

June 14,2004

David Lake  
Board of Emergency Medical Services  
900 SW Jackson Rm 1031  
Topeka, KS 66612

Dear Mr. Lake:

Thank you for the opportunity to respond to the question of providing workers compensation insurance by emergency medical service providers. I realize that it might at first seem strange to talk about volunteers and workers compensation, but a part of the workers compensation law does apply to these types of volunteers.

The Kansas Workers Compensation law makes volunteer Emergency Medical Technicians, attendants, and drivers of ambulances, employees, for purposes of workers compensation only. This provision is contained in K.S.A. 44-508(b), and includes these volunteers as defined in K.S.A. 65-6112. In this way, these volunteers would receive workers compensation benefits like any paid employee, even though they work in a volunteer capacity. These benefits would include payment for medical expenses, temporary total disability, and permanent partial disability. In the event of the employee's death, benefits would be paid to their dependents or heirs. The present statute requires that the indemnity benefits be paid at the maximum rate for any worker in Kansas. The purpose of this provision is to provide benefits to these volunteers if they are injured while acting in their volunteer capacity, like an employee would at a paid employment.

Since these volunteers are employees for workers compensation purposes, the provider of the emergency services is considered their employer. As an employer, with workers covered by the workers compensation law, you are subject to the law. As you are an employer, the emergency services provider must secure and maintain workers compensation insurance coverage---even though the employees are not paid for their services. This applies to both private and public providers of emergency services. In most cases, the providers will secure the coverage from a private workers compensation insurance carrier or a group funded pool, since the State of Kansas does not sell or provide insurance.

The Division of Workers Compensation is charged with making certain that employers subject to the law maintain appropriate insurance coverage. This is a matter that I take very seriously and will vigorously enforce. I will make every effort to make certain all employers, subject to the

Division of Workers Compensation  
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law, comply with the law, and maintain workers compensation coverage.

To accomplish compliance, there is within the Division of Workers Compensation a Compliance Section. The mission of the Compliance Section is to be certain that the covered employers maintain workers compensation insurance coverage. From time to time the Compliance Section will survey certain classes of employers to determine that all the employers have insurance coverage. The workers compensation law also contains serious penalties for non-compliance. I will not hesitate to enforce the penalty provisions when necessary.

If you or any of the emergency medical service providers have questions, do not hesitate to contact our office. When doing so, feel free to ask for Richard Thomas or Dave Walker. Both of these staff members would be happy to assist with your inquires. They can be reached at our toll free number, 800/332-0353 or at our website [www.hr.state.ks.us/wc](http://www.hr.state.ks.us/wc).

I genuinely appreciate that volunteer emergency services workers give of their time, often at the risk of personnel injury, to their neighbors. It is through their efforts that many Kansans live better and safer lives. It is for this reason that I will make every effort to see that all the emergency service providers maintain workers compensation coverage. In this way, the volunteers will be able to receive benefits if they are injured while performing this vital service to our state.

If I can be of further assistance, please feel free to contact me again.

Sincerely,

Paula Greathouse  
Director Division of Workers Compensation

Cc: Richard Thomas  
David Walker

For more information contact David Lake at the BEMS office 785-296-7296 or Paula Greathouse at the Kansas Division of Workers Compensation 785-296-4000.