

Board Meeting Minutes

February 7, 2020

Approved
4/3/2020

Board Members Present

Dr. Gregory Faimon
Dr. Joel Hornung
Comm. Ricky James
Director Deb Kaufman
Chief Shane Pearson
Mr. Chad Pore
Comm. Bob Saueressig
Mr. Dennis Shelby
Director Jeri Smith
Director John Ralston
Dr. Martin Sellberg

Board Members Absent

Rep. Eplee
Sen. Faust-Goudeau
Rep. Henderson

Attorney

Guests

Craig Isom

Con Olson
Jeremiah Brown
Jason White
Skylar Swords
Brent Rouse
Tom Miller
Chrissy Bartel
John Cota
Chris Matson
Jordan Jones
Galen Anderson

Representing

EagleMed/MTC/Life
Star
TECH EMS
Ellsworth Co EMS
MARCER
Finney Co EMS
Finney Co EMS
Leawood Fire
Norwich EMS
KCKFD
Andover Fire/Rescue
AMR – KC Metro
AMR

Staff Present

Joe House
Terry Lower
Suzette Smith
Amanda Walton
Kim Cott
Ross Boeckman

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, February 7, 2020 at 9:01 a.m.

Director Ralston made a motion to approve the December 6, 2019 minutes. Mr. Shelby seconded the motion. No discussion. No opposition noted. The motion carried.

Chairman Hornung asked Director House to update the board regarding our legal services. Director House stated that Goodell, Stratton, Edwards and Palmer are currently providing our general counsel and litigation services. In regard to the questions that arose during the last meeting about variance process, we are doing it correctly. Also, it is alright to report the Investigations Committee actions made on Thursday to the Board on Friday. Dr. Sellberg asked for clarification of the differing opinions from legal counsel. The Attorney General's office said that nothing had changed since the opinion they gave us in 2014 regarding our processes.

The Attorney General's office decided to decline to represent the board. The board sought bids for legal representation and chose to use Whitney Casement of Goodell, Stratton, Edmonds, and Palmer. Vice-Chairman Pore stated it is important to note that other state agencies use legal representation outside the Attorney General's office.

Planning and Operations Committee

Chairman Hornung called upon Chief Pearson to provide the Planning and Operations report. Chief Pearson provided the following report:

- Director House provided a KEMSIS Update and reported that there were 324,136 incidents in 2019 with an average validity score of 94.9%. The minimum range was negative 58. There are 280 rules involved in the data collection with the following five causing the majority of the low validity scores: procedure successful box missed, duration of complaint is required, time units of duration of complaint, chief complaint anatomic location missing; and chief complaint organ system missing. Director House stated that these were opportunities for education. Chief Pearson asked if those five could be mandatory fields. Director House replied that the system would reject the record for anyone not using ImageTrend.
- Director House also addressed an outstanding item of KEMSIS regulations on the amount of time a service had to enter the data into the system. It was decided the language would include "on average of 96 hours to enter information into KEMSIS." The obstacles to inputting the information involved different vendors as well as having limited staff. There was a question regarding the 24 hour requirement and this was clarified that was how long a service had to provide the report to the receiving hospital.
- Director House then gave a presentation on Kansas EMS – A Look into Intubation and Other Airway Devices, with details pulled from 2016-2019 data. This will be posted to the website.
- The service inspection summary showed 21 inspections had been completed thus far in 2020. Emilee Ward's last day would be February 20th. Her replacement, Mary-Elaine Skinner, will start on February 13th so there will be some overlap for training to occur. Mr. Reed is attending training at the Fire Academy and will be training Ms. Skinner when he returns.
- There was old business regarding the Emergency Medical Response agencies. Director House said that going through the comments, there was an anomaly noted that the statute was never questioned so the details were what were brought into question. They are looking to have more meetings this year and between KEMSA and the Firefighters Association they are going to schedule more meetings and try to come to a consensus on the language. Director House reported that he was struggling to get a legislator to sponsor the revision of the protocol approvals but was hoping to work on it next week.
- K.A.R 109-3-3 and K.A.R 109-3-4, which were EMR and EMT authorized activities, went into effect on January 24, 2020.
- Director House reported there had been numerous questions concerning these two regulations, regarding administration of some medications and procedures. The medication list is a medication list, not a procedure list. The initials of IM were listed but not a definition of IM listed.
- There was no new business.
- The Manager's Report included a reminder regarding service and vehicle renewal applications being available on the Public Portal as of February 3rd. The deadline for completion remains April 30th.
- Regions and associations reported on their next meetings.

That concluded the Planning and Operations report.

Medical Advisory Council

There was no meeting to report.

Executive Committee

There was no meeting to report.

Education, Examination, Training and Certification Committee

Chairman Hornung called upon Director Kaufman to provide the EETC report. Director Kaufman provided the following report:

- Ms. Allen presented the end of 2019 BLS Psychomotor Exam report. She also provided the committee with a written report. There were 44 exam sites completed in 2019 and three additional ones were cancelled. One thousand, five hundred and sixty candidates requested testing; 1280 exams were administered with 840 passing and 440 failing.
- We heard discussion on data feedback. As with the National Registry written exam, there are many identified reasons for candidate failure including nerves, persons who found the EMS classes more challenging than expected, poor class mix, lack of experience with equipment, etc. As of right now, there are not enough resources to get pass/fail information to instructors.
- Dr. Foat was unable to be present but we heard a report from Ms. Karyl White on behalf of the EDTF. The EDTF met January 23 and first reviewed the new regulations addressing the EMR and EMT medication list changes and new education standards for continuing education. The proposed sponsoring organization regulations discussion consumed the rest of the extended meeting time. EDTF thanked Director House for the line identified updated draft which facilitated a productive discussion. The task force members were thankful for the changes to date and feel the document is moving in the right direction. Ms. White also participated in the committee discussion on the comments presented by EDTF. Following this discussion, Director House suggested he note the comments and tentative decisions and generate the next draft document for discussion at a stakeholders' meeting on February 28th. KEMSA will discuss participation as well at their next meeting and inform Director House of their decision. They thanked everyone for their participation in this process and for their patience while we work on this new approach.
- K.A.R. 109-5-1a and K.A.R. 109-11-1a were two regulations published in the Kansas Register January 9, 2020 that became effective January 24, 2020. Changes to K.A.R. 109-5-1a finalize the new Kansas continuing education plan adopted by the Board in February of 2019, which removes subcategory requirements and adds a Pediatric education category. The new requirements do apply to those renewing certification in December 2020. The subcategories will still appear on the education portal throughout this year to facilitate audits.
- The regulation regarding the medication list had been discussed in Planning and Operations this morning. It will be stressed the medication list is a list of medications that may be administered with medical direction or protocol but that must respect the scope of practice for the particular level of certification. Candidates challenging the psychomotor exam for initial certification after January 24, 2020 are responsible for knowledge of the new medications. NREMT is increasing examination fees effective January 1, 2021 for cognitive examinations. The new fees will be: EMR: \$85, EMT: \$98, AEMT: \$136, and Paramedic:

\$165. These fee increases will affect some current paramedic courses and EMR, EMT and AEMT course starting after June of this year. NREMT has also changed the AEMT intravenous skills stations effective January 20, 2020. They have separated the IV station into two stations. There is now a station for IV therapy and another for IV bolus medication administration.

That concluded the Education, Examination, Training and Certification Committee report.

Investigations Committee

Chairman Hornung called upon Vice-Chairman Pore to provide the Investigation Committee report.

Vice-Chairman Pore first shared that upon meeting with Ms. Casement it was brought to their attention that she had questions regarding client/attorney privilege. She did not have an issue with the reports being shared on Friday. Starting in April the investigations committee meeting will be closed to the public.

- Four applications were reviewed. Two were closed as one the applicant withdrew from the class, ab the other the applicant was never enrolled in the class. Two application were approved to process.
- Previously the Committee issued an emergency order for a case involving felony charges. The case was adjudicated to a misdemeanor. The emergency order was lifted.
- A provider convicted of a felony. Committee found a violation for the failure to cooperate. Summary Proceeding Order issued for a 180 days suspension and probation.
- A Service experienced a long delay in a hospital transfer case. No violations were found.
- Two Services completed an internal education audit that determined a total of nine providers falsified their renewal application by attesting they completed all CEU's when they had not. In eight cases violations were found and the Committee accepted local action. One case the provider completed the required hours and the case was closed.
- Reviewed a case that involved missing narcotics. The KBI was involved and determined most likely was an accounting error. Since, the Service updated several policies to ensure accountability and control.
- Renewal application with prior action against a professional credential. Committee authorized Board Staff to process the application once a consent agreement is in place.
- Reviewed a service staffing case. The case was tabled until the June 2020 meeting allowing time to determine if the changes made by the Service are effective.
- Scope of practice case where a violation was found and local action accepted.
- A provider discussed patient care information about a co-worker with other co-workers. A Consent Agreement was authorized with \$150.00 fine, a 90 day stayed suspension and required the provider to complete HIPAA training.
- An education audit determined no violations occurred.
- Reviewed a patient care and professionalism complaint. Determined no violations occurred.
- Case involved the diversion of drugs by three providers and a scope of practice by one of the three providers. One respondent received 180 days suspension with 166 days stayed

and will serve 14 days, one respondent received a \$500.00 fine with a 90 day stayed suspension and probation, and one respondent received a \$325.00 fine and one year probation.

That concluded the Investigations report.

Office Update

Chairman Hornung called upon Director House to provide the Office Update. Director House provided the following information:

- The KEMSIS presentation will be posted on the board's website.
- The Legislative session has kept staff busy.
- The office has been challenged by illness as of late, with several people out at various times.
- There are a number of conferences coming up that staff will be attending. Deputy Director Shreckengast is currently at the KEMTA conference. Director House recently returned from a Federation of Association of Regulatory Boards and found it extremely beneficial.
- Director House is keeping a watch on litigation in Colorado against a licensed teacher who did not report abuse of her own child. The state revoked her license since she is a mandated reporter. Director House reminded those in attendance that EMS personnel are mandated reporters of both child and elder abuse.
- Discussion about replacing our representative on the 911 Coordinating Council centered around candidates who would be interested. It was decided to table the decision until April so others who might be interested could indicate their interest. Director House indicated that the representative on the Fire Training Rescue Institute and 911 Coordinating Council will be asked to report to the Planning and Operations committee.
- Director House gave an update on the following Legislative Update on House and Senate bills.
 1. H.B. 2411 – fix to limit the review of certain rules and regulations if under \$3 million
 2. H.B. 2506 – Expanding the military spouse and service member expedited licensure law to include any applicant.
 3. H.B. 2527 – Removing sunset provisions for closed session and privileged records regarding trauma cases.
 4. H.B. 2531 – Establishing a fee for firefighter distinctive license plates
 5. H.B. 2570 – limits certain prescriptions to a seven-day supply to address opioid issue
 6. H.B. 2579 – concerns prescription drug monitoring with K-Tracks; we are going to ask for a technical amendment
 7. S.B. 320 – relates to defining infectious diseases beyond AIDS or Hepatitis B
 8. S.B. 357 – end surprise medical bills act
- Director House reported on the advent of national ID numbers for EMS providers which was enacted for COMPACT purposes.
- We have received 56 applications for KRAF grants with 1.7 million dollars requested. These are currently under review. Vice-Chairman Pore reminded members about heart monitors that will no longer be approved by the FDA for AED application in February 2021 and the inability to get supplies to use with them.

New Business

- Director House explained the process for the Board Self-Assessment Process. It will involve surveys and personal interviews with individuals including staff, board members, consumers, and other organizations we interact with. We will also be analyzing what we have been doing the past 5-6 years to obtain objective information. The desire is to make sure the level of regulations we have are in proportion to the level of risk to the public.
- Beginning in April the Investigations committee meeting will be closed to the public. A written report on decisions will be made available after the committee meeting. Any final actions will be forwarded to the National Practitioner data base.
- Elections were held for the Chairman and Vice-Chairman positions.

Dr. Sellberg made a motion to retain the current Chair and Vice-chair. Director Kaufman seconded the motion. Chairman Hornung and Vice-Chairman Pore abstained from voting. No opposition noted. The motion carried.

Chairman Hornung thanked Region V for the refreshments.

Chairman Hornung adjourned the meeting at 10:35 a.m.