

Article 16 - Graduated Sanctions

109-16-1. Graduated sanctions. (a) The following documents of the Kansas board of emergency medical services, dated April 10, 2013, are hereby adopted by reference:

- (1) "Graduated sanctions for attendants";
- (2) "graduated sanctions for I-Cs and T.O.s"; and
- (3) "graduated sanctions for operators."

(b) For purposes of applying the tables of graduated sanctions for attendants, instructor-coordinators, training officers, and operators, the following sanction levels shall apply:

(1) "Sanction level 1" means that the local action taken by the operator of the ambulance service, or its designee, is approved and accepted by the board's investigations committee.

(2) "Sanction level 2" means the modification of a certificate or permit by the specification of conditions.

(3) "Sanction level 3" means the limitation of a certificate or permit.

(4) "Sanction level 4" means the suspension of a certificate or permit for less than three months.

(5) "Sanction level 5" means the suspension of a certificate or permit for three months or more.

(6) "Sanction level 6" means the revocation of a certificate or permit.

(c) When the investigations committee is determining the appropriate sanction level, the following mitigating and aggravating circumstances, if applicable, shall be taken into consideration:

- (1) The number of violations involved in the current situation;
- (2) the degree of harm inflicted or the potential harm that could have been inflicted;

(3) any previous violations or the absence of previous violations;

(4) the degree of cooperation with the board's investigation;

(5) specification of whether the violation was a minor or technical violation, or a serious or substantive violation;

(6) specification of whether the conduct was intentional, knowing, or purposeful or was inadvertent or accidental;

(7) specification of whether the conduct was the result of a dishonest, selfish, or criminal motive;

(8) specification of whether the attendant, instructor-coordinator, training officer, or operator refused to acknowledge or was willing to acknowledge the wrongful nature of that person's conduct;

(9) the length of experience as an attendant, instructor-coordinator, training officer, or operator; and

(10) specification of whether any personal or emotional problems contributed to the conduct. (Authorized by K.S.A. 2012 Supp. 65-6110, 65-6111, and 65-6129; implementing K.S.A. 2012 Supp. 65-6129; effective P-_____.)