

Board Meeting Minutes

April 1, 2022

APPROVED

6/3/2022

Board Members Present

Rep. John Eplee
Dr. Joel Hornung
Comm. Ricky James
Director Deb Kaufman
Chief Shane Pearson
Director John Ralston-virtual
Dr. Martin Sellberg-virtual
Comm. Bob Saueressig
Director Jeri Smith

Guests

Charles Foat
Craig Isom
Tracy Cleary
Galen Anderson
Mickey Huber
Virtual
attendees listed
at the bottom

Representing

JCCC
EagleMed
EagleMed
AMR
AMR

Staff Present

Joseph House, Exec. Director
Curt Shreckengaust, Dep Dir
James Reed
Carman Allen
Mary-Elaine Skinner
Kim Cott-virtual
Chrystine Hannon-virtual
Chad Pore
Suzette Smith
Terry Lower
James Kennedy

Board Members Absent

Dr. Gregory Faimon
Sen. Faust-Goudeau
Rep. Broderick Henderson

Attorney

Sam Feather

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, April 1, 2022 at 9:00 a.m.

Chairman Hornung called for a motion to approve the minutes.

Commissioner Saueressig made a motion to approve the February 4, 2022 minutes. Director Kaufman seconded the motion. No further discussion. No opposition noted. The motion carried.

Investigation Committee Actions

Chairman Hornung called on Chairwoman Smith to give the Investigation Committee report.
Chairwoman Smith gave the following Investigation Committee report.

- The consent agenda included: approval for provider to surrender credentials after sexual abuse of a patient; two applicant requests to withdraw their applications; legal recognition with prior action taken against certification in another state; and approval for the Executive Director to rescind or modify legal orders that he issued related to CE audits. The discussion cases involved: documentation failure by an instructor; intentional falsification of an application; a case involving patient care and failure to safeguard a patient where two providers were found responsible and completed remediation with their service and received six month probation and \$150 fines; a case involving patient care and failure to safeguard a patient in which it was the EMT's second violation and she received a 90 day suspension and a year probation, the Paramedic was suspended for 15 days, and both completed remediation with their service; an IC issued CE hours for helping with an exam site which does not meet the definition of continuing education; a firefighter who does not hold an EMS credential was allowed to drive an ambulance with a paramedic on board but the paramedics partner was left at the scene with another patient waiting on a second ambulance to arrive, local action was accepted and the operator was fined; an EMS provider realized they had not renewed their certification but was instructed by their supervisor to drive for the remainder of their shift and responded to three calls, therefore the operator and the provider received fines; a provider used illicit drugs and is in treatment for their addiction, they are suspended for 90 days and must pass periodic drug screen testing.
- Dr. Sellberg asked if the Investigation Committee acts on its own with no action required by the Board and was told yes by legal counsel. He also asked if causation was an appropriate component for consideration. Dr. Hornung stated that the Committee used a decision matrix regarding cases that included the choices of no harm, or likely to cause harm to patient. Attorney Feather then said that regulation K.A.R. 109-16-1 stated that graduated sanctions should be considered, including the likelihood of harm.

That concluded the Investigation Committee report.

Office Update

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

- Service renewals and Sponsoring Organization renewals are open through the end of April. This is the first year for Sponsoring Organization renewals.
- We had two mobile testing sites which involved 25 students. There have been five BLS skills testing sites which involved 73 students. There are 65 service inspections completed.
- KEMSIS is still working on the foundation and transition to version 3.5. They might be on their way to having a single state form for entry. For the Licensing System we are still working on linkage with ePCR, plus working on an update to our Training component to a new Education module.
- NASEMSO has issued model clinical guidelines, which we utilize for the definition of appropriate care.
- In a legislative update Director House reported there wasn't much new involving EMS except that the budget has cleared Appropriation Committee and Ways and Means Committee. There are a number of bills regarding the regulatory process including the sunset of all state agencies in five years. This will take a significant amount of time (estimated 3-6 months) to develop the report. There will be a review of all regulations.

We are slated in 2027. This comes from other agencies that have stagnant regulations that aren't being looked at. This is a time to look at our EMS plan in Kansas. Previously ambulance services were the only way pre-hospital care was provided. Now we also have first responders.

- There is a proposed constitutional amendment that would grant the legislature the ability to suspend any executive branch agency action or regulation.
- Senate Bill 474 died without a hearing. It would have given permission for counties that had less than 10,000 people to allow someone who did not have an EMS certification the ability to drive an ambulance.

That concluded the Office Update report.

New Business

- Board members received a copy of the proposed Board Articles Revision. The proposed changes include striking language that committees will meet the day prior to the scheduled Board meeting, replaces the Purpose category of the Executive Committee to make time-sensitive decisions between scheduled Board meetings, and adding a section on Binding Authority of the Executive Committee in all time-sensitive matters.

Director Smith moved to adopt the Board Articles as provided. Commissioner James seconded the motion. No further discussion. No opposition noted. The motion carried.

- The KRAF grant applications closed in December. The Assistance Review Committee met and made recommendation to fund 32 applications, disburse \$5,625 to each of the six EMS regions, and any remaining balance will be rolled into the Fiscal year 2023 grant cycle.

Dr. Eplee moved for approval of Director House's recommendation. Chief Pearson seconded the motion. No further discussion. No opposition noted. The motion carried.

- Director House gave information on the State Written Exam Pass Rate. A new regulation came through to set the Sponsoring Organization up for outcome based results with a 70% pass requirement. It was cumbersome for staff to draw until they took the exam date instead of the course end date. We were linked to the Board of Nursing and they upped their requirement to 80%. The Joint Committee on Rules and Regulations asked why we were happy with 70%. Director House said the percent is there to protect the public. Chairman Hornung said if the course completion requirements aren't high enough the Sponsoring Organization needs to adjust. There was discussion on if we should count all attempts. Commissioner James asked if we are satisfied with 70%. Director House discussed current pass rates. Chairman Hornung explained that we don't shut down a Sponsoring Organization for a 65% pass rate. We just help them improve. We are looking for excellence and a way to improve the educational experience in Kansas.

Dr. Eplee recommended using the first attempt to calculate the pass rate. Director Smith seconded the motion. No further discussion. No opposition noted. The motion carried.

This will require a regulation change.

- Further discussion was had on the 70% pass rate. Director House said you want more providers, so you want them to pass because they then wait 14 days for the next test, then another 14 days for each subsequent test. If you want students certified quicker, then you want a higher pass rate on the 1st attempt.

Chief Pearson moved to keep the average pass rate at 70% on the cognitive exam. Director Kaufman seconded the motion. No further discussion. One opposed. The motion carried.

- A Sponsoring Organization Quality Improvement tool was presented in December and subsequently sent to the 23 programs that were below the 70% pass rate. All were received back. The depth and breadth of those responses varied greatly. The question is where do we go from here after the reports are submitted and is there a grading matrix. Director Kaufman felt the document needed to be revised. The hope was to get a simple improvement plan that could be used to evaluate if a program improved during the next year.

Chief Pearson moved to assign our Education Committee to develop a review process/grading matrix to assist in the review of submitted QI templates and to return the completed recommended process/matrix to the Board at the October Meeting. Director Kaufman seconded the motion. No further discussion. No opposition noted. The motion carried.

- Ambulance Staffing/Role of EMR was discussed by Director House. There were multiple bills at the Legislature. Senate Bill 474 would have reduced ambulance staffing to an EMT and a driver and eliminated the EMR. The bill proposed the second person would have driver training with CPR or first aid if the service was in a county of less than 10,000 people. Director House wasn't comfortable delineating it is ok for this county to only have one provider and another county needing two providers. Current staffing allows the EMR to be one of the two providers on an ambulance. There were 1,040 first responders at one time and now we only have 270 EMR's in Kansas. Director House provided a Board Brief that recommended: 1) pursue the creation of a new grouping of person – Ambulance Assistant; 2) assign Planning and Operations Committee to provide recommendations for action, if any, related to ambulance staffing no later than the August 2022 meeting of the Board; and 3) assign EETC to review the EMR level of certification and to provide recommendations for action related to the educational requirements/standards of the EMR no later than the August 2022 meeting of the Board.

Commissioner James moved for approval of the three recommendations stated in the Board Brief. Chief Pearson seconded the motion. No further discussion. No opposition noted. The motion carried.

- Director House discussed Physician Orders for Non-Emergency Situations. He reported that Kansas EMS has changed. The paramedic statute says in non-emergent situations they follow protocols only, but that is not really happening. There is confusion about paramedic authorized activity. Director Kaufman asked if this just affects the Paramedic level. He said the paramedic level hasn't been reviewed since 1988 and happened to be where the conflict was noted. Since other levels have been reviewed recently, they are probably up to date. Staff recommendation is for the Board to define their intent for staff to then propose potential recommendations to be presented at the June 2022 Board meeting. Commissioner James recommended staff draft a proposal.

Commissioner Saueressig moved the recommendation as written to send back to staff for presentation at the June Board meeting. Chief Pearson seconded the motion. No further discussion. No opposition noted. The motion carried.

- Ambulance Service Types/Lines: not subject to public call was discussed. Director House said a legislative package item was to look at addressing non-911 services that are transportation services with no 24/7 coverage requirement. The current issue is these transfer services are violating law by not providing 24/7 coverage and 911 dispatch.

Chief Pearson moved to assign Planning and Operations to provide recommended language for adoption that would add a new type of ambulance service that is not subject to public call and to define the standards for that type of service not later than the August 2022 meeting of the Board. Commissioner James seconded the motion. No further discussion. No opposition noted. The motion carried.

- Director House stated that the statutes and regulations need to be reconsidered since there have been many changes in EMS care since this Board began. Those changes include non-traditional care, staff working in field hospitals, infusion clinics, etc. It's time to take a deep dive into what EMS has evolved into in Kansas. This would be a document defining what EMS is today, components that feed into it, assessing where we are now, where we are headed, with an analysis on what it would take to make things happen. This is expected to be a long-term project taking years to complete.

That concluded the New Business update.

Public Comment

The Board asks that written comments be received at least one week prior to the meeting so that the members have time to read and consider them.

With no public comment and no further business before the Board, Chairman Hornung adjourned the meeting at 10:45 a.m.

Virtual Guests

Chris Cannon
Brandon Beck
Angela Hamilton
Jeff Smith
Caroline Scoville
Con Olson
Kent Vosburg
Nathan Sturchio
Frank Williams
Cliff Moore

Zach Bieghler
Chrissy Bartel
Dave Johnston
Karl Leech
Sean Brainard
Nick Larmer
Heather Scruton
Alex Bergstrom
James Fricke
Dave Stimatze
James Fricke
Cole Christman
Chris Steiner
Danita Schroeder
Jerrad Webb
Eric Voss
Jon Friesen
Bradley Sisk
Evan Seiwert
Stacey Jordan