisor shall
14 serve as the emergency medical services medical director for the
15 employee;
- 16 (h) Establish committees and subcommittees and the membership thereof.
17 Members of committees and subcommittees do not need to be members of the
18 board;
- 19 (i) Enter into contracts, apply for grants and federal funds, and disburse funds to
20 local units of government as approved by the General Assembly. All funds
21 received by the board shall be placed in a trust and agency account in the State
22 Treasury subject to expenditure by the board;
- 23 (j) Administer the Emergency Medical Services for Children Program; and
- 24 (k) Establish minimum curriculum and standards for emergency medical services
25 training.
- 26 (2) The board may utilize materials, services, or facilities as may be made available to it
27 by other state agencies or may contract for materials, services, or facilities.

- 1 (3) The board may delegate to the executive director, by written order, any function
2 other than promulgation of an administrative regulation specified in this chapter.
- 3 (4) Except for securing funding for trauma centers and the implementation of KRS
4 311A.170, the board shall not serve as the lead agency relating to the development
5 or regulation of trauma systems, but shall be a partner with other state agencies in
6 the development, implementation, and oversight of such systems.
- 7 (5) (a) The Kentucky Community and Technical College System shall employ
8 personnel for the work of the board, and the personnel in the positions
9 described in this section and all other persons in administrative and
10 professional positions shall be transferred to the personnel system of the
11 Kentucky Community and Technical College System on July 12, 2006, in the
12 appropriate classification to carry out the mission of the board. All employees
13 transferred under this paragraph shall have all employment records and
14 months of service credit transferred to the Kentucky Community and
15 Technical College System. Employees of the board transferred under this
16 paragraph who subsequently return to state employment under KRS Chapter
17 18A shall have their employment records and months of service credit under
18 the Kentucky Community and Technical College System transferred back to
19 the KRS Chapter 18A personnel system, and the employment records and
20 months of service credit shall be used in calculations for all benefits under
21 KRS Chapter 18A.
- 22 (b) New employees hired or contracted after July 12, 2006, shall be employed or
23 contracted by the Kentucky Community and Technical College System.
- 24 (6) The board shall appoint a personnel committee consisting of the chair of the board,
25 one (1) physician member of the board, one (1) ambulance service provider member
26 of the board, one (1) additional member of the board selected by the chair of the
27 board, and one (1) representative of the Kentucky Community and Technical

1 College System administration. The personnel committee shall conduct an annual
 2 job performance review of the executive director, the medical advisor, and the
 3 board attorney that conforms with the personnel standards of the Kentucky
 4 Community and Technical College System and includes a recommendation for or
 5 against continued employment to be presented to the personnel office of the
 6 Kentucky Community and Technical College System.

7 (7) All state general fund moneys appropriated to the board, all federal funds, all
 8 moneys collected by the board, and all equipment owned by the board shall be
 9 transferred to the Kentucky Community and Technical College System on July 1,
 10 2006.

11 (8) The board shall develop a proposed biennial budget for all administrative and
 12 operational functions and duties in conjunction with the Kentucky Community and
 13 Technical College System budget submission process. The Kentucky Community
 14 and Technical College System shall not make changes to the budget proposal
 15 submitted by the board, but may submit written comments on the board's budget
 16 proposal to the board and other agencies in the budget submission process.

17 ➔Section 4. KRS 311A.025 is amended to read as follows:

18 (1) The board shall, subject to the provisions of this chapter, create levels of
 19 certification or licensure, as appropriate for individuals providing services under
 20 this chapter. These may consist of but not be limited to:

21 (a) Emergency medical responder and emergency medical responder
 22 instructor~~[First responder and first responder instructor];~~

23 (b) Emergency medical technician-basic, emergency medical technician-basic
 24 instructor, and emergency medical technician-basic instructor trainer;

25 (c) Paramedic, paramedic course coordinator, paramedic instructor, and
 26 paramedic preceptor;

27 (d) Emergency medical services medical director who supervises a person or

- 1 organization licensed or certified by the board;
- 2 (e) Emergency medical service training institution;
- 3 (f) Emergency medical service testing agency;
- 4 (g) Ground ambulance service, including categories thereof;
- 5 (h) Air ambulance service;
- 6 (i) Medical first response provider;
- 7 (j) Emergency medical dispatcher, emergency medical dispatch instructor, and
- 8 emergency medical dispatch instructor trainer;
- 9 (k) Emergency medical dispatch center or public safety answering point; and
- 10 (l) Any other entity authorized by this chapter.

11 (2) The board shall promulgate administrative regulations for any certification or
12 license the board may create. The administrative regulations shall, at a minimum,
13 address:

- 14 (a) Requirements for students, if appropriate;
- 15 (b) Requirements for training;
- 16 (c) Eligibility for certification or licensure; and
- 17 (d) Renewal, recertification, and relicensure requirements.

18 (3) The board may authorize a physician licensed to practice in Kentucky to serve as an
19 emergency medical services medical director if that physician meets the
20 requirements specified by the board by administrative regulation.

21 ➔Section 5. KRS 311A.030 is amended to read as follows:

22 The board shall promulgate administrative regulations in accordance with KRS Chapter
23 13A to carry out the functions of this chapter, including but not limited to:

24 (1) Licensing, inspecting, and regulating of ambulance services and medical first-
25 response providers. The administrative regulations shall address specific
26 requirements for:

- 27 (a) ~~[Air ambulance providers, which provide basic or advanced life support~~

1 services;

2 ~~(b)~~ Class I ground ambulance providers, which provide basic life support or
3 advanced life support services to all patients for emergencies or scheduled
4 ambulance transportation which is medically necessary;

5 ~~(b)~~~~(e)~~ Class II ground ambulance providers, which provide only basic life
6 support services but do not provide initial response to the general population
7 with medical emergencies and which are limited to providing scheduled
8 ambulance transportation which is medically necessary;

9 ~~(c)~~~~(d)~~ Class III ground ambulance providers, which provide mobile intensive
10 care services at or above the level of advanced life support to patients with
11 critical illnesses or injuries who must be transported between hospitals in
12 vehicles with specialized equipment as an extension of hospital-level care;

13 ~~(d)~~ Class IV ground ambulance providers, which provide basic life support or
14 advanced life support services and transportation for restricted locations
15 such as industrial sites and other sites that do not provide services outside a
16 designated site;

17 ~~(e)~~ Class VI medical first response providers, which provide prehospital or
18 advanced life support services, but do not transport patients;

19 ~~(f)~~ Class VII air ambulance providers, which provide basic or advanced life
20 support services; and

21 ~~(g)~~ Class VIII event medicine providers, which provide basic or advance life
22 support services, but do not transport patients ~~and~~

23 ~~(e) Medical first response providers, which provide prehospital or advanced life~~
24 ~~support services, but do not transport patients]; and~~

25 (2) Emergency medical services training institutions.

26 Nothing in this section shall be construed to change or alter the issuance of certificates of
27 need for emergency medical services providers.

1 ➔Section 6. KRS 311A.050 is amended to read as follows:

2 (1) No person shall:

3 (a) Call or hold himself or herself out as or use the title of emergency medical
4 technician, emergency medical~~[first]~~ responder, advanced emergency
5 medical technician, paramedic, emergency medical~~[first]~~ responder instructor
6 or instructor trainer, emergency medical technician instructor or instructor
7 trainer, or paramedic instructor, paramedic instructor trainer, or paramedic
8 course coordinator unless licensed or certified under the provisions of this
9 chapter. The provisions of this subsection shall not apply if the board does not
10 license or certify a person as an instructor, instructor trainer, or course
11 coordinator in a particular discipline regulated by the board;

12 (b) Operate or offer to operate or represent or advertise the operation of a school
13 or other educational program for emergency medical~~[first]~~ responders,
14 emergency medical technicians, advanced emergency medical technicians,
15 paramedics, or instructors or instructor trainers for emergency medical ~~[first]~~
16 responders, emergency medical technicians, advanced emergency medical
17 technicians, or paramedics unless the school or educational program has been
18 approved under the provisions of this chapter. The provisions of this
19 paragraph shall not apply to continuing education provided by a licensed
20 ambulance service for anyone certified or licensed by the board given by an
21 ambulance service for its employees or volunteers; or

22 (c) Knowingly employ an emergency medical~~[a first]~~ responder, emergency
23 medical technician, advanced emergency medical technician, paramedic, or
24 an instructor or instructor trainer for emergency medical~~[first]~~ responders,
25 emergency medical technicians, advanced emergency medical technicians, or
26 paramedics, or paramedic course coordinator unless that person is licensed or
27 certified under the provisions of this chapter.

- 1 (2) No person licensed or certified by the board or who is an applicant for licensure or
2 certification by the board shall:
- 3 (a) If licensed or certified, violate any provision of this chapter or any
4 administrative regulation promulgated by the board;
- 5 (b) Use fraud or deceit in obtaining or attempting to obtain a license or
6 certification from the board, or be granted a license upon mistake of a material
7 fact;
- 8 (c) If licensed or certified by the board, grossly negligently or willfully act in a
9 manner inconsistent with the practice of the discipline for which the person is
10 certified or licensed;
- 11 (d) Be unfit or incompetent to practice a discipline regulated by the board by
12 reason of negligence or other causes;
- 13 (e) Abuse, misuse, or misappropriate any drugs placed in the custody of the
14 licensee or certified person for administration, or for use of others;
- 15 (f) Falsify or fail to make essential entries on essential records;
- 16 (g) Be convicted of a misdemeanor which involved acts that bear directly on the
17 qualifications or ability of the applicant, licensee, or certified person to
18 practice the discipline for which the person is an applicant, licensee, or
19 certified person, if in accordance with KRS Chapter 335B;
- 20 (h) Be convicted of a misdemeanor which involved fraud, deceit, breach of trust,
21 or physical harm or endangerment to self or others, acts that bear directly on
22 the qualifications or ability of the applicant, licensee, or certificate holder to
23 practice acts in the license or certification held or sought, if in accordance
24 with KRS Chapter 335B;
- 25 (i) Be convicted of a misdemeanor offense under KRS Chapter 510 involving a
26 patient or be found by the board to have had sexual contact as defined in KRS
27 510.010(7) with a patient while the patient was under the care of the licensee

- 1 or certificate holder;
- 2 (j) Have had his or her license or credential to practice as a nurse or physician
3 denied, limited, suspended, probated, revoked, or otherwise disciplined in
4 Kentucky or in another jurisdiction on grounds sufficient to cause a license to
5 be denied, limited, suspended, probated, revoked, or otherwise disciplined in
6 this Commonwealth;
- 7 (k) Have a license or certification to practice in any activity regulated by the
8 board denied, limited, suspended, probated, revoked, or otherwise disciplined
9 in another jurisdiction on grounds sufficient to cause a license or certification
10 to be denied, limited, suspended, probated, revoked, or otherwise disciplined
11 in this Commonwealth;
- 12 (l) Violate any lawful order or directive previously entered by the board;
- 13 (m) Have been listed on the nurse aide abuse registry with a substantiated finding
14 of abuse, neglect, or misappropriation of property; or
- 15 (n) Be convicted of, have entered a guilty plea to, or have entered an Alford plea
16 to a felony offense~~], or completed a diversion program for a felony offense,~~ if
17 in accordance with KRS Chapter 335B.
- 18 (3) It shall be unlawful for an employer of a person licensed or certified by the board
19 having knowledge of the facts to refrain from reporting to the board **on an official**
20 **complaint form approved by the board through administrative regulation** any
21 person licensed or certified by the board who:
- 22 (a) Has been convicted of, has entered a guilty plea to, or has entered an Alford
23 plea to a felony offense~~], or has completed a diversion program for a felony~~
24 ~~offense];~~
- 25 (b) Has been convicted of a misdemeanor or felony which involved acts that bear
26 directly on the qualifications or ability of the applicant, licensee, or certified
27 person to practice the discipline for which they are an applicant, licensee, or

- 1 certified person;
- 2 (c) Is reasonably suspected of fraud or deceit in procuring or attempting to
3 procure a license or certification from the board;
- 4 (d) Is reasonably suspected of grossly negligently or willfully acting in a manner
5 inconsistent with the practice of the discipline for which they are certified or
6 licensed;
- 7 (e) Is reasonably suspected of being unfit or incompetent to practice a discipline
8 regulated by the board by reason of negligence or other causes, including but
9 not limited to being unable to practice the discipline for which they are
10 licensed or certified with reasonable skill or safety;
- 11 (f) Is reasonably suspected of violating any provisions of this chapter or the
12 administrative regulations promulgated under this chapter;
- 13 (g) Has a license or certification to practice an activity regulated by the board
14 denied, limited, suspended, probated, revoked, or otherwise disciplined in
15 another jurisdiction on grounds sufficient to cause a license or certification to
16 be denied, limited, suspended, probated, revoked, or otherwise disciplined in
17 this Commonwealth;
- 18 (h) Is practicing an activity regulated by the board without a current active license
19 or certification issued by the board;
- 20 (i) Is reasonably suspected of abusing, misusing, or misappropriating any drugs
21 placed in the custody of the licensee or certified person for administration or
22 for use of others; or
- 23 (j) Is suspected of falsifying or in a grossly negligent manner making incorrect
24 entries or failing to make essential entries on essential records.
- 25 (4) A person who violates subsection (1)(a), (b), or (c) of this section shall be guilty of
26 a Class A misdemeanor for a first offense and a Class D felony for each subsequent
27 offense.

1 (5) The provisions of this section shall not preclude prosecution for the unlawful
2 practice of medicine, nursing, or other practice certified or licensed by an agency of
3 the Commonwealth.

4 (6) The filing of criminal charges or a criminal conviction for violation of the
5 provisions of this chapter or the administrative regulations promulgated thereunder
6 shall not preclude the office of the board from instituting or imposing board
7 disciplinary action authorized by this chapter against any person or organization
8 violating this chapter or the administrative regulations promulgated thereunder.

9 (7) The institution or imposition of disciplinary action by the office of the board against
10 any person or organization violating the provisions of this chapter or the
11 administrative regulations promulgated thereunder shall not preclude the filing of
12 criminal charges against or a criminal conviction of any person or organization for
13 violation of the provisions of this chapter or the administrative regulations
14 promulgated thereunder.

15 ➔Section 7. KRS 311A.055 is amended to read as follows:

16 (1) In accordance with the provisions of KRS Chapter 13B, all discipline for which the
17 board is authorized to conduct investigations, hold hearings, and impose
18 punishments is delegated to the executive director, state medical advisor, board
19 attorney, and hearing panels as provided herein.

20 (2) Any person may make a complaint to the executive director that an entity licensed
21 or certified by the board, **emergency medical**~~[first]~~ responder, emergency medical
22 technician, **advanced emergency medical technician**, paramedic, emergency
23 medical services medical **director**~~[advisor]~~ or other person licensed or certified by
24 the board has violated a provision of this chapter, an administrative regulation
25 promulgated pursuant to this chapter, protocol, practice standard, or order of the
26 board.

27 (3) Each complaint shall:

- 1 (a) Be in writing;
- 2 (b) Identify specifically the person or organization against whom the complaint is
3 made;
- 4 (c) Set forth the facts relating to the violation alleged and any other supporting
5 information which may have a bearing on the matter;
- 6 (d) Contain the name, address, telephone number, facsimile number, and e-mail
7 address, if available, of the complainant;
- 8 (e) Be subscribed and sworn to as to the truth of the statements contained in the
9 complaint by the complainant; and
- 10 (f) Be notarized.
- 11 (4) A complaint which is unsigned shall not be acted upon by the executive director. A
12 complaint which is not subscribed and sworn in the manner specified in subsection
13 (3) of this section shall be returned to the complainant for completion.
- 14 (5) The executive director of the board may, on behalf of the board, based on
15 knowledge available to the office of the board, make a complaint against any person
16 or organization regulated by the board in the same manner as provided in subsection
17 (3) of this section.
- 18 (6) Upon receipt of a properly completed complaint, the executive director shall assign
19 the complaint to a staff investigator who shall investigate the complaint and shall
20 make findings of fact and recommendations to the executive director who shall then
21 convene a preliminary inquiry board.
- 22 (7) When the executive director assigns a complaint to a staff investigator, he or she
23 shall notify the person or organization against whom the complaint has been filed
24 and shall notify the employer of an emergency medical~~[a first]~~ responder,
25 emergency medical technician, advanced emergency medical technician, or
26 paramedic and the emergency medical services medical director for the organization
27 and for any entity or individual certified or licensed under this chapter~~[paramedic]~~

1 against whom the complaint is filed and any other person or organization specified
2 in this chapter.

3 (8) The notification shall name the person or organization complained against, the
4 complainant, the violations alleged, and the facts presented in the complaint and
5 shall notify the person or organization complained against, the employer, and the
6 emergency medical services medical director of:

7 (a) The fact that the complaint shall be answered, the steps for answering the
8 complaint, and the action to be taken if the complaint is not answered;

9 (b) The time frame and steps in the proceedings of a complaint;

10 (c) The rights of the parties, including the right to counsel; and

11 (d) The right to testify at any hearing.

12 (9) Upon the failure of a license or certificate holder to respond to a written accusation
13 or to request a hearing within twenty (20) days after the sending of the accusation,
14 the accused shall be considered to have admitted the truth of the facts and the
15 circumstances in the allegation and appropriate discipline may be imposed.

16 (10) The preliminary inquiry board shall consist of one (1) member of the board selected
17 by the chair, and two (2) persons representing the same category of certification or
18 licensure as the defendant who are not members of the board appointed by the
19 chairman of the board.

20 (11) After reviewing the complaint and results of any investigation conducted on behalf
21 of the board, the preliminary inquiry board shall consider whether the accusation is
22 sufficient to remand the matter for a hearing as provided in this section and KRS
23 Chapter 13B. A majority vote of the members of the preliminary inquiry board shall
24 be necessary for action to either remand the matter for hearing or dismiss the
25 complaint without hearing.

26 (12) If the preliminary inquiry board dismisses the complaint, all parties notified
27 previously shall be notified of the action. If the preliminary inquiry board remands

1 the matter for a hearing, all parties notified previously shall be notified of the
2 action.

3 (13) Each proceeding to consider the imposition of a penalty which the board is
4 authorized to impose pursuant to this chapter shall be conducted in accordance with
5 KRS Chapter 13B.

6 (14) A hearing panel for purposes of making a decision in any disciplinary matter shall
7 consist of one (1) physician who may be a member of the board or who meets the
8 qualifications of an emergency medical services medical director; one (1) person
9 from the category of persons or organizations of the same class as the defendant;
10 and the hearing officer, who shall not be involved in emergency medical services.

11 (15) The hearing officer may issue subpoenas to compel the attendance of witnesses and
12 the production of documents in the conduct of an investigation. The subpoenas may
13 be enforced by any Circuit Court for contempt. Any order or subpoena of the court
14 requiring the attendance and testimony of witnesses and the production of
15 documentary evidence may be enforced and shall be valid anywhere in this state.

16 (16) At all hearings the board attorney or, on request of the board, the Attorney General
17 of this state or one (1) of the assistant attorneys general designated shall appear and
18 represent the board.

19 (17) The emergency medical services provider or related employer of a person licensed
20 or certified by the board and the emergency medical services medical director of
21 such a person who is the defendant in a hearing shall be parties to the action and
22 may appear and testify in the matter at any deposition or hearing on the matter and
23 may propose conclusions of law, findings of fact, and penalties to the hearing panel.

24 (18) To make a finding or recommend discipline, the two (2) members of the hearing
25 panel who are not the hearing officer shall agree on the finding or discipline. In the
26 event of a tie vote, the hearing officer shall cast the deciding vote.

27 (19) The final order in any disciplinary proceeding shall be prepared by the executive

1 director and sent to all parties in the manner prescribed by law.

2 (20) Any person or entity aggrieved by a final order of the board may appeal to the
3 Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.

4 (21) The only discipline that the board may impose against an emergency medical
5 services medical director is denial, suspension or withdrawal of the board's approval
6 for that person to serve as an emergency medical services medical director.

7 (22) If the executive director substantiates that sexual contact occurred between a
8 licensee or certificate holder and a patient while the patient was under the care of or
9 in a professional relationship with the licensee or certificate holder, the license or
10 certification may be revoked or suspended with mandatory treatment of the person
11 as prescribed by the executive director. The executive director may require the
12 licensee or certificate holder to pay a specified amount for mental health services
13 for the patient which are needed as a result of the sexual contact.

14 ➔Section 8. KRS 311A.060 is amended to read as follows:

15 (1) If it is determined that an entity ***or individual*** regulated by the board, a paramedic,
16 ***emergency medical***~~[first]~~ responder, ***advanced emergency medical technician***, or
17 emergency medical technician has violated a statute, administrative regulation,
18 protocol, or practice standard relating to serving as an entity regulated by the board,
19 a paramedic, ***emergency medical*** ~~[first]~~ responder, ***advanced emergency medical***
20 ***technician***, or emergency medical technician, the office of the board may impose
21 any of the sanctions provided in subsection (2) of this section. Any party to the
22 complaint shall have the right to propose findings of fact and conclusions of law,
23 and to recommend sanctions.

24 (2) The office of the board shall require an acceptable plan of correction and may use
25 any one (1) or more of the following sanctions when disciplining a paramedic,
26 ***advanced*** emergency medical technician, ***emergency medical*** ~~[first]~~ responder,
27 emergency medical technician, or any entity ***or individual*** regulated by the board:

- 1 (a) Private reprimand that shall be shared with each of the paramedic's,
2 emergency medical~~[first]~~ responder's, advanced emergency medical
3 technician's, or emergency medical technician's emergency medical services
4 or related employer and medical director;
- 5 (b) Public reprimand;
- 6 (c) Fines of fifty dollars (\$50) to five hundred dollars (\$500) for a natural person
7 or fifty dollars (\$50) to five thousand dollars (\$5,000) for a public agency or
8 business entity;
- 9 (d) Revocation of certification or licensure;
- 10 (e) Suspension of licensure until a time certain;
- 11 (f) Suspension until a certain act or acts are performed;
- 12 (g) Limitation of practice permanently;
- 13 (h) Limitation of practice until a time certain;
- 14 (i) Limitation of practice until a certain act or acts are performed;
- 15 (j) Repassing a portion of the paramedic, emergency medical~~[first]~~ responder,
16 advanced emergency medical technician, or emergency medical technician
17 examination;
- 18 (k) Probation for a specified time; or
- 19 (l) If it is found that the person who is licensed or certified by the board has been
20 convicted of, pled guilty to, or entered an Alford plea to a felony offense~~, or~~
21 ~~has completed a diversion program for a felony offense~~ the license or
22 certification shall be revoked.
- 23 (3) The filing of criminal charges or a criminal conviction for violation of the
24 provisions of this chapter or the administrative regulations promulgated thereunder
25 shall not preclude the office of the board from instituting or imposing board
26 disciplinary action authorized by this chapter against any person or organization
27 violating this chapter or the administrative regulations promulgated thereunder.

1 (4) The institution or imposition of disciplinary action by the office of the board against
2 any person or organization violating the provisions of this chapter or the
3 administrative regulations promulgated thereunder shall not preclude the filing of
4 criminal charges against or a criminal conviction of any person or organization for
5 violation of the provisions of this chapter or the administrative regulations
6 promulgated thereunder.

7 ➔Section 9. KRS 311A.065 is amended to read as follows:

8 (1) If the office of the board has reasonable cause to believe that any licensee or
9 certificate holder or any applicant for licensure or certification by examination,
10 reinstatement, or change of status is unable to practice with reasonable skill or
11 safety or has abused alcohol or drugs, it may require *the person to submit to a*
12 *mental health, neuropsychological, psychosocial, psychosexual, substance use*
13 *disorder, or physical evaluation by a licensed or certified practitioner designated*
14 *by the board*~~[that person to submit to a mental or physical examination by a~~
15 ~~physician or psychologist it designates].~~ Upon the failure of the person to submit to
16 a *mental health, neuropsychological, psychosocial, psychosexual, substance use*
17 *disorder, or physical evaluation*~~[mental or physical examination],~~ unless due to
18 circumstances beyond the person's control, the office of the board may initiate an
19 action for immediate temporary suspension pursuant to this chapter or deny the
20 application until the person submits to the required *evaluation*~~[examination].~~ The
21 office of the board may issue an immediate and temporary suspension from the time
22 of the *evaluation*~~[examination]~~ until the hearing.

23 (2) Every licensee or certificate holder or applicant for licensure or certification by
24 examination, reinstatement, or change of status shall be deemed to have given
25 consent to submit to *a mental health, neuropsychological, psychosocial,*
26 *psychosexual, substance use disorder, or physical evaluation* ~~[an examination~~
27 ~~]when so directed in writing by the board. The direction to submit to an~~

1 evaluation~~[examination]~~ shall contain the basis of the office of the board's
 2 reasonable cause to believe that the person is unable to practice with reasonable
 3 skill or safety, or has abused alcohol or drugs. The person shall be deemed to have
 4 waived all objections to the admissibility of the examining physician's or
 5 psychologist's testimony or evaluation~~[examination]~~ reports on the ground of
 6 privileged communication.

7 (3) The licensee or certificate holder or applicant for licensure or certification by
 8 examination, reinstatement, or change of status shall bear the cost of any mental
 9 health, neuropsychological, psychosocial, psychosexual, substance use disorder,
 10 or physical evaluation ordered by the board~~[or physical examination ordered by~~
 11 ~~the office of the board]~~.

12 ➔Section 10. KRS 311A.075 is amended to read as follows:

13 (1) The ~~[state medical advisor, one (1) physician board member selected by the chair of~~
 14 ~~the board, and one (1) member of the board of the same category of licensure or~~
 15 ~~certification as the defendant selected by the]~~chair of the board, or the board
 16 chair's designee, in writing, may determine that immediate temporary suspension
 17 of a license or certification of a natural person against which disciplinary action or
 18 an investigation is pending is necessary in order to protect the public. If the
 19 defendant is employed by an emergency medical services provider, the input of the
 20 employer's emergency medical services medical director shall be sought with regard
 21 to the matter. In the event of an action against an organization, the determination
 22 that an immediate temporary suspension is necessary in order to protect the public
 23 shall be made by the ~~[state medical advisor, and two (2) other members of the board~~
 24 ~~who are appointed by the]~~chair of the board, or the board chair's designee in
 25 writing. When this action may be necessary, the executive director, in writing, shall
 26 issue an emergency order suspending the licensee or certificate holder. Upon appeal
 27 of an emergency order, an emergency hearing shall be conducted in accordance with

1 KRS 13B.125.

2 (2) No board member shall be disqualified from serving on a disciplinary action
3 hearing panel for the reason that he or she has previously sat on a **preliminary**
4 **inquiry panel hearing of the same licensee or certification holder**~~[hearing panel~~
5 ~~considering temporary suspension of the same license].~~

6 (3) Disciplinary actions in which a license or certification has been temporarily
7 suspended and a hearing shall be held in accordance with KRS 13B.125 within
8 ninety (90) days unless the defendant requests an extension of time.

9 (4) The order of immediate temporary suspension shall remain in effect until either
10 retracted or superseded by final disciplinary action by the office of the board. In
11 cases where disciplinary action is imposed, the office of the board may additionally
12 order that the temporary suspension continue in effect until the later expiration of
13 time permitted for appeal or termination of the appellate process.

14 ➔Section 11. KRS 311A.095 is amended to read as follows:

15 (1) A paramedic license, **emergency medical**~~[first]~~ responder certification, **advanced**
16 **emergency medical technician certification**, or emergency medical technician
17 certification shall be valid for a period of two (2) years.

18 (2) Each paramedic license, **emergency medical**~~[first]~~ responder certification,
19 **advanced emergency medical technician certification**, or emergency medical
20 technician certification shall expire on December 31 of the second year from its
21 issuance.

22 (3) The license or certification of every person issued under the provisions of this
23 chapter shall be renewed at least biennially except as provided in this section. At
24 least six (6) weeks before the renewal date the office of the board shall **send**
25 **notification correspondence**~~[mail an application]~~ for renewal to every person for
26 whom a license or certification was issued during the current licensure or
27 certification period. The applicant shall **complete and submit the application for**

1 **renewal**~~[fill in the application form and return it to the office of the board]~~ with the
2 renewal fee prescribed by the board in an administrative regulation before the
3 expiration date of his or her current license or certification. Upon receipt of the
4 application and fee, the board shall verify the accuracy of the application to
5 determine whether the licensee or person seeking certification has met all the
6 requirements as set forth in this chapter and in the administrative regulations
7 promulgated by the board, and, if so, shall issue to the applicant a license or
8 certification to practice or engage in the activity for the ensuing licensure or
9 certification period. Such license or certification shall render the holder a legal
10 practitioner of the practice or activity specified in the license or certification for the
11 period stated on it. The board shall prescribe by administrative regulation the
12 beginning and ending of the licensure or certification period.

13 (4) Any person who is licensed or certified by the board who allows his or her license
14 or certification to lapse by failing to renew the license or certification as provided in
15 this section may be reinstated by the board ~~[on payment of the current fee for~~
16 ~~original licensure or certification and]~~by meeting the requirements of
17 administrative regulations promulgated by the board.

18 (5) **Correspondence regarding renewal of a license or certification shall be sent to**
19 **the electronic mail address provided by the individual certified or licensed by the**
20 **board**~~[An application for renewal of a license or certification shall be sent to the last~~
21 ~~known address of each licensee or certified person].~~

22 (6) Any person practicing any practice or activity regulated by the board during the time
23 his or her license or certification has lapsed shall be considered an illegal
24 practitioner and shall be subject to the penalties provided for violations of this
25 chapter.

26 (7) Failure to receive **correspondence**~~[the application]~~ for renewal of a license or
27 certification shall not relieve a paramedic, **emergency medical**~~[first]~~ responder,

1 **advanced emergency medical technician**, or emergency medical technician from
2 the duty to renew his or her license or certification prior to December 31 of the year
3 in which the license or certification expires.

4 (8) The duration of any license or certification issued by the board may be limited by
5 disciplinary action of the board.

6 (9) Every license or certification issued by the board shall have the seal of the board
7 affixed. A holder of a license or certification shall retain it in his or her possession
8 and be prepared to exhibit it upon demand by an employer or anyone to whom the
9 holder of the license or certification offers emergency medical services or any board
10 holder or staff member of the Kentucky Board of Emergency Medical Services.

11 (10) Failure or refusal to produce a license or certification upon demand shall be prima
12 facie evidence that no such license or certification exists.

13 ~~[(11) In order to assure a proper transition during the implementation of the provisions of
14 this section, the board may, for a period of three (3) years, extend a license or
15 certification of any person in order to utilize the expiration date provided for in this
16 section. The board shall, in writing, notify each person whose license or
17 certification is extended of the extension and the new date of expiration. The
18 extension shall be without charge.]~~

19 ➔Section 12. KRS 311A.105 is amended to read as follows:

20 Any person as defined in KRS 446.010 licensed or certified by the board shall maintain a
21 current mailing **and electronic mailing** address with the office of the board and
22 immediately notify the board in writing of a change of mailing **and electronic mailing**
23 address. As a condition of holding a license or certification from the board, a licensee or
24 certificate holder is deemed to have consented to service of notice or orders of the board
25 at the mailing address on file with the office of the board, and any notice or order of the
26 board mailed or delivered to the mailing address on file with the board constitutes valid
27 service of the notice or order.

1 ➔Section 13. KRS 311A.120 is amended to read as follows:

2 (1) As a condition of being issued a certificate or license as an emergency medical
3 technician, emergency medical responder, advanced emergency medical
4 technician, or paramedic~~[or first responder]~~, the applicant shall have completed a
5 Kentucky Board of Emergency Medical Services approved educational course on
6 the transmission, control, treatment, and prevention of the human
7 immunodeficiency virus and acquired immunodeficiency syndrome with an
8 emphasis on appropriate behavior and attitude change.

9 (2) The board shall require continuing education for emergency medical technicians,
10 emergency medical responders, advanced emergency medical technicians, or
11 paramedics ~~[or first responders]~~ that includes the completion of one and one-half
12 (1.5) hours of board approved continuing education covering the recognition and
13 prevention of pediatric abusive head trauma, as defined in KRS 620.020, at least
14 one (1) time every five (5) years. The one and one-half (1.5) hours required under
15 this section shall be included in the current number of required continuing education
16 hours.

17 ➔Section 14. KRS 311A.125 is amended to read as follows:

18 (1) For each licensure renewal of a paramedic following the issuance of an initial
19 license or certification by the board, as a prerequisite for license or certification
20 renewal, all individuals licensed under the provisions of this chapter shall be
21 required to document continuing competence during the immediate past licensure or
22 certification period as prescribed in administrative regulations promulgated by the
23 board.

24 (2) ~~[The compliance with continuing competency requirement shall be documented by~~
25 ~~the emergency medical services medical director and reported as set forth by the~~
26 ~~board in administrative regulations promulgated in accordance with KRS Chapter~~
27 ~~13A.~~

1 ~~(3)~~—]The board shall approve providers of emergency medical services education and
 2 continuing education. The approval may include recognition of providers approved
 3 by national organizations and state boards of emergency medical services with
 4 comparable standards. Standards for these approvals shall be set forth by the board
 5 in administrative regulations promulgated in accordance with KRS Chapter 13A.
 6 The board need not approve continuing education training provided by a licensed
 7 ambulance service for anyone certified or licensed by the board.

8 ~~(3)~~~~[(4)]~~ The board shall work cooperatively with professional emergency medical
 9 services organizations, approved schools, and other potential sources of continuing
 10 education programs to ensure that adequate continuing education offerings are
 11 available statewide. The board may enter into contractual agreements to implement
 12 the provisions of this section.

13 ➔Section 15. KRS 311A.130 is amended to read as follows:

- 14 (1) The conduct of proper in-service training, including but not limited to in-house in-
 15 service training, in accordance with the standards specified by this chapter,
 16 administrative regulations, and the standards of relevant United States Department
 17 of Transportation curricula shall be that of the provider of the in-service training.
- 18 (2) If in-service training is conducted by an ambulance service, emergency medical
 19 services provider, or educational institution, the organization, the instructor, and its
 20 medical director share responsibility for the provision of training which meets or
 21 exceeds the requirements of subsection (1) of this section.
- 22 (3) Persons and organizations providing in-service training for emergency
 23 medical~~first~~ responders, emergency medical technicians, advanced emergency
 24 medical technicians, or paramedics shall keep the records required by the board by
 25 administrative regulation and shall make them available to a representative of the
 26 board upon request.
- 27 (4) Failure to keep a record required by the board by administrative regulation or

1 required to be kept by statute, falsifying a record, or grossly negligently maintaining
2 a record required to be kept by administrative regulation or statute shall be subject
3 to action by the office of the board.

4 (5) Providing in-service training not meeting or exceeding the requirements specified in
5 subsections (1) and (2) of this section shall be subject to action of the office of the
6 board.

7 (6) Penalties specified in this section shall be in addition to any action which the board
8 may be permitted to take against the license or certification of any person or
9 organization.

10 (7) The board may refuse to recognize any in-service training not conducted in
11 accordance with the provisions of this chapter, United States Department of
12 Transportation curricula, or administrative regulations promulgated pursuant to this
13 chapter. If the board determines that in-service training will not be accepted, the
14 denial of credit shall be extended to all persons who completed that specific in-
15 service training.

16 ➔Section 16. KRS 311A.140 is amended to read as follows:

17 (1) The board shall promulgate administrative regulations relating to emergency
18 medical technicians. The administrative regulations may include the classification
19 and certification of emergency medical technicians, instructors, instructor-trainers,
20 and students and trainees; examinations; standards of training and experience;
21 curricula standards; issuance or renewal of certificates; hearing of appeals; and
22 other administrative regulations as may be necessary for the protection of public
23 health and safety in the delivery of emergency medical services. No additional
24 testing or examinations shall be required for recertification, except for proficiency
25 testing of new skills or knowledge, or areas in which there is documented evidence
26 of deterioration of skills.

27 (2) Recertification programs shall be organized to include continuing education and in-

1 service training approved by the board.

2 (3) **An applicant for initial certification as an emergency medical responder,**
3 **emergency medical technician, or advanced emergency medical technician, or**
4 **licensure as a paramedic shall**~~[Beginning July 14, 2000, a new emergency medical~~
5 ~~technician shall, for initial certification,]~~ be certified **or licensed** using the
6 requirements and testing established by the National Registry of Emergency
7 Medical Technicians or other agent chosen by the board.

8 (4) **An applicant for certification renewal as an emergency medical responder,**
9 **emergency medical technician, or advanced emergency medical technician, or**
10 **renewal of licensure as a paramedic, shall meet the educational requirements for**
11 **renewal of the appropriate certification or licensure credential as required by**
12 **administrative regulations promulgated by the board**~~[Beginning July 14, 2000, a~~
13 ~~certified emergency medical technician who seeks recertification shall obtain~~
14 ~~recertification under the requirements established and maintained by the board.~~
15 ~~These requirements shall contain a minimum of sixteen (16) hours of required~~
16 ~~topics and eight (8) hours of elective topics over a two (2) year recertification~~
17 ~~period]. The board shall also **renew the certification or license of any emergency**~~
18 **medical responder, emergency medical technician, advanced emergency medical**
19 **technician, or paramedic**~~[recertify any emergency medical technician]~~ who chooses
20 to obtain recertification **or licensure** under the requirements established by the
21 National Registry of Emergency Medical Technicians or other agent chosen by the
22 board in lieu of the standards established by the board.

23 (5) Except as provided in KRS 311A.060, the board shall not require any additional
24 course work, in-service training, testing, or examinations of a person who chooses
25 the National Registry of Emergency Medical Technicians or other agent chosen by
26 the board for certification or recertification as an emergency medical technician.

27 (6) Any person licensed by the board as a paramedic shall be certified as an emergency

1 medical technician by the board. The certification shall be issued without fee,
 2 without additional training, in-service training, testing, or examination. The
 3 emergency medical technician certification shall be issued and expire at the same
 4 time that the paramedic license is issued or expires, and if a paramedic voluntarily
 5 gives up his or her license prior to the expiration of his or her paramedic license, his
 6 or her emergency medical technician certification shall be unaffected thereby. If a
 7 paramedic chooses not to be relicensed as a paramedic but chooses to retain his
 8 emergency medical technician certification, the paramedic shall, prior to the
 9 expiration of his paramedic license, complete the requirements for recertification as
 10 an emergency medical technician utilizing one (1) of the methods provided for in
 11 this section.

12 (7) A paramedic whose license as a paramedic or certification as an emergency medical
 13 technician is suspended, revoked, or denied by the board shall have the same action
 14 taken automatically with regard to his emergency medical technician certification or
 15 paramedic license.

16 ➔Section 17. KRS 311A.175 is amended to read as follows:

17 (1) No **certified emergency medical**~~[first]~~ responder shall perform any act or procedure
 18 which exceeds the scope of practice of **an emergency medical**~~[a first]~~ responder as
 19 specified in this chapter and in administrative regulations promulgated by the board.

20 (2) No emergency medical technician shall perform any act or procedure which exceeds
 21 the scope of practice of an emergency medical technician as specified in this chapter
 22 and in administrative regulations promulgated by the board.

23 (3) **No advanced emergency medical technician shall perform any act or procedure**
 24 **which exceeds the scope of practice of an advanced emergency medical**
 25 **technician as specified in this chapter and in administrative regulations**
 26 **promulgated by the board.**

27 (4) No paramedic shall perform any act or procedure which exceeds the scope of

1 practice of a paramedic as specified in this chapter, administrative regulations
2 promulgated by the board, protocol, standing order, or other document approved by
3 the board.

4 ~~(5)~~~~(4)~~ A *certified emergency medical*~~[first]~~ responder, emergency medical
5 technician, *advanced emergency medical technician*, or *licensed* paramedic is
6 presumed to know the standards of practice for his or her level of certification or
7 licensure.

8 ~~(6)~~~~(5)~~ It is the legal duty of *an emergency medical*~~[a first]~~ responder, emergency
9 medical technician, *advanced emergency medical technician*, or paramedic to
10 refuse to perform any act or procedure which is beyond his or her scope of practice
11 regardless of whether that act or procedure is ordered by a physician, physician
12 assistant, medical director, advanced practice registered nurse, registered nurse, or
13 supervisor.

14 ~~(7)~~~~(6)~~ No employer or organization for which *an emergency medical*~~[a first]~~
15 responder, emergency medical technician, *advanced emergency medical*
16 *emergency technician*, or paramedic has volunteered shall reprimand, discipline, or
17 dismiss *an emergency medical*~~[a first]~~ responder, emergency medical technician,
18 *advanced emergency medical technician*, or paramedic who has refused to perform
19 an act or procedure which the *emergency medical*~~[first]~~ responder, emergency
20 medical technician, *advanced emergency medical technician*, or paramedic knows
21 is in violation of the provisions of this section. Violation of this section by an
22 employer or by an organization for which *an emergency medical responder,*
23 *emergency medical technician, advanced emergency medical emergency*
24 *technician, or paramedic*~~[a first responder]~~ has volunteered shall be grounds for a
25 legal action for wrongful discipline or wrongful discharge, as appropriate.

26 ~~(8)~~~~(7)~~ The provisions of this section shall not apply to an order to perform an act or
27 procedure:

- 1 (a) For which a license or certification by the board is not required and which
 2 otherwise do not constitute the unlawful practice of medicine; or
- 3 (b) For which no license or certification is required and does not involve medical
 4 care or treatment; or
- 5 (c) For which a license or certification issued by an agency other than the board is
 6 required and the emergency medical~~[first]~~ responder, emergency medical
 7 technician, advanced emergency medical technician, or paramedic holds
 8 such a license or certification.

9 ➔Section 18. KRS 311A.190 is amended to read as follows:

- 10 (1) Each licensed ambulance provider and medical first response provider as defined in
 11 this chapter shall collect and provide to the board patient care record~~[run]~~ data and
 12 information required by the board by this chapter and administrative regulation.
- 13 (2) The board shall develop a patient care record~~[run-report]~~ form for the use of each
 14 class of ambulance provider and medical first response provider containing the data
 15 required in subsection (1) of this section. An ambulance provider or medical first
 16 response provider may utilize any patient care record~~[run]~~ form it chooses in lieu
 17 of or in addition to the board developed patient care record~~[run-report]~~ form.
 18 However, the data captured on the patient care record~~[run-report]~~ form shall
 19 include at least that required by the administrative regulations promulgated pursuant
 20 to subsection (1) of this section.
- 21 (3) An ambulance provider or medical first response provider shall report the required
 22 patient care record~~[run-report]~~ data as prescribed through administrative
 23 regulations promulgated by the board~~[and information by completing an annual~~
 24 ~~report as established by the board or]~~ by transmitting the required data and
 25 information to the board in an electronic format. If the board requires the use of a
 26 specific electronic format, it shall provide a copy of the file layout requirements, in
 27 either written or electronic format, to the licensed ambulance provider or medical

- 1 first response provider at no charge.
- 2 (4) The board may publish a comprehensive annual report reflecting the data collected,
3 injury and illness data, treatment utilized, and other information deemed important
4 by the board. The annual report shall not include patient identifying information or
5 any other information identifying a natural person. A copy of the comprehensive
6 annual report, if issued, shall be forwarded to the Governor and the General
7 Assembly.
- 8 (5) Ambulance provider and medical first response provider **patient care records**~~[run~~
9 ~~report forms]~~ and the information transmitted electronically to the board shall be
10 confidential. No person shall make an unauthorized release of information on an
11 ambulance **patient care record**~~[run report form]~~ or medical first response **patient**
12 **care record**~~[run report form]~~. Only the patient or the patient's parent or legal
13 guardian if the patient is a minor, or the patient's legal guardian or person with
14 proper power of attorney if the patient is under legal disability as being incompetent
15 or mentally ill, or a court of competent jurisdiction may authorize the release of
16 information on a patient's **care record**~~[run report form]~~ or the inspection or copying
17 of the run report form. Any authorization for the release of information or for
18 inspection or copying of a **patient care record**~~[run report form]~~ shall be in writing.
- 19 (6) **A medical first response provider or ambulance provider that collects patient data**
20 **through electronic means shall have the means of providing a patient care record**
21 **or summary report**~~[If a medical first response provider or ambulance provider does~~
22 ~~not use a paper form but collects patient data through electronic means, it shall have~~
23 ~~the means of providing a written run report]~~ that includes all required data elements
24 to the medical care facility. A copy of the medical first response **patient care record**
25 **or a summary report of the patient care record**~~[form or a summary of the run data]~~
26 and patient information shall be made available to the ambulance service that
27 transports the patient. A copy of the ambulance **patient care record**~~[run report~~

1 ~~form~~] shall be made available to any medical care facility to which a patient is
2 transported and shall be included in the patient's medical record by that facility. If a
3 patient is not transported to a medical facility, the copy of the **patient care**
4 **record**~~[run-report form]~~ that is to be given to the transporting ambulance provider or
5 medical care facility shall be given to the patient or to the patient's parent or legal
6 guardian **upon request**. If the ambulance provider, medical facility, patient, or
7 patient's legal guardian refuses delivery of their **patient care record**~~[run-report~~
8 ~~form]~~ or is unavailable to receive the **patient care record**~~[form]~~, that copy of the
9 **patient care record**~~[form]~~ shall be returned to the medical first response provider or
10 ambulance provider and destroyed.

11 (7) All ambulance services shall be required to keep adequate reports and records to be
12 maintained at the ambulance base headquarters and to be available for periodic
13 review as deemed necessary by the board. Required records and reports are as
14 follows:

15 (a) Employee records, including a resume of each employee's training and
16 experience and evidence of current certification **or licensure**; and

17 (b) Health records of all **personnel**~~[drivers and attendants]~~ including records of
18 all illnesses or accidents occurring while on duty.

19 (8) Data and records generated and kept by the board or its contractors regarding the
20 evaluation of emergency medical care and trauma care in the Commonwealth,
21 including the identities of patients, emergency medical services personnel,
22 ambulance providers, medical first ~~[~~response providers, and emergency medical
23 facilities, shall be confidential, shall not be subject to disclosure under KRS 61.805
24 to 61.850 or KRS 61.870 to 61.884, shall not be admissible in court for any
25 purpose, and shall not be subject to discovery. However, nothing in this section
26 shall limit the discoverability or admissibility of patient medical records regularly
27 and ordinarily kept in the course of a patient's treatment that otherwise would be

1 admissible or discoverable.

2 ➔SECTION 19. A NEW SECTION OF KRS CHAPTER 311A IS CREATED
3 TO READ AS FOLLOWS:

4 *(1) An advanced emergency medical technician may, subject to the provisions of this*
5 *section, perform:*

6 *(a) Any procedure specified in the most recent curriculum of the United States*
7 *Department of Transportation training course for advanced emergency*
8 *medical technicians; and*

9 *(b) Any additional procedure authorized by the board by administrative*
10 *regulation.*

11 *(2) When there is a change in the United States Department of Transportation*
12 *curriculum for advanced emergency medical technicians or the board approves*
13 *an additional skill or procedure by administrative regulation, no person who was*
14 *not trained under that curriculum or administrative regulation shall perform any*
15 *activity or procedure in the new curriculum or administrative regulation unless*
16 *the person has been trained according to the new curriculum or administrative*
17 *regulation and demonstrates competency in the new knowledge or skill. If the*
18 *board adopts the new procedure or skill, the board shall promulgate an*
19 *administrative regulation specifying the new procedure, training requirements,*
20 *examination requirements, and a time period during which the advanced*
21 *emergency medical technician shall successfully complete the new material or*
22 *lose his or her certification as an advanced emergency medical technician.*

23 *(3) Except as provided in subsection (2) of this section, nothing in this section shall*
24 *prevent an employer from exercising reasonable fiscal control over the costs of*
25 *providing emergency medical services to its citizens nor prevent the employer*
26 *from exercising any reasonable control over advanced emergency medical*
27 *technicians providing emergency medical care upon behalf of the licensed entity*

1 or other provider.

2 **(4) Nothing in this section shall be construed to permit utilization of a certified**
3 **advanced emergency medical technician for the purpose of the individual**
4 **working with primary responsibility and duties limited to hospitals, physician's**
5 **offices, clinics, or other definitive care facilities, except as an advanced**
6 **emergency medical technician student.**

7 ➔Section 20. KRS 95A.262 is amended to read as follows:

8 (1) The Commission on Fire Protection Personnel Standards and Education shall, in
9 cooperation with the Cabinet for Health and Family Services, develop and
10 implement a continuing program to inoculate every paid and volunteer firefighter in
11 Kentucky against hepatitis B. The program shall be funded from revenues allocated
12 to the Firefighters Foundation Program fund pursuant to KRS 136.392 and 42.190.
13 Any fire department which has inoculated its personnel during the period of July 1,
14 1991 to July 14, 1992, shall be reimbursed from these revenues for its costs incurred
15 up to the amount allowed by the Cabinet for Human Resources for hepatitis B
16 inoculations.

17 (2) Except as provided in subsection (3) of this section, the Commission on Fire
18 Protection Personnel Standards and Education shall allot on an annual basis a share
19 of the funds accruing to and appropriated for volunteer fire department aid to
20 volunteer fire departments in cities of all classes, fire protection districts organized
21 pursuant to KRS Chapter 75, county districts established under authority of KRS
22 67.083, and volunteer fire departments created as nonprofit corporations pursuant to
23 KRS Chapter 273. The commission shall allot eight thousand dollars (\$8,000)
24 annually to each qualifying department, and beginning on July 1, 2001, the
25 commission shall allot eight thousand two hundred fifty dollars (\$8,250) annually to
26 each qualifying department. Any qualifying department which fails to participate
27 satisfactorily in the Kentucky fire incident reporting system as described in KRS

1 304.13-380 shall forfeit annually five hundred dollars (\$500) of its allotment. If two
2 (2) or more qualified volunteer fire departments, as defined in KRS 95A.500 to
3 95A.560, merge after January 1, 2000, then the allotment shall be in accordance
4 with the provisions of KRS 95A.500 to 95A.560. Administrative regulations for
5 determining qualifications shall be based on the number of both paid firefighters
6 and volunteer firemen within a volunteer fire department, the amount of equipment,
7 housing facilities available, and such other matters or standards as will best effect
8 the purposes of the volunteer fire department aid law. A qualifying department shall
9 include at least twelve (12) firefighters, a chief, and at least one (1) operational fire
10 apparatus or one (1) on order. Fifty percent (50%) of the firefighters shall have
11 completed at least one-half (1/2) of one hundred fifty (150) training hours, or as
12 otherwise established by the commission under KRS 95A.240(6), toward
13 certification within the first six (6) months of the first year of the department's
14 application for certification, and there shall be a plan to complete the one hundred
15 fifty (150) training hours, or as otherwise established by the commission by KRS
16 95A.240(6), within the second year. These personnel, equipment, and training
17 requirements shall not be made more stringent by the promulgation of
18 administrative regulations. No allotment shall exceed the total value of the funds,
19 equipment, lands, and buildings made available to the local fire units from any
20 source whatever for the year in which the allotment is made. A portion of the funds
21 provided for above may be used to purchase group or blanket health insurance and
22 shall be used to purchase workers' compensation insurance, and the remaining funds
23 shall be distributed as set forth in this section.

24 (3) There shall be allotted two hundred thousand dollars (\$200,000) of the insurance
25 premium surcharge proceeds accruing to the Firefighters Foundation Program fund
26 that shall be allocated each fiscal year of the biennium to the firefighters training
27 center fund, which is hereby created and established, for the purposes of

1 constructing new or upgrading existing training centers for firefighters. If any
2 moneys in the training center fund remain uncommitted, unobligated, or
3 unexpended at the close of the first fiscal year of the biennium, then such moneys
4 shall be carried forward to the second fiscal year of the biennium, and shall be
5 reallocated to and for the use of the training center fund, in addition to the second
6 fiscal year's allocation of two hundred thousand dollars (\$200,000). Prior to funding
7 any project pursuant to this subsection, a proposed project shall be approved by the
8 Commission on Fire Protection Personnel Standards and Education as provided in
9 subsection (4) of this section and shall comply with state laws applicable to capital
10 construction projects.

11 (4) Applications for funding low-interest loans and firefighters' training centers shall be
12 submitted to the Commission on Fire Protection Personnel Standards and Education
13 for their recommendation, approval, disapproval, or modification. The commission
14 shall review applications periodically, and shall, subject to funds available,
15 recommend which applications shall be funded and at what levels, together with any
16 terms and conditions the commission deems necessary.

17 (5) Any department or entity eligible for and receiving funding pursuant to this section
18 shall have a minimum of fifty percent (50%) of its personnel certified as recognized
19 by the Commission on Fire Protection Personnel Standards and Education.

20 (6) Upon the written request of any department, the Commission on Fire Protection
21 Personnel Standards and Education shall make available a certified training
22 program in a county of which such department is located.

23 (7) The amount of reimbursement for any given year for costs incurred by the Kentucky
24 Community and Technical College System for administering these funds, including
25 but not limited to the expenses and costs of commission operations, shall be
26 determined by the commission and shall not exceed five percent (5%) of the total
27 amount of moneys accruing to the Firefighters Foundation Program fund which are

1 allotted for the purposes specified in this section during any fiscal year.

2 (8) The commission shall withhold from the general distribution of funds under
3 subsection (2) of this section an amount which it deems sufficient to reimburse
4 volunteer fire departments for equipment lost or damaged beyond repair due to
5 hazardous material incidents.

6 (9) Moneys withheld pursuant to subsection (8) of this section shall be distributed only
7 under the following terms and conditions:

8 (a) A volunteer fire department has lost or damaged beyond repair items of
9 personal protective clothing or equipment due to that equipment having been
10 lost or damaged as a result of an incident in which a hazardous material (as
11 defined in any state or federal statute or regulation) was the causative agent of
12 the loss;

13 (b) The volunteer fire department has made application in writing to the
14 commission for reimbursement in a manner approved by the commission and
15 the loss and the circumstances thereof have been verified by the commission;

16 (c) The loss of or damage to the equipment has not been reimbursed by the person
17 responsible for the hazardous materials incident or by any other person;

18 (d) The commission has determined that the volunteer fire department does not
19 have the fiscal resources to replace the equipment;

20 (e) The commission has determined that the equipment sought to be replaced is
21 immediately necessary to protect the lives of the volunteer firefighters of the
22 fire department;

23 (f) The fire department has agreed in writing to subrogate all claims for and rights
24 to reimbursement for the lost or damaged equipment to the Commonwealth to
25 the extent that the Commonwealth provides reimbursement to the department;
26 and

27 (g) The department has shown to the satisfaction of the commission that it has

1 made reasonable attempts to secure reimbursement for its losses from the
2 person responsible for the hazardous materials incident and has been
3 unsuccessful in the effort.

4 (10) If a volunteer fire department has met all of the requirements of subsection (9) of
5 this section, the commission may authorize a reimbursement of equipment losses
6 not exceeding ten thousand dollars (\$10,000) or the actual amount of the loss,
7 whichever is less.

8 (11) Moneys which have been withheld during any fiscal year which remain unexpended
9 at the end of the fiscal year shall be distributed in the normal manner required by
10 subsection (2) of this section during the following fiscal year.

11 (12) No volunteer fire department may receive funding for equipment losses more than
12 once during any fiscal year.

13 (13) The commission shall make reasonable efforts to secure reimbursement from the
14 responsible party for any moneys awarded to a fire department pursuant to this
15 section.

16 (14) There shall be allotted each year of the 1992-93 biennium one million dollars
17 (\$1,000,000), and each year of the 1994-95, 1996-97, 1998-99, and 2000-01
18 bienniums one million dollars (\$1,000,000) of the insurance premium surcharge
19 proceeds accruing to the Firefighters Foundation Program fund for the purpose of
20 creating a revolving low-interest loan fund, which shall thereafter be self-sufficient
21 and derive its operating revenues from principal and interest payments. The
22 commission, in accordance with the procedures in subsection (4) of this section,
23 may make low-interest loans, and the interest thereon shall not exceed three percent
24 (3%) annually or the amount needed to sustain operating expenses of the loan fund,
25 whichever is less, to volunteer fire departments for the purposes of major equipment
26 purchases and facility construction. Loans shall be made to departments which
27 achieve the training standards necessary to qualify for volunteer fire department aid

1 allotted pursuant to subsection (2) of this section, and which do not have other
2 sources of funds at rates which are favorable given their financial resources. The
3 proceeds of loan payments shall be returned to the loan fund for the purpose of
4 providing future loans. If a department does not make scheduled loan payments, the
5 commission may withhold any grants payable to the department pursuant to
6 subsection (2) of this section until the department is current on its payments. Money
7 in the low-interest loan fund shall be used only for the purposes specified in this
8 subsection. Any funds remaining in the fund at the end of a fiscal year shall be
9 carried forward to the next fiscal year for the purposes of the fund.

10 (15) For fiscal year 2004-2005 and each fiscal year thereafter, there is allotted one
11 million dollars (\$1,000,000) from the fund established in KRS 95A.220 to be used
12 by the commission to conduct training-related activities.

13 (16) If funding is available from the fund established in KRS 95A.220, the Commission
14 on Fire Protection Personnel Standards and Education may implement the
15 following:

16 (a) A program to prepare emergency service personnel for handling potential
17 man-made and non-man-made threats. The commission shall work in
18 conjunction with the state fire marshal and other appropriate agencies and
19 associations to identify and make maps of gas transmission and hazardous
20 liquids pipelines in the state;

21 (b) A program to provide and maintain a mobile test facility in each training
22 region established by the Commission on Fire Protection Personnel Standards
23 and Education with equipment to administer Comprehensive Physical
24 Aptitude Tests (CPAT) to ascertain a firefighter's ability to perform the
25 physical requirements necessary to be an effective and safe firefighter;

26 (c) A program to provide defensive driving training tactics to firefighters. The
27 commission shall purchase, instruct in the use of, and maintain mobile

- 1 equipment in each of the training regions, and fund expenses related to
 2 equipment replacement;
- 3 (d) A program to annually evaluate equipment adequacy and to provide for annual
 4 physical examinations for instructors, adequate protective clothing and
 5 personal equipment to meet NFPA guidelines, and to establish procedures for
 6 replacing this equipment as needed;
- 7 (e) A program to establish a rotational expansion and replacement program for
 8 mobile fleet equipment currently used for training and recertification of fire
 9 departments;
- 10 (f) A program to expand and update current emergency medical services~~[EMS]~~,
 11 emergency medical~~[first]~~ responder, emergency medical technician~~[EMT]~~,
 12 advanced emergency medical technician, and paramedic training and
 13 certification instruction; and
- 14 (g) A program to purchase thermal vision devices to comply with the provisions
 15 of KRS 95A.400 to 95A.440.

16 ➔Section 21. KRS 189.910 is amended to read as follows:

- 17 (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used
 18 for emergency purposes by:
- 19 (a) The Department of Kentucky State Police;
- 20 (b) A public police department;
- 21 (c) The Department of Corrections;
- 22 (d) A sheriff's office;
- 23 (e) A rescue squad;
- 24 (f) An emergency management agency if it is a publicly owned vehicle;
- 25 (g) An ambulance service or medical first ~~[-]~~response provider licensed by the
 26 Kentucky Board of Emergency Medical Services, for any vehicle used to
 27 respond to emergencies or to transport a patient with a critical medical

1 condition;

2 (h) Any vehicle commandeered by a police officer;

3 (i) Any vehicle with the emergency lights required under KRS 189.920 used by a
4 paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid
5 or local emergency management director while responding to an emergency or
6 to a location where an emergency vehicle is on emergency call;

7 (j) An elected coroner granted permission to equip a publicly or privately owned
8 motor vehicle with lights and siren pursuant to KRS 189.920; or

9 (k) A deputy coroner granted permission to equip a publicly or privately owned
10 motor vehicle with lights and siren pursuant to KRS 189.920.

11 (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility
12 repair vehicle; wreckers; state, county, or municipal service vehicles and
13 equipment; highway equipment which performs work that requires stopping and
14 standing or moving at slow speeds within the traveled portions of highways; and
15 vehicles which are escorting wide-load or slow-moving trailers or trucks.

16 ➔Section 22. KRS 311.550 is amended to read as follows:

17 As used in KRS 311.530 to 311.620 and KRS 311.990(4) to (6):

18 (1) "Board" means the State Board of Medical Licensure;

19 (2) "President" means the president of the State Board of Medical Licensure;

20 (3) "Secretary" means the secretary of the State Board of Medical Licensure;

21 (4) "Executive director" means the executive director of the State Board of Medical
22 Licensure or any assistant executive directors appointed by the board;

23 (5) "General counsel" means the general counsel of the State Board of Medical
24 Licensure or any assistant general counsel appointed by the board;

25 (6) "Regular license" means a license to practice medicine or osteopathy at any place in
26 this state;

27 (7) "Limited license" means a license to practice medicine or osteopathy in a specific

- 1 institution or locale to the extent indicated in the license;
- 2 (8) "Temporary permit" means a permit issued to a person who has applied for a regular
3 license, and who appears from verifiable information in the application to the
4 executive director to be qualified and eligible therefor;
- 5 (9) "Emergency permit" means a permit issued to a physician currently licensed in
6 another state, authorizing the physician to practice in this state for the duration of a
7 specific medical emergency, not to exceed thirty (30) days;
- 8 (10) Except as provided in subsection (11) of this section, the "practice of medicine or
9 osteopathy" means the diagnosis, treatment, or correction of any and all human
10 conditions, ailments, diseases, injuries, or infirmities by any and all means,
11 methods, devices, or instrumentalities;
- 12 (11) The "practice of medicine or osteopathy" does not include the practice of Christian
13 Science, the domestic administration of family remedies, the rendering of first aid
14 or medical assistance in an emergency in the absence of a person licensed to
15 practice medicine or osteopathy under the provisions of this chapter, the use of
16 automatic external defibrillators in accordance with the provisions of KRS 311.665
17 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice of a
18 midlevel health care practitioner as defined in KRS 216.900, the practice of
19 dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS
20 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015,
21 the practice as a nurse as defined in KRS 314.011, the practice of physical therapy
22 as defined in KRS 327.010, the practice of genetic counseling as defined in KRS
23 311.690, the performance of duties for which they have been trained by paramedics
24 licensed under KRS Chapter 311A, emergency medical~~first~~ responders, advanced
25 emergency medical technicians, or emergency medical technicians certified under
26 Chapter 311A, the practice of pharmacy by persons licensed and registered under
27 KRS 315.050, the sale of drugs, nostrums, patented or proprietary medicines,

- 1 trusses, supports, spectacles, eyeglasses, lenses, instruments, apparatus, or
2 mechanisms that are intended, advertised, or represented as being for the treatment,
3 correction, cure, or relief of any human ailment, disease, injury, infirmity, or
4 condition, in regular mercantile establishments, or the practice of midwifery by
5 women. KRS 311.530 to 311.620 shall not be construed as repealing the authority
6 conferred on the Cabinet for Health and Family Services by KRS Chapter 211 to
7 provide for the instruction, examination, licensing, and registration of all midwives
8 through county health officers;
- 9 (12) "Physician" means a doctor of medicine or a doctor of osteopathy;
- 10 (13) "Grievance" means any allegation in whatever form alleging misconduct by a
11 physician;
- 12 (14) "Charge" means a specific allegation alleging a violation of a specified provision of
13 this chapter;
- 14 (15) "Complaint" means a formal administrative pleading that sets forth charges against
15 a physician and commences a formal disciplinary proceeding;
- 16 (16) As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those
17 crimes which have dishonesty as a fundamental and necessary element, including
18 but not limited to crimes involving theft, embezzlement, false swearing, perjury,
19 fraud, or misrepresentation;
- 20 (17) "Telehealth" means the use of interactive audio, video, or other electronic media to
21 deliver health care. It includes the use of electronic media for diagnosis,
22 consultation, treatment, transfer of medical data, and medical education;
- 23 (18) "Order" means a direction of the board or its panels made or entered in writing that
24 determines some point or directs some step in the proceeding and is not included in
25 the final order;
- 26 (19) "Agreed order" means a written document that includes but is not limited to
27 stipulations of fact or stipulated conclusions of law that finally resolves a grievance,

- 1 a complaint, or a show cause order issued informally without expectation of further
2 formal proceedings in accordance with KRS 311.591(6);
- 3 (20) "Final order" means an order issued by the hearing panel that imposes one (1) or
4 more disciplinary sanctions authorized by this chapter;
- 5 (21) "Letter of agreement" means a written document that informally resolves a
6 grievance, a complaint, or a show cause order and is confidential in accordance with
7 KRS 311.619;
- 8 (22) "Letter of concern" means an advisory letter to notify a physician that, although
9 there is insufficient evidence to support disciplinary action, the board believes the
10 physician should modify or eliminate certain practices and that the continuation of
11 those practices may result in action against the physician's license;
- 12 (23) "Motion to revoke probation" means a pleading filed by the board alleging that the
13 licensee has violated a term or condition of probation and that fixes a date and time
14 for a revocation hearing;
- 15 (24) "Revocation hearing" means a hearing conducted in accordance with KRS Chapter
16 13B to determine whether the licensee has violated a term or condition of probation;
- 17 (25) "Chronic or persistent alcoholic" means an individual who is suffering from a
18 medically diagnosable disease characterized by chronic, habitual, or periodic
19 consumption of alcoholic beverages resulting in the interference with the
20 individual's social or economic functions in the community or the loss of powers of
21 self-control regarding the use of alcoholic beverages;
- 22 (26) "Addicted to a controlled substance" means an individual who is suffering from a
23 medically diagnosable disease characterized by chronic, habitual, or periodic use of
24 any narcotic drug or controlled substance resulting in the interference with the
25 individual's social or economic functions in the community or the loss of powers of
26 self-control regarding the use of any narcotic drug or controlled substance;
- 27 (27) "Provisional permit" means a temporary permit issued to a licensee engaged in the

1 active practice of medicine within this Commonwealth who has admitted to
2 violating any provision of KRS 311.595 that permits the licensee to continue the
3 practice of medicine until the board issues a final order on the registration or
4 reregistration of the licensee;

5 (28) "Fellowship training license" means a license to practice medicine or osteopathy in
6 a fellowship training program as specified by the license; and

7 (29) "Special faculty license" means a license to practice medicine that is limited to the
8 extent that this practice is incidental to a necessary part of the practitioner's
9 academic appointment at an accredited medical school program or osteopathic
10 school program and any affiliated institution for which the medical school or
11 osteopathic school has assumed direct responsibility.

12 ➔Section 23. The following KRS sections are repealed:

13 311A.110 Educational course on AIDS for paramedics, first responders, and emergency
14 medical technicians.

15 311A.115 Educational course on AIDS for paramedics.

16 311A.127 Course for paramedics on recognition and prevention of pediatric abusive
17 head trauma.