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Dr. Joel E Hornung, Chair
Joseph House, Executive Director

Laura Kelly, Governor

Board Meeting Minutes

April 4, 2025

APPROVED

6/6/2025

Board Members Present

Director David Adams
Rep. Stephanie Clayton
Rep. Robyn Essex
Sen. Michael Fagg
Dr. Gregory Faimon-Virtual
Sen. Faust-Goudeau-Virtual
Dr. Joel Hornung
Chief Shane Pearson-Virtual
Director John Ralston
Dr. Martin Sellberg

Guests

Mickey Huber
Scott Sare
Angela Fuller
Clay Cox
Jerrad Webb
Stacy Wespi
Kara Lawrence
Brian Lawrence
John Cota
Craig Isom
AMR Topeka
JoCo MedAct
Sedgwick Co EMS
Life Save
Kearny Co EMS
Wichita FD
Pawnee Co EMS
Kiowa Co EMS
KCK FD
KEMSA/Eagle Med

Staff Present

Joseph House, Exec. Director
James Kennedy
Terry Lower
Chad Pore
James Reed
Mary-Elaine Skinner
Suzette Smith
Kim Cott

Board Members Absent

Director Jeri Wheatley

Virtual attendees
listed at the
bottom

Attorney

Sam Feather

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, April 4, 2025 at 9:07 a.m.

Chairman Hornung called for a motion to approve the minutes.

Director Ralston moved to approve February 7, 2025 minutes. Senator Fagg seconded the motion. No further discussion. No opposition noted. The motion carried.

There were no Public Comments.

Committee Reports

Chairman Hornung called for reports from the committees.

There were no decisions requiring affirmation from the Executive Committee.

Chairman Hornung called on Director House to provide information on variance approvals.

- Director House reported that Miltonvale Ambulance Service and Clifton City Ambulance Service had both held public meetings regarding their staffing variances. There was no one in attendance at each meeting. The variances have been in place for 12 months. They have been extended until July 1, 2025, when the new law takes effect. The Board will advise all services with a variance that they will continue until July 1, and they will not have to re-apply.

Director House gave the report for the Investigations Committee.

- They reviewed 39 cases, of which 33 were technical violations. They reviewed four cases regarding the diversion of a controlled substance. They reviewed another case involving unauthorized performance of an activity. They adopted all the recommended orders.

Office Update

Chairman Hornung called on Director House to give the Office Update. Director House provided the following update.

- Director House gave a 2025 legislative session recap and impact statement.
- HB 2039 contains information on EMS authorized activities, AED registry and the supervision of students to unify who could supervise. One amendment was made to the bill to allow a driver certified in CPR with an EMT or higher on board when operating an ambulance if the service is operating in a county with less than 30,000. If a service decides to adopt this practice, they have to adopt a policy and notify the Board. Director House is somewhat nervous about this because there is no way to quickly rectify the situation if it is not working. He will be monitoring.
- HB 2280 is regarding the Occupational Licensing bill which will affect us. It removed the active requirement for military members or their spouse.
- HB 2134 deals with the Kansas Open Records Act and Kansas Open Meetings Act as it applies to livestreaming. The entire meeting needs to be livestreamed. If an unintentional technical failure occurs, that is not considered a violation. So now, any Executive Sessions will occur in another room and the meeting will continue to be recorded without sound.
- SB30 passed in the House and is going to conference committee. It initially exempted the Kansas Board of Emergency Medical Services but now we are required to report annually to the Joint Committee on Administrative Rules and Regulations regarding how many kinds of licenses we have and eleven components relating to them. Director House estimates it may take 40 hours to prepare this report. The information will be submitted to Legislative Research to compile it into a report that they will give to the committee. We may be called upon to present it personally if the committee requests it.

- Service Renewals and Sponsoring Organization renewals just started. They expire April 30th.
- Regarding the office re-organization, we have six vacant positions. We have been recruiting and interviewing applicants. However, we are facing a mountainous task of approval of what we can pay. We want to get the offers out, but there are a lot of moving parts. There are ongoing discussions with cabinet agencies and the Governor's office.

Old Business

Chairman Hornung called on Director House to discuss the Old Business regarding K.A.R. 109-1-1.

- There was more discussion on the use of the term moral turpitude. Some felt the Code of Ethics for EMS would cover any unprofessional conduct. Director House stated that he does not see moral turpitude as broadening the definition. In fact, it narrows it. We are trying to state that unprofessional conduct would include this item as it relates to the qualifications, function and duties of an EMS provider. If an individual objects to the outcome of an Investigation Committee decision, they can contest the decision via the Administrative Hearing process. Actions are only a crime if charges are filed. While an activity (such as placing a camera in showers) is illegal, if no charges are filed, there is not a preponderance of evidence that a violation occurred, and the Board would be unable to discipline the individual according to legal counsel. Chairman Hornung felt there were enough differences of opinion that perhaps more work should be done and create some different language. Director House agreed that it could be tabled.

Representative Clayton moved to table the discussion on K.A.R 109-1-1 and return to staff. Representative Essex seconded the motion. No further discussion. No opposition noted. The motion carried.

New Business

Chairman Hornung called on Director House to report on New Business.

- Director House reported on the annual Kansas Revolving Assistance Fund (KRAF) grants process. The distribution is twofold. The Board passed that each region would say how they would spend their direct distribution. We received notification from five of the regions. There were 37 eligible grant applications that the Assistance Review Committee reviewed. They recommended approving 34 of the applications.

Director Ralston moved to approve the recommendations for the KRAF grant awards as recommended by the committee and the direct distribution to five regions. Dr. Sellberg seconded the motion. No further discussion. No opposition noted. The motion carried.

- Director Ralston reported on the EETC meeting. They discussed the Educational Standards updates that Director House adjusted from the 2021 National EMS Education Standards. The next step is to take the raw data and adjust for each level. Dr. Foat stated

it is a complex document but once done it will be broken out moving forward. They also discussed the Performance Improvement Plans. Five programs failed to submit their performance improvement plans by the deadline. Two programs established self-imposing action and will not teach unless they reapply. The other three are going to start discussions on the new statute changes for one EMS provider. Director Ralston stated that at the next meeting they will be discussing the new regulation that allows a CPR certified driver with an EMT or higher on an ambulance. In the testing situation they have a partner, and because of this change, they will not have a partner to interact with.

Chairman Hornung called on Director House to give the report for the Planning and Operations Committee.

- Director House reported that they discussed K.A.R. 109-2-6 regarding levels of service. They also discussed ETA for aircraft and how that affects services. The last item they discussed was a two year cycle for service renewals. This item was moved to June due to the absence of the individual who requested the item. It was previously thought it could be addressed in regulations, but it needs to be a statute.

Chairman Hornung moved that the Board enter Executive Session for the purpose of consulting with the Board's attorney. It was further moved that the Executive Session last 10 minutes beginning at 11:00 and ending at 11:10 a.m. with resumption of the Board meeting at that time and in this place. Representative Clayton seconded the motion. No further discussion. No opposition noted. The motion carried.

At 10:13 the Board meeting resumed and no binding action was taken during the Executive Session.

The Board discussed re-signing the agreement with NEMSIS. Chairman Hornung asked Director House what the benefits were to the State of Kansas signing the agreement. He stated that utilizing the agreement for submitting our data puts us on a national dashboard. He deferred to Mr. Pore, who deals with them daily, to report on other benefits. Mr. Pore reported that it builds a National Standard for the communication of EMS data, so that all 50 states and three territories communicate in the same language. NEMSIS collected over 60 million records last year that can be used for research purposes. Some of the smaller agencies in the state use the KBEMS system to report data and that is at no cost to them, while larger agencies have their own system. There is a concern that NEMSIS has allowed some data to be used to create reports that were incorrect, specifically regarding "ambulance desserts". NEMSIS was contacted and appreciated the concerns we brought forth regarding this report. After discussion with them it was found that they did not share demographic information regarding services. We believe that right now they are not sharing anything that they should not share. NEMSIS had used data from RGIS that was not accurate in relation to ambulance data. Chairman Hornung asked if there was anything in the contract that says they won't violate HIPAA standards. Sam Feather, Board attorney, stated that in the proposed contract there is a term that essentially says that they will not use the data in such a way as to identify any individual and further agrees not to contact any individual who may be a subject of the data and that provision, combined with a second provision, which says that they will use appropriate safeguards to prevent the use or disclosure of any data and they will follow all applicable laws as it relates to disclosure. He further stated that no, it does not specifically tie back to HIPAA analysis of what constitutes sufficient information, but it certainly could. A question was raised about evidence of improper use of data. Director

House stated that the current agreement does not include any mention of demographic information, which means it should not be used outside of NEMSIS. The proposed agreement does specifically allow them to utilize the demographic data. This is what triggered the discussion with the Board. There is no concrete evidence that they have breached our agreement, if so, we would have terminated for cause. Four questions were raised regarding how long we have been a member, the length of the contract, our cost and how we have benefited from this in the past. Director House replied that we have been members since 2006, there is no date of expiration, there is no additional cost for reporting to NEMSIS. The biggest benefit has been being able to report on opioid overdoses and data quality reports.

Dr. Sellberg moved to renegotiate the agreement to clarify HIPAA is protected and ensure it does not violate any Kansas laws on release of data. Director Ralston seconded the motion. It was asked that legal counsel help re-write the agreement for approval at the next Board meeting. No opposition noted. The motion carried.

The meeting adjourned at 10:37 a.m.

Virtual Guests

J Taylor	
Jessica Baker	Keith Wangerin
Brendan Potter	Melody Monthey
Jason Hudson	N. Florian
Jeff Smith	
Mike Morgan	
Colby Stanchfield	
Brandon Beck	
Aaron Kline	
Monika Heller	
Wendy O'Hare	
B. Smith	
Louise Bardwell	
D. Kaufman	
K. DeWitt	
Alex Bergstrom	
Rhonda DeBey	
W. Moore	
Jason Z.	
Frank Williams	
Nathan Sturchio	
Chris Steiner	
Charles Foat	