

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

## Board Meeting Minutes

April 6, 2018

Approved  
6/1/2018

### Board Members Present

Chief Shane Pearson  
Dr. Gregory Faimon  
Dr. Joel Hornung  
Comm. Ricky James  
Comm. Bob Saueressig  
Director Chad Pore  
Director John Ralston  
Dr. Martin Sellberg  
Dennis Shelby  
Director Jeri Smith  
Rep. Susie Swanson

### Guests

Brandon Beck  
Jason White  
Ron Marshall  
Galen Anderson  
Terry David  
Craig Isom  
  
Jon Antrim  
Scott Lenn  
Jason Kennedy  
Chrissy Bartel  
Dan Hudson  
Chris Matson  
Skylar Swords  
Tracy Cleary

### Representing

KEMSA/Region V  
MARCER  
KHA  
AMR KCKS  
Reno Co EMS  
EagleMed/Med-Trans  
Corp  
AMR  
AMR  
Hutchison CC  
Norwich EMS  
Univ. of Ks Health  
Andover Fire Rescue  
Finney Co EMS  
KDHE-  
EMSC/Trauma  
Program  
Finney County EMS  
Topeka Fire Dept.  
TECHS EMS

### Staff Present

Joseph House-Exec Dir  
Curt Shreckengast-Dep Dir  
James Kennedy  
Terry Lower  
Suzette Smith  
Emilee Turkin  
Amanda Walton  
Chrystine Hannon  
Jim Reed  
Kim Cott  
Carmen Allen

### Attorney General Staff

Sarah Fertig

Brent Rouse  
Richard Sigle, Jr.  
Con Olson

### Board Members Absent

Rep. Henderson  
Sen. Schmidt  
Sen. Faust-Goudeau  
Director Deb Kaufman

### Call to Order

Chairman Hornung called the Board Meeting to order on Friday, April 6th at 9:00 a.m. Dr. Hornung called for a motion to approve the February 2, 2018 minutes.

***Director Ralston made a motion to approve the February 2, 2018 minutes. Mr. Shelby seconded the motion. No discussion. No opposition noted. The motion carried.***

### Planning and Operations Committee

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

- Director House reported there was not a lot going on with KEMSIS. We are still collecting data. There will be a KEMSIS Users Group meeting in Salina on May 14<sup>th</sup>. Details will be forthcoming.
- Director Pore advised that services coming onto Elite should have ImageTrend use the Kansas facility codes.
- Mr. Reed reported on Service Inspections that 64 of 174 inspections were completed this first quarter and are going well. He also stated that they had completed 55 program provider audits and 23 initial course audits.
- There was one variance for lettering.
- There has been ongoing discussion on non-transporting agencies. Mr. Reed went through to identify which entities are first responding by using renewal question data. It's a question of either yes or no under county transport. He will find out which agencies are no's and follow up to see if they are following their own protocols, other protocols, or not. This will apply to standalones such as Goodyear or wind farms.
- Terry David expressed his concern regarding First Responders giving care without any medical equipment or physician oversight. They are in the process of determining who covers liability and workers compensation. He asked the committee to make sure the issue doesn't die.
- Mr. Reed reported 69 service renewals have been processed this year with 105 left.
- EMS Week will include the Governors Proclamation on April 23, 2018 @ 10:00am and a breakfast in the morning. Mr. Reed would like to have 10 EMS providers in uniform attend the signing. He asked for volunteers that are on the front line, not administrators.
- Mr. Reed will be licensing a new service (ground ambulance) next week for LifeFlight Eagle.
- There was discussion on blood draws, primarily for DUI's. Director House explained that law enforcement makes the decision on a need for a draw. And EMS can draw if asked. Director Pore asked if there is a law that requires EMS to do blood draws. Assistant Attorney General Fertig will research to provide an answer. Director Pore also asked if they can apply a fee. Chief Pearson thinks the decision by the service should be per their medical director.
- MARCER – Jason White said there is continued interest in Center for Patient Safety collaboration.
- KEMSA – The Core Conference will be held on April 20<sup>th</sup> – 22<sup>nd</sup> in Dodge City. Their Golf Tournament will be May 18<sup>th</sup>. The KEMSA conference will be August 9<sup>th</sup> – 12<sup>th</sup> in Mulvane.
- KDHE Trauma Program will be going to each Region as follows: May 9th in Oakley; April 11th in Dodge City; April 26th in Wichita; May 22nd in Salina; May 1st in Topeka; and April 19th in Chanute.
- Wendy O'Hare has been named the new Trauma and EMSC program director. She will start on Monday, April 9th.
- EMSC Day is May 23<sup>rd</sup>.

- An update was provided by the Regions on what's coming up and the next Region meetings.
- Darlene Whitlock stated they are planning the 2<sup>nd</sup> statewide EMS Medical Director workshop on August 9<sup>th</sup> in conjunction with the KEMSA Conference. She encouraged participation by Medical Directors. Service Directors can encourage them to attend.

That completed the committee report.

## MAC

Chairman Hornung asked for a report from Dr. Sellberg.

- Dr. Sellberg reported that they heard from Darlene Whitlock about the upcoming Medical Director's workshop.
- The MAC approved the medication list for First Responders, EMTs and AEMTs. The list is grouped by classes. If a service chooses to carry a particular medication, then training is needed.
- Statewide protocols were discussed. Staff were to provide a path for the state. There was a lot of interesting discussion. They are looking for comments back on why statewide protocols are good or evil.

## Education, Examination, Training and Certification Committee

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

- No variances were received.
- Chief Boyd reported that there were three exam sites since February. There is one exam site scheduled for April and several scheduled in May and June.
- Charles Foat reported that the EDTF had met twice since the previous meeting: February 15<sup>th</sup> and March 15<sup>th</sup>. A list of Instructor Coordinators for each region was put together and provided to each region to assist with scheduling educator workshops. The number of participants was down.
  - The committee heard a report on the "EMS Threshold Approach". Part 1 holds sponsoring organizations, which offer initial courses, to a 70% pass rate for a running 3-year period. Part 2 would require those same sponsoring organizations to maintain a summary of student graduate success, which would be made available for potential students. Both parts of the "EMS Threshold Approach" were approved by the EDTF. They would like to impose on sponsoring organizations that they could better EMS Education. Sponsoring Organizations would be urged to hire capable instructors and correct some of the percentages below standard.
  - BLS Skills Examination proposal and plan will be discussed when they reschedule the March 30<sup>th</sup> committee meeting.
- Regulatory Revisions were discussed for the following:
  - K.A.R. 109-5-1 – Continuing education credit to a clock hour.
  - K.A.R. 109-7-1 – Schedule of fees language
  - K.A.R. 109-9-1 – Examination

- K.A.R. 109-8 2 – Scheduling of examinations
- There was a lengthy discussion regarding BLS Skills Examination. The Education Manager had proposed an alternative exam proposal. Discussion was had on a 3 station, 3 candidate exam versus a 1 station, 1 candidate exam. The 1 station, 1 candidate method was recommended with the candidate taking either a Medical or Trauma exam. They discussed 2 approaches: by having the state do the exam; or having the state mediate the exams like at higher levels (AEMT and Paramedics). It was recommended to have exams scheduled through the State of Kansas and offered through the Sponsoring Organization.

**Director Ralston moved to have a 1 station, 1 person with each candidate taking either a medical or trauma exam with scheduling by the board staff and offered thru sponsoring organizations. Director Smith seconded the motion. No discussion. No opposition. The motion carried.**

- For New Business there were additional regulatory revisions as follows:
  - K.A.R. 109-11-6a - Needed to be revised for a while. This eliminated some duplicate language plus eliminates and cleans up some small points.
  - K.A.R. 109-1-1 - Definitions, proposed revision to define “clock hour”.
  - K.A.R. 109-5-5 - Retroactive approval of continuing education course - proposed change of electronic submission of the curriculum match requirement.
  - Education Manager reported that the Education Specialist position is open for internal applicants.
  - Director Pore wanted to comment on a few items.
    - Nationally there is a conversation regarding making it a requirement of an associate’s degrees for paramedic certification. What is unique is that Kansas has been requiring it for 20 years.
    - He wants to open the discussion on enhanced medication lists. With the constant changing of the list of medications, he asked how the state should handle education on these medications. He also questioned how to test if the education process took place on the meds.

That concluded the committee report.

### **Executive Committee**

Dr. Hornung gave the Executive Committee report.

- Director House provided a Legislative Update. He reported that the Medicare Reimbursement percentages have been restored for five years. They will be retroactive to January 1<sup>st</sup>.
- EMS on the Hill Day will be April 11<sup>th</sup> in Washington, DC. KEMSA will have representation there.
- SB 311, Mandatory reporting of Elder Abuse/Dependent Adult Abuse has been passed in both chambers and is awaiting the Governor’s signature.

- SB 425, known as the Imposter Ambulance bill, stating that it is unlawful to operate a vehicle that resembles an EMS vehicle is currently in an exempt committee but probably will not make any progress this session.
- SB 374, DUI law is in a conference committee and has language that is specific to EMS scopes that we have asked to be removed and we are being told it will be removed.
- There is a bill regarding the State Interoperability Advisory Committee that will require the board to select a person to serve on the committee. It is currently in a conference committee but he anticipates it to come out favorably.
- The Senate substituted twice a House Bill that rolled into HB 2386. It is currently in a conference committee between the two Federal and State Affairs committees. It is designed to allow a convicted felon to see if they are eligible to be licensed by the state before training begins. KBEMS is exempted from the bill at this time.
- HB 2526 started out as a bill adding a ranking minority member to the Rules and Regulations committee but has been changed to include making fiscal impact statements more meaningful. These statements would go to the Director of Budget. Agencies would also be required to look at contiguous states and identify why we would do something differently. Also required would be to list the cost of the impact to businesses. Director House believes it will pass. The fiscal impact of the bill has not been updated since these changes were added, but the cost has grown tremendously.
- HB2577 is the Right to Know Act. Its primary intent was to create a fee fund and collect fees by companies that store hazardous materials. It creates a singular fund for KDHE to administer the program. Currently their appropriation is \$90,000, but they are collecting \$310,000 a year, with the excess going into state general funds. Those fees are not being used for the specific purpose for which they were collected. Director House thanked the KEMSA lobbyist for making sure everyone was well informed these past few days. The State Fire Marshall, State Fire Fighters, and KDHE all met last Friday. The language is what they were hoping for and they hope to see a vote in the next few days.
- REPLICA meeting was held at the end of February in Tennessee. Nebraska and Missouri have bills moving this year to join the compact. Nebraska's interstate compact is on the floor waiting on the vote and Missouri has one on the 10<sup>th</sup>. Director Ralston asked where Oklahoma stood on joining. Director House stated that the association seemed to be on board but the state wants to delay joining. They have a couple other priorities they want first.
- KRAF Grant committee update was provided by Director Pore. He stated there were 58 applicants for a total of about \$1,500,000 with 77% of the recommended grants going to frontier/rural areas. The committee is made up of a representative from each Region with Director Pore as the Board's representative. Monitors and automatic CPR devices make up most of the requests.

***Director Pore moved to approve the KRAF grant awards recommended by the committee. Director Ralston seconded the motion. No discussion. The motion carried.***

- Director Pore reported on the EIG Grant. He stated that each year about \$50,000 in funding is returned from awardees who are unable to complete the grant requirements. Director House would like to create a second level of funding which would help low income and military personnel and their families to pay for examination and certification costs. The first incentive would be to cover 80% of the cost to certify and the first round of examinations for low income applicants. This would not be for the AEMT or Paramedic level. The second incentive is for military members separating from service and their families. If they are relocating to Kansas with an offer to work, we would consider covering 100% for the application fee and only covering 75% if no contingent offer was made.

***Director Hornung moved to recommend the proposal for the new level of EIG funding be approved. Director Ralston seconded the motion. It was asked if that was a policy or regulatory change. Director House replied that it would be a policy change. No additional discussion. The motion carried.***

- Deputy Director Shreckengaust explained that when he and Mr. Reed attended the Guardians of the Heart Conference on February 19<sup>th</sup> and 20<sup>th</sup> MEDIC-CE was in charge of doling out all the CE. There was no tracking of who was coming in to each class. Mr. Reed saw that when he collected his CE that he was given credit in every class session. Conversation has taken place with CAPCE after finding out there was no CAPCE number or label. Staff spoke with Mr. Scott of CAPCE and Mr. Smith of MEDIC-CE. Mr. Scott said some of the paperwork had been lost on a person's desk that had been separated. MEDIC-CE did not do any follow up with CAPCE. Mr. Smith said that they will no longer be doing these conferences. Board Staff has reached an agreement with them to have access into their system and can go into a course and request information from them to get the data on that course. Instead of removing them we will monitor them very closely and report back to the Board in six months if we find anything out of the norm.
- Director Pore felt that we needed to have a process in place to review CAPCE programs regularly and make sure the programs they sponsor are being true to the hours and bringing quality information out there.
- Director Pore also brought to their attention that two of the KRAF grant applicants were not reporting to KEMSIS. Reporting to KEMSIS was made a requirement of those who received a grant. After contacting both agencies, they are now reporting to KEMSIS and trying to catch up.

Dr. Hornung asked for questions and, hearing none, concluded his report.

### **Investigation Committee**

Chairman Hornung called upon Director Pore to provide the Investigation Committee report. Director Pore provided the following information.

- They only heard four cases. One was a consent case on an application with a felony conviction but the person had withdrawn their application.
- The first case involved a Police Chief that had been terminated due to ethical/moral issues. He pled out to a felony. He is currently on probation and he cannot be a police chief or hold public office for five years. The Committee decided to suspend his EMS certification through the end of this year and flag his record if he attempts to renew after this year.
- The second case involved a blood draw. The technician was reported to have reused a needle, dropped a blood vial and failed to follow a law enforcement officer's instruction. Upon watching the video, the technician did not reuse the needle but a blood vial was dropped. It was also clear that the individual had poor skill and needed remediation. He ended up getting terminated for other reasons. No violations were found and the case was closed.
- The third case involved a patella reduction in the field. An AEMT had reduced a patella without letting the paramedic know and the agency took local action but did not report it to the Board. Eight months later the same thing happened. This time the Paramedic did the reduction but did not stay in contact with the physician. The agency took action and suspended the paramedic for 30 day. The AEMT received a three month suspension and resigned. While the agency did not report the first incident, the Board felt they took appropriate action.
- There was discussion about a legal case from back in December when someone who got a six month suspension did not receive the paperwork informing them. The committee decided not to punish the individual further by extending their time because we did not get the paperwork done in time.
- There was a case where someone did not pay their fine and subsequently did not renew their certificate. It was determined that the fine was still owed. Board staff will submit it to the state setoff program for collection.

That concluded the committee report.

### Office Update

Chairman Hornung called upon Director House to provide the Office Update. Director House provided the following information.

- There will be a legislative meeting in Salina on May 15th at the Highway Patrol Training Academy. The four core items from the board are: criminal background check; clean up language; medical protocol approval; and inactive status. They will also gather comments from the public about other concerns. We are attempting to schedule the KEMSIS users meeting the day before or after.
- Three Board staff will be attending the annual NASEMSO conference.
- Director House reported on an investigation that began in 2012 where action was taken in 2014 to revoke an Instructor Coordinator's certificate. The Instructor contested it in the Sedgwick County District Court. On February 12, 2018 the court ruled in favor of the Instructor Coordinator and dismissed the revocation. Director House explained that the

court affirmed all facts and actions of the Board, but found that the Board had not followed the Administrative Procedure Act by responding within 30 days. We chose not to appeal the decision. The revocation was dismissed. Director House wanted to note that this happened before Mr. Grayson was employed. There is a procedure in place to make sure this doesn't occur again.

- Director House gave a presentation about the National Collaborative Bio-Preparedness (NCBP) and how it tracks health events and trends with data taken from numerous databases. Currently seven states participate. This is done at the University of North Carolina with Homeland Security and Visual Informatics. He then gave a demonstration of available data such as how to retrieve information on opioid overdoses. He stated that counties/services would be able to access their county/service data. Director Ralston asked about how they line up with NASEMSO protocols. Director House affirmed that they did. Director House stated that there was no cost involved. Board members could also get access to this information.

Director House concluded his update.

Director Pore indicated that he wanted to clarify his comments on the medication list because we require all medications be taught in class. And for KEMSIS he brought up that there is a statute requiring agencies to report data. He questioned at what point the Board would enforce the statute for agencies that don't report data. He stated that the statute had been in place for ten years yet some agencies are still not reporting.

Director Pore reiterated that KEMSIS is not used as a tool to punish an agency. However, there needs to be a method for Board staff to proceed when data doesn't look right in the system.

Dr. Hornung thanked Region VI for the refreshments.

*Dr. Hornung adjourned the meeting at 10:50 a.m.*