



K A N S A S

DENNIS ALLIN, M.D., CHAIR
ROBERT WALLER, ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

BOARD OF EMERGENCY MEDICAL SERVICES

BOARD MEETING

February 2, 2008

MINUTES

Board Members Present

Dr. Dennis Allin
J.R. Behan
Deb Kaufman
Dr. Joel Hornung
Comm. Duane Mathes
Col. Dale Wasson
Comm. Bob Boaldin
Mike Ryan

Board Members Absent

Joe Megredy
Sen. Jay Emler
Sen. Chris Steineger
Rep. Kasha Kelley
Rep. Margaret Long

Guests

Pam Kemp
David Stithem
Jon Friesen
RB Walter
Mark Miller
Kathy Dooley
TJ Coker
John Ralston
Brandon Beck
Steve Isaacson
Bob Prewitt

Grant Helferich
Frank Williams
Clay Cox
Chris Way
Kerry McCue
Terry David
Chris Tilden
Randy Cardonell
Randy Easter
Jason Bolt

Staff

Robert Waller
Steve Sutton
Patti Artzer
Chrystine Hannon
Dave Cromwell
Ann Stevenson

CALL TO ORDER

Vice Chairman Behan called the meeting to order on Friday, February 2, 2008 at 9:12 am.

The first order of business was the approval of the minutes from the December 7, 2007 Board Meeting.

APPROVAL OF MINUTES

Motion: Moved by Commissioner Boaldin, seconded by Board Member Kaufman to approve the minutes of the December 7th Board Meeting. Motion passed.

COMMITTEE REPORTS AND POSSIBLE ACTION

Planning and Operations Committee

Vice Chairman Behan called upon Board Member Commissioner Boaldin to report on the meeting conducted by the Planning and Operations Committee. Commissioner Boaldin reported that the Committee viewed a video on drunk driving prevention by Andrew Miller and Bret Mangan (two students from Greeley County). The Committee complimented them on their outstanding work. Commissioner Boaldin further reported that Joe Moreland (KBEMS Project Manager) updated the Committee on the Kansas Emergency Medical Information System (KEMIS) data collection system, and Dave Cromwell (KBEMS Operations Manager) updated the Committee on the EMS license plate and EMS operations. Mr. Cromwell explained that the operational regulations are continuing to be developed, and the EMS license plate should be available sometime in March 2008. He further noted that due to the development of on-line renewal for services, renewal packets would be mailed later in the month of February than normal. Mr. Cromwell further reported that Iola Fire Department has become licensed as a Type II service as of January 11, 2008. This creates two services in Allen County.

Investigations Committee

Chairman Allin called upon Board Member Colonel Wasson to report on the meeting conducted by the Investigations Committee. Colonel Wasson reported that the Committee had several cases to discuss, and did not complete its planned agenda. The Committee revoked the instructor coordinator (IC) credentials of two (2) individuals, opened two additional cases, and closed one case if the individual agrees to a consent agreement. The Committee further closed a case that concerned the delegation of "care" by a dentist to a certified EMS technicians involving deep sedation. Chairman Allin further commented on the issue of delegation of authority by an individual who is not a medical doctor (in this case under the "supervision" of a dentist). He noted that the Executive Director of the Dental Board attended the Investigation Committee meeting and both agencies, confirming through statute, noted that dentistry is not covered in the direction of authorized activities to an EMS technician. Dr. Allin noted that the Board is not stating that intubation and inductions are within the scope of practice of a paramedic (MICT), but rather can not be supervised by a member of the dental profession.

Colonel Wasson spoke to the in regards to the investigative packets that the Committee had received from Board Staff. Colonel Wasson stated that the packets had been incomplete and inaccurate and had prevented the Committee from going forward with several of the investigations (examples: case #'s 07-042, 07-037, 07-014, 07-022). He explained that the committee had found it difficult to develop basic foundational assumptions to make informed decisions without potentially placing the public in harms way. Therefore, the Committee had been force to table or gather additional investigative material themselves, or tables the case pending further information. Colonel Wasson re-iterated that the investigations had been incomplete for some time and noted that some individuals named in cases had never been apparently interviewed. Consequently, the lack of documentation and minimal information hinder the investigation process. He apologized for having to bring up the subject and direct such comments to the Chief Administrator. However correcting the issue was important.

Chairman Allin advised that cases reviewed Thursday, January 31, 2008 (Case #'s 07-042 and 07-037) could not be closed and no initial decisions made due to the lack of any documentation that actual investigative interviews had been conducted. He noted his displeasure with case 07-037, and why the case had been presented to the committee with no interviews conducted by the KBEMS Investigator. Additionally, Dr. Allin addressed case 07-042 and the lack of two cases not having a separate case filed

for each respondent, which made it impossible to evaluate the case. Dr. Allin explained that a decision on each respondent must be based on their own merit and the information surrounding each case and those can not be bundled. He noted that the Committee had to direct the Investigator to open separate case files, and that activity should have been fairly intuitive and obvious.

Colonel Wasson and Dr. Allin also noted that as the issues with the investigative packet information and current cases were being resolved with the KBEMS Investigator, he was argumentative in nature and this is not the place for such insubordination.

Education and Training Committee

Chairman Allin called upon Vice Chairman Behan to report on the meeting conducted by the Education and Training Committee. Vice Chairman Behan reported that Kerry McCue (Director, Ellis County EMS) had volunteered to provide documentation training for the Regional Quarterly Education Program and any of the EMS Regional Councils should contact Mr. McCue directly for that educational opportunity. Vice Chairman Behan reported that the Continuing Education Review Subcommittee met on December 20, 2008 and recommended separating retroactive approved continuing education and placing the language in a stand-alone regulation. He explained that the Committee added language to require the documentation of instructor credentials and determine a specific timeframe in which to submit. Camille Nohe (Attorney General's Office) will have the language available for the April meeting. Vice Chairman Behan continued by discussing a request from Jeanette Shipley (Kansas Department of Health and Environment (KDHE), representing the Emergency Medical Services for Children Program (EMSC), spoke to the Committee about renewal requirements for EMS attendants as segment of the program performance measures for the EMSC grant. The Committee recommended that the item be discussed at the Scope of Practice/Agendas for the Future meetings in Salina.

Examination and Certification Committee

Chairman Allin called upon Board Member Chief Ryan to report on the meeting conducted by the Examination and Certification Committee. Chief Ryan reported that the Committee discussed the certification of 17 year old attendants. He commented that Ms. Nohe's research showed that current statute would allow the Board to certify 17 year olds, if the Board determined to request legislative language. Board Staff was asked to conduct additional research to determine whether there would be any violations of laws if services hired a 17 year old. Chief Ryan further reported that the Committee discussed current bill being heard by the 2008 Legislature.

- 2008 SB 512 makes a number of revisions to KSA 65-6129 in relation to legal recognition/reciprocity, certification requirement, equivalency of programs, and regain
- 2008 SB 513 contained the background check language.
- 2008 SB 514 is statutory language to grant variances in certain conditions.

Chief Ryan noted that the bills would be heard on Tuesday, February 5, 2008 at 10:30 a.m. before the Senate Federal and State Affairs Committee in Room 526-S.

Chief Ryan further reported that Steve Sutton (Deputy Administrator) presented a report to the Committee on a satisfaction survey from individuals utilizing the National Registry for Emergency Medical Technicians (NREMT) test. According to the report, most respondents were satisfied with the National Registry test (Board Staff question whether the survey accounted for only those individuals who passed as opposed to those who failed). Mr. Sutton informed the committee that Butler County Community College (BCCC) had requested the Committee investigate why the NREMT denied the test site. Mr. Sutton explained that the NREMT stated that there were not enough students at BCCC to constitute the creation of an additional test site. The Committee directed Board Staff readdress the

question to NREMT, as a Mr. Bill Brown (NREMT) stated during a May 2007 conference call, that any test site that was in compliance with Pearson Vue requirements would be allowed to become a test site. Chairman Allin also suggested Board Staff check at a national level to determine whether other states are having similar issues.

Executive Committee

Chairman Allin reported on the meeting conducted by the Executive Committee. Chairman Allin reported that the Committee discussed the Education Incentive Grant Program. Chief Administrator Robert Waller advised the Committee that by utilizing KDHE's 2006 Census report which bases its finding on population density, KBEMS could determine and define rural and frontier EMS. Mr. Waller reported that the Committee discussed and approved allowing qualification for the grant to only those services in rural and frontier EMS. Instead of having to "volunteer", attendants would be obligated to the service for 1 year (EMT-I and below), and 2 years (MICT). Mr. Waller provided a map noting the 33 frontier and 35 rural counties that would be eligible to apply for the grant. Additionally, he explained that the 20 densely-settled rural counties would have to be a part-time or volunteer service to access the grant. Mr. Waller further explained that the criteria for a full-time paid is a service that pays living wage for two or more attendants and they stay at the EMS station 24/7, part-time paid is a service that pays a living wage for one or more attendant a portion of the day or week, and volunteer is a service that does not staff the ambulance with attendants who are paid a living wage (the responding staff is paid to be on call, get paid per call or receive hourly compensation while on call).

Mr. Waller reported on the KBEMS Revolving and Assistance Fund Grant (KRAF), and noted that 32 services applied. He explained that KRAF Grant is partialled in three sections: The Direct Distribution portion is directed to the six (6) EMS Regional (\$5,625) for educational purposes; the Individual Competitive Distribution (ICD) portion is based on applications received from services; and the rural and frontier portion had not been developed. Mr. Waller noted that applications received totaled an estimated \$836,000, and with the county matches totals around \$1.1 million dollars. The six members of the Financial Assistance Review Committee will meet in late February and March to begin the process of reviewing and grading the applications. Mr. Waller will then prepare them for the April board meeting for approval by the full Board

Budget/Office Update

Chairman Allin called upon Robert Waller, Chief Administrator, to give a Budget/Office update. Mr. Waller explained that the Senate subcommittee on KBEMS held budget hearings on January 31, 2008. He noted that KBEMS had requested \$200,000 for KEMIS within the 2009 agency budget submission. However, the Division of Budget (DOB) removed \$180,000 of the amount and stated the amount could be acquired through federal funding. Board Staff had explained to DOB that there would be no federal monies available from KDHE or the Kansas Department of Transportation (KDOT), and Mr. Waller would ask for a proviso that mandates KDHE and/or KDOT provide KBEMS with the \$180,000 if the funding scheme remains as presented by DOB.

Mr. Waller advised there were five bills that would affect EMS. 2008 SB 438 relates to termination of an employee for voluntary duties, and 2008 SB 429 relates to assault and battery on a firefighter. Board Staff is attempting to have EMS attendants added to the bill. He continued by discussing the three bills that the Board introduced to the 2008 Legislature. Those being:

- 2008 SB 512 which Chief Ryan discussed during the Education and Training Committee report
- 2008 SB 513 which is the national background check language; and

- ❑ 2008 SB 514 which would authorize the Board to issue variances in certain situations.

Mr. Waller announced that Steve Sutton has been employed with the State of Kansas for 10 years, and recognized him with a pin and certificate.

Chairman Allin announced that there would be a meeting on Wednesday, February 27, 2008 in Salina at 10:00 a.m. to discuss the Scope of Practice. The Committee was formed to evaluate the national Scope of Practice and Agendas for the future and their impact and implication upon Kansas.

Advisory Committee on Trauma

Chairman Allin reported that three trauma centers have applied and received state designation, Via Christi (Wichita) is a Level One, Overland Park Regional Medical Center (Overland Park) is a Level Two, and Stormont Vail (Topeka) is a Level Three. Hays Medical Center participated in the American College of Surgeons (ACS) Consultation Program and plan to pursue a Level Three trauma center designation.

Chairman Allin advised the Board that Jeannette Shipley (EMSC) would become the regional trauma council coordinator. He noted that the regional trauma grants received six applications for competitive trauma center grants, and trauma cards had be developed mapping every hospital and transport service which will be distributed at the general membership meeting. Lastly, Dr. Allin remarked that nine ATLS physician scholarships of \$1,000 each are available. The contact is Debbie Hall at (785) 276-3120.

The Advisory Committee on Trauma will meet February 13, 2008 at the Topeka Library.

Public Comment

Chairman Allin announced that Chris Tilden was appointed to the National EMS Advisory Council, and congratulated him.

Mr. Waller announced that Pam Kemp, Clay County Director, was recognized by the Governor at the State of the State Address for her service with EMS, and congratulated her. Ms. Kemp then presented a new project that the Kansas Emergency Medical Services Association (KEMSA) would be launching based on service safety. Ms. Kemp Pam provided the Board a handout detailing the project. She explained that the purpose of the project was to bring Kansas EMS to a higher level of safe operations for both our patients and our technicians.

Executive Session

There was no executive session.

Election of Officers

Motion: To retain Dr. Dennis Allin as Chair and J.R. Behan as Vice Chair for the remainder of CY 2008. By motion of Dr. Hornung, seconded by Board Member Ryan. Motion passed.

Motion: To adjourn the Board Meeting at 10:35a.m. Moved by Board Member Ryan, seconded by Commissioner Boaldin. Motion passed.

Robert Wall

April 4, 2008

Approved