

**Board Meeting Minutes**  
**December 4, 2015**

**Approved**  
**02/05/2016**

**Board Members Present**

Dennis Franks  
Dr. Joel Hornung  
Rep. Broderick Henderson  
Sen. Mitch Holmes  
Comm. Ricky James  
Director Deb Kaufman  
Comm. Keith Olsen  
Chief Shane Pearson  
Director Chad Pore  
Director John Ralston  
Dr. Martin Sellberg  
Director Jeri Smith

**Attorney General Staff**

Sarah Fertig

**Board Members Absent**

Dr. David Kingfisher  
Sen. Faust-Goudeau

**Guests**

Jeff Smith  
Jason White  
Marguerite Underhill  
Brandon Beck  
Dalene Deck  
Skylar Swords  
James Zeeb  
Mark Bradford  
Tracy Cleary  
Chrissy Bartel  
John Cota  
Darrel Kohls  
Jason Bolt  
Con Olson  
Stacy Crooms  
Mark Bradford

**Representing**

KCKCC  
MARCER/KEMS  
Retired  
KEMSA/Region V  
Sedgwick Co. EMS  
Finney Co. EMS  
KCKFD  
Lawrence  
EMSC  
Norwich EMS  
KCKFD  
Wichita Fire Dept.  
Cherokee Co. EMS  
Jackson Co. EMS  
Air Evac Lifeteam  
City of Lawrence

**Staff**

Joe House – Exec Dir  
Curt Shreckengaust – Dep Dir  
Mark Grayson  
Wendy Gronau  
Christine Hannon  
James Kennedy  
Suzette Smith  
Nance Young

**Call to Order**

Chairman Hornung called the Board Meeting to order on Friday, December 4, 2015 at 9:00 a.m. The first order of business was to approve the October 2, 2015 minutes.

***Director Kaufman made a motion to approve the minutes as provided. Chief Pearson seconded the motion. 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:

- The KEMSIS transition to ImageTrend Elite has been going well in Butler, Kingman and Rice counties. Arkansas City Fire, Ellis and Sheridan counties will be coming onboard the first of the year. The services have been working with Butler County and ImageTrend to resolve minor issues.
- James Reed reported the Board will be invited back to the Kansas State Fair in 2016. Mr. Reed encouraged all the groups and organizations to share their ideas for the fair next year.
- Mr. Reed also reported that 166 of the 172 services have been inspected and there are 6 more to be completed this year. Labette Health EMS and Overland Park Fire Department have been added to the list of outstanding inspections since the last board meeting.
- It will be April before the Board can vote on the staffing regulations due to the 60 day comment period being open until after the February board meeting.
- A meeting was held in Salina recently where 9 representatives from regions gathered to discuss the inspection policy. Minor changes to the inspection and education policy were discussed. At the committee meeting yesterday there was discussion of how the typing of service regulation changes will impact inspections including eliminating the requirement for keeping an attendant certification on file. Attendant certification would be verified on the BEMS website. Changes to the inspection policy will wait until the April meeting when these regulation changes are established.
- People were encouraged to present their ideas for the outstanding inspection award process to Chief Pearson for discussion at the February meeting.
- Mr. Reed reports they have licensed two new services; both are Midwest Medical Transport out of Nebraska – they licensed an air service and a ground service.
- Ed Steinlage from Sabetha has accepted the inspector job and will start on Monday. There are six inspections remaining and they will be completed by the end of the year.
- Mr. Reed stated he receives a lot of questions regarding scope of practice as he completes the inspection process.
- There are several upcoming educational opportunities offered by the regions and professional associations. The organizations will release those dates and times as the events get closer.
- Craig Bloom with Genentech reported they will be offering stroke education classes after the first of the year.

### Education, Examination, Training and Certification Committee

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

- Wendy Gronau reported there are still 192 people left to transition as of November 18, 2015.

- There are 7 regulations that have been through the regulatory process. A public hearing was held on December 1, 2015 with 17 participants in attendance. Six individuals provided public comments. The comments received were identical to those received by board members and staff during the 60 day comment period. Of the 57 comments received, 48 were negative and 9 were positive.
- The committee was missing documentation of a comment summary from the hearing and a copy of the review letter from The Joint Committee on Administrative Rules and Regulations. The committee has requested these documents.
- No comments or public comments were received on the following 3 regulations:
  - 109-5-1 - defines continuing education and how you can obtain it.
  - 109-5-2 – defines documentation requirements for CE (recommending revocation as the applicable language was moved into the revised K.A.R. 109-5-1).
  - 109-8-1 – provides detail regarding examination.

***Director Kaufman made a motion to adopt K.A.R. 109-5-1 continuing education. Director Ralston seconded the motion. No discussion.***

***Roll call vote as noted:***

<i>Senator Faust-Goudeau, (Absent)</i>	<i>Comm. Olsen</i>	<i>Aye</i>
<i>Mr. Franks</i>	<i>Aye</i>	<i>Chief Pearson</i>
<i>Rep. Henderson</i>	<i>Aye</i>	<i>Director Pore (Absent)</i>
<i>Senator Holmes</i>	<i>Aye</i>	<i>Director Ralston</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>
<i>Comm. James (Absent)</i>	<i>Director Smith</i>	<i>Aye</i>
<i>Director Kaufman</i>	<i>Aye</i>	
<i>Dr. Kingfisher (Absent)</i>		

***K.A.R. 109-5-1 is adopted by the Board on a 10-0 vote (10 Yes; 0 No; 4 Absent).***

***Director Kaufman made a motion to adopt K.A.R. 109-8-1, the examination regulation. Director Ralston seconded the motion. No discussion.***

***Roll call vote as noted:***

<i>Senator Faust-Goudeau, (Absent)</i>	<i>Comm. Olsen</i>	<i>Aye</i>
<i>Mr. Franks</i>	<i>Aye</i>	<i>Chief Pearson</i>
<i>Rep. Henderson</i>	<i>Aye</i>	<i>Director Pore (Absent)</i>
<i>Senator Holmes</i>	<i>Aye</i>	<i>Director Ralston</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>
<i>Comm. James (Absent)</i>	<i>Director Smith</i>	<i>Aye</i>
<i>Director Kaufman</i>	<i>Aye</i>	
<i>Dr. Kingfisher (Absent)</i>		

***K.A.R. 109-8-1 is adopted by the Board on a 10-0 vote (10 Yes; 0 No; 4 Absent).***

***Director Kaufman made a motion to revoke K.A.R. 109-5-2. Director Ralston seconded the motion. No discussion.***

***Roll call vote as noted:***

<i>Senator Faust-Goudeau, (Absent)</i>	<i>Comm. Olsen</i>	<i>Aye</i>
<i>Mr. Franks</i>	<i>Aye</i>	<i>Chief Pearson</i>
<i>Rep. Henderson</i>	<i>Aye</i>	<i>Director Pore (Absent)</i>
<i>Senator Holmes</i>	<i>Aye</i>	<i>Director Ralston</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>
<i>Comm. James (Absent)</i>	<i>Director Smith</i>	<i>Aye</i>
<i>Director Kaufman</i>	<i>Aye</i>	
<i>Dr. Kingfisher (Absent)</i>		

***K.A.R. 109-5-2 is revoked by the Board on a 10-0 vote (10 Yes; 0 No; 4 Absent).***

Director Kaufman continued to report:

- There was lengthy discussion on proposed regulations 109-5-1a, 109-5-1b, 109-5-1c, and 109-5-1d. These regulations identify the continuing education requirements for certification renewal. The committee has been working on these for about two years in order to address some concerns regarding the scope of practice increase and those

attendants who were receiving their education requirement through sources that were not thought to contribute to their continued competency. The EDTF group worked on this and provided input in discussion on the number of hours required, the categories of continuing education required, and examination process to use in place of continuing education if that option was chosen.

- Assistant Attorney General Sarah Fertig reminded the committee of their options on these regulations and the process for minimal changes vs. significant or substantive changes. Assistant Attorney General Fertig did say that the committee and Board were under no obligation to approve/adopt the regulations even though the process has been completed.
- The main concerns received by the committee regarding the regulations are:

The proposed increase in the number of hours would negatively affect recruitment and retention. There is not a proven correlation between hours and quality education. There is no information indicating increased hours result in improved patient outcomes. Increased hours will increase cost which was understated in the economic impact statement that was provided with the regulations. These increased costs include instructors, mileage, motels, registration fees and or employee pay. There is the potential for losing EMTs in the rural areas which would decrease access to care and decrease response times by limiting already strained systems. Some of the non-transport fire departments have encouraged their staff to maintain EMS certification, but this may change if the increase in hours is approved. If the increase is approved, EMT recertification hours would be higher than hours required for RN recertification. This may adversely affect attendant recruitment and retention.

- No concerns were received regarding the categories. One proposal recommended that the board adopt the regulation changes for AEMT and paramedic levels but leave the EMT and EMR regulations for the number of hours unchanged, but require the categories with at least half the hours in the classroom and have a sign-off on skills competency by their TO, I/C, or medical director.
- The Committee felt there are two options at this point. The first option is to bring forth the paramedic and AEMT regulations and table the EMR and EMT regulations until they could be revised. The second option is to bring forth all four for adoption with the intent to immediately reopen them and go back in and fix them. Director House suggested the second option would be easier. It would implement the exam option and only require tracking a single process. In order to vote for the second option, some individuals needed assurance that there would be another motion to look at these again.

Discussion occurred regarding these options for proceeding.

***Director Kaufman made a motion to adopt K.A.R. 109-5-1a. Director Olsen seconded the motion. No discussion.***

***Roll call vote as noted:***

<i>Senator Faust-Goudeau, (Absent)</i>	<i>Comm. Olsen</i>	<i>Aye</i>
<i>Mr. Franks</i>	<i>Aye</i>	<i>Chief Pearson</i>
<i>Rep. Henderson</i>	<i>Aye</i>	<i>Director Pore</i>
<i>Senator Holmes</i>	<i>Aye</i>	<i>Director Ralston</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>
<i>Comm. James</i>	<i>(Absent)</i>	<i>Director Smith</i>
<i>Director Kaufman</i>	<i>Aye</i>	
<i>Dr. Kingfisher</i>	<i>(Absent)</i>	

***K.A.R. 109-5-1a is adopted by the Board on an 11-0 vote (11 Yes; 0 No; 3 Absent).***

***Director Kaufman made a motion to adopt K.A.R. 109-5-1b. Director Ralston seconded the motion. No discussion.***

***Roll call vote as noted:***

<i>Senator Faust-Goudeau, (Absent)</i>	<i>Comm. Olsen</i>	<i>Aye</i>
<i>Mr. Franks</i>	<i>Aye</i>	<i>Chief Pearson</i>
<i>Rep. Henderson</i>	<i>Aye</i>	<i>Director Pore</i>
<i>Senator Holmes</i>	<i>Aye</i>	<i>Director Ralston</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>
<i>Comm. James</i>	<i>(Absent)</i>	<i>Director Smith</i>
<i>Director Kaufman</i>	<i>Aye</i>	
<i>Dr. Kingfisher</i>	<i>(Absent)</i>	

***K.A.R. 109-5-1b is adopted by the Board on an 11-0 vote (11 Yes; 0 No; 3 Absent).***

***Director Kaufman made a motion to adopt K.A.R. 109-5-1c. Director Ralston seconded the motion. No discussion.***

***Roll call vote as noted:***

<i>Senator Faust-Goudeau, (Absent)</i>	<i>Comm. Olsen</i>	<i>Aye</i>
<i>Mr. Franks</i>	<i>Chief Pearson</i>	<i>Aye</i>
<i>Rep. Henderson</i>	<i>Director Pore</i>	<i>Aye</i>
<i>Senator Holmes</i>	<i>Director Ralston</i>	<i>Aye</i>
<i>Chairman Dr. Hornung</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Comm. James (Absent)</i>	<i>Director Smith</i>	<i>Aye</i>
<i>Director Kaufman</i>		
<i>Dr. Kingfisher (Absent)</i>		

***K.A.R. 109-5-1c is adopted by the Board on an 11-0 vote (11 Yes; 0 No; 3 Absent).***

***Director Kaufman made a motion to adopt K.A.R. 109-5-1d. Director Ralston seconded the motion. No discussion.***

***Roll call vote as noted:***

<i>Senator Faust-Goudeau, (Absent)</i>	<i>Comm. Olsen</i>	<i>Aye</i>
<i>Mr. Franks</i>	<i>Chief Pearson</i>	<i>Aye</i>
<i>Rep. Henderson</i>	<i>Director Pore</i>	<i>Aye</i>
<i>Senator Holmes</i>	<i>Director Ralston</i>	<i>Aye</i>
<i>Chairman Dr. Hornung</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Comm. James (Absent)</i>	<i>Director Smith</i>	<i>Aye</i>
<i>Director Kaufman</i>		
<i>Dr. Kingfisher (Absent)</i>		

***K.A.R. 109-5-1d is adopted by the Board on an 11-0 vote (11 Yes; 0 No; 3 Absent).***

- Chief Pearson made a motion to reopen K.A.R. 109-5-1a, K.A.R. 109-5-1b, and K.A.R. 109-5-1c, to reduce the number of continuing education hours as follows: for the EMR back down to 16 hours with the caveat that 10 of those hours are in the core content as listed in the education plan, 3 hours in local content and 3 hours in individual content. The EMT will be reduced from 40 hours to 28 hours with the***

*caveat that 20 of those hours are in the core content of the education plan, 4 in local content and 4 in individual content. The AEMT will be reduced from 50 hours to 44 hours with 25 of those hours in the core content, 9 ½ in local content, and 9 ½ in individual content. The paramedic hours will remain the same at 60 with 30 hours in core content, 15 in local content and 15 in individual content. Director Ralston seconded the motion. After lengthy discussion, the motion carried with 3 in opposition.*

- SKEMS provided a written report detailing the examination sites and the numbers that are planning to examine in December.
- Wendy Gronau reported there are two new examiners that are being trained: one each from Region V and Region VI.
- The EDTF met by video conference on October 23, 2015.
- The committee received a flow chart for pilot projects and they will review and forward comments to Wendy. This will be discussed at the February meeting and hopefully move forward at that time.
- The National Registry (NREMT) National Continued Competency Plan (NCCP) for Kansas is allowing Kansas attendants to “Opt In” to the NCCP if they choose. Each attendant will be required to notify NREMT of their wishes. The committee viewed a supporting document that showed the number of hours on the NCCP and the Kansas Competency Plan for comparison.
- NREMT pass/fail rates were presented to the committee. These rates are also available to individual instructors on the NREMT site if they have enough students in their classes to have that reported back to them.
- Wendy Gronau provided information on certification renewals by region including attendants renewed as of November 18, 2015 and education renewals processed.
- Emilee Turkin, the new education specialist, will start on Monday, December 7<sup>th</sup>, 2015.

### Executive Committee

Chairman Hornung called on Mr. Franks to give the Executive Committee report. Mr. Franks reported to the board:

- The legislative update found no significant changes to federal legislation since the October meeting.
- Norraine Wingfield from the Kansas Traffic Safety and Resource Office and Travis Lowe, a lobbyist for AAA Kansas, discussed SB 274 regarding the SAFE Program. They passed out a final report from last year. The teen seatbelt usage rate was 61% when the program started and last year is now 84%. Travis Lowe stated the bill would increase the seat belt fine from \$10 to \$30, but reduces the percentage that KBEMS receives. He feels confident that there would not be a decrease in funding to the board. However, his numbers are based on rough estimates. The committee’s position on this is neutral and they plan to stay neutral on this topic.
- Dr. Ryan Jacobsen provided an update on the November teleconference of the MAC.
  - The MAC welcomed Dr. John Gallagher to the council.
  - There has been no movement on the funding of CARES. There was discussion on using current service’s CARES QA managers as co-coordinators, which no one expressed concerns with. They are still looking to



enroll in CARES statewide, but need funding. They are looking for statewide cardiac arrest numbers.

- The FLEX EMS update discussed potential topics for a medical director's conference using FLEX funds. They are moving forward with creation of a Kansas Resuscitation Academy and look to partner with KEMSA.
- There was discussion on the statewide use of the CDC Field Triage Guidelines. Dr. Jacobsen will draft a clinical best practice statement for the next MAC meeting.
- The council discussed the use of Narcan to be administered by lay-providers but not by attendants. Their next meeting is January 12, 2016.
- The draft of the budget provision report is complete, but is compartmentalized and not in final form. Director House will make it available to the committee and to the Board upon completion in final form.
- The committee discussed EMS doing home checks such as blood pressure checks and taking blood. Terry David reported that some places are doing this with success and they are looking at different models. The committee wants to have a voice in how this could work and wants to start gathering information at this point. Mr. Franks encouraged feedback from the board members on this subject.

### Investigations Committee

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

- The investigations committee reviewed 7 cases.
- An attendant claimed that they witnessed another attendant administer medication outside of their scope of practice. After speaking with the hospice and the subjects, no violations were found and the case was closed.
- The committee reviewed a case that twice last year they had heard before. They had offered a consent agreement. However, despite contact with the attendant and their attorney, both have failed to execute the agreement. The committee recommended to withdraw the consent agreement and let the case die out. A recommendation was made to add an end date on the consent agreements in the future so they do not linger on.
- A second education complaint against an I/C was reviewed. Action was taken on the first complaint at the last meeting and the I/C certificate was revoked. The summary proceeding order was held and had not been sent to the individual yet because the committee knew they would be adding another offense to the order. The committee's action was to move forward with the summary proceeding order and revoke the I/C certificate as a second offense due to lack of cooperation and disclosure from the I/C.
- A service reported one of their attendants was impaired while transporting a patient. The attendant stated they took their night-time medication instead of their normal day medication. There was concern regarding the individual's driving. The committee accepted the local action of termination and closed the case.
- A report was received where 2 attendants failed to follow protocol regarding a pneumothorax. The committee previously heard the case on the first attendant and has already taken action. This was a second attendant who was a secondary person in the back of the ambulance. This attendant came with letters of support from the director and

medical director that said they were comfortable with the attendant as he had received additional education and understanding of local protocol. The committee accepted local action based on the support letters from the director and medical director.

- A case was reviewed where a patient was administered an expired medication. It was determined the patient was not harmed, but actually improved the patient's condition. The service had taken local action to update their policy to avoid this mistake in the future. This medicine was given out of a personal med kit. The committee accepted local action as the service has made changes in their protocols to not allow any outdated medications in the other cases.
- A service reported an attendant was found using an illegal substance while on duty. The investigation determined that the event did occur as reported and the attendant was very cooperative. The local action was termination of the employee, and the committee recommended a 30 day suspension of the attendant's EMT certification.
- The board reviewed a 4 page report of all the cases and where the committee is on the cases. There were 249 new cases this year; that is applications received and reviewed. The first page of the chart also included all the open cases by category. The second page of the chart shows the breakdown from 2010 thru November of 2015. Only 31 of the 249 cases opened in 2015 remain open. The last two pages of the report charts the relative information on the actions taken since August of 2014 on 139 cases. There were 59 processed applications from August 2014 to November 2015. Director Ralston complimented Investigator Mark Grayson on the excellent job he is doing.

### Office Update

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

- Director House, Deputy Director Shreckengast and Ms. Gronau attended a NASEMSO Conference right after the October meeting. They were presented an amazing amount of information. Dr. Hornung was also present during the Medical Directors Council portion. Tracy Cleary represented Kansas' EMS for Children program. Carmen Allen attended for the trauma program.
- The Legislative session is starting to gear back up as Director House has already attended two meetings with constituency groups to find out what legislative items will be pursued this session.
- Director House stated he hopes the Interstate Compact advances through the Kansas Legislature this session. Colorado and Texas have already adopted it. The Physician Compact, which was introduced very late in the first part of the session in other states, has already had 11 states join. Director House said there will likely be an effort in Kansas to watch the two combine and take the Physician Compact along with the EMS Personnel Compact.
- The renewal period is still open with no major issues.
- Service Directors will be receiving notices the last week of December if they have attendants who have not yet renewed.

- The KRAF process is open. The grant application is available on the BEMS website. Director House asked the service directors not to submit the applications on line just yet as we work on a forms issue.
- Ed Steinlage will be the new inspector and Emilee Turkin will be our new Education Specialist. Georganne Lovelace has accepted a position with the Department of Revenue and today is her last day. Since this is a very busy time for examinations, Debbie Evans has been hired on a temporary basis to help Ann Stevenson process the examination results.
- Director House has several upcoming meetings scheduled.

Dr. Hornung provided a brief summary of information he received from the Medical Directors Council:

- There is a nationwide issue regarding EMS and the DEA. According to the current DEA rules and regulations, EMS should not be administering any narcotics on ambulance units because those can only be given by prescription by a physician individually. The DEA does not have guidelines which recognize that medications can be given by protocol. Several different organizations, including NASEMSO and The American College of Emergency Physicians, are working to figure out a way around the regulations. Dr. Hornung advised each service to be aware of how they order narcotics and whose DEA number they use.
- Florida is developing an ambulance with a CT scanner on board.
- There is a movement in Europe to make Ketamine a schedule class one drug which would make it comparable to heroin. Dr. Hornung does not anticipate this happening in the United States.
- Nineteen states now have statewide protocols that require all services in the state to use their state created mandated protocols.
- There is renewed interest in monitoring the use of flight services for transport as the cost of an individual flight in many states is between thirty and fifty thousand dollars billed to the patient. Insurance usually pays less than ten thousand dollars. The National Association of EMS Officials has this on their radar and will continue to follow the issue closely.

***Dr. Hornung adjourned the meeting at 10:35 A.M.***

The next meeting is February 5, 2016