

1 AN ACT relating to emergency management services.

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

3 ➔Section 1. KRS 165A.310 is amended to read as follows:

4 As used in this chapter:

- 5 (1) "Agent" means any person employed by a proprietary school to act as agent,
6 solicitor, broker, or independent contractor to procure students for the school by
7 solicitation of enrollment in any form made at any place other than the main office
8 or principal place of business of the school;
- 9 (2) "CDL" means a commercial driver's license as defined in KRS 281A.010;
- 10 (3) "CDL driver training" means a course of study that complies with the provisions of
11 KRS 332.095 governing the instruction of persons in the operation of commercial
12 motor vehicles;
- 13 (4) "CDL driver training school" means any person, firm, partnership, association,
14 educational institution, establishment, agency, organization, or corporation, with the
15 exception of an entry level driver training provider, that offers CDL driver training
16 to persons desiring to obtain a Kentucky CDL in order to operate a commercial
17 motor vehicle and for which a fee or tuition is charged;
- 18 (5) "Commercial motor vehicle" has the same meaning as in KRS 281A.010;
- 19 (6) "Commission" means the Kentucky Commission on Proprietary Education;
- 20 (7) "Entry level driver training" means a federally mandated course of instruction for
21 new CDL applicants as outlined in 49 C.F.R. secs. 380.600 to 380.609;
- 22 (8) "Entry level driver training provider" means an entity that is certified by the Federal
23 Motor Carrier Safety Administration as a training provider under 49 C.F.R. secs.
24 380.700 to 380.725 that is limited solely to providing entry level driver training;
- 25 (9) "Formal complaint" means a written statement filed on a form specified by the
26 commission in which the complainant alleges that a school has violated a Kentucky
27 statute or administrative regulation and has negatively impacted the complainant,

1 and resolution is requested by the commission;

2 (10) "License" means authorization issued by the commission to operate or to contract to
3 operate a proprietary school in Kentucky as described in this chapter and does not
4 reflect accreditation, supervision, endorsement, or recommendation by the
5 commission;

6 (11) "Person" means an individual, corporation, business trust, estate, partnership,
7 unincorporated association, two (2) or more of any of the foregoing having a joint
8 or common interest, or any other legal or commercial entity;

9 (12) "Proprietary school" or "school" means a privately owned educational institution,
10 establishment, agency, organization, or person maintained on either a for-profit or
11 not-for-profit basis, offering or administering a plan, course, or program of
12 instruction in business, trade, technical, industrial, or related areas for which a fee
13 or tuition is charged whether conducted in person, by mail, or by any other method,
14 and does not include:

15 (a) A school or educational institution supported entirely or partly by taxation
16 from either a local or state source;

17 (b) A parochial, denominational, or eleemosynary school or institution;

18 (c) A training program which offers instruction for payment by participants
19 primarily in pursuit of a hobby, recreation, or entertainment, and does not
20 result in the granting of postsecondary credits nor lead to an industry-
21 recognized credential, academic certificate, or degree;

22 (d) A course or courses of instruction or study sponsored by an employer for the
23 training and preparation of its own employees for the benefit of the employer
24 and without charge to the employee;~~[or]~~

25 (e) A school or educational institution licensed or approved by or a course or
26 courses of study or instruction sponsored by the Kentucky Board of Barbering
27 established by KRS 317.430, the Kentucky Board of Cosmetology established

1 by KRS 317A.030, the Kentucky Board of Nursing established by KRS
2 314.121, the Kentucky Board of Embalmers and Funeral Directors established
3 by KRS 316.170, or the Kentucky Council on Postsecondary Education
4 established by KRS 164.011; or

5 **(f) An emergency medical services training and education institute, as defined**
6 **in Section 3 of this Act, unless the emergency medical services training and**
7 **education institute elects to be governed as a proprietary school;**

8 (13) "Resident" means any person who has established Kentucky as his or her state of
9 domicile. Proof of residency shall include but not be limited to a deed or property
10 tax bill, utility agreement or utility bill, or rental housing agreement;

11 (14) "School year" is beginning the first day of July and ending the thirtieth day of June
12 next following, except when approval shall be suspended or canceled pursuant to
13 KRS 165A.350; and

14 (15) "Statement of quality assurance" means a statement required by the commission
15 from a non-degree granting institution, in a form and manner determined by the
16 commission, that attests to the institution meeting the minimum standards required
17 for receiving and maintaining a license.

18 ➔Section 2. KRS 165A.340 is amended to read as follows:

19 (1) The Kentucky Commission on Proprietary Education is hereby created as an
20 independent agency of the Commonwealth and shall be attached to the Education
21 and Labor Cabinet for administrative purposes. The commission shall be composed
22 of the following members:

23 (a) Two (2) members who are representative of privately owned postsecondary
24 educational institutions licensed by the commission and appointed by the
25 Governor from a list of seven (7) names submitted by the Kentucky
26 Association of Career Colleges and Schools;

27 (b) Two (2) members who are representative of privately owned postsecondary

- 1 technical schools licensed by the commission and appointed by the Governor
2 from a list of seven (7) names submitted by the Kentucky Association of
3 Career Colleges and Schools;
- 4 (c) Four (4) members who are representative of the public at large with a
5 background in education, business, or industry in Kentucky and appointed by
6 the Governor;
- 7 (d) The secretary of the Education and Labor Cabinet, or the secretary's designee;
- 8 (e) The president of the Council on Postsecondary Education, or the president's
9 designee; and
- 10 (f) The commissioner of education, or the commissioner's designee.
- 11 (2) Terms of appointed members shall be four (4) years or until successors are duly
12 appointed and qualified. A vacancy on the commission shall be filled for the
13 remainder of the unexpired term in the same manner as the original appointment.
14 An appointed member shall not serve more than two (2) consecutive full terms,
15 except that a member may be reappointed after a break in service of one (1) full
16 term.
- 17 (3) The commission shall employ and fix the compensation of an executive director,
18 who shall be its secretary and principal executive officer. The executive director
19 shall have a background in the regulation of commerce, business, or education, and
20 shall be responsible for:
- 21 (a) Organizing and staffing meetings of the commission;
- 22 (b) Establishing policies to ensure retention of original licensing documentation;
- 23 (c) Ensuring that minutes and other financial, procedural, complaint, and
24 operational records are securely maintained and archived;
- 25 (d) Internal and external correspondence and communication;
- 26 (e) Submitting reports and strategic agenda items for review and approval;
- 27 (f) Assisting the commission in the promulgation of administrative regulations;

- 1 (g) Carrying out policy and program directives of the commission;
- 2 (h) Preparing budget submissions;
- 3 (i) Ensuring that formal complaints are provided to the complaint committee and
4 arranging for independent investigations as needed;
- 5 (j) Ensuring that an independent audit of the commission's finances is conducted
6 biennially;
- 7 (k) Ensuring that formal written agreements are executed for the procurement of
8 administrative and legal services;
- 9 (l) Formalizing office policies and procedures relating to licensing and financial
10 operations;
- 11 (m) Developing and implementing a process for monitoring expenditures and
12 reconciling on a monthly basis commission and student protection fund
13 receipts reported in the Enhanced Management Administrative Reporting
14 System (EMARS); and
- 15 (n) Other activities necessary to ensure that the commission meets its designated
16 duties and responsibilities.
- 17 (4) The commission shall have full authority to employ and fix the compensation for
18 any personnel, including counsel, as it may deem necessary to effectively
19 administer and enforce the provisions of this chapter. The commission shall obtain
20 office space, furniture, stationery, and any other proper supplies and conveniences
21 reasonably necessary to carry out the provisions of this chapter.
- 22 (5) The commission shall annually elect a chairperson. The chairperson shall not be a
23 school representative appointed pursuant to subsection (1)(a) or (b) of this section.
- 24 (6) (a) The commission shall promulgate administrative regulations in accordance
25 with KRS Chapter 13A to establish:
- 26 1. Commission operating and accountability procedures;
- 27 2. Requirements for each licensed institution to publicly disclose according

- 1 to standardized protocols, both in print and Web-based materials,
2 information about:
- 3 a. Any information that the schools are required to report by the
4 federal Higher Education Opportunity Act, Pub. L. No. 110-315,
5 using the Integrated Postsecondary Education Data System
6 (IPEDS) of the National Center for Educational Statistics as a
7 condition of participating in Title IV federal financial aid
8 programs;
 - 9 b. The job placement rate of program graduates in the field of study
10 and the types of jobs for which graduates are eligible;
 - 11 c. Articulation agreements with other postsecondary educational
12 institutions and the rights and responsibilities of students regarding
13 transfer of credits;
 - 14 d. The complaint procedures available to students; and
 - 15 e. The existence of the student protection fund created in KRS
16 165A.450, and procedures for students to file a claim, including
17 but not limited to the documentation required for submission of a
18 claim;
- 19 3. Quality standards and compliance monitoring schedules of traditional
20 programs, correspondence courses, and Web-based, distance learning
21 courses offered over the Internet;
 - 22 4. Advertising requirements for schools issued a license, including no
23 distribution of materials containing untrue, deceptive, or misleading
24 statements and no representation that the commission is an accrediting
25 agency for the school or its programs;
 - 26 5. A schedule for reviewing advertisements and recruitment materials and
27 practices of member institutions to ensure compliance with this chapter;

- 1 6. An equitable structure of licensure and renewal fees, to be paid by
2 licensed schools, necessary to carry out the provisions and purposes of
3 this chapter and to support adequate staffing of commission
4 responsibilities. The fee structure shall be based on the gross revenue of
5 licensed schools, number of students enrolled, and whether the school is
6 located within the state or outside the state;~~and~~
- 7 7. The method for calculating placement rates that are to be disclosed
8 pursuant to this subsection; *and*
- 9 8. *A process for an emergency medical services training and education*
10 *institute as defined in Section 3 of this Act to elect to be governed as a*
11 *proprietary school.*
- 12 (b) The commission shall have the authority to promulgate other administrative
13 regulations, in cooperation with the Kentucky Department of Education and
14 the Council on Postsecondary Education, as it deems necessary for the proper
15 administration of this chapter.
- 16 (7) The commission shall hold meetings at least four (4) times a year and as frequently
17 as it deems necessary at the times and places within this state as the commission
18 may designate. The majority of the members shall constitute a quorum, and all
19 meetings shall be conducted in accordance with the Open Meetings Act, KRS
20 61.805 to 61.850.
- 21 (8) The commission may sue and be sued in its own name.
- 22 (9) Commission members shall receive a per diem of one hundred dollars (\$100) for
23 attendance at each commission meeting and may be reimbursed for ordinary travel
24 and other expenses while engaged in the business of the commission.
- 25 (10) The commission shall administer and enforce the provisions of this chapter
26 pertaining to the conduct, operation, maintenance, and establishment of proprietary
27 education institutions, and the activities of agents thereof when acting as such.

- 1 (11) The commission shall have the power to subpoena witnesses and school records as
2 it deems necessary.
- 3 (12) The commission chairperson shall appoint a complaint committee and designate its
4 chairperson. The chairperson of the complaint committee shall not be employed by,
5 have ownership interest in, or be otherwise affiliated with a licensed institution.
6 School representatives appointed pursuant to subsection (1)(a) or (b) of this section
7 shall not constitute a majority of the committee's membership. A committee
8 member shall not vote on a matter in which a conflict of interest exists. The
9 committee shall review each formal complaint and, if evidence supports an alleged
10 violation of this chapter or any administrative regulation promulgated thereunder,
11 the committee shall:
- 12 (a) Authorize an investigative report;
 - 13 (b) Participate in informal procedures to resolve complaints;
 - 14 (c) Ensure timely correspondence to parties involved in complaints; and
 - 15 (d) After review of all evidence and investigative reports, make recommendations
16 for the disposition of complaints to the full commission.
- 17 (13) No later than November 30, 2013, and annually thereafter, the commission shall
18 provide a status report on the requirements of this section to the Interim Joint
19 Committee on Licensing and Occupations and the Interim Joint Committee on
20 Education. The report shall include a summary of the data, including school
21 performance information, relating to the requirements of subsection (6)(a) of this
22 section.
- 23 ➔Section 3. KRS 311A.010 is amended to read as follows:
- 24 As used in this chapter, unless the context otherwise requires:
- 25 (1) "Advanced emergency medical technician" or "AEMT" means a person certified by
26 the board under this chapter as an advanced emergency medical technician;
 - 27 (2) "Advanced practice paramedic" or "APP" means a paramedic licensed by the board

- 1 under this chapter as a paramedic and certified by the board under this chapter in at
2 least one (1) emergency medical services subspecialty, including community
3 paramedic, critical care paramedic, wilderness paramedic, tactical paramedic, or
4 flight paramedic;
- 5 (3) "Ambulance" means a vehicle which has been inspected and approved by the board,
6 including a helicopter or fixed-wing aircraft, except vehicles or aircraft operated by
7 the United States government, that are specially designed, constructed, or have been
8 modified or equipped with the intent of using the same, for the purpose of
9 transporting any individual who is sick, injured, or otherwise incapacitated who
10 may require immediate stabilization or continued medical response and intervention
11 during transit or upon arrival at the patient's destination to safeguard the patient's
12 life or physical well-being;
- 13 (4) "Ambulance provider" or "ambulance service" means any individual or private or
14 public organization, except the United States government, who is licensed by the
15 board to provide medical services that may include transport at either basic life
16 support level or advanced life support level and who may have a vehicle or
17 vehicles, including ground vehicles, helicopters, or fixed-wing aircraft, to provide
18 such transportation;
- 19 (5) "Board" means the Kentucky Board of Emergency Medical Services;
- 20 (6) "Community paramedic" or "CP" means an advanced practice paramedic certified
21 under this chapter as a CP;
- 22 (7) "Emergency medical facility" means a hospital or any other institution licensed by
23 the Cabinet for Health and Family Services that furnishes emergency medical
24 services;
- 25 (8) "Emergency medical responder" or "EMR" means a person certified under this
26 chapter as an EMR or EMR instructor;
- 27 (9) "Emergency medical services" or "EMS" means the services utilized in providing

- 1 care for the perceived individual need for immediate medical care to protect against
2 loss of life, or aggravation of physiological or psychological illness or injury;
- 3 (10) "Emergency medical services educator" or "EMS educator" means a person who is
4 certified and licensed by the board under this chapter as a Level I, II, or III EMS
5 educator to provide emergency medical services education and training with the
6 scope of practice established by the board through administrative regulations;
- 7 (11) "Emergency Medical Services for Children Program" or "EMSC Program" means
8 the program established under this chapter;
- 9 (12) "Emergency medical services medical director" means a physician licensed in
10 Kentucky and certified by the board under this chapter who is employed by, under
11 contract to, or has volunteered to provide supervision for a paramedic or an
12 ambulance service, or both;
- 13 (13) "Emergency medical services personnel" means:
- 14 (a) Persons trained to provide emergency medical services and certified or
15 licensed by the board under this chapter as an AEMT, APP, EMR, EMR
16 instructor, EMT, EMT instructor, paramedic, or paramedic instructor; and
- 17 (b) Authorized emergency medical services medical directors and mobile
18 integrated healthcare program medical directors, whether on a paid or
19 volunteer basis;
- 20 (14) "Emergency medical services system" means a coordinated system of health-care
21 delivery that responds to the needs of acutely sick and injured adults and children,
22 and includes community education and prevention programs, mobile integrated
23 healthcare programs, centralized access and emergency medical dispatch,
24 communications networks, trained emergency medical services personnel, medical
25 first response, ground and air ambulance services, trauma care systems, mass
26 casualty management, medical direction, and quality control and system evaluation
27 procedures;

1 (15) "Emergency medical services training and education institute~~[or educational~~
 2 ~~institution]~~" means any organization licensed by the board under this chapter whose
 3 sole program of instruction is to provide an emergency medical services training
 4 program~~[or education or in-service training]~~, other than a licensed ambulance
 5 service which provides training, or in-service training in-house for its own
 6 employees or volunteers;

7 (16) "Emergency medical services training program" means a program of instruction
 8 providing training or education for initial certification, advanced certification, in-
 9 service training, or continuing education of emergency medical services
 10 personnel, whether through an emergency medical services training and
 11 education institute or otherwise;

12 (17) "Emergency medical technician" or "EMT" means a person certified under this
 13 chapter as an EMT or EMT instructor;

14 (18)~~[(17)]~~ "Executive director" means the executive director of the Kentucky Board of
 15 Emergency Medical Services;

16 (19)~~[(18)]~~ "Mobile integrated healthcare" or "MIH" means a program licensed by the
 17 board under this chapter to provide services including evaluation, advice, and
 18 medical care for the purpose of preventing or improving a particular medical
 19 condition outside of a hospital setting to eligible patients who do not require or
 20 request emergency medical transportation;

21 (20)~~[(19)]~~ "Mobile integrated healthcare program medical director" or "MIH program
 22 medical director" means a physician licensed in Kentucky and certified by the
 23 board under this chapter who is employed by, under contract to, or has volunteered
 24 to provide supervision for a licensed MIH program;

25 (21)~~[(20)]~~ "Paramedic" means a person who is involved in the delivery of medical
 26 services and is licensed under this chapter;

27 (22)~~[(21)]~~ "Paramedic preceptor" means a licensed paramedic who supervises a

1 paramedic student during the field portion of the student's training;

2 ~~(23)~~~~(22)~~ "Prehospital care" means the provision of emergency medical services, mobile
3 integrated healthcare, or transportation by trained and certified or licensed
4 emergency medical services personnel at the scene or while transporting sick or
5 injured persons to a hospital or other emergency medical facility; and

6 ~~(24)~~~~(23)~~ "Trauma" means a single or multisystem life-threatening or limb-threatening
7 injury requiring immediate medical or surgical intervention or treatment to prevent
8 death or permanent disability.

9 ➔Section 4. KRS 311A.020 is amended to read as follows:

10 (1) The board shall:

11 (a) Exercise all of the administrative functions of the state not regulated by the
12 Board of Medical Licensure or Cabinet for Health and Family Services in the
13 regulation of the emergency medical services system and the practice of
14 emergency medical services, and emergency medical services training ***and***
15 ***education institutes***~~[institutions]~~, with the exception of employment of
16 personnel as described in subsections (5) and (6) of this section;

17 (b) Issue any licenses or certifications authorized by this chapter;

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

23 1. Personnel and budget matters affecting the board;

24 2. Fiscal activities of the board, including grant writing and disbursement
25 of funds;

26 3. Information technology, including the design and maintenance of
27 databases;

- 1 4. Certification and recertification of emergency medical responders;
- 2 5. Certification and recertification of emergency medical technicians and
- 3 advanced emergency medical technicians;
- 4 6. Licensure and relicensure of ambulances, ambulance services, and
- 5 mobile integrated healthcare programs;
- 6 7. Licensure and relicensure of paramedics;
- 7 8. Certification and recertification of advanced practice paramedics;
- 8 9. Certification and recertification of EMS educators and emergency
- 9 medical services training programs;
- 10 10. Licensure and relicensure of emergency medical services training and
- 11 education institutes;
- 12 11. Investigation of and resolution of complaints and ethics issues
- 13 pertaining to professional certifications and licenses;
- 14 12.~~[11.]~~ The resolution of complaints and ethics issues pertaining to
- 15 ambulances, ambulance services, and mobile integrated healthcare
- 16 programs; and
- 17 13.~~[12.]~~ Other responsibilities that may be assigned to the executive
- 18 director by the board;
- 19 (d) Employ an executive director and deputy executive director and fix the
- 20 compensation. The executive director and deputy executive director shall
- 21 serve at the pleasure of the board, administer the day-to-day operations of the
- 22 Office of the Kentucky Board of Emergency Medical Services, and supervise
- 23 all directives of the board. The director and deputy executive director shall
- 24 possess a baccalaureate degree and shall have no less than five (5) years of
- 25 experience in public administration or in the administration of an emergency
- 26 medical services program;
- 27 (e) Employ or contract with a physician licensed in Kentucky who is board

- 1 certified in emergency medicine and fix the compensation. The physician
2 shall serve at the pleasure of the board and as the medical advisor to the
3 Kentucky Board of Emergency Medical Services and the staff of the board;
- 4 (f) Employ or contract with an attorney licensed to practice law in Kentucky and
5 fix the compensation. The attorney shall serve at the pleasure of the board and
6 have primary assignment to the board. The board and the attorney shall
7 implement and oversee the regulatory process;
- 8 (g) Employ personnel sufficient to carry out the statutory responsibilities of the
9 board in accordance with the following:
- 10 1. Personnel assigned to investigate an emergency medical responder
11 program complaint or regulate the emergency medical responder
12 programs shall be certified emergency medical responders, emergency
13 medical technicians, advanced emergency medical technicians, or
14 licensed paramedics;
 - 15 2. Personnel assigned to investigate an emergency medical technician
16 program complaint or regulate the emergency medical technician
17 program shall be certified emergency medical technicians, advanced
18 emergency medical technicians, or paramedics;
 - 19 3. Personnel assigned to investigate an advanced emergency medical
20 technician program complaint or regulate the advanced emergency
21 medical technician program shall be certified advanced emergency
22 medical technicians or paramedics;
 - 23 4. Personnel assigned to investigate a paramedic program complaint or
24 regulate the paramedic program shall be licensed paramedics;
 - 25 5. A person who is employed by the board who is licensed or certified by
26 the board shall retain his or her license or certification if he or she meets
27 the in-service training requirements and pays the fees specified by

1 administrative regulation;

2 6. A person who is employed by the board may instruct in emergency
3 medical subjects in which he or she is qualified, with the permission of
4 the board. All instruction shall be rendered without remuneration other
5 than his or her state salary and the employee shall be considered as on
6 state duty when teaching; and

7 7. A person who is employed by the board may render services for which
8 the person is qualified at a declared disaster or emergency or in a
9 situation where trained personnel are not available until those personnel
10 arrive to take over the patient, or where insufficient trained personnel
11 are available to handle a specific emergency medical incident. All aid
12 shall be rendered without remuneration other than the employee's state
13 salary and the employee shall be considered as on state duty when
14 rendering aid. In cases specified in this paragraph, the state medical
15 advisor shall serve as the emergency medical services medical director
16 for the employee;

17 (h) Establish committees and subcommittees and the membership thereof.
18 Members of committees and subcommittees do not need to be members of the
19 board but shall reflect the qualifications of the board members;

20 (i) Enter into contracts, apply for grants and federal funds, and disburse funds to
21 local units of government as approved by the General Assembly. All funds
22 received by the board shall be placed in a trust and agency account in the
23 State Treasury subject to expenditure by the board;

24 (j) Administer the Emergency Medical Services for Children Program; and

25 (k) Establish minimum curriculum and standards for emergency medical services
26 training.

27 (2) The board may utilize materials, services, or facilities as may be made available to

1 it by other state agencies or may contract for materials, services, or facilities.

2 (3) The board may delegate to the executive director, by written order, any function
3 specified in this chapter other than promulgation of an administrative regulation.

4 (4) Except for securing funding for trauma centers, the board shall not serve as the lead
5 agency relating to the development or regulation of trauma systems, but shall be a
6 partner with other state agencies in the development, implementation, and oversight
7 of such systems.

8 (5) The chair of the board shall appoint a personnel committee. The personnel
9 committee shall conduct an annual job performance review of the executive
10 director, the medical advisor, and the board attorney that conforms with the state
11 personnel standards and includes a recommendation for or against continued
12 employment to be presented to the board.

13 (6) The board shall develop a proposed biennial budget for all administrative and
14 operational functions and duties.

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

16 (1) The board shall promulgate administrative regulations in accordance with KRS
17 Chapter 13A to carry out the functions of this chapter, including but not limited to:

18 (a) Classifying, licensing, inspecting, and regulating ambulance services, mobile
19 integrated healthcare programs, and medical first response providers;

20 **(b) Certifying and recertifying EMS educators and emergency medical services**
21 **training programs**; and

22 **(c)**~~(b)~~ Licensing, inspecting, and regulating emergency medical services
23 training **and education institutes**~~[institutions]~~.

24 (2) The licensure standards for ground ambulance providers shall distinguish between
25 an ambulance service that provides only emergency transportation, only scheduled
26 ambulance transportation, or both types of transportation.

27 (3) (a) The board shall not require an ambulance service to apply for licensure within

1 a specified time period following the issuance of a certificate of need by the
2 Cabinet for Health and Family Services.

3 (b) The board may promulgate an administrative regulation in accordance with
4 KRS Chapter 13A to require an ambulance service to submit application
5 progress reports on a six (6) month or annual basis following the issuance of a
6 certificate of need by the Cabinet for Health and Family Services until the
7 licensure application is submitted.

8 (c) An ambulance service that was issued a certificate of need on or after July 14,
9 2022, shall be eligible to apply for licensure from the board without obtaining
10 a new certificate of need from the Cabinet for Health and Family Services.

11 **(4) The licensure standards for emergency medical services training and education**
12 **institutes shall:**

13 **(a) Require reasonable measures to protect consumers against:**

14 **1. Instances of insolvency or other inability to permit consumers to**
15 **complete the required training or education at the emergency medical**
16 **services training and education institute; and**

17 **2. The loss of educational records upon the closure of an emergency**
18 **medical services training and education institute; and**

19 **(b) Include measures and standards to ensure accountability of the emergency**
20 **medical services training and education institute to the board and to its**
21 **consumers.**

22 ➔Section 6. KRS 311A.015 is amended to read as follows:

23 (1) There is hereby created an independent agency of the state government to be known
24 as the Kentucky Board of Emergency Medical Services.

25 (2) The board shall consist of the following members, who shall be residents of
26 Kentucky:

27 (a) One (1) physician licensed in Kentucky who serves as the medical director for

- 1 an ambulance provider and is board-certified in emergency medicine
2 appointed by the Governor from a list of three (3) physicians submitted by the
3 Kentucky Medical Association or the Kentucky Chapter of the American
4 College of Emergency Physicians;
- 5 (b) One (1) physician licensed in Kentucky who is routinely involved in the
6 emergency care of ill or injured children appointed by the Governor from a
7 list of three (3) physicians submitted by the Kentucky Medical Association or
8 the Kentucky Chapter of the American College of Emergency Physicians;
- 9 (c) One (1) local government representative appointed by the Governor from a
10 list of three (3) individuals submitted by the Kentucky League of Cities;
- 11 (d) One (1) local government representative appointed by the Governor from a
12 list of three (3) individuals submitted by the Kentucky Association of
13 Counties;
- 14 (e) One (1) licensed or certified emergency medical services field provider who is
15 primarily employed by a hospital-based health care facility appointed by the
16 Governor from a list of three (3) individuals submitted by the Kentucky
17 Hospital Association;
- 18 (f) One (1) licensed or certified emergency medical services field provider
19 appointed by the Governor from a list of three (3) individuals submitted by
20 the Kentucky Ambulance Providers Association;
- 21 (g) One (1) licensed or certified emergency medical services field provider
22 appointed by the Governor from a list of three (3) individuals submitted by
23 the Kentucky Professional Fire Fighters;
- 24 (h) One (1) licensed or certified emergency medical services field provider
25 appointed by the Governor from a list of three (3) individuals submitted by
26 the Kentucky Association of Fire Chiefs;
- 27 (i) One (1) licensed or certified emergency medical services educator appointed

- 1 by the Governor;
- 2 (j) One (1) licensed or certified emergency medical services field provider
3 appointed by the Governor from a list of three (3) air medical transportation
4 providers based in Kentucky submitted by the Kentucky Chapter of the
5 Association of Air Medical Services;
- 6 (k) One (1) hospital administrator appointed by the Governor from a list of three
7 (3) individuals submitted by the Kentucky Hospital Association;
- 8 (l) One (1) citizen at large appointed by the Governor who is not associated with
9 or financially interested in the delivery of medical or emergency services; and
- 10 (m) The secretary of the Cabinet for Health and Family Services or his or her
11 designee.
- 12 (3) Members shall serve for a term of four (4) years, may be reappointed, and shall
13 serve no more than two (2) consecutive terms. A member appointed to a partial
14 term vacancy exceeding two (2) years shall be deemed to have served a full term. A
15 former member may be reappointed following an absence of at least one (1) term.
- 16 (4) The board shall:
- 17 (a) Meet at least six (6) times a year; and
- 18 (b) At the first meeting of the board after September 1 of each year, elect a chair
19 and vice chair by majority vote of the members present and set a schedule of
20 six (6) regular meetings for the next twelve (12) month period.
- 21 (5) The board shall adopt a quorum and rules of procedure by administrative
22 regulation.
- 23 (6) (a) A member of the board who misses three (3) regular meetings in a twelve (12)
24 month period shall be deemed to have resigned from the board and his or her
25 position shall be deemed vacant.
- 26 (b) The failure of a board member to attend a special or emergency meeting shall
27 not result in any penalty.

1 (c) The Governor shall appoint a person with the same professional qualifications
2 to fill the vacancy within ninety (90) days.

3 (d) The person removed under this subsection shall not be reappointed to the
4 board for at least ten (10) years.

5 (7) Members of the board shall be entitled to reimbursement for actual and necessary
6 expenses when carrying out official duties of the board in accordance with state
7 administrative regulations relating to travel reimbursement.

8 (8) The board shall submit a report to the General Assembly by September 1 of each
9 year. The report shall include but not be limited to:

10 (a) A detailed list of income and expenses of the board;

11 (b) A detailed summary of data collected on the number of complaints against
12 individuals certified or licensed by the board, EMS educators or emergency
13 medical services training programs certified by the board, and emergency
14 medical services training and education institutes[-institutions] approved by
15 the board, and the disposition of those complaints;

16 (c) An accounting of all new administrative regulations and amendments to
17 administrative regulations promulgated by the board; and

18 (d) Recommendations for changes in administrative regulations, board policies,
19 and statutes.

20 ➔Section 7. KRS 311A.024 is amended to read as follows:

21 (1) There is hereby established an Emergency Medical Services Education Grant
22 Program overseen by the board to increase the number of persons seeking
23 paramedic initial certification, provide more facilities for certification, and
24 encourage persons to be employed by Class I ground ambulance providers located
25 in Kentucky. The program shall consist of three (3) components:

26 (a) Student tuition support;

27 (b) Agency support; and

- 1 (c) Emergency medical services training program~~[or educational institution]~~
2 support.
- 3 (2) The student tuition support component shall be used for the training and education
4 of individuals seeking initial paramedic certification under this chapter who are
5 employed by a Class I ground ambulance provider. The tuition support shall be paid
6 periodically to the emergency medical services training and~~[or]~~ education institute
7 or other operator of an emergency medical services training program~~[institution]~~
8 in which the person is enrolled seeking paramedic certification. The board shall, at
9 a minimum, promulgate administrative regulations on the following aspects of this
10 component:
- 11 (a) Time limits for the individual seeking initial paramedic certification to
12 complete certification and begin or continue service with a Class I ground
13 ambulance provider;
- 14 (b) Minimum service length requirements that may be imposed by the board, by
15 contract, or both, on the individual seeking initial paramedic certification;
- 16 (c) Uses of the funds, including but not limited to a prohibition against spending
17 funds on prerequisite courses not included in the core course content of the
18 paramedic certification program;
- 19 (d) Providing priority consideration for geographic areas that are underserved in
20 terms of paramedic coverage, including those with lower populations and
21 higher emergency medical response times, and for agencies that do not meet
22 national standards of minimum staffing levels or response times for the
23 dispatch of emergency medical care; and
- 24 (e) Any other aspect necessary to implement the student tuition support
25 component.
- 26 (3) The agency support component shall be used to reimburse Class I ground
27 ambulance providers the wages paid to an employee while the employee seeks

1 initial paramedic certification. The board shall, at a minimum, promulgate
2 administrative regulations on the following aspects of this component:

3 (a) Maximum reimbursement for each employee of a Class I ground ambulance
4 provider seeking initial paramedic certification;

5 (b) Maximum number of employees eligible for wage reimbursement within each
6 Class I ground ambulance provider; and

7 (c) Any other aspect necessary to implement the agency support component.

8 (4) The emergency medical services training program~~[or educational institution]~~
9 support component shall be used to provide funding to existing and start-up
10 emergency medical service training programs~~[and educational institutes]~~ that are
11 certified or seeking certification by the board and that offer or will offer initial
12 education courses for emergency medical technician, advanced emergency medical
13 technician, and paramedic programs. The board shall, at a minimum, promulgate
14 administrative regulations on the following aspects of this component:

15 (a) Grant ceilings per applicant;

16 (b) Applicant qualification priorities, including but not limited to those that are
17 nonprofit entities operating under KRS Chapter 273 and those that are serving
18 or plan to serve areas in need of improved emergency medical service
19 coverage;

20 (c) Time limits for commencing the classes or programs for which the grant was
21 sought;

22 (d) 1. Eligible costs, which shall include but not be limited to:

23 a. Computer and computer-related equipment and software;

24 b. Medical and training equipment, such as cardiac monitors,
25 defibrillators, mannequins, and other medical equipment, personal
26 protective gear, and durable emergency medical and trauma
27 education simulation equipment;

1 Program. The board may cease any or all components of the program once the
2 desired goals have been achieved in the judgement of the board. The board shall
3 provide staffing for the program and may use moneys in the emergency medical
4 services education grant fund to do so. Staffing and administrative costs shall not
5 exceed five percent (5%) of the fund amount. The board may promulgate any
6 administrative regulations necessary, in addition to those listed in subsections (2) to
7 (4) of this section, for its implementation and operation.

8 ➔Section 8. KRS 311A.025 is amended to read as follows:

9 (1) The board shall, subject to the provisions of this chapter, create levels of
10 certification or licensure, as appropriate for providing services under this chapter.

11 These may consist of but not be limited to:

- 12 (a) Emergency medical services educator, Level I, II, and III;
- 13 (b) Emergency medical responder;
- 14 (c) Emergency medical technician and advanced emergency medical technician;
- 15 (d) Paramedic, advanced practice paramedic, and paramedic preceptor;
- 16 (e) Emergency medical services medical director who supervises a person or
17 organization licensed or certified by the board;
- 18 (f) Mobile integrated healthcare program medical director who supervises an
19 MIH program licensed by the board;
- 20 (g) Emergency medical services training program~~[institution]~~;
- 21 (h) Emergency medical services testing agency;
- 22 (i) Ground ambulance service, including categories thereof;
- 23 (j) Air ambulance service;
- 24 (k) Medical first response provider;
- 25 (l) Emergency medical dispatcher, emergency medical dispatch instructor, and
26 emergency medical dispatch instructor trainer;
- 27 (m) Emergency medical dispatch center or public safety answering point;

1 (n) *Emergency medical services training and education institute*; and

2 ~~(o)~~~~(n)~~ Any other entity authorized by this chapter.

3 (2) The board shall promulgate administrative regulations in accordance with KRS
4 Chapter 13A for any certification or license the board may create. The
5 administrative regulations shall, at a minimum, address:

6 (a) Requirements for students, if appropriate;

7 (b) Requirements for training;

8 (c) Eligibility for certification or licensure; and

9 (d) Renewal, recertification, and relicensure requirements.

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

13 (4) A hospital that owns an ambulance service that is exempt from certificate of need
14 pursuant to KRS 216B.020(7) may provide transport services from another health
15 facility to its hospital if authorized by the ambulance service provider with
16 jurisdiction in the territory in which the other health facility is located.

17 ➔Section 9. KRS 164.945 is amended to read as follows:

18 As used in KRS 164.945 to 164.947, unless the context otherwise requires:

19 (1) (a) "College" means any educational facility or institution maintained or
20 conducted by any person, association, partnership, corporation, or trust and
21 operating as an institute, junior college, college, university, or entity of
22 whatever kind which awards a degree, diploma, or other statement of
23 recognition purporting to indicate a level of collegiate attainment beyond
24 secondary school graduation. This definition includes private colleges located
25 in Kentucky, private colleges located outside of Kentucky but which operate
26 in Kentucky, and public colleges located outside of Kentucky but which
27 operate in Kentucky.

1 (b) The term "college" does not include:

2 1. State-supported colleges and universities authorized by KRS 164.100,
3 164.290, 164.580, and 164.810; ~~[-]~~

4 2. *Emergency medical services training and education institutes under*
5 *the authority of the Kentucky Board of Emergency Medical Services*
6 *pursuant to Section 4 of this Act; or*

7 3. ~~[-]~~ ~~nor does it include~~ Colleges licensed or approved for establishment
8 and operation under the statutory authority given to the Kentucky Board
9 of Barbering under KRS 317.430, the Kentucky Board of Cosmetology
10 under KRS 317A.030, the Kentucky Commission on Proprietary
11 Education under KRS 165A.340, or the State Board of Nursing under
12 KRS 314.121; ~~[-]~~

13 (2) "Degree" means any academic or honorary title of designation, mark, appellation,
14 series of letters, numbers or words, such as, but not limited to, associate, bachelors,
15 masters, doctorate, or fellow, which signifies, purports, or is generally taken to
16 signify satisfactory completion of the requirements of an academic, educational, or
17 professional program of study beyond the secondary school level; and ~~[-]~~

18 (3) "Diploma" means a certificate, transcript, report, document, or title of designation,
19 mark, appellation, series of letters, numbers, or words which signifies, purports, or
20 is generally taken to signify attendance, progress, or achievement in an academic
21 program.

22 ➔Section 10. KRS 311A.070 is amended to read as follows:

23 (1) When a complaint is filed against an ambulance service, emergency medical
24 services provider, or an emergency medical services training program ~~educational~~
25 ~~institution~~ or an employee or volunteer thereof, or when the office of the board is
26 contemplating action against an ambulance service, emergency medical services
27 provider, or emergency medical services training program ~~educational institution~~

1 or an employee or volunteer thereof, written notice of the complaint or proposed
2 action shall be sent to:

- 3 (a) The county judge/executive, in the event of a county-operated ambulance
4 service, emergency medical services provider, or **training**
5 **program**~~[educational institution]~~;
- 6 (b) The mayor, in the event of a city-operated ambulance service, emergency
7 medical services provider, or **training program**~~[educational institution]~~;
- 8 (c) The mayor, in the event of an urban-county government-operated ambulance
9 service, emergency medical services provider, or **training**
10 **program**~~[educational institution]~~;
- 11 (d) The chairman of the fire protection district, in the event of a fire district-
12 operated ambulance service, emergency medical services provider, or **training**
13 **program**~~[educational institution]~~;
- 14 (e) The head of the public agency, in the event of an ambulance service,
15 emergency medical services provider, or **training program**~~[educational~~
16 ~~institution]~~ operated by a public agency other than specified in paragraphs (a)
17 to (d) of this subsection;
- 18 (f) The president, chancellor, or other officer in charge of an educational
19 institution operated, in the event of an ambulance service or **training**
20 **program**~~[educational institution]~~;
- 21 (g) The chief operating officer or president of a nonprofit corporation,
22 corporation for profit, limited liability company, or other business entity, in
23 the event of an ambulance service, emergency medical services provider, or
24 **training program**~~[educational institution]~~ operated by the business entity; and
- 25 (h) Both the ambulance service, emergency medical services provider, or **training**
26 **program**~~[educational institution]~~ officials specified in this subsection and the
27 officials of any public agency contracting for services.

- 1 (2) The notice specified in this section shall be in addition to any notice provided to
2 any other person or organization.
- 3 ➔Section 11. KRS 311A.130 is amended to read as follows:
- 4 (1) The conduct of proper in-service training, including but not limited to in-house in-
5 service training, in accordance with the standards specified by this chapter,
6 administrative regulations, and the standards of relevant United States Department
7 of Transportation curricula shall be that of the provider of the in-service training.
- 8 (2) If in-service training is conducted by an ambulance service, emergency medical
9 services provider, or emergency medical services training program~~educational~~
10 ~~institution~~, the organization, the instructor, and its medical director share
11 responsibility for the provision of training which meets or exceeds the requirements
12 of subsection (1) of this section.
- 13 (3) Persons and organizations providing in-service training for any emergency medical
14 services personnel shall keep the records required by the board by administrative
15 regulation and shall make them available to a representative of the board upon
16 request.
- 17 (4) Failure to keep a record required by the board by administrative regulation or
18 required to be kept by statute, falsifying a record, or grossly negligently maintaining
19 a record required to be kept by administrative regulation or statute shall be subject
20 to action by the office of the board.
- 21 (5) Providing in-service training not meeting or exceeding the requirements specified in
22 subsections (1) and (2) of this section shall be subject to action of the office of the
23 board.
- 24 (6) Penalties specified in this section shall be in addition to any action which the board
25 may be permitted to take against the license or certification of any person or
26 organization.
- 27 (7) The board may refuse to recognize any in-service training not conducted in

1 accordance with the provisions of this chapter, United States Department of
2 Transportation curricula, or administrative regulations promulgated pursuant to this
3 chapter. If the board determines that in-service training will not be accepted, the
4 denial of credit shall be extended to all persons who completed that specific in-
5 service training.

6 ➔Section 12. The following KRS section is repealed:

7 311A.120 Educational course and continuing education -- Administrative regulations.