

Board Meeting Minutes

December 1, 2023

APPROVED

2/2/24

Board Members Present

Director David Adams
Rep. Stephanie Clayton
Rep. John Eplee
Sen. Michael Fagg
Dr. Gregory Faimon-virtual
Dr. Joel Hornung
Director Deb Kaufman-virtual
Chief Shane Pearson
Director John Ralston
Dr. Martin Sellberg
Director Jeri Wheatley

Guests

Kent Vosburg	Junction City
Monika Heller	Reno Co EMS
Tracy Cleary	EagleMed/AMR
Jon Antrim	AMR
Frank Williams	Butler Co EMS
Jason White	MARC
Con Olson	TECHS EMS
Mickey Huber	AMR
Stacey Wespi	Wichita Fire
Craig Isom	EagleMed
Pete Rogers	Region I/Phillips Co
Angela Hamilton	Sedgwick Co EMS
Joe Hardy	LDCFM

Staff Present

Joseph House, Exec. Director
Suzette Smith
Terry Lower
James Kennedy
Carman Allen
James Reed
Chad Pore
Mary-Elaine Skinner

Board Members Absent

Sen. Faust-Goudeau

Virtual attendees
listed at the
bottom.

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, December 1, 2023 at 9:05 a.m.

Chairman Hornung called for a motion to approve the minutes.

Vice-Chairman Pearson moved to approve the October 6, 2023 minutes. Director Adams seconded the motion. No further discussion. No opposition noted. The motion carried.

Vice-Chairman Pearson moved to enter into Executive Session for the purpose of consultation with legal counsel to receive legal advice which would be deemed privileged under the attorney-client relationship for a period of 15 minutes to begin at 9:10 a.m. after which this open meeting will resume at 9:30 a.m. in this same place. Director Ralston seconded the motion. No further discussion. No opposition noted. The motion carried.

The Board moved into Executive Session at 9:10 a.m.

The Board was reconvened in an open meeting at 9:35 a.m.

Investigation Committee Report

Chairwoman Wheatley provided the following summary of the Investigations Committee Meeting on November 30, 2023:

- Approval of the consent agenda which consisted of an order correcting a prior summary proceeding order that had a typographical error regarding the amount of a civil penalty issued in that case.
- Approval to move forward in processing two legal recognition applications with legal question concerns.
- Found insufficient evidence of a violation and closed the case in an application where it was alleged the individual provided a false or misleading statement.
- Discussion and action upon a case with a provider failing to report negative treatment of a professional license on a renewal application after being arrested and charged with domestic battery thereby causing action upon the professional license. The provider entered into a plea arrangement arising out of a battery committed against a coworker. Numerous inflammatory statements were made suggesting that the provider would provide a lower standard of care to members of the public that they did not like. The Committee found such conduct constituted unprofessional conduct and recommended certification be revoked. However, the committee moved to stay the revocation if the provider participated completely with a Health Provider Assistance Program or Anger Management Program and it would be lifted upon successful completion.
- Discussion and action upon another renewal application which indicated negative treatment of a professional license arising out of an incident in which the Respondent was a law enforcement officer who was intoxicated while in possession of a firearm and occurred in the course of their duties as a law enforcement officer. The Committee found such conduct constituted unprofessional conduct and thus a violation occurred. Staff was allowed to proceed with the renewal application.
- Two remaining items on the agenda were tabled until February 2024.

Office Update

Chairman Hornung called on Director House to give the Office Update. Director House then asked the respective managers to give their reports.

- James Reed provided an Operations update. Inspections are complete for the year with the exception of an air service in Nebraska. All education audits are complete. Operations staff will be busy helping with BLS psychomotor exams and other projects this month.
- Carman Allen provided an Education update. Reported 1,900 of 5,000 individuals have completed the renewal process as of today. This results in staff being very busy trying to process the applications through approximately mid-January. Additionally, expectation is to test approximately 400 students this month.
- Chad Pore provided a Research and Data update. Reported NEMSQA has put out data on airway for the first time and it involves intubation success rates. Noted there are 13 agencies left to switch from KEMSIS 3.5 before 2024. Reported upon the effort to

improve on PCR vs hospital records and headway has been seen the past couple months. A contract has been signed with HIE to get our records into theirs. The long term piece is to get our records into the HIE and then come back to the patient care report so providers would be able to look them up. NEMSIS reports that only 1.3% of EMS providers can get outcome data back from hospitals.

- Director House reported that draft regulatory language is complete and will be sent to the Secretary of Administration for approval. The regulation changes include requiring submission of CE training report within 30 days of last date of class, requiring renewal applications be submitted at least 30 days prior to expiration, elimination of the state ALS Skills Exam for paramedic level, changing initial course submission deadline to 15 days prior to the first day of class, and revocation of two regulations.
- Director House also reported attending a Rural Health Conference in Hays and conducted a roundtable to talk about issues. The number one issue was transportation identifying a clear and apparent breakdown in communication indicating it is time to sit down and have conversations between hospitals and services. In 2024 he will co-facilitate a set of meetings with the Hospital Association to try to find a trial-ready solution by the end of 2024.
- Director House also reported plans in 2024 to convene meetings to work out issues regarding Emergency Medical Response Agencies. Staff will be asking for two representatives from different types of entities/organizations related to emergency medical response, i.e., Fire based without EMS and Industrial Rescue, to attend the meetings.
- The Board has been approached about legislation coming forward this year or next on traffic incident management training. Initial training and then a renewal every two years would be included.
- The Alzheimer's Association has requested seeking legislation to mandate initial EMS training to include how to deal with Alzheimer's patients. Director House says this topic is already covered in initial training and the specific language they want would require a statute change.
- The Board has also fielded questions regarding EMS rendering treatment to animals. This would be the practice of veterinarians and veterinary medicine and is outside the EMS scope of practice.
- The Board was also asked if the dispensing of naloxone and other OTC medications is an authorized activity of the EMS provider. The answer provided was "no". Administration of these medications is an authorized activity, but dispensing of medications is a practice governed by the Board of Pharmacy. However, it was learned the question meant to utilize a 3rd term, "distribute", not "dispense" or "administer" and was clearly related to a naloxone leave-behind program. The Emergency Opioid Antagonist law addresses dispensing, but limits liability exemptions to physicians and pharmacists. It further does not delineate between FDA approved for prescription use or over-the-counter use. The question arose as health departments received naloxone to distribute, but most is marked as a prescription use medication. The distribution of medications is also regulated, in part, by the Board of Pharmacy.
- Director House suggested the Board look at reviewing their approval of supraglottic airway devices. The laryngeal mask airway was excluded from EMT scope of practice in 2010. Since then, the second generation of these masks has significantly reduced the risk of aspiration, which was the leading reason behind the exclusion, and may now be a safer supraglottic airway device.
- Director House reported currently some states are claiming that EMS is not an essential service. It was reported the first step is a need to find out what claiming EMS as an

essential service would do in Kansas. Director Adams stated that KEMSA is also looking at this issue. There is concern that as services are closing, counties need to understand they still must provide the service. It was additionally noted by Director House states deeming EMS as an essential service are still having staffing and funding issues.

- Director House reported Public Complaint Reporting as live in our licensing portal and available on our website under Tools. The licensing portal is also reflecting Disciplinary Action on the public lookup, but it is a slow upload process. Staff will be working backwards to fill in actions taken prior to October 2023 and adding the more recent actions upon the orders becoming final.
- Director House reported a request from the Planning and Operations Committee was asking about a way for information on providers terminated for cause to be tracked and reported. The portal can differentiate between disciplinary action taken by our Board and this information and our licensing system could easily track and report these events if there is a desire to do so. It was highly encouraged that services establish a practice to call to see if any disciplinary actions exist before hiring.

Old Business

Chairman Hornung stated that one regulation was up for discussion and adoption.

Director House explained that K.A.R. 109-2-2 regarding ambulance service renewals was amended to switch renewal requirements to now clearly include all stations and if something is submitted once, it does not have to be resubmitted unless something is changed. No public comment was received on the proposed amendment.

Director Wheatley moved that K.A.R. 109-2-2 be adopted as amended. Representative Eplee seconded the motion. No opposition noted. The motion carried.

Roll call vote to adopt K.A.R. 109-2-2 as amended:

<i>Director Adams</i>	<i>Aye</i>	<i>Deb Kaufman</i>	<i>Aye</i>
<i>Rep. Eplee</i>	<i>Aye</i>	<i>Vice-Chairman Pearson</i>	<i>Aye</i>
<i>Sen. Fagg</i>	<i>Aye</i>	<i>Director Ralston</i>	<i>Aye</i>
<i>Dr. Faimon</i>	<i>Aye</i>	<i>Rep. Sawyer Clayton</i>	<i>Aye</i>
<i>Sen. Faust-Goudeau</i>	<i>Absent</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Chairman Hornung</i>	<i>Aye</i>	<i>Director Wheatley</i>	<i>Aye</i>

Revision of K.A.R. 109-2-2 is adopted by the Board on a 11-0 vote (11 Yes; 0 No; 1 Absent).

Director House presented the 2024 Legislative Packet. It includes six statutory changes that the Board had voted on previously to move forward and pursue a legislative change upon.

That concluded the Old Business report.

New Business

Chairman Hornung called on Director House to discuss the New Business. Director House reported the following.

- Two staffing variances were presented. One for Waterville Ambulance Service and the other, Washington EMS. Documents detailing the requests were provided in the Board's Packet. Board staff indicated that both requests met the Board's guidance document and suggested approval of both variances.

Vice-Chairman Pearson moved to approve the two staffing variances. Senator Fagg seconded the motion. No further discussion. No opposition noted. The motion carried.

Planning and Operations Committee Report

- Vice-Chairman Pearson presented information on the definition of unprofessional conduct specific to the operator. The Planning and Operations committee recommended a definition is needed for unprofessional conduct and a draft document is needed.

Vice-Chairman Pearson moved to start the process of creating a regulation to define unprofessional conduct for an operator. Representative Eplee seconded the motion. Senator Fagg asked if counsel would be involved, and the reply was yes. No further discussion. No opposition noted. The motion carried.

- Vice-Chairman Pearson spoke about legislative meeting follow up. The Committee's first priority is creation of a type of ambulance service not subject to public call and recommends a one to two year period to proceed. For mandating participation in a service director workshop on a biannual basis, they would like to review a draft early next year.

EETC Committee Report

- Director Ralston presented information from the EETC meeting. The committee received a summary of the legal opinion requested related to whether non-clinical administrator based continuing education was approved CE for renewal purposes. The opinion itself was noted to be privileged as attorney/client communication. The legal opinion confirmed if the offering meets the EMS educational standards it should be considered a topic that meets the definition of CE for renewal purposes. Approval would still need to be through a method afforded by the Board.
- Director Ralston also reported the legislative packet was reviewed and discussed with the following recommendations:
 - High priority be given to updating the Kansas Education Standards.
 - Medium priority be given for changing the initial course submission deadline to 15 days prior to the first day of class.
 - More explanation and information upon credentialing as an alternative renewal pathway before prioritizing.
 - Medium priority and further discussion upon mandatory initial and ongoing education for program managers and primary instructors.

- Based upon the legal opinion provided and a resulting recommendation from counsel, Director Ralston reported the Committee recommends the Board to address the format of the Educational Standards documents to ensure it clearly meets the Board's intent. As currently written, the educational standards are the entire document for each of the 4 levels. It is believed the Board's intent was to have a standard and to have instructional content within the same document. However, as adopted, the entire document, including both sections, is the Educational Standard as referenced throughout regulation. And since each builds upon the prior level, incorporates all 4 documents at the Paramedic level.
- Director Ralston also reported the Committee briefly discussed AEMT practical skill testing due to the National Registry discontinuing ALS psychomotor testing for this level in June 2024. A regulation change will be required, and this is a high priority to be further discussed at the next meeting.

Public Comment

- Jason White for MARCER reported on a summit for Mobile Integrated Health Care Paramedics and funding availability. MARCER and KEMSA are working to bring legislation to deal with GEMT and IGT Medicaid supplemental programs.
- Frank Williams, of KEMSA, KAC and Butler County EMS said there are challenges with workforce issues. Because of the abilities inherent of EMS providers, they are being sought after by hospitals, industry, and respiratory therapy departments.
- Con Olson, of the Administrators Society of KEMSA, announced a workshop next spring in Hutchinson. They appreciated the discussion regarding the definition of unprofessional conduct. They will start the discussion on having an Administrative Workshop on the regulatory aspect of being a Service Director.

Having reached the end of the published agenda and there being no further business before the Board, the meeting was adjourned at 10:52 a.m.

Representative Eplee moved to adjourn. Director Wheatley seconded the motion. No further discussion. No opposition noted. The motion carried.

Virtual Guests

Chris Cannon

Mike Morgan

Karl Leach

Tim McClure

N Florian

J Taylor

Jason Jenkins

Dave Johnston