



STATE OF KANSAS  
OFFICE OF THE ATTORNEY GENERAL

DEREK SCHMIDT  
ATTORNEY GENERAL

MEMORIAL HALL  
120 SW 10TH AVE., 2ND FLOOR  
TOPEKA, KS 66612-1597  
(785) 296-2215 • FAX (785) 296-6296  
WWW.AG.KS.GOV

June 23, 2016

ATTORNEY GENERAL OPINION NO. 2016-11

Eric R. Yost  
Sedgwick County Counselor  
525 North Main, Suite 359  
Wichita, KS 67203-3731

Re: Public Health–Emergency Medical Services–Powers and Duties of the  
Emergency Medical Services Board; Medical Director

Synopsis: The medical director of an ambulance service may require certified  
emergency medical staff to complete training beyond that which is  
mandated by the Kansas Board of Emergency Medical Services. Cited  
herein: K.S.A. 65-6101; K.S.A. 2015 Supp. 65-6110; 65-6111; 65-6112;  
K.S.A. 65-6125; K.S.A. 2015 Supp. 65-6126; 65-6129; K.A.R. 109-10-1a;  
K.A.R. 109-10-2b; K.A.R. 109-10-1c; K.A.R. 109-10-1d.

\* \* \*

Dear Mr. Yost:

As Sedgwick County Counselor, you ask our opinion on whether the medical director of an ambulance service may require emergency medical services (EMS) attendants to complete training or examinations beyond that which is mandated by the Kansas Board of Emergency Medical Services (Board) prior to performing medical activities for the ambulance service. We believe the answer to your question is yes.

The Board is authorized by law to establish minimum education and training requirements to qualify for certification as an EMS attendant.<sup>1</sup> The Board has established those requirements by regulation.<sup>2</sup>

---

<sup>1</sup> K.S.A. 2015 Supp. 65-6110(a)(3), 65-6111(a)(8), and 65-6129(a)(1)(A)(i) and (ii). “Attendant” means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-

Each ambulance service must obtain a permit from the Board,<sup>3</sup> and must retain a medical director to review and implement medical protocols and supervise the activities and education of attendants.<sup>4</sup> The medical director must be a physician,<sup>5</sup> but the medical director is not required to obtain a license or other certification from the Board.

Your question essentially asks whether a medical director is *prohibited* from requiring certified EMS attendants to complete education or examinations, in addition to the minimum standards for certification established by the Board, before allowing the attendants to provide medical services. There is nothing in K.S.A. 65-6101 *et seq.*, or regulations adopted thereunder, that restricts the medical director of an ambulance service in such a manner. Likewise, there is nothing in K.S.A. 65-6101 *et seq.* to indicate that the pre-certification educational requirements established by the Board are intended to be the maximum amount of education that can be required of an attendant.

In your letter, you state, “[w]e believe that the Medical Director can mandate successful completion of these tests and prevent EMS workers from performing services until successful completion, as long as the exams do not require extra training or education above that which is required by the [Board].” We agree with the first part of your assertion, but not the second. The minimum qualifications for certification as an attendant do not serve to limit the training that an ambulance service, as an employer, may require of EMS attendants in its employ. Whether local employment rules or contracts provide such a limitation is a question of fact.

Under Kansas statutes and regulations, the answer to your question is yes.

Sincerely,

Derek Schmidt  
Attorney General

Sarah Fertig  
Assistant Attorney General

DS:AA:SF:sb

---

intermediate/defibrillator, advanced emergency medical technician, mobile intensive care technician or paramedic certified pursuant to [K.S.A. 65-6101 *et seq.*]” K.S.A. 2015 Supp. 65-6112(f).

<sup>2</sup> K.A.R. 109-10-1a through K.A.R. 109-10-1d.

<sup>3</sup> K.S.A. 65-6125.

<sup>4</sup> K.S.A. 2015 Supp. 65-6126. The Board may approve an alternate procedure for medical oversight if no medical director is available. *Id.*

<sup>5</sup> K.S.A. 2015 Supp. 65-6112(q).