



STATE OF KANSAS

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February 6, 1981

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ATTORNEY GENERAL OPINION NO. 81-35

Ms. Beverly A. Bradley
Douglas County Commissioner
The Board of County Commissioners
Lawrence, Kansas 66044

Re: Public Health--Emergency Medical Services--Mobile
Intensive Care Technicians; Authorized Activities

Synopsis: Where the requirements set forth in subsection (d) of K.S.A. 65-4306 have been satisfied, a mobile intensive care technician may perform any of the acts enumerated therein, and such acts do not constitute the unauthorized practice of medicine or nursing. Cited herein: K.S.A. 65-1113, 65-1122(b), 65-2801, 65-2862, and 65-4306.

* * *

Dear Ms. Bradley:

You request our interpretation of subsection (d) of K.S.A. 65-4306. Specifically, you ask whether a "mobile intensive care technician" (MICT) may perform the acts enumerated in the aforesaid subsection without first contacting a physician or nurse.

K.S.A. 65-4306 provides, in part, as follows:

"Notwithstanding any other provision of law,
mobile intensive care technicians may perform
any of the following:

. . . .

"(d) Where voice contact or a telemetered
electrocardiogram is monitored by a physician
licensed to practice medicine and surgery or

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a registered professional nurse where authorized by a physician licensed to practice medicine and surgery, and direct communication is maintained, may upon order of such physician or such nurse do any of the following:

- "(1) Administer intravenous saline or glucose solutions.
- "(2) Perform gastric suction by intubation.
- "(3) Perform endotracheal intubation.
- "(4) Administer parenteral injections of any of the following classes of drugs:
 - (A) Antiarrhythmic agents.
 - (B) Vagolytic agents.
 - (C) Chronotropic agents.
 - (D) Analgesic agents.
 - (E) Alkalinizing agents.
 - (F) Vasopressor agents.
- "(5) Administer such other medications and/or procedures as may be deemed necessary by such an ordering physician." (Emphasis added.)

As the underscored portion of the above statutory excerpt indicates, there are three conditions which must be satisfied before an MICT may perform the subject acts:

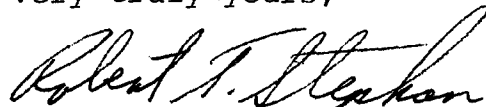
1. There must be "voice contact or a telemetered electrocardiogram" monitored by a physician or authorized registered professional nurse;
2. Direct communication must be maintained with the physician or nurse; and
3. The physician or nurse must order the MICT to perform the act.

Where these conditions-precident have been met, the statute operates as a specific exception to the Kansas Healing Arts Act, K.S.A. 65-2801 et seq., and the Nurse Practice Act, K.S.A. 65-1113 et seq., and protects the MICT against possible criminal prosecution for the unauthorized practice of medicine and/or nursing. Where an MICT performs any of the subject acts without satisfying the above conditions, the MICT would be criminally liable under the Kansas

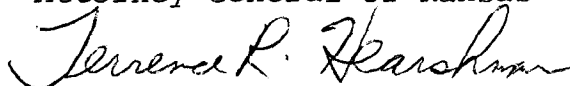
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Healing Arts Act and/or the Nurse Practice Act [see K.S.A. 65-2862 and 65-1122(b)], and could also incur liability for civil damages.

Very truly yours,



ROBERT T. STEPHAN
Attorney General of Kansas



Terrence R. Hearshman
Assistant Attorney General

RTS:BJS:TRH:jm