

Board Meeting Minutes

August 5, 2022

APPROVED

10/7/2022

Board Members Present

Director David Adams
Rep. John Eplee
Sen. Faust-Goudeau-virtual
Rep. Broderick Henderson
Dr. Joel Hornung
Comm. Ricky James
Director Deb Kaufman
Chief Shane Pearson
Director John Ralston
Dr. Martin Sellberg-virtual
Comm. Bob Saueressig
Director Jeri Smith

Guests

Mickey Huber
Charles Foat
Virtual
attendees listed
at the bottom

Representing

AMR
JCCC

Staff Present

Joseph House, Exec. Director
Curt Shreckengaust, Dep. Dir.
James Reed
Carman Allen
Chad Pore
Suzette Smith
Terry Lower
James Kennedy

Board Members Absent

Dr. Gregory Faimon

Attorney

Sam Feather

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, August 5, 2022 at 9:00 a.m.

Chairman Hornung called for a motion to approve the minutes.

Director Smith moved to approve the June 3, 2022 minutes. Director Kaufman seconded the motion. No further discussion. No opposition noted. The motion carried.

Investigations Committee Actions

Chairman Hornung called on Director Smith to give the Investigations Committee report.
Director Smith gave the following Investigations Committee report.

- The consent agenda was approved by the committee for two individuals and two applications.

- One individual performed a needle decompression outside of protocol and without an order. The local action included additional education and completion of a services credentialing program, including a protocol test and a PHTLS class. Committee accepted local action.
- An application was reviewed where the individual declared that no charges were pending but when staff investigated, they found that there were charges pending involving a DUI. The investigation found that the individual did not mean to mislead, he just did not understand the status of his criminal case. The committee accepted the application but required the applicant to submit a letter of apology since he was less than polite to KBEMS staff while on the phone.
- Two individuals did not comply with a prior Summary Proceeding Order (SPO) so their certifications were suspended. It was discovered that they had been working with a suspended certification. One individual called to find out what they needed to do to become reinstated but then failed to follow through. This individual's certification was revoked, and they were fined. The service they worked for did not remove them from the roster within seven days as required by regulation. The committee accepted local action. The second individual stated that they never received the SPO and therefore was unaware of the orders requirement of a potential suspension. The individual then complied with the order and was reinstated.
- An air ambulance service permitted in Kansas used an aircraft not permitted in Kansas to transfer in Kansas. The service had also been found in violation in August 2020, so a fine was issued.
- The last case involved a service that failed to maintain their roster on multiple occasions. The service instituted a bi-weekly report to the Board to avoid further violations.

That concluded the Investigations Committee report.

Office Update

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

- The following staff positions are or will be open soon: Administrative Specialist, Examination Specialist, and Certification Specialist. Director House thanked Chrystine Hannon for 29 years of service to the Board. She has been a great employee and we will miss her. She has been meticulous on handling her job. She will retire in mid-September.
- Kansas Board of EMS staff members have attended four Region meetings.
- A Legislative meeting and KEMSIS Users Group was held July 11-12 at the Acorn Resort at Milford Lake. Some KEMSIS users showcased their services. Director House thanked those who shared.
- Operations has completed 135 service inspections and has 30 remaining to complete.
- AMR is going to take over services in Trego County on September 1st. A new contract for a service in Region V will be coming out soon.
- Mr. Reed has been fielding almost daily phone calls regarding drug shortages. Director House pointed out that Medical Directors cannot extend the expiration date for a medication. Only the FDA can extend expiration dates. He directed questions to the guidance document that can be found on our website under the legal tab.
- Operations staff will host a booth at the Kansas State Fair. Any services that would like to participate should call Mr. Reed.

- Renewals will open on September 1st. This is the first year that all applications must be done online. There was concern in October 2020 about submitting a renewal without have all CE in the public portal. Starting with those who expire on December 31, 2024, providers seeking renewal will have to have CE in the system to renew. This year those without CE in the system will be audited within a few days of submission.
- Staff attended the June NASEMSO which was disrupted by the NREMT announcing it had drafted a resolution allowing a third pathway for Paramedics to challenge the NREMT. Currently the NREMT policy mirrors ours. Director House stated that this seems to be a backward move and goes against the EMS education agenda for the future which states all EMS education needs to come from an accredited program. Regardless of the National Registry Kansas law requires accreditation and has been in place for 21 years. A larger concern is the effect on the EMS Compact, which heavily relied on standardization. Director House wants to submit a comment to the National Registry on the impact, concerns and to ask them to continue to mirror our state law. Dr. Hornung stated he is fully against the National Registry's Resolution, but realizes it makes it easier for a paramedic to get certified.

Director Smith moved that the Board send a letter to NREMT in opposition to the Resolution for a third pathway. Commissioner James seconded the motion. No further discussion. No opposition noted. The motion carried.

- The Kansas Board of EMS received two awards from NASEMSO. One was honorable mention for having an abstract that was in the top four of fifteen received, and the other was an award for regional data projects. The abstract will be published on our website in the next couple of weeks. Director House thanked Mr. Pore for all his efforts.
- The Advisory Committee on Trauma will have a new EMSC Coordinator starting on Monday. The individual's name has not been released.
- The KDHE contract with Mission Control expires in October and hospitals will have to pick up the cost if they want to continue to use it. Hospitals say they were not aware that they would be asked to bear the cost starting in November. Director House said the Motient data is beneficial and as a whole is an asset to the state. However, it is significantly underused. The current vendor product is not as helpful for EMS as it is for hospitals. We may not have access to the data in the future with the funding shift. Chief Pearson spoke of use by his service and transfers. He said it seems way out of balance for the cost. Dr. Sellberg said he designed Motient to help facilitate transfers. It was to be used as a surge capacity tool with the goal of moving a patient from point A to point B so that hospital staff did not have to make those arrangements. The cost to hospitals is less than 1/2 FTE position. Ron Marshall, from the Kansas Hospital Association, stated that KDHE sent a survey with three options that would charge hospitals \$10,000, \$50,000 or \$100,000 if they wanted to use it. The concern is the price point is a non-starter.

Dr. Eplee moved that the Board send a letter of support for the program going forward. Director Adams seconded the motion. No further discussion. No opposition noted. The motion carried with one abstention.

That concluded the Office Update report.

Old Business

- Kansas Administrative Regulation 109-17-3, which changes the wording to 70% pass rate on the first attempt, is up for adoption.

Dr. Eplee moved that K.A.R. 109-17-3 proceed for adoption as amended. Chief Pearson seconded the motion. No further discussion. No opposition noted. The motion carried.

Roll call vote to adopt K.A.R. 109-17-3 as amended:

<i>Director Adams</i>	<i>Aye</i>	<i>Chief Pearson</i>	<i>Aye</i>
<i>Rep. Eplee</i>	<i>Aye</i>	<i>Director Ralston</i>	<i>Aye</i>
<i>Rep. Henderson</i>	<i>Aye</i>	<i>Comm. Saueressig</i>	<i>Aye</i>
<i>Chairman Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Comm. James</i>	<i>Aye</i>	<i>Director Smith</i>	<i>Aye</i>
<i>Director Kaufman</i>	<i>Aye</i>		

Revision of K.A.R. 109-17-3 is adopted by the Board on an 11-0 vote (11 Yes; 0 No; 2 Absent.

- Director Kaufman reported that there was significant discussion at the EETC meeting regarding EMR Education Standards and that no changes are recommended at this time.
- There was discussion on ambulance service staffing when not having 24/7 coverage. Director House originally thought it would need a regulatory change, but that would not alleviate the 24 hour requirement in statute. Director Hornung requested this be included in the legislative packet.
- Discussion was had about creating the position of Ambulance Assistant who could drive an ambulance. Director House stated that there is already a variance for a driver. It requires a course to be taught and to hold a public hearing to announce this practice is being done. This requirement seems to make it a non-starter. This variance is on a case by case basis with a strong justification and the public still needs to be notified. Dr. Eplee requested that staff develop a conditional variance process to allow this to occur and bring it to the Board in October.
- There was discussion on physician orders for non-emergency situations. K.S.A. 65-6119, which concerns paramedic authorized activities, could add language for non-emergency situations to include “under written orders.” Services reported that getting written orders on non-emergency transports are difficult to obtain but typically the crew would follow the discharge instructions.
- Director Kaufman said the EETC accepted the Quality Improvement Template proposed by Board staff and recommend the process be observed several years before determining if other changes are needed.

That concluded the Old Business report.

New Business

- Director House provided a recap of the Legislative Meeting held on July 12th. There were 33 in attendance and 33 via virtual attendance. The following items were brought forward

for the legislative packet. EMS staff will use the information to develop our legislative packet in October.

- Paramedic Authorized Activities – probably need to be fixed on only being applicable in a pre-hospital/out-of-hospital setting.
- Inclusion of other disciplines for performing as a preceptor in a clinical setting (65-6129a) to monitor the clinical setting.
- Latency on report submissions into KEMSIS. Currently there is no regulatory timing on when to enter. The Board agreed with 98 or 96 hours.
- Ability to have a student orientation/mentoring/apprenticeship availability whilst an individual is awaiting certification. and other settings and what they are allowed to do. Director House said it does not take long enough to make this change necessary.
- Simplifying/Publicizing the process for the Criminal History Records Check implemented on January 1, 2022. Director House reports tweaks have been requested.

That concluded the New Business report.

Public Comment

Board members have reviewed the public comments included in their packet. Director Smith wanted to acknowledge that the comments were received and asked staff to delve into this more.

Chief Pearson moved that the Board enter into Executive Session for consultation with the Board's general counsel and to receive legal advice which is deemed privileged under the attorney-client relationship. The subject to be discussed will be a potential active investigation. It was further moved that the Executive Session last fifteen minutes beginning at 10:25 and ending at 10:40 with resumption of the Board meeting at that time and in this place. Commissioner Saueressig seconded the motion. No further discussion. No opposition noted. The motion carried.

The Board came back from Executive Session at 10:42.

Director Adams moved to authorize an expenditure of up to \$10,000 for the purpose of entering into an agreement with an independent contractor to assist with an investigation of a potential violation of the EMS Act. Director Smith seconded the motion. No further discussion. No opposition noted. The motion carried.

With no additional public comment and no further business before the Board, Chairman Hornung adjourned the meeting at 10:43 a.m.

Virtual Guests

Brandon Beck
Con Olson
Ron Marshall
Dave Johnston
Alex Bergstrom
Karl Leech
Stacey Jordan