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

Sam Brownback, Governor

## Board Meeting Minutes

April 1, 2016

Approved  
06/03/2016

### Board Members Present

Dr. Joel Hornung  
Sen. Mitch Holmes  
Comm. Ricky James  
Director Deb Kaufman  
Chief Shane Pearson  
Director Chad Pore  
Director John Ralston  
Director Jeri Smith  
Rep. Susie Swanson  
Dr. Martin Sellberg  
Comm. Keith Olsen

### Attorney General Staff

Sarah Fertig

### Board Members Absent

Dennis Franks - Excused  
Sen. Faust-Goudeau  
Rep. Henderson

### Guests

Brandon Beck  
John Cota  
Kerry McCue  
Jon Antrim  
Terry David  
John Hultgren  
Frank Williams  
Craig Isom  
Brad Sisk  
Marguerite Underhill  
Gary Winter  
Jason White  
Dan Hudson  
Jeb Burress  
  
Kathy Dooley

### Representing

KEMSA/Region V  
KCKFD  
Ellis Co. EMS  
AMR  
Rice Co. EMS  
Dickinson Co. EMS  
Life Team  
Eagle Med  
Region II  
  
Region I  
MARCER  
KU Hospital  
BU County  
Community College  
Region II SKEMS

### Staff Present

Joe House – Exec Dir  
Curt Shreckengaust-Dep Dir  
Mark Grayson  
Wendy Gronau  
Christine Hannon  
James Kennedy  
Suzette Smith  
Nance Young  
Ann Stevenson  
Emilee Turkin  
Kim Cott  
James Reed

### Call to Order

Chairman Hornung called the Board Meeting to order on Friday, April 1, 2016 at 9:03 a.m. The first order of business was to approve the February 2016 minutes.

***Director Pearson made a motion to approve the minutes as provided. Dr. Sellberg seconded the motion. No discussion. No opposition noted. The motion carried.***

### COMMITTEE REPORTS AND POSSIBLE ACTIONS

#### Planning and Operations Committee

Chairman Hornung called upon Chief Pearson to give the Planning and Operations Committee report. Chief Pearson reported to the Board:

- KEMSIS Update: A one day training was held in February on ImageTrend Elite. Sixty people representing thirty agencies attended. Nine agencies are fully live and there are 2,500 reports in the system. Fifteen to twenty agencies are expected to be live by 7/01/2016. Director Pore reported that run forms can be customized and they received good feedback on the flexibility of the forms. One of the biggest challenges in understanding NEMSIS and what drives the system are the provider impressions. Director Pore stated it is best to find the closest impression then add a description in the narrative section if there is nothing in there that fits it perfectly. The next training session will be May 13th in Hays. The goal is to present a training session in every region by the end of August. December 31st is the deadline for anyone that is currently on ImageTrend to transition to the new ImageTrend Elite system. Chad brought the system up on line and showed a brief presentation on how the system works.
- Jim Reed reported that all Board giveaways for the Kansas State Fair have been ordered and received. We are still asking participants for input. Any EMS service with giveaways for the fair will need those items approved by July. They are looking at different agencies to setup with us in the booth such as EMSC or Regions.
- Jim Reed also reported that 49 out of 172 services have been inspected and they are ahead of schedule.
- The Board has received 40 ambulance renewals so far. The vehicle licenses and service permits will be sent out next Monday and Tuesday to reflect ground or air if the Board approves the regulation changes this Friday.
- Region I- Their next meeting is 4/13/2016. A meeting was held in Oakley last week with Kansas Heart and Stroke Victims. The region is working on improving stroke and cardiac care.
- Region II-Their next meeting is scheduled for 04/20/2016. They are also planning their annual educator conference in October. SKEMS plans to continue with the practical examinations and reported that May looks to be a very busy month.
- Region III-Their region meeting is 04/15/2016 in Kingman. Bob Page is teaching a class 4/19 and 4/20 in Great Bend. MERGe responded to the shootings in Hesston. There were 16 trucks sent to Hesston and 14 people were transported in 49 minutes. They did a review of lessons learned after this active shooter event. Hutchinson is planning an active shooter exercise in June. They plan to do the Symphony in the Flint Hills again this year.
- Region IV-Their next meeting is 04/12/16 in Clay Center. They are doing a lot of training right now.
- Region V- Their next meeting is in Osage City on 04/07/16. Homeland Security Rescue Task Force for Active Shooter provided them with equipment for an active shooter event.
- Region VI-Their next meeting is 04/19/2016.
- KanAAMS- They are rebranding the organization. They have changed their name to Kansas Air Medical Transport Society and have elected new officers with Rod Pace as president and Frank Williams as Vice President. Darlene Whitlock will lead the EMS Medical Director Steering Committee. They have a meeting scheduled 04/30/16.
- MARCER- HR 4365 which deals with the administration of medication in the pre-hospital environment only has 21 sponsors and needs 100 to get assigned to a committee.
- KEMSA-They are working with KDHE on the Ground Emergency Medical Transportation Services (GEMT) supplemental reimbursement program. They are also hosting an upcoming educator workshop 04/22/16 to focus on the new CE plan.

- Senator Faust-Goudeau reported there will be a ceremonial signing for all 3 of the EMS bills that have passed. Director House will inform us once the date has been established.
- The following regulations have completed the process and are up for possible final approval by the board: K.A.R. 109-1-1, 109-2-1, 109-2-2, 109-2-6, 109-2-7, 109-2-8, 109-2-11, and 109-7-1.
  - **Chief Pearson made a motion to adopt the amended version of K.A.R. 109-1-1. Director Kaufman seconded the motion. No discussion.**

**Roll call vote as noted:**

Senator Faust-Goudeau, (Absent)	Comm. Olsen	Aye
Mr. Franks (Absent)	Chief Pearson	Aye
Rep. Henderson (Absent)	Director Pore	Aye
Senator Holmes Aye	Director Ralston	Aye
Chairman Dr. Hornung Aye	Dr. Sellberg	Aye
Comm. James Aye	Director Smith	Aye
Director Kaufman Aye	Rep Swanson	Aye

**K.A.R. 109-1-1 is adopted by the Board on a 11-0 vote (11 Yes; 0 No; 3 absent).**

- **Chief Pearson made a motion to adopt the amended version of K.A.R. 109-2-1. Commissioner Olsen seconded the motion. No discussion.**

**Roll call vote as noted:**

Senator Faust-Goudeau, (Absent)	Comm. Olsen	Aye
Mr. Franks (Absent)	Chief Pearson	Aye
Rep. Henderson (Absent)	Director Pore	Aye
Senator Holmes Aye	Director Ralston	Aye
Chairman Dr. Hornung Aye	Dr. Sellberg	Aye
Comm. James Aye	Director Smith	Aye
Director Kaufman Aye	Rep Swanson	Aye

**K.A.R. 109-2-1 is adopted by the Board on a 11-0 vote (11 Yes; 0 No; 3 Absent).**

- **Chief Pearson made a motion to adopt the amended version of K.A.R. 109-2-2. Director Kaufman seconded the motion. No discussion.**

**Roll call vote as noted:**

Senator Faust-Goudeau, (Absent)	Comm. Olsen	Aye
Mr. Franks (Absent)	Chief Pearson	Aye
Rep. Henderson (Absent)	Director Pore	Aye
Senator Holmes Aye	Director Ralston	Aye
Chairman Dr. Hornung Aye	Dr. Sellberg	Aye
Comm. James Aye	Director Smith	Aye
Director Kaufman Aye	Rep Swanson	Aye

**K.A.R. 109-2-2 is adopted by the Board on a 11-0 vote (11 Yes; 0 No; 3 Absent).**

- **Chief Pearson made a motion to adopt the amended version of K.A.R. 109-2-6. Director Smith seconded the motion. No discussion.**

**Roll call vote as noted:**

Senator Faust-Goudeau, (Absent)	Comm. Olsen	Aye
Mr. Franks (Absent)	Chief Pearson	Aye
Rep. Henderson (Absent)	Director Pore	Aye
Senator Holmes Aye	Director Ralston	Aye
Chairman Dr. Hornung Aye	Dr. Sellberg	Aye
Comm. James Aye	Director Smith	Aye
Director Kaufman Aye	Rep Swanson	Aye

**K.A.R. 109-2-6 is adopted by the Board on a 11-0 vote (11 Yes; 0 No; 3 Absent).**

- **Chief Pearson made a motion to adopt the amended version of K.A.R. 109-2-8. Director Smith seconded the motion. No discussion.**

**Roll call vote as noted:**

Senator Faust-Goudeau, (Absent)	Comm. Olsen	Aye
Mr. Franks (Absent)	Chief Pearson	Aye
Rep. Henderson (Absent)	Director Pore	Aye
Senator Holmes Aye	Director Ralston	Aye
Chairman Dr. Hornung Aye	Dr. Sellberg	Aye
Comm. James Aye	Director Smith	Aye
Director Kaufman Aye	Rep Swanson	Aye

**K.A.R. 109-2-8 is adopted by the Board on a 11-0 vote (11 Yes; 0 No; 3 Absent).**

- **Chief Pearson made a motion to adopt the amended version of K.A.R. 109-2-11. Director Kaufman seconded the motion. No discussion.**

**Roll call vote as noted:**

Senator Faust-Goudeau, (Absent)	Comm. Olsen	Aye
Mr. Franks (Absent)	Chief Pearson	Aye
Rep. Henderson (Absent)	Director Pore	Aye
Senator Holmes Aye	Director Ralston	Aye
Chairman Dr. Hornung Aye	Dr. Sellberg	Aye
Comm. James Aye	Director Smith	Aye
Director Kaufman Aye	Rep Swanson	Aye

**K.A.R. 109-2-11 is adopted by the Board on a 11-0 vote (11 Yes; 0 No; 3 Absent).**

- **Chief Pearson made a motion to adopt the amended version of K.A.R. 109-7-1. Commissioner Olsen seconded the motion. No discussion.**

**Roll call vote as noted:**

Senator Faust-Goudeau, (Absent)	Comm. Olsen	Aye
Mr. Franks (Absent)	Chief Pearson	Aye
Rep. Henderson (Absent)	Director Pore	Aye
Senator Holmes Aye	Director Ralston	Aye
Chairman Dr. Hornung Aye	Dr. Sellberg	Aye
Comm. James Aye	Director Smith	Aye
Director Kaufman Aye	Rep Swanson	Aye

**K.A.R. 109-7-1 is adopted by the Board on a 11-0 vote (11 Yes; 0 No; 3 Absent).**

- **Chief Pearson made a motion to revoke K.A.R. 109-2-7. Director Kaufman seconded the motion. No discussion.**

**Roll call vote as noted:**

Senator Faust-Goudeau, (Absent)	Comm. Olsen	Aye
Mr. Franks (Absent)	Chief Pearson	Aye
Rep. Henderson (Absent)	Director Pore	Aye
Senator Holmes Aye	Director Ralston	Aye
Chairman Dr. Hornung Aye	Dr. Sellberg	Aye
Comm. James Aye	Director Smith	Aye
Director Kaufman Aye	Rep Swanson	Aye

**K.A.R. 109-2-7 is revoked by the Board on a 11-0 vote (11 Yes; 0 No; 3 Absent).**

**Chief Pearson made a motion to approve the EMS service inspection policy. Director Smith seconded. Director Pore suggested that the 24 hour notice of inspection be removed from the policy at a later date, and the Board staff be given permission to perform inspections at any time without prior notice. Director Pore said this would allow the Board staff to capture what is going on throughout the state on a daily basis. No opposition noted. The motion carried.**

That concluded the report from Chief Pearson. No questions noted.

- Dr. Hornung introduced Representative Swanson and welcomed her to the Board.

## Education, Examination, Training and Certification Committee

Chairman Hornung called upon Director Kaufman to give the EETC Committee Report. Director Kaufman reported to the Board:

- Representative Swanson was welcomed to the education committee at their Thursday meeting.
- K.A.R. 109-5-1a, K.A.R. 109-5-1b, and K.A.R. 109-5-1c are currently in the public comment period. Wendy Gronau informed the committee that there have been very few comments received. A public hearing is scheduled for April 26<sup>th</sup> at 1:00PM in Room 560. The Joint Commission on Administrative Rules and Regulations had no comments on March 22, 2016.
- K.A.R. 109-5-5 Retroactive Approval for Continuing Education is also moving through the process. This regulation has entered the public comment period and a public hearing has been scheduled for May 24<sup>th</sup> at 1:00PM in Room 560.
- Kathy Dooley and Brad Sisk were present to discuss the examination vendor report and contract. Kathy reported June 30<sup>th</sup> is the end of their contract and they are requesting a 5% increase to the contract which is within their discretion to request. After consultation with Sarah Fertig, SKEMS is required to present the request in writing to the Board and justify the requested increase. The Board would then have to approve the increase and then an amendment would need to be made to the renewed contract. In any case, a contract amendment has to be made to change the effective dates. SKEMS was unaware the request had to be made in written form. If we wait to do this until the next Board meeting, it will present an issue due to the time it takes to process the contract. Due to the limited time frame we have to work in, SKEMS provided a written request this morning that has been made available to the Board members. The request is for a 5% increase. The committee would like some time to consider the request and ask Joe and Curt to meet with the vendor to finalize the contract amendment and present it at the June meeting for consideration. Dr.Hornung stated open board meetings were not a good time to discuss vendor policy. Director Pore suggested the committee needs a detailed explanation of the increase of costs. The Board members agreed to let Director House, Deputy Director Shreckengast and Wendy Gronau research this further and present to the Board at the June meeting or prior to the June meeting by conference call.
- Education Development Task Force (EDTF) - Jeb Burress has announced he is taking a hiatus from the Co-chair position. Scott Reese will be continuing as chair for EDTF. There is no scheduled EDTF meeting at this point in time. Scott is reaching out to the leaders of each sub-committee and pressing them forward in their respective projects.
- The committee had heard comments that demonstrated confusion with the requirements on the certificates of attendance since the implementation of the continued competency educational program. Though there was a change in the continuing education plan, there has been no regulatory change in the certificate of attendance requirements. As an education tool, Wendy produced a document outlining the certificate of attendance requirements as required by KAR 109-5-1, 109-5-3 & 109-5-6. That document was made available at the meeting and will be put on the website within the next week.
- The committee took time at the request of staff to look at a set of questions regarding the role of the training officer, instructor coordinator, subject matter expert, sponsoring organizations and program managers as it pertains to education. The committee also heard public comment from several who spoke of the desired outcomes of the educational process and the work that has been done to accomplish identification of methods to

achieve enhanced instructor success, hoping that this translates into student success and the final product of improved patient care outcomes. This is a discussion that requires more thought so the committee will continue to take comments from the public and committee members for discussion at a future meeting.

- Education Audits: Wendy Gronau provided documents summarizing the recent Initial Course and Program Provider Audits. Paperwork problems continue to be the most frequent issue, although other types of issues have been identified as well. Staff is using this audit time as an educational opportunity as well in an effort to increase compliance. The findings of the education audits will be shared with the local medical director as well.
- Wendy Gronau also provided a document showing NREMT cognitive exam statistics from 2014 and 2015.
- NASEMSO/NHTSA is beginning the process of revisiting the National Scope of Practice and more information will be shared once available. The National Model EMS Clinical guidelines are also available on the NASEMSO website and this is an interesting document to compare to local clinical guidelines.
- It was noted that if HB 2387 / SB 226 is signed into law, TO II certified individuals will no longer be able to complete applications and remaining paperwork for initial EMR Courses. The TO II certification coursework is also presented in the I/C class. However, the TO II is required by regulation to be completed prior to admission into an I/C course. Options were discussed and when the stay on regulatory changes is lifted, we will be considering a regulation change of K.A.R. 109-9-4.
- Director Kaufman gave special thanks to Wendy Gronau for all the work she has done for the committee. She has done a great job and we wish her the best in her future endeavors.

That concluded the report from Director Kaufman. No questions noted.

## Executive Committee

Chairman Hornung presented the Executive Committee Report to the Board:

### Federal Legislative Update

- H.R. 4689 – Timely Payment for Veterans’ Emergency Care Act  
There is currently 788 million dollars in backlog of emergency medical claims. This legislation would expedite the processing speed of claims. This is still in committee.
- H.R. 4365 – Controlled Substances Act – A bill regarding the administration of controlled substances by EMS. Director House will be in Washington, D.C. next week to discuss the importance of this act.

### Kansas Legislative update

HB 2376 / SB 224 – Ability to levy a civil fine / issuance of subpoenas. The bill will be handled in the clean-up session on April 27<sup>th</sup>. If passed, this bill would become law on July 1<sup>st</sup>.

- HB 2387 / SB 226 – Amendments to EMS statutes, and HB 2386 / SB 225 – Interstate Compact Action are both on the governor’s desk awaiting signature.
- SB 274 – Seat belt bill would revise the percentage disbursed to EMS. Director House stated this bill cleared the Senate and now sits in the House Committee on Transportation



where a very significant number of proponents provided testimony. Typically the proponents testify first, then mutual testimony then opposing testimony. There was no mutual or opposing testimony on this bill. The Board has taken no stance on the bill because of the factors that would affect KRAF funding. One representative made the comment that the Board's written testimony looked to be more opposition than anything. After the hearing, the KBEMS was thanked for bringing forth the issue about it being a nonsustainable source. It does not appear the bill will be worked this session.

- HB 2608 - KDHE Trauma Bill – A bill to improve patient identifiable information within the Trauma Registry. There are issues regarding confidentiality and this bill is still in a committee.
- HB 2456 – Interstate Medical Licensure Compact (Physicians) is currently being supported.
- Dr. Gallagher presented information regarding Naloxone to the committee and a statewide proposal for the use of Naloxone by EMRs and EMTs. This will be discussed as soon as information has been sorted out by the NAEMSP and ACEP. Director Pore suggested this would be a good time to review over the counter medication that can be given by a lay person versus an EMR.
- Darlene Whitlock gave an update on the Medical Directors education project and the FLEX Grant by KDHE. This is an ongoing project.
- There was \$1,649,421.08 in funding requests for the KRAF Grant and \$359,461.97 was awarded. The committee discussed other information that should be included on the grant such as inter-facility call volume, KEMSIS involvement, and follow up on previous use of KRAF funds.

***Director Pore made a motion to approve the expenditures of \$359,461.97 from the EMS revolving fund for the items listed on the 2016 KRAF Grant award recommendations. Chief Pearson seconded the motion. No discussion. No opposition noted. The motion carried.***

- Director House requested at the committee meeting that we try to hold off on adding any new regulatory revisions to current regulations for next several months. This will allow board staff to get caught up on current projects and processes.
- Dr. Kingfisher has resigned, so the Board is in the process of looking for another physician board member.

That concluded the report from Chairman Hornung. No questions noted.

### **Investigations Committee**

Chairman Hornung called on Director Pore to give the Investigations Committee report. Director Pore reported to the Board:

- A number of consent items were pulled off the consent agenda. All of these moved forward with staff recommendation, except for one. This one individual also has CNA licensure with pending action on that license. The committee will wait until the pending action is resolved before moving forward with this case.
- One individual was charged with felony theft and misuse of public funds. This individual is currently on 12 months of diversion and working through a fine. The committee decided on a one year suspension but stayed the suspension while he is on diversion and paying the fine. Once he has completed diversion and payed the fine, the suspension will be lifted and the case will be closed.

- Another individual was convicted on multiple felony charges. There was an emergency order already in place on him and his certification lapsed. The emergency order was removed and he was flagged in the data base in case he ever wants to get certified. The individual is thought to still be in jail.
- There was a complaint by a program manager against an instructor. The investigator discovered there were problems with six courses. All of the courses had significant issues with incomplete paperwork. Two individuals from the same agency were involved. One individual is not certified as an I/C anymore. This individual has been flagged in the data base. The other individual had been demoted and moved into another service area and role in the company. The individual was put on a six month suspension of his I/C and required him to do another interim course before he can teach again. He will do this by consent agreement. The agency has hired a new service director and reappointed some employees to different roles. The committee accepted their local action and is not allowing them to do initial education for the next 12 months. The agency was willing to do this by consent agreement as well.
- An education related case was where the instructor missed paperwork and did not validate students before approving them to go test. The instructor received 6 month suspension, is required to take a mentor course, and an automatic audit of the first two courses the teacher teaches on their own. This was by consent agreement. A case was also opened against the sponsoring organization.
- An individual took a lie detector test for a job with law enforcement and he admitted that he had diverted medications on a couple of occasions. He ended up losing his job, and the committee accepted local action on this case.
- A transition application was denied and board staff requested additional paperwork from the instructor. The instructor did not comply, and the failure to comply investigation was opened and tabled in February. The individual did comply after two more attempts by the investigator. The committee decided to suspend him for one year but stayed the suspension pending any further issues.
- The committee accepted the agency's local action on a medication error case. The individual was 5 hours from finishing a 48 hour shift when they reached for Versed but ended up grabbing Fentanyl instead to treat the patient's seizure. The individual immediately reported it to the hospital and to the agency.
- Dr. Hornung questioned the safety of working a 48 hour shift.
- A paramedic student was working a 12 hour shift then went to work at the same organization as an EMT for the next 12 hours. He administered Zofran for nausea. The paramedic did not report this immediately and falsified documentation. 15 hours later, the paramedic did report the incident and amended the documentation. The paramedic student was fired and the paramedic was disciplined. The committee requested the paramedic to write a paper on how to handle medication errors through consent agreement.
- Director House participated in a hearing a month ago on a case that has been going on for 2 ½ years. They are expecting a report back from the administrative law judge very soon.
- The committee is still dealing with a case from an agency and the administrator with a number of violations. The committee's legal representatives are trying to negotiate a consent agreement for both the agency and the individual to keep the agency open.

That concluded the report from Director Pore. No questions noted.

### Office Update

Chairman Hornung called on Director House to give the office update. Director House reported to the Board:

- We still have about 130 ambulance renewal applications to receive by the end of April. The office will change the service permits to reflect air or ground classification.
- There are several meetings scheduled for April and May. Director House will be attending the Spring Conference NASEMSO meeting, the EMS Conference Steering Committee meeting, and two legislative meetings in Washington from April 4<sup>th</sup> through April 8<sup>th</sup>.
- Deputy Director Shreckengaust and James Kennedy will be meeting with a developer from ImageTrend April 4<sup>th</sup> and 5<sup>th</sup> to work on the license management system.
- Wendy Gronau will be leaving to start a new position as a Regional Trauma Coordinator for KDHE on April 11<sup>th</sup>.
- The State of Kansas is switching their email system for all state agencies. Microsoft will now provide the email for the State of Kansas which will be a considerable savings for the state. Thursday, April 14<sup>th</sup> is the day we will be switching over. The only change in our email address will be @ks.gov instead of @ems.ks.gov. The agencies that have already switched over have reported an extended delay. Since we will be switching later, we are hoping that the issues will already be corrected.
- April 21<sup>st</sup> through 22<sup>nd</sup> is the National Rural EMS Conference in San Antonio. This will be an opportunity to discuss the regional problems that EMS has in the rural setting. Solutions will be offered to rural providers including recruiting and retaining employees.
- The KEMSA Educator Conference is April 22<sup>nd</sup>.
- Public hearings on the continuing education regulations will be held on April 26<sup>th</sup>. This same week the Board will give an update at the Kansas State Firefighters Association Conference.
- There is a Rural Health Initiative Advisory Group Meeting scheduled for May 11<sup>th</sup> in Topeka. The purpose of this meeting is to gain a rural EMS perspective on the ability of critical access hospitals to remain open and not struggle as much. Any solution predominantly in a rural setting has to involve EMS. Each Region will select members to participate in the meeting.
- As we have done in the previous three years, we are going to have a legislative meeting to discuss any statutory concerns and priorities of the board or the public. This meeting is scheduled for May 17<sup>th</sup> at the Kansas Highway Patrol Training Academy in Salina. In anticipation of the passage of SB224, developing a fine schedule will also be discussed at the meeting. Director House will attend the National EMS Memorial Service in Arlington, Virginia later that week.
- There will be a joint meeting between Board of Healing Arts and the Board of Nursing on May 23<sup>rd</sup>. BEMS has been asked to attend to discuss the Board's thoughts on community paramedicine. Both boards are receiving incorrect information from the public about community paramedicine.
- EMS for Children is planning a two day meeting for May 25<sup>th</sup> and 26<sup>th</sup>.

Commissioner Olsen stated he will no longer be serving on the Board as the Governor's office will be appointing him to a different board. Commissioner Olsen also stated he has enjoyed meeting everyone and has learned a lot during his eight years of service.

***Dr. Hornung adjourned the meeting at 10:05 am.***

The next meeting is scheduled for June 3<sup>rd</sup>, 2016.