



on State Office Building
900 SW Jackson Street, Room 1031
Topeka, KS 66612-1228

Board of
Emergency Medical Services

phone: 785-296-7296
fax: 785-296-6212
www.ksbems.org

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

Sam Brownback, Governor

**Board Meeting Minutes
August 7, 2015**

**Approved
10/02/2015**

Board Members Present

Guests

Representing

Staff

Senator Faust-Goudeau
Rep. Henderson
Senator Mitch Holmes
Dr. Joel Hornung
Comm. Ricky James
Director Deb Kaufman
Comm. Keith Olsen
Chief Shane Pearson
Director Chad Pore
Director John Ralston
Director Jeri Smith

Frank Williams
Brad Sisk
Kathy Dooley
Rosa Spainhour
Jason White
Jason Bolt
Chrissy Bartel
Tracy Cleary
John Paul Jones
Stan Conover

Life Team
GCCC/SKEMS/Region II
SKEMS/ Region II
Kiowa County EMS
MARC/KEMSA
KEMTA/ Region VI
Norwich EMS
EMSC
KCKFD
Hillsboro Comm. Hospital

Joe House – Exec Dir
Curt Shreckengaust – Dep Dir
Dave Cromwell
Carrie Doud
Mark Grayson
Wendy Gronau
Chrystine Hannon
Georganne Lovelace
Joe Moreland
Suzette Smith
Nance Young

Attorney General Staff

Sarah Fertig

Board Members Absent

Dr. David Kingfisher
Dennis Franks
Dr. Martin Sellberg

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, August 7, 2015 at 9:04 a.m. He welcomed new Board member Director Jeri Smith. The first order of business was to approve the June 4, 2015 minutes.

APPROVAL OF MINUTES

Director Ralston made a motion to approve the June 4, 2015 minutes; Director Deb Kaufman seconded. 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:

- Everything is set up for the booth at the Kansas State Fair according to Dave Cromwell. The Board of EMS booth will be located at 219 - 221 Lake Talbott Ave. (Fort Riley Blvd. and Lake Talbott Ave. intersection). Shawnee County AMR, Hutchinson Community College, and Hoisington Ambulance Service will provide the hands only CPR training. Dave Cromwell has scheduled all of the static display ambulance spots, and he will be sending out a letter in a couple of weeks to everyone participating at the booth regarding gate passes and all the details. He and James Reed will go on Thursday to get everything set up. He is still looking for more recruitment videos.
- Halstead Fire/EMS, Moundridge, Pretty Prairie, Pratt County, Frankfort, Seneca, Sabetha, Leavenworth County and Town & Country have all received outstanding inspections since the June Board meeting.
- Dave Cromwell's Managers' Report was reviewed. The numbers from the report may change in the future as the new regulations go into effect.
- All of the regulations that effect K.A.R. 109-2-6 are still in the process at the Attorney General's Office. Once they are approved, they will come back to the board office for the comment period.
- Under K.A.R. 109-2-6 Dave Cromwell reported there are some services concerned about their response time at night and not meeting the regulation requirement of an average of 5 minutes for a chute time, especially on the volunteer services that are not staffed 24 hours per day. The committee will take a look at this to see what they can do to assist services, but this is a local issue that the service directors will need to solve by working together with the local government. The Board and board staff will do what they can to assist them, if requested. Technical assistance has been provided in the past and this is still an option, if needed.
- The committee discussed performance measures looking at different data points they could start collecting to improve the quality of pre-hospital medical care and day to day operations. The regions and committee members as well as KEMSA will sit down and have some brainstorming sessions. The regions will be bringing back ideas to the October meeting.
- There was a discussion regarding the inspection policy. The discussion was prompted by an inspection where a non-invasive piece of equipment had a battery failure. This was corrected immediately on site without leaving the ambulance. Chief Pearson suggested the Board re-evaluate inspection policies with input from the service directors and providers. The committee suggested that more latitude could be given to Dave Cromwell and James Reed when they are doing inspections, allowing them to use their discretion.

If a piece of non-invasive equipment could be fixed immediately due to a battery failure or something simple during patient care, this would not be marked as a deficiency. KEMSA volunteered to be the coordinator and set up the meetings to re-evaluate the current policy.

- Region I has a meeting August 19th. They have awarded some scholarships for the KEMSA conference and they have an educator workshop coming up on September 12.
- Region II has a meeting August 19th and they have also awarded some scholarships for the KEMSA conference.
- Chief Mark Willis from Newton has been selected as the new Region III president.
- Region IV has a meeting August 11th.

Education, Examination, Training and Certification Committee

Chairman Hornung called upon Director Kaufman to give the EETC Committee report. Director Kaufman reported to the board:

- Director Jeri Smith was welcomed to the committee.
- Wendy Gronau reported there are 226 attendants that still need to transition.
- The committee heard a presentation by the University of Kansas Medical Center staff on statewide sepsis training. A flyer was distributed regarding the training. They are planning to present a free, two day program of intensive sepsis education across the state over the next two and a half years. EMS credit is available for participants. Data collection and tracking are key components of their program. Sepsis is a time critical diagnosis and KU would like to improve the outcome for these patients. Two of the trainings have been scheduled and others will be announced as the year progresses. There will also be a brochure on their website.
- No variances were submitted.
- The BLS exam vendor contract has been signed. The committee will start to identify any items that need to be updated within the contract in preparation to begin the process again next February.
- Wendy Gronau is working with Jeb Burris and Scott Reese, members of the Education Development Task Force (EDTF), to identify current membership. They participated in a teleconference July 9. The regions will address their membership with several tasks before moving forward with reorganization of the task force. The task force would like to have some internal policies.
- The education regulations the committee has been working on have been approved by the Department of Administration and have been delivered to the Attorney General's Office for review. There was some language change on K.A.R.109-5-1 made by the Department of Administration. After lengthy discussion, the committee agreed the intent of the

regulation has not changed. The committee brought forward a motion to allow K.A.R. 109-5-1 to continue thru the regulatory approval process with the language changes.

Director Kaufman made a motion to continue the regulatory approval process on K.A.R. 109-5-1. Director Ralston seconded. No discussion. No opposition noted. The motion carried.

- Charles Foat with Johnson County Community College gave an update on the beta testing of the performance appraisals for the IC candidates in his class. He has three students who will be finishing the IC class. Two will be teaching their initial course in the fall and one in the spring. The committee will look forward to feedback on the process.
- The committee discussed performance measures and the need for data for decision making. Numerous items related to student instructor data were identified.
 - The national registry reports on pass and fail rates were reviewed.
 - Charles Foat identified the advantage of transparency to students coming into programs.
 - Members were asked to identify items and bring them to the next meeting.
- An EMS instructor coming into the state asked about educator legal recognition. Staff will research the current four regulations that would need to be addressed to recognize out of state credentials and bring those regulations and suggestions back to the committee in October.
- Field education inspection audits continue. There are still issues with rosters and certificates of attendance. Jim Reed is visiting classes as time allows.
- Program coordinators teaching multiple courses simultaneously are burdened by having to sign all of the individual rosters. The committee will be reviewing this process at the next meeting.
- The committee viewed the letter sent to IC's regarding the discrepancies that were seen during the audits.
- The committee is still working on the process development for pilot courses.
- A report was given to the committee on education staff visits. Cliff Moore gave a report on this year's field ops program and showed a video compiled during the program.
- Two examiner workshops have already taken place in Andover and Garden City. The third workshop is August 8th in Topeka.
- There was a short educator proposal meeting August 5th to update Wendy Gronau on the status of the proposal from the EDTF. She will continue to review and meet with the EDTF to coordinate the next steps.
- Staff is updating internal forms and reviewing the application forms for accuracy and consistency prior to submitting them to the ImageTrend project.

Executive Committee

Chairman Hornung chaired the meeting in the absence of Mr. Franks. Dr. Hornung reported to the board:

- The committee discussed four national legislative issues.
 1. The Wi-Fi Innovation Act regarding the possible change of a frequency that might have been used to reduce accident detection capabilities in vehicles.
 2. The Field EMS Bill involves changing the payment structure from pay for transport to pay for treatment.
 3. Rural Emergency Acute Care Hospital Act involves changing the way some hospitals are labeled and would possibly change the payment structure for inter-facility transfer from an emergency acute care hospital to a tertiary care facility.
 4. Protecting the integrity of Medicare Act which discusses areas where EMS services may have to do multiple schedule transports per week, and how these services will be reimbursed.
- The list of KRAF grant awards was published. A survey was sent to service directors to evaluate the administration of the KRAF grant. Overall the results of the survey were positive.
- The committee discussed performance measures. Members were asked for their assistance in identifying measures they believe may be helpful for the committee in making decisions. The following areas were discussed:
 - Knowledge of the KRAF grant process, specifically requests by region, awardees and amounts by region, and use/benefits of the equipment received through KRAF grant funding.
 - Consistency in patient care, specifically looking at equipment and capabilities of services across the state.
 - EIG funding, specifically looking at the number of applicants and those that successfully complete the process.
- The budget provision for EMS to utilize licensed health care professionals was discussed. A survey of seven questions has been sent to service directors to help determine which services could utilize physicians and nurses and if there is funding available. Director House has asked that the services be granted amnesty to allow for more factual reporting of information.
- Dan Hudson noted the passing of Dr. Norman McSwain and asked for recognition from the Board such as a memorial.

Investigations Committee

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

- Twenty cases were reviewed by the committee. Several of these were on the consent agenda and the committee accepted staff recommendation.

- One was a complaint from a service of an employee tampering with and diverting drugs. KBI and local sheriff investigations were inconclusive so the case was closed.
- Another was a complaint from a service that a crew member did not follow transport policy and destroyed documents. No violations were found so the case was closed.
- An employee was suspected of stealing a patient necklace and narcotics. The case was dropped as no evidence was found.
- Emergency action had been taken before on an individual that was arrested and charged with three felonies. The committee moved forward to revoke certification on that individual. The individual has pled guilty to child crimes and is required to register as a sex offender.
- An individual was diverting narcotics from the ambulance for personal use. When confronted, he admitted to everything including his substance abuse problem. He did a diversion agreement for a misdemeanor which included community service and attending some meetings. The committee decided on a consent agreement for a 6 month suspension. The suspension will be stayed as long as he complies with drug testing and diversion.
- The committee revoked the certification of an individual who is currently in prison for child crimes. Emergency action had been taken previously with this individual.
- An attendant was practicing outside the scope of practice by reducing a dislocated finger and not completing a run report. The action against the individual was to suspend certification for ninety days.
- An AEMT was operating outside the scope of practice by inserted an NG tube on a patient and no documenting was done. After lengthy discussion, the committee moved for the individual to attend the legal issues section of an ALS course within 6 months of completion of the paperwork. If he does not comply, there will be an automatic 90 day suspension.
- Another case of practicing outside of the scope was an EMT that started an IV and administered Zofran. The Paramedic was also in the back of the ambulance and wrote in the run report that they had administered the Zofran themselves. The EMT and Paramedic both received a 90 day suspension.
- An individual came forward to the agency and admitted to diverting narcotics for personal use. The agency dealt with the situation. The Board moved for a consent agreement for a 6 month suspension and the suspension was stayed as long as he is compliant with what his agency has in place for him now. He will then be on another year of probation with the Board. The stay is contingent on the individual having no other incidents.
- The Board moved to revoke the certification of an individual who failed to comply with an education audit.
- The committee is trying to stay consistent with the graduated sanctions and making sure that all of the proposed actions fit within the guidelines.

- Updates to previous cases were discussed:
 - There will be depositions taken on an education related case as it moves forward to hearing.
 - There were 3 hearings scheduled with 3 individuals for the IO case. Two of the individuals have decided to accept the action of the board. One was a 90 day suspension and the other was revoking his/her IC and paramedic certification. The third individual will have a hearing in August.
- The committee recommended that Director House send out a letter to all of the service directors to ask them to educate their crews on their individual responsibility for working within their scope of practice. The committee hopes that this letter may cut down on the scope of practice issues referred to the investigations committee.

Office Update

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

- Director House attended the National EMS Memorial Service in Colorado. The service will be moving to Virginia next year.
- Staff has been making a presence at the regional meetings to gather the information the Board requested on 3-5 issues the Regions are facing right now. It should be compiled by the end of August.
- The EMS Compass project, which is a national initiative for performance measures, has recently released four stroke related performance measures. Staff will attempt to write a report in KEMSIS to allow the tracking of the four performance measures and distribute to the service directors. The public comment period on the national initiative ends at the end of August.
- The Executive Committee will be looking at a form for approval for DNR identifier distributors at the October meeting. There is a state law that states the board will certify DNR identifier distributors.
- Director House will be out talking to board members and service directors over the next two months to discuss any concerns face-to-face.
- Joe Moreland was one of the top 5 finalists for the first Hooley Award presented by ImageTrend. The ImageTrend Users Conference was held in Minneapolis, Minnesota last week, and was attended by Director House, Deputy Director Shreckengast and Joe Moreland. Director House encouraged services to participate in the ImageTrend Conference as there was very valuable education provided with multiple tracts.

New Business

- The Board briefly discussed performance measures. Dr. Hornung asked the board members to look at how they do their job on the board and identify what additional

information is needed to help them make decisions. Dr. Hornung also asked the board members to give those requests to Director House.

Public Comment

Chairman Hornung called for public comment.

- Chief John Paul Jones from Kansas City Kansas Fire Department discussed a federal law which has been on the books since the 1960's. This law allows for the fire service and ambulance services to be reimbursed for ground emergency medical transport through the Centers for Medicare and Medicaid Services (CMS). There is the potential for first responders to be reimbursed as well. Virtually, every fire service in the state of Kansas would benefit from this. Chief Jones stated two things need to happen to allow this to take place. Legislation must be written and passed, and a state plan amendment must be written by the Kansas Department of Health and Environment. Chief Jones emphasized this would be a relief for services that struggle to provide these services, especially in rural areas. Some states are already getting this reimbursement and Missouri is close. He is looking for support from the board for this effort. He also stated he is hoping to get legislation written, sponsored and passed in the next legislative session. Reimbursement for pre-stabilization may be written into the legislation and in the state plan.

Dr. Hornung adjourned the meeting at 9:59 a.m.

The next meeting will be on October 2, 2015.