

## Board Meeting Minutes

August 5, 2011

**BOARD APPROVED**  
**Oct. 7, 2011**

### **Board Members Present**

JR Behan  
Joe Megredy  
John Ralston  
Deb Kaufman  
Shane Pearson  
Dr. Hornung  
Dr. Kingfisher  
Dr. Smith  
Comm. Boaldin  
Comm. Miller  
Sen. Emler  
Sen. Faust Goudeau  
Rep. Swanson  
Rep. Henderson

### **Guests**

David Stithem  
George Elliott  
Terry David  
Jeff Smith  
Sarah House  
Sarah Roberts  
Dan Hudson  
Chad Pore  
Jeb Burress  
Chris Way  
Kerry McCue  
Colin Fitzgerald  
Kathy Dooley  
Gerry Ross  
Brad Sisk  
Randy Cardonell  
Dalene Deck  
Jon E. Friesen  
Mark Willis  
Jason White  
Ralph Clausen  
Marguerite Underhill  
Gary Winter  
Frank Williams

### **Staff**

Steve Sutton  
Joseph House  
Patti Artzer  
Carman Allen  
J.C. Kandagaye  
Jerry Cunningham  
Dave Cromwell  
Joseph House

### **Board Members Absent**

Dr. Allin

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### **CALL TO ORDER**

Vice-Chairman Behan called the meeting to order on Friday August 5, 2011 at 9:05am. by welcoming new board members: Shane Pearson, Dr. David Kingfisher, and Dr. Deb Smith. All had been appointed by the governor since the June Board Meeting.

### **Approval of Minutes**

No minutes were available or approved from the June Board Meeting.

Vice-Chairman Behan requested to move on to the committee reports on the agenda without objection by the Board.

## COMMITTEE REPORTS AND POSSIBLE ACTION

### Planning and Operations Committee

Deb Kaufman, Planning and Operations Committee Chair, provided a committee report to the Board summarized as follows from their meeting on August 4, 2011:

- Shane Pearson was named to the committee along with Mark Willis representing the Fire Services and KDHE's ad hoc position represented at this meeting by Michael McNulty.
- Dave Cromwell provided a verbal report regarding the current operational regulation status. K.A.R. 109-2-11 and K.A.R. 109-2-13 have been approved by the Department of Administration and the Attorney General's Office. The economic impact statement was completed July 27, 2011 and publication of notice of hearing is anticipated on August 8, 2011. This will be followed by the sixty day comment period, and the hearing is tentatively set for October 19, 2011. Those two regulations will be published on the website for viewing by the public.
- Discussion took place regarding board staff's proposal for attendant's compliance with required protocols. Discussion revolved around what group of individuals we are trying to identify. There are a number of individuals that are required to act as part of an organized medical response group. Discussion led to whether to start the identification of these organized groups from the agency level, from the attendant level, or from a combination of both. It was noted that statute requires attendants to operate under a protocol. The submitted proposal would assist board staff in setting up their database to identify affiliation with a first response group. The proposal is based on a method of identification from a 5 value field system from the state fire marshal's office. No issues were immediately identified with this numbering system, however, it was recommended to reevaluate for modification as other factors are identified or discovered. It was also discussed that perhaps the fire service be contacted for some assistance in identifying some of these groups.
- We briefly discussed the medical directors and service directors' survey, with the understanding that that discussion would be held in greater depth during the executive committee meeting.
- The committee received reports from the EMS regions, KEMSA, KEMTA, KANAAMS, and the Fire Services representative. Most regions reported their yearly election results, upcoming regional meetings, and completing KDHE grant purchases. Involvement was reported by two of the regions with Homeland Security and the placement of 800 MHz radios for interoperability. Brandon Beck was recognized as the new president of Region V. Region IV reported having conducted MERGe training and completing a training exercise at Crisis City. Region III reported completion of a disaster workshop for service directors and working on the strategic placement of disaster trailers within their region. KEMSA and KEMTA both reported that they were working on their respective conferences. KANAAMS announced the preparation of a position paper regarding appropriate staffing for air ambulances and that this position paper would be submitted to board staff upon completion. Fire Services reported that they are looking forward to greater involvement with the Board.

## Education, Examination, Training and Certification Committee

JR Behan, Education, Examination, Training, and Certification Committee Chair, provided a committee report to the Board summarized as follows from their meeting on August 4, 2011:

- Chad Pore, Jon Friesen and Dave Beam provided a presentation regarding a group trying to work some of the differences that people had with the original educator proposal that was presented to us some time ago. This group presented an educator proposal to the committee. Carman Allen is going to be working the next couple of months on getting a plan formulated with this group. It was the consensus of the committee to try to move forward with the proposal with the awareness of the impact - statutes, regulations, processes, and implementation - if it were to pass.
- Carman Allen provided a brief update regarding the transition.
- Discussion regarding the check sheets at the EMT level and whether or not we could use the National Registry Check Sheet. Board staff recommended that we wait six months after the National Registry implements the new sheets prior to implementation within the state. The committee approved this recommendation.
- Carman Allen reported no variances since the last committee meeting. Two individuals had requested recognition as instructor-coordinators from out of state; however, they did not provide all the required information, so no action was taken on that matter by the committee.
- The committee recommends that the Board adopt the following 7 regulations: K.A.R. 109-5-5; K.A.R. 109-9-1; K.A.R. 109-9-4; K.A.R. 109-10-3; K.A.R. 109-10-5; K.A.R. 109-15-1; and K.A.R. 109-15-2. These regulations have been in process for a little over a year and have been through all the steps required for the board to formally adopt.

Vice-chairman Behan made a motion for adoption of K.A.R. 109-5-5. Motion was seconded by Joe Megredy. No discussion. Roll call vote as below:

### ROLL CALL VOTE – KAR 109-5-5

**Dr. Allin** (Absent)  
**JR Behan:** Yes  
**Com. Boaldin:** Yes  
**Sen. Emler:** Yes  
**Sen. Faust-Goudeau:** Yes  
**Rep. Henderson:** Yes  
**Dr. Hornung:** (Absent)  
**Dir. Kaufman:** Yes  
**Dr. Kingfisher:** Yes  
**Mr. Megredy:** Yes  
**Com. Miller:** Yes  
**Mr. Pearson:** Yes  
**Mr. Ralston:** (Absent)  
**Dr. Smith:** Yes  
**Rep. Swanson:** Yes

**STEVE SUTTON: Twelve (12) members for, 3 members absent; KAR 109-5-5 is formally adopted by the Board.**

Vice-chairman Behan made a motion for adoption of K.A.R. 109-9-1. Motion was seconded by Deb Kaufman. No discussion. Roll call vote as below:

**ROLL CALL VOTE – KAR 109-9-1**

**Dr. Allin (Absent)**  
**JR Behan: Yes**  
**Com. Boaldin: Yes**  
**Sen. Emler: Yes**  
**Sen. Faust-Goudeau: Yes**  
**Rep. Henderson: Yes**  
**Dr. Hornung: (Absent)**  
**Dir. Kaufman: Yes**  
**Dr. Kingfisher: Yes**  
**Mr. Megredy: Yes**  
**Com. Miller: Yes**  
**Mr. Pearson: Yes**  
**Mr. Ralston: (Absent)**  
**Dr. Smith: Yes**  
**Rep. Swanson: Yes**

**STEVE SUTTON: Twelve (12) members for, 3 members absent; KAR 109-9-1 is formally adopted by the Board.**

Vice-chairman Behan made a motion for adoption of K.A.R. 109-9-4. Motion was seconded by Joe Megredy. No discussion. Roll call vote as below:

**ROLL CALL VOTE – KAR 109-9-4**

**Dr. Allin (Absent)**  
**JR Behan: Yes**  
**Com. Boaldin: Yes**  
**Sen. Emler: Yes**  
**Sen. Faust-Goudeau: Yes**  
**Rep. Henderson: Yes**  
**Dr. Hornung: (Absent)**  
**Dir. Kaufman: Yes**  
**Dr. Kingfisher: Yes**  
**Mr. Megredy: Yes**  
**Com. Miller: Yes**  
**Mr. Pearson: Yes**  
**Mr. Ralston: (Absent)**

**Dr. Smith: Yes**  
**Rep. Swanson: Yes**

**STEVE SUTTON: Twelve (12) members for, 3 members absent; KAR 109-9-4 is formally adopted by the Board.**

Vice-chairman Behan made a motion for adoption of K.A.R. 109-10-3. Motion was seconded by Comm. Bob Boaldin. No discussion. Roll call vote as below:

**ROLL CALL VOTE – KAR 109-10-3**

**Dr. Allin (Absent)**  
**JR Behan: Yes**  
**Com. Boaldin: Yes**  
**Sen. Emler: Yes**  
**Sen. Faust-Goudeau: Yes**  
**Rep. Henderson: Yes**  
**Dr. Hornung: (Absent)**  
**Dir. Kaufman: Yes**  
**Dr. Kingfisher: Yes**  
**Mr. Megredy: Yes**  
**Com. Miller: Yes**  
**Mr. Pearson: Yes**  
**Mr. Ralston: (Absent)**  
**Dr. Smith: Yes**  
**Rep. Swanson: Yes**

**STEVE SUTTON: Twelve (12) members for, 3 members absent; KAR 109-10-3 is formally adopted by the Board.**

Vice-chairman Behan made a motion for adoption of K.A.R. 109-10-5. Motion was seconded by Joe Megredy. No discussion. Roll call vote as below:

**ROLL CALL VOTE – KAR 109-10-5**

**Dr. Allin (Absent)**  
**JR Behan: Yes**  
**Com. Boaldin: Yes**  
**Sen. Emler: Yes**  
**Sen. Faust-Goudeau: Yes**  
**Rep. Henderson: Yes**  
**Dr. Hornung: (Absent)**  
**Dir. Kaufman: Yes**  
**Dr. Kingfisher: Yes**  
**Mr. Megredy: Yes**  
**Com. Miller: Yes**

**Mr. Pearson:** Yes  
**Mr. Ralston:** (Absent)  
**Dr. Smith:** Yes  
**Rep. Swanson:** Yes

**STEVE SUTTON:** Twelve (12) members for, 3 members absent; KAR 109-10-5 is formally revoked by the Board.

Vice-chairman Behan made a motion for adoption of K.A.R. 109-15-1. Motion was seconded by Deb Kaufman. Sen. Faust-Goudeau asked if this regulation would require any additional fees to that individual doing that recertification. Vice-chairman Behan responded that he believes just the hours are different. No further discussion. Roll call vote as below:

**ROLL CALL VOTE – KAR 109-15-1**

**Dr. Allin** (Absent)  
**JR Behan:** Yes  
**Com. Boaldin:** Yes  
**Sen. Emler:** Yes  
**Sen. Faust-Goudeau:** Yes  
**Rep. Henderson:** Yes  
**Dr. Hornung:** (Absent)  
**Dir. Kaufman:** Yes  
**Dr. Kingfisher:** Yes  
**Mr. Megredy:** Yes  
**Com. Miller:** Yes  
**Mr. Pearson:** Yes  
**Mr. Ralston:** (Absent)  
**Dr. Smith:** Yes  
**Rep. Swanson:** Yes

**STEVE SUTTON:** Thirteen (12) members for, 3 members absent; KAR 109-15-1 is formally adopted by the Board.

Vice-chairman Behan made a motion for adoption of K.A.R. 109-15-2. Motion was seconded by Comm. Bob Boaldin. No discussion. Roll call vote as below:

**ROLL CALL VOTE – KAR 109-15-2**

**Dr. Allin** (Absent)  
**JR Behan:** Yes  
**Com. Boaldin:** Yes  
**Sen. Emler:** Yes  
**Sen. Faust-Goudeau:** Yes  
**Rep. Henderson:** Yes  
**Dr. Hornung:** (Absent)

**Dir. Kaufman:** Yes  
**Dr. Kingfisher:** Yes  
**Mr. Megredy:** Yes  
**Com. Miller:** Yes  
**Mr. Pearson:** Yes  
**Mr. Ralston:** (Absent)  
**Dr. Smith:** Yes  
**Rep. Swanson:** Yes

**STEVE SUTTON: Thirteen (12) members for, 3 members absent; KAR 109-15-2 is formally adopted by the Board.**

Executive Director Sutton requested if Dr. Hornung was to be given the opportunity to vote on the Roll Call Votes that he was absent for. Vice-Chairman Behan declined the request and requested to continue committee reports with the Investigation Committee.

### Investigation Committee

Joe Megredy, Investigations Committee Chair, provided a committee report to the Board summarized as follows from their meeting on August 4, 2011:

- A revocation hearing took place on Wednesday afternoon, with Commissioner Miller and John Ralston as hearing officers, regarding a consent agreement with a respondent in regards to a continuing education audit. The hearing panel determined that he did not meet the requirements of his consent agreement, there was sufficient evidence to revoke the respondent's certification, and moved to revoke the respondent's attendant certification. The respondent failed to show for the hearing.
- Five (5) cases were heard during the committee meeting summarized below:
- Case 1 – Individual had met all stipulations of his/her consent agreement. The committee closed the case.
- Case 2 – Attendant provided care outside of the scope of practice for that attendant level. The committee elected to accept local action of the service and closed the case.
- Case 3 – Complaint made against an educational institution regarding unfair treatment of a student. The committee felt they did not have the jurisdiction to make any ruling in this manner and closed the case due to a lack of jurisdiction.
- Case 4 – Self-reported patient care issue. The committee believed the case was investigated very thoroughly and accepted local action of the service and closed the case.
- Case 5 – Poor and incompetent instruction on the part of an instructor-coordinator. The committee requested a summary order to revoke the attendant's instructor-coordinator certification be issued.
- No additional hearings scheduled at this time.

Vice-chairman Behan asked if there were any questions. No questions. Vice-chairman Behan requested to continue with committee reports with the Executive Committee.

## Executive Committee

Senator Jay Emler, Executive Committee Chair, provided a committee report to the Board summarized as follows from their meeting on August 4, 2011:

- Discussion took place regarding legislative matters: CPAP as an authorized activity for EMT; air ambulance staffing; communicable disease reporting; fines; subpoenas; and background checks. The committee voted to recommend to the board that CPAP apply to EMT's and would require board action. No action was taken on the remaining legislative items. Board staff is working with the Attorney General's office regarding fines in lieu of certification sanctions. Discussion regarding subpoenas took place due to investigations not always being able to obtain the appropriate documentation without a subpoena.
- Athena Andaya is the new legal counsel for the Board. Camille Nohe retired and the AG's office is working on hiring and interviewing a new assistant A.G.
- Discussion took place regarding the scope of practice regulations in that there may have been a change in interpretation regarding the use of a matrix for medications in regulation. The discussion dealt with how to proceed if the matrix had to be changed to narrative form. The committee voted to recommend to the board that the regulations be moved forward as temporary, if the matrix had to be placed into narrative form, if it does not need to be changed, then to move forward as permanent regulations.
- The committee received a report from Dr. Hornung representing the Medical Advisory Council in regards to the online medical director's course. It is believed that the money spent on this product could be used for other means. Following the Council's recommendation, the committee recommends that no further funding be provided for this online course.
- Old business: brief discussion took place regarding the first response group protocols and survey results from the Medical Director and Service Director surveys were provided with no in-depth discussion.

Senator Emler made a motion to adopt the Executive Committee's recommendation on including CPAP as an authorized activity at the EMT certification level. John Ralston seconded the motion. No discussion. Motion passed without objection.

Senator Emler made a motion to adopt the Executive Committee's recommendation that in the event the regulations cannot move forward as permanent, that they be moved forward as temporary. Deb Kaufman seconded the motion. Vice-chairman Behan confirmed that an answer would be available within a week or two from Athena Andaya. No further discussion. Motion passed without objection.

## Office Update

Steve Sutton, Executive Director, provided an office update to the Board summarized as follows:

- Advised that state agencies are being asked to look at or give up funding and also looking at processes to eliminate a need for funding.



- An information technology audit had been performed, by an external agency, within the office and no feedback has been provided as of this meeting.
- The office was advised that \$19,460.00 was swept the budget this year. Through different means it was determined that all but approx. \$500 would be able to be absorbed by an overestimation in budget items regarding the transition. It appears that reducing travel, honorariums, software purchases, and office supplies could assist with the \$500.
- Joe House is the new Deputy Director. Joe is a paramedic and has worked most recently at McPherson EMS and at Pottawatomie County EMS.
- Rashelle Fowler, who has been serving as our examination specialist, has been hired to replace Marcus Herrera as the education specialist.
- Nicole has been out of our office due to a death in the family and is expected back next week.
- The Fire Service position has been reestablished in the Planning and Operations committee to assist with ensuring the fire services are receiving the pertinent EMS information as well as adding an Ad Hoc position for KDHE. KDHE's seat will be filled by a representative that will change based on topics being discussed in the committee meeting.
- A brief update on regulation status was provided.

Vice-chairman Behan asked who was doing the audits of the IT. Steve Sutton answered the audit is being conducted by DISC. No further questions.

Vice-chairman Behan opened the floor to Public Comment and recognized Chad Pore. It was recognized at this point that 14 out of the 15 board members were in attendance of this meeting.

Chad Pore, Director of Kiowa County EMS, provided an update regarding the National EMS Memorial and National EMS Memorial Bike Ride. It was asked that Jason Jenkins be recognized for his involvement with the National EMS Memorial. The Board thanked Jason Jenkins for his work and involvement. Mr. Pore reported that he, Jeanette Hornung, and Rosa Spainhour were 3 attendants from the state of Kansas that rode in the Memorial Bike Ride. Wendy Gronau, Director of Lincoln County EMS, assisted as well as support. Chad requested a larger response from Kansas EMS next year. Senator Faust-Goudeau asked where the bicycle ride originated. Mr. Pore answered that it originated in Littleton, Colorado, at the site of the Air Medical Memorial. No further questions or comments.

Senator Emler wished Senator Faust-Goudeau a Happy Birthday.

Senator Emler asked those in attendance to start thinking of ways to prioritize issues with the possibility of additional budgetary constraints due to federal funding cuts within the next year. Commissioner Boaldin related a situation in Morton County.

Vice-chairman Behan adjourned the meeting at 9:56 a.m.

Next meeting: October 7<sup>th</sup>, 2011 at 9 A.M.