

Board Meeting Minutes

August 7, 2020

Approved
10/2/2020

Board Members Present

Rep. John Eplee
Rep. Broderick Henderson
Dr. Joel Hornung
Comm. Ricky James
Director Deb Kaufman -phone
Chief Shane Pearson
Mr. Chad Pore
Director John Ralston - phone
Comm. Bob Saueressig
Dr. Martin Sellberg – phone
Mr. Dennis Shelby
Director Jeri Smith

Guests

Lloyd Youel

Representing

Wichita Airport Police
& Fire

Staff Present

Joseph House, Exec Director
Curt Shreckengaust, Dep. Dir.
Terry Lower
Suzette Smith

Board Members Absent

Dr. Gregory Faimon
Sen. Faust-Goudeau

Attorney

Whitney Casement
Sam Feather

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, August 7, 2020 at 9:02 a.m.

Mr. Shelby made a motion to approve the April 3, 2020 minutes. Commissioner Saueressig seconded the motion. No discussion. No opposition noted. The motion carried.

Old Business

Chairman Hornung called upon Director House to report on old business. Director House provided the following information:

On KRAF grant awards, we were unable to fund grants 18-21 but were able to fulfill regional distribution.

Director House reported that there had been no COVID-19 related decisions requiring affirmation by the board.

Planning and Operations Committee

Chairman Hornung called upon Chief Pearson to provide the Planning and Operations Committee report. Chief Pearson provided the following report:

- Director House provided a KEMSIS Update and reported that things were going well and it was invaluable to have real time information during the pandemic. So far there have been 217,250 records entered into the system since the 1st of the year. He was able to track the slowdown that occurred shortly after the shutdown around March 11th, and the return upward started on June 3rd. There was a reduction in critical calls and there was a slight increase in refusals for the last several months due to COVID-19. There are three services not reporting in the system, but one service is in the process of working with their legal staff to come on board.
- Director House reported that the Biospatial platform is ready to be pushed out. The platform will start with Region VI. The service will be added as users, they will be trained, and then they will have the ability to use the platform. Director House reported that the visual representation provided by this platform is outstanding. The platform allows a service to compare themselves to neighboring counties and others in their Region as well as other states as far as overall data.
- Mr. James Reed reported that Mary-Elaine Skinner has been hired. They have completed 85 inspections so far this year and will have no problem getting them completed by the end of the year.
- There was a brief discussion on emergency medical response agencies, but it has been on hold due to the pandemic. Chief Pearson said they will be having discussions again with professional organizations to get their input. There is still an expressed desire to keep this moving forward.
- The committee discussed ending the Voluntary Recognition Program that was put into place 4-5 years ago because there has been zero usage. A lot of work was put into the frontside and if it is decided to continue the program, then it would have to be updated. The committee voted to end the Voluntary Recognition Program.

Chief Pearson made a motion for cessation of the Voluntary Recognition Program. Director Smith seconded the motion. No discussion. No opposition noted. The motion carried.

- Mr. Reed stated that currently the regulation for Air Ambulances requires a certificate of air worthiness, which is given when the aircraft is first registered and that the service can present

the same certificate each year. He proposes that the regulation be changed to require a current registration form from the FAA which is given each year. Mr. Rod Pace, from Kansas Air Medical Transportation Services, stated that their group was on board with the change and there was no opposition and felt it was a good move. The committee voted to make the change.

Chief Pearson made the motion that the regulation change to K.A.R. 109-2-2(d) be made to require current registration instead of air worthiness. Vice-Chairman Pore seconded the motion. No discussion. No opposition noted. The motion carried.

- Mr. Reed explained that next year the committee wanted to limit the KRAF Grants to cardiac monitors only due to the changes the FDA is making to the requirements for AED's and cardiac monitors that have AED as a component, making current monitors obsolete. This topic is also on the Executive Committee agenda. The main goal of the KRAF grants is to provide assistance to communities, especially communities that have difficulty with obtaining funding for new equipment. Dave Johnston, of Region III, reported that he did not hear any opposition when it was discussed at their Regional meeting. The committee feels that making monitors a priority is the right plan.
- Mr. Reed reported that there had been a late variance request from Newton Fire regarding lettering on a vehicle. He also reported that Osborne EMS had signed an agreement with AMR stating that AMR would be taking over, probably in September.
- Regions association reports indicated several are starting back up with in person meetings. KEMSA is moving forward to provide online learning opportunities since their conference was canceled.

That concluded the Planning and Operations report.

Medical Advisory Council

Chairman Hornung stated that the council wants to go ahead and move the AEMT medication list, with no changes or concerns.

The Council want to discuss the possibility of using local credentialing as a way to retain certification instead of gaining CEU's. This was discussed four years ago at a strategic meeting and was met with a lot of opposition. This would involve monitoring and testing of local services. They could look into this again to see if a larger service could pilot the idea.

The Council would like to have two new members come on board. Dr. Carolina Pereira and Dr. Paul Bogner applied, and they were recommended to be added to the MAC.

Discussion ensued regarding number of doctors from a region, rural vs. urban, and length of tenure on the Council. Mr. Shelby said he has a physician, a former paramedic, who would be interested in serving.

Mr. Dennis Shelby made the motion to add Dr. Carolina Pereira and Dr. Paul Bogner to the MAC. Dr. Eplee seconded the motion. Discussion ensued. No opposition noted. The motion carried.

That concluded the MAC report.

Education, Examination, Training and Certification Committee

Chairman Hornung called upon Vice-Chairman Pore to provide the EETC report. Vice-Chairman Pore gave the following report.

- Ms. Carman Allen provided a BLS psychomotor exam report that in 2020 there have been 18 exam sites and 885 students have been examined. While 762 students enrolled in a course, only 477 made application, with 56 who dropped/failed/withdrew, leaving 421 to test. Of those, only 118 became certified, or about 28%. There was discussion on why the certification rate was so low. Ms. Allen had explained that some of the high school students are required to take the psychomotor exam but not the cognitive exam. There were just over 300 who took the psychomotor exam with a 72% pass rate. There were 220 who took the written exam with a 71% pass rate. One institution is not offering testing and their students are having trouble finding a site to test. COVID-19 has also had a negative effect. Usually we average about 1000 students becoming certified each year. But this year will see a huge drop.
- Dr. Foat, from the Education Development Task Force, was unable to attend but sent an email stating that they met in March. If people would like to know when the next meeting is, check their website.
- The Sponsoring Organization Regulation changes have had good engagement by the public that we are building the changes the right way. The committee did not have any problem with them and recommends these changes to the Board.

Vice-Chairman Pore made the motion to enter into the state's regulatory process for the sponsoring organization regulations. Director Smith seconded the motion. No discussion. No opposition noted. The motion carried.

- Vice-Chairman Pore asked the committee to think about the credentialing piece mentioned in the MAC meeting. He also asked that there be a discussion regarding the two year time frame for renewal, specifically, extension of the expiration dates.
- On the Education Manager Report Ms. Allen said staff has been working on new procedures and feels that they are doing a good job. It has put a strain on individuals learning new ways but is seeing an increase of putting out correct information. Mr. Ross Boeckman was out of the office for two weeks doing his Army training. He has been able to reschedule all exam sites that were not able to test during the COVID-19 closures. The new inspector has also been trained to help at test sites and is doing a good job.
- Vice-Chairman Pore made a comment as a member of the Investigations Committee. This last group of investigations cases had a number of education audits. Some individuals enter their continuing education online, and others do not. Maybe it should be required for individuals to submit their continuing education online for renewal.

That concluded the Education, Examination, Training and Certification Committee report.

Executive Committee

Chairman Hornung called upon Mr. Shelby to give the Executive Committee report. Mr. Shelby gave the following report.

- Director House reported that due to the pandemic, the legislative session ended quicker than expected. HB 2723, Medical Oversight/Protocol Approval Process, had good support but was quickly derailed due to time constraints and will be a starting point for next legislative session. Director House is looking for the committee to send it back to the full board. Dr. Hornung stated there has been discussion for two years and believes the protocol approval process solves a number of problems. He felt this bill is by far the best.

Mr. Shelby made a motion to pursue HB 2723, as revised during the 2020 Legislative Session, in the upcoming legislative cycle. Dr. Eplee seconded the motion. No discussion. No opposition noted. The motion carried.

- On H.R. 5826, Consumer Protections Against Surprise Medical Bills Act Director House reported that one section is specific to reporting requirements of air ambulance services.
- H.R. 6637 Health Equity and Accountability Act contains a provision to eliminate the isolation test for cost-based ambulance reimbursement. This is one line in a 1,700 page bill. Director House said it is not likely this bill would make it out of committee.
- KRAF changes for the FY 2021 cycle were discussed. Vice-Chairman Pore reported that the FDA is issuing letters on AED's that will be outdated February 2021. Director Kaufman suggested making monitors a priority when awarding funding.

Mr. Shelby made a motion to make monitors a priority the next award cycle if a service doesn't have a monitor that meets FDA guidelines. Vice-Chairman Pore seconded the motion. No discussion. No opposition noted. The motion carried.

- The three other KRAF items to discuss were: 1) Applications that are not filled out completely are denied; 2) Consider reducing the cap of state funding on ECG monitors from \$20,000 to \$15,000; and 3) Ask services to include durable medical equipment when purchasing an ambulance.

Mr. Shelby made the motion to approve items 1 and 3, applications not completed be denied and services should include durable medical equipment when purchasing an ambulance. Vice-Chairman Pore seconded the motion. No discussion. No opposition noted. The motion carried.

- The committee wanted to hear discussion from the full Board regarding whether the amount in item 2 should be reduced. The current KRAF monitor request requirements include the grant not paying more than 75% or \$20,000 towards the purchase. The Board expects to have less funding to spend due to COVID-19. By reducing the cap on monitors the funding would go farther.

Vice-Chairman Pore made a motion to reduce the capped amount on ECG monitors from \$20,000 to \$15,000 for the FY 2021 KRAF grant and to reconsider this prior to the FY 2022 cycle. Director Smith seconded the motion. No objections noted. The motion carried.

- Dr. Hornung stated that there was discussion in the MAC meeting to get up to date regulations going for the AEMT Medication List. Vice-Chairman Pore reported for the

AEMT Excellence Committee that they had not reached a recommendation to move forward. The committee has no problem with the list if the education component is there. AEMT's have the biggest number of "outside their scope of practice" investigation cases. Vice-Chairman Pore clarified the committee was willing to move the list to the full Board for consideration. Dr. Hornung recommended to get the list out and then work on the education. The discussion regarding the AEMT list covered the impact it would have on rural areas, the different amount of training for AEMT vs Paramedic, the lack of specific medications and dosage, concerns regarding an increase of "out of scope of practice" investigations, and the amount of education/training provided by services to their AEMT's regarding the use of the medications. Most participants felt that the education component is key to the successful use of the medication list. Several participants appreciated the discussion and the fact that it seems to have engaged all members of the Board. Director House stated that the changes to the list were the addition of nitrous oxide and TXA; remove Zofran specifically and change it to an anti-emetic category; delete the application use column; and to add over the counter antipyretic and non-opioid analgesics.

Mr. Shelby made a motion to approve the AEMT medication list as provided. Director Kaufman seconded the motion. A lengthy and productive discussion ensued. The motion carried, 7-5.

Mr. Shelby made a motion to enter into the state's Regulatory revision process to reflect the approved medication list. Dr. Eplee seconded the motion. No discussion. The motion carried, 7-5.

- Staff is recommending consideration to continue the offering of EIG funds to assist low income individuals, separating military members, and military families to obtain Kansas EMS Certification and the enter the Kansas EMS Workforce by reducing certification and examination costs.

Mr. Shelby made a motion to continue the EIG assistance to low-income and military applicants. Commissioner James seconded. No discussion. The motion carried.

- On June 6, 2019, the Kansas Legislature granted the Board the authority to issue and renew an inactive certificate. Staff is recommending the addition of a new regulation and revising K.A.R. 109-7-1 (fees) to implement the authority.

Mr. Shelby made a motion to enter into the state's Regulatory process with the proposed regulatory language for inactive certificates. Chief Pearson seconded the motion. No discussion. The motion carried.

- Six technical changes to the Board Articles are being proposed due to changes related to statute, an organization name, and the Board's Purpose statement. Staff is recommending that the articles be forwarded for adoption.

Mr. Shelby made a motion to adopt the Board Articles with the proposed revisions as provided. Vice-Chairman Pore seconded the motion. No discussion. No opposition noted. The motion carried.

- Chairman Hornung thinks KRAF grant issues belong in the Planning and Operations Committee and Vice-Chairman Pore agreed. Director House stated it was brought to Executive Committee because it involved finances.

That concluded the Executive Committee report.

Investigations Committee

Chairman Hornung called upon Vice-Chairman Pore to provide the Investigation Committee report. Vice-Chairman Pore gave the following report.

- The Committee had a lengthy list of cases to review with a number of audit cases. As those cases started piling up, the Committee felt these audit cases could be done in the office. Director House and office staff worked to create a sanctioning reference tool that would assign a point value for each case that moves into graduated sanctions. It provides a recommendation on disciplinary action. The Committee was comfortable with the tool and wants to continue to use it.

Vice-Chairman Pore moved to adopt the use of the sanctioning reference points for continuing education audits. Director Smith seconded the motion. No discussion. No opposition noted. The motion carried.

- With the sanctioning reference tool in place, Vice-Chairman Pore said the education audits could be handled by the office and not come to the Investigations Committee.

Vice-Chairman Pore made a motion to delegate to the Executive Director the ability to take disciplinary action in continuing educational audit cases following the sanctioning reference points and previous Board action and to report the action taken to the Board. Director Smith seconded the motion. No discussion. No opposition noted. The motion carried.

- There were seventeen other discussion cases including medication errors, and a number of complaints of practicing without being certified, which were referred to local District Attorneys. With the change in legal representation the Committee had discussions with the attorney, and she will advise of violation statutes and bring them back to the committee. These actions should enhance the review for the committee and make things more consistent.

That concluded the Investigations Committee report.

Office Update

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

- Director House thanked everyone for the discussion surrounding the AEMT medication list.

- There will be a couple of more exam sites in August before a lull as classes start back up this fall.
- Everything is still in flux due to COVID-19. But things have slowed down, and we are moving towards recovery side versus response. Procedures were in place to adjust to the pandemic without problems.
- Director House was appointed as Secretary of the Interstate Commission on Interstate Compact. They met in June and discussed the reporting of criminal history to make sure nothing is disclosed in error.

That concluded the Office Update report.

Chairman Hornung thanked Region V for the refreshments.

Chairman Hornung adjourned the meeting at 10:51 a.m.