

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, the Kentucky Board of Emergency Medical Services
4 established by Section 3 of this Act, or the Kentucky Council on
5 Postsecondary Education established by KRS 164.011;

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

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

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

16 ➔Section 2. KRS 311A.020 is amended to read as follows:

17 (1) The board shall:

18 (a) Exercise all of the administrative functions of the state not regulated by the
19 Board of Medical Licensure or Cabinet for Health and Family Services in the
20 regulation of the emergency medical services system and the practice of
21 emergency medical services, and emergency medical services training or
22 educational institutions, with the exception of employment of personnel as
23 described in subsections (5) and (6) of this section;

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

25 (c) Oversee the operations and establish the organizational structure of the Office
26 of the Kentucky Board of Emergency Medical Services, which is created and
27 shall be attached to the board for administrative purposes. The office shall be

1 headed by the executive director appointed under paragraph (d) of this
2 subsection and shall be responsible for:

- 3 1. Personnel and budget matters affecting the board;
- 4 2. Fiscal activities of the board, including grant writing and disbursement
5 of funds;
- 6 3. Information technology, including the design and maintenance of
7 databases;
- 8 4. Certification and recertification of emergency medical responders;
- 9 5. Certification and recertification of emergency medical technicians and
10 advanced emergency medical technicians;
- 11 6. Licensure and relicensure of ambulances, ambulance services, and
12 mobile integrated healthcare programs;
- 13 7. Licensure and relicensure of paramedics;
- 14 8. Certification and recertification of advanced practice paramedics;
- 15 9. Certification and recertification of EMS educators;
- 16 10. *Licensure and relicensure of emergency medical services training or*
17 *educational institutions;*
- 18 *11.* Investigation of and resolution of complaints and ethics issues
19 pertaining to professional certifications and licenses;
- 20 *12.*~~[11.]~~ The resolution of complaints and ethics issues pertaining to
21 ambulances, ambulance services, and mobile integrated healthcare
22 programs; and
- 23 *13.*~~[12.]~~ Other responsibilities that may be assigned to the executive
24 director by the board;

25 (d) Employ an executive director and deputy executive director and fix the
26 compensation. The executive director and deputy executive director shall
27 serve at the pleasure of the board, administer the day-to-day operations of the

1 Office of the Kentucky Board of Emergency Medical Services, and supervise
2 all directives of the board. The director and deputy executive director shall
3 possess a baccalaureate degree and shall have no less than five (5) years of
4 experience in public administration or in the administration of an emergency
5 medical services program;

6 (e) Employ or contract with a physician licensed in Kentucky who is board
7 certified in emergency medicine and fix the compensation. The physician
8 shall serve at the pleasure of the board and as the medical advisor to the
9 Kentucky Board of Emergency Medical Services and the staff of the board;

10 (f) Employ or contract with an attorney licensed to practice law in Kentucky and
11 fix the compensation. The attorney shall serve at the pleasure of the board and
12 have primary assignment to the board. The board and the attorney shall
13 implement and oversee the regulatory process;

14 (g) Employ personnel sufficient to carry out the statutory responsibilities of the
15 board in accordance with the following:

16 1. Personnel assigned to investigate an emergency medical responder
17 program complaint or regulate the emergency medical responder
18 programs shall be certified emergency medical responders, emergency
19 medical technicians, advanced emergency medical technicians, or
20 licensed paramedics;

21 2. Personnel assigned to investigate an emergency medical technician
22 program complaint or regulate the emergency medical technician
23 program shall be certified emergency medical technicians, advanced
24 emergency medical technicians, or paramedics;

25 3. Personnel assigned to investigate an advanced emergency medical
26 technician program complaint or regulate the advanced emergency
27 medical technician program shall be certified advanced emergency

- 1 medical technicians or paramedics;
- 2 4. Personnel assigned to investigate a paramedic program complaint or
- 3 regulate the paramedic program shall be licensed paramedics;
- 4 5. A person who is employed by the board who is licensed or certified by
- 5 the board shall retain his or her license or certification if he or she meets
- 6 the in-service training requirements and pays the fees specified by
- 7 administrative regulation;
- 8 6. A person who is employed by the board may instruct in emergency
- 9 medical subjects in which he or she is qualified, with the permission of
- 10 the board. All instruction shall be rendered without remuneration other
- 11 than his or her state salary and the employee shall be considered as on
- 12 state duty when teaching; and
- 13 7. A person who is employed by the board may render services for which
- 14 the person is qualified at a declared disaster or emergency or in a
- 15 situation where trained personnel are not available until those personnel
- 16 arrive to take over the patient, or where insufficient trained personnel
- 17 are available to handle a specific emergency medical incident. All aid
- 18 shall be rendered without remuneration other than the employee's state
- 19 salary and the employee shall be considered as on state duty when
- 20 rendering aid. In cases specified in this paragraph, the state medical
- 21 advisor shall serve as the emergency medical services medical director
- 22 for the employee;
- 23 (h) Establish committees and subcommittees and the membership thereof.
- 24 Members of committees and subcommittees do not need to be members of the
- 25 board but shall reflect the qualifications of the board members;
- 26 (i) Enter into contracts, apply for grants and federal funds, and disburse funds to
- 27 local units of government as approved by the General Assembly. All funds

1 received by the board shall be placed in a trust and agency account in the
2 State Treasury subject to expenditure by the board;

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

4 (k) Establish minimum curriculum and standards for emergency medical services
5 training.

6 (2) The board may utilize materials, services, or facilities as may be made available to
7 it by other state agencies or may contract for materials, services, or facilities.

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

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

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

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

21 ➔Section 3. KRS 311A.015 is amended to read as follows:

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

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

26 (a) One (1) physician licensed in Kentucky who serves as the medical director for
27 an ambulance provider and is board-certified in emergency medicine

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

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

1 to fill the vacancy within ninety (90) days.

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

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

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

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

10 (b) A detailed summary of data collected on the number of complaints against
11 individuals certified or licensed by the board and emergency medical services
12 training or educational institutions approved by the board, and the disposition
13 of those complaints;

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

16 (d) Recommendations for changes in administrative regulations, board policies,
17 and statutes.

18 ➔Section 4. KRS 311A.024 is amended to read as follows:

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

24 (a) Student tuition support;

25 (b) Agency support; and

26 (c) Emergency medical services training or educational institution support.

27 (2) The student tuition support component shall be used for the training and education

1 of individuals seeking initial paramedic certification under this chapter who are
2 employed by a Class I ground ambulance provider. The tuition support shall be paid
3 periodically to the emergency medical services training or ~~educational~~~~[education]~~
4 institution in which the person is enrolled seeking paramedic certification. The
5 board shall, at a minimum, promulgate administrative regulations on the following
6 aspects of this component:

- 7 (a) Time limits for the individual seeking initial paramedic certification to
8 complete certification and begin or continue service with a Class I ground
9 ambulance provider;
- 10 (b) Minimum service length requirements that may be imposed by the board, by
11 contract, or both, on the individual seeking initial paramedic certification;
- 12 (c) Uses of the funds, including but not limited to a prohibition against spending
13 funds on prerequisite courses not included in the core course content of the
14 paramedic certification program;
- 15 (d) Providing priority consideration for geographic areas that are underserved in
16 terms of paramedic coverage, including those with lower populations and
17 higher emergency medical response times, and for agencies that do not meet
18 national standards of minimum staffing levels or response times for the
19 dispatch of emergency medical care; and
- 20 (e) Any other aspect necessary to implement the student tuition support
21 component.

22 (3) The agency support component shall be used to reimburse Class I ground
23 ambulance providers the wages paid to an employee while the employee seeks
24 initial paramedic certification. The board shall, at a minimum, promulgate
25 administrative regulations on the following aspects of this component:

- 26 (a) Maximum reimbursement for each employee of a Class I ground ambulance
27 provider seeking initial paramedic certification;

- 1 (b) Maximum number of employees eligible for wage reimbursement within each
2 Class I ground ambulance provider; and
- 3 (c) Any other aspect necessary to implement the agency support component.
- 4 (4) The emergency medical services training or educational institution support
5 component shall be used to provide funding to existing and start-up emergency
6 medical service training ~~or~~~~and~~ educational institutions~~institutes~~ that are certified
7 or seeking certification by the board and that offer or will offer initial education
8 courses for emergency medical technician, advanced emergency medical
9 technician, and paramedic programs. The board shall, at a minimum, promulgate
10 administrative regulations on the following aspects of this component:
- 11 (a) Grant ceilings per applicant;
- 12 (b) Applicant qualification priorities, including but not limited to those that are
13 nonprofit entities operating under KRS Chapter 273 and those that are serving
14 or plan to serve areas in need of improved emergency medical service
15 coverage;
- 16 (c) Time limits for commencing the classes or programs for which the grant was
17 sought;
- 18 (d) 1. Eligible costs, which shall include but not be limited to:
- 19 a. Computer and computer-related equipment and software;
- 20 b. Medical and training equipment, such as cardiac monitors,
21 defibrillators, mannequins, and other medical equipment, personal
22 protective gear, and durable emergency medical and trauma
23 education simulation equipment;
- 24 c. Personnel costs used in directly delivering the education program;
25 and
- 26 d. Services used in operating the program; and
- 27 2. Ineligible costs, which shall include but not be limited to:

- 1 a. Real property purchases or improvements;
- 2 b. Building construction, renovation, or maintenance;
- 3 c. Personnel costs not directly related to delivering the education
- 4 program, such as that related to educator training, including travel
- 5 and meals, and perquisites that are part of a compensation
- 6 package;
- 7 d. Lobbying; and
- 8 e. Uniforms and clothing; and
- 9 (e) Any other aspect necessary to implement the emergency medical services
- 10 training or educational institution support component.
- 11 (5) (a) There is established in the State Treasury a trust and agency account to be
- 12 known as the emergency medical services education grant fund.
- 13 (b) The fund shall be administered by the Kentucky Board of Emergency Medical
- 14 Services.
- 15 (c) The fund shall consist of state appropriations, contributions, donations, and
- 16 gifts.
- 17 (d) Amounts deposited in the fund shall be used for the purposes outlined under
- 18 this section.
- 19 (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a
- 20 fiscal year shall not lapse but shall remain in the fund.
- 21 (f) Moneys deposited in the fund are hereby appropriated for the purposes set
- 22 forth in this section.
- 23 (6) The board shall administer the Emergency Medical Services Education Grant
- 24 Program. The board may cease any or all components of the program once the
- 25 desired goals have been achieved in the judgement of the board. The board shall
- 26 provide staffing for the program and may use moneys in the emergency medical
- 27 services education grant fund to do so. Staffing and administrative costs shall not

1 exceed five percent (5%) of the fund amount. The board may promulgate any
2 administrative regulations necessary, in addition to those listed in subsections (2) to
3 (4) of this section, for its implementation and operation.

4 ➔Section 5. KRS 311A.025 is amended to read as follows:

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

7 These may consist of but not be limited to:

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

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

- 1 (a) Requirements for students, if appropriate;
- 2 (b) Requirements for training;
- 3 (c) Eligibility for certification or licensure; and
- 4 (d) Renewal, recertification, and relicensure requirements.

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

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

12 ➔Section 6. KRS 311A.030 is amended to read as follows:

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

- 15 (a) Classifying, licensing, inspecting, and regulating ambulance services, mobile
16 integrated healthcare programs, and medical first response providers; and
- 17 (b) Licensing, inspecting, and regulating emergency medical services training or
18 educational institutions.

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

22 (3) (a) The board shall not require an ambulance service to apply for licensure within
23 a specified time period following the issuance of a certificate of need by the
24 Cabinet for Health and Family Services.

25 (b) The board may promulgate an administrative regulation in accordance with
26 KRS Chapter 13A to require an ambulance service to submit application
27 progress reports on a six (6) month or annual basis following the issuance of a

1 certificate of need by the Cabinet for Health and Family Services until the
2 licensure application is submitted.

3 (c) An ambulance service that was issued a certificate of need on or after July 14,
4 2022, shall be eligible to apply for licensure from the board without obtaining
5 a new certificate of need from the Cabinet for Health and Family Services.

6 ➔Section 7. KRS 164.945 is amended to read as follows:

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

8 (1) (a) "College" means any educational facility or institution maintained or
9 conducted by any person, association, partnership, corporation, or trust and
10 operating as an institute, junior college, college, university, or entity of
11 whatever kind which awards a degree, diploma, or other statement of
12 recognition purporting to indicate a level of collegiate attainment beyond
13 secondary school graduation. This definition includes private colleges located
14 in Kentucky, private colleges located outside of Kentucky but which operate
15 in Kentucky, and public colleges located outside of Kentucky but which
16 operate in Kentucky.

17 (b) The term "college" does not include state-supported colleges and universities
18 authorized by KRS 164.100, 164.290, 164.580, and 164.810, nor does it
19 include colleges licensed or approved for establishment and operation under
20 the statutory authority given to the Kentucky Board of Barbering under KRS
21 317.430, the Kentucky Board of Cosmetology under KRS 317A.030, the
22 Kentucky Commission on Proprietary Education under KRS 165A.340, ~~for~~
23 ~~the State Board of Nursing under KRS 314.121,~~ **or the Kentucky Board of**
24 **Emergency Management Services under Section 2 of this Act;**~~[-]~~

25 (2) "Degree" means any academic or honorary title of designation, mark, appellation,
26 series of letters, numbers or words, such as, but not limited to, associate, bachelors,
27 masters, doctorate, or fellow, which signifies, purports, or is generally taken to

- 1 signify satisfactory completion of the requirements of an academic, educational, or
2 professional program of study beyond the secondary school level; and[-]
- 3 (3) "Diploma" means a certificate, transcript, report, document, or title of designation,
4 mark, appellation, series of letters, numbers, or words which signifies, purports, or
5 is generally taken to signify attendance, progress, or achievement in an academic
6 program.