



Landon State Office Building
900 SW Jackson Street, Room 1031
Topeka, KS 66612-1228

Board of
Emergency Medical Services

phone: 785-296-7296
fax: 785-296-6212
www.ksbems.org

Dr. Joel E Hornung, Chair
Joseph House, Executive Director

Sam Brownback, Governor

Approved
4/03/2015

Board Meeting Minutes
February 6, 2015

Board Members Present

Mr. Dennis Franks
Director Wendy Gronau
Senator Mitch Holmes
Dr. Joel Hornung
Director Deb Kaufman
Chief Shane Pearson
Director Chad Pore
Director John Ralston
Dr. Martin Sellberg

Attorney General Staff

Sarah Fertig

Board Members Absent

Sen. Oletha Faust-Goudeau
Rep. Broderick Henderson
Comm. Ricky James
Dr. David Kingfisher
Comm. Keith Olsen

Guests

Frank Williams
Eric Voss
Brandon Beck
Brad Sisk
Kathy Dooley
Terry David
Collin Fitzgerald
Rosa Spainhour
Skylar Swords
Scott Reese
Jason White
Marguerite Underhill
Dave Johnston
Kathy Coleman
Jon Friesen
Gary Winter
Jason Bolt
Dalene Deck

Representing

Life Team
Concordia Fire Dept.
Emp. Fire/EMS/Region V
GCCC/SKEMS/Region II
SKEMS/ Region II
Rice Co. EMS
Leawood Fire
Kiowa County EMS
Finney County EMS
Region I EMS
MARC/KEMSA
R-E
KEMSA/SG Co. EMS
Reg. IV-Miltonvale EMS
HCC/Region III
Region I EMS
KEMTA/ Region VI
Sedgwick County EMS

Staff

Carrie Doud
Mark Grayson
Director Joe House
Georganne Lovelace
Curt Shreckengaust
Ann Stevenson
Nance Young

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, February 6, 2015 at 9:00 a.m. The first order of business was to approve the December 5, 2014 minutes.

APPROVAL OF MINUTES

Director Ralston made a motion to approve the December 5th, 2013 minutes; Director Gronau seconded. 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:

- Dave Cromwell gave a manager's report and a PowerPoint presentation on inspections; handouts of slides were included in the packet. Compliance with the inspection process has improved.
- K.A.R. 109-2-8 is set to become law on February 13th and is included in the packet.
- There was a discussion regarding a booth at the Kansas State Fair; board staff is waiting on the fairground officials to confirm booth space and location. The goal is to find ambulance services that are willing to donate some time, equipment and staff.
- Angie Cunningham from Children's Mercy Hospital in Kansas City gave a detailed presentation on a medical history form she is encouraging EMS and Hospitals to use. She is available to attend meetings and training events for future presentations.
- KEMSA and KEMTA both gave an update on upcoming educational offerings they have. The KEMTA Conference is coming up in March as well as KEMSA having a billing seminar in Salina.
- Dave Johnson gave a presentation on best practices for community Paramedicine. They are soliciting input and moving forward with the process.
- Dave Johnson gave a presentation on changes for K.A.R. 109-2-6, the staffing regulation for ambulance types. They will make a presentation at the next P & O Committee meeting for discussion then move it on to the board for discussion, potential voting, and adoption.

Education, Examination, Training and Certification Committee

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

- The committee viewed standing items regarding the number of attendants who have transitioned and who still need to transition.
- Viewed graphs on educational course trend data, which are available in the board packet.
- Also viewed a graph presentation of student trend data from 2001-2014; of 1,363 skill stations that were tested, there were 1,146 pass attempts; that is 84%.

- K.A.R. 109-15-1 – became effective January 2, 2015; it deals with reinstatement of certification.
- The following regulations are in the state process: K.A.R. 109-10-1, K.A.R. 109-10-1c, K.A.R. 109-10-1e, K.A.R. 109-10-2, K.A.R. 109-10-7, K.A.R. 109-11-3a, K.A.R. 109-11-4a, K.A.R. 109-11-6a and K.A.R.109-11-1. A public hearing is scheduled for April 1, 2015 at 10:00 am. Any public comment will be brought back to the committee at the April meeting.
- A BLS Examination Vendor Report was received from Brad Sisk and Kathy Dooley. They reported on statistics for the practical exam process and reported that it is going well. Brad noted there were 33 test sites over the last year and that skills testing will be slowing down until May.
- The committee asked for additional data on the cancelled sites due to lack of registration and test sites offered in each region. Committee members agreed this information would be helpful to review with the vendor contract up for renewal.
- The contract may be extended upon agreement of both parties. The process will begin at the April board meeting in anticipation of the June expiration renewal date.
- The committee heard a report from Jason Bolt on the work of the EDTF. The Kansas Continued Competency subcommittee is looking at categories and models for education offerings within those categories.
- The Scenario Development subcommittee work is ongoing and they hope to present a draft of the trauma scenario changes at the April Board Meeting. These changes are a result of addressing issues that have been identified through the use of exam sites.
- The Educator Proposal Implementation Plan is ongoing. They are in form development for the IC process and working on a performance evaluation that will improve feedback to the IC candidates.
- There was significant discussion regarding the best uses of the expertise available within the EDTF groups. The committee requested a breakdown of the tasks being worked on by EDTF to evaluate their time line and ensure their time is best utilized.
- Jason Bolt urged the regions to touch base with the regional representatives to the EDTF to confirm their interest and commitment to participation in the projects.
- At the last Board meeting regulations were open to address the Kansas Continued Competency Plan. A draft of K.A.R. 109-5-1a; K.A.R. 109-5-1b; K.A.R. 109-5-1c and K.A.R. 109-5-1d with change options will be presented at the April meeting for discussion.
- There was discussion regarding an initial course of instruction for Training Officer I submitted by Chad Pore with instructor support from Joe House and Curt.

Director Kaufman made a motion to approve the one-time offering of the pilot Training Officer program complete with student and instructor evaluation along with the requirement that Director Pore report back to the EETC Committee in April on the

evaluation findings. Director Gronau seconded. No discussion. No opposition noted. Director Pore abstained from voting. The motion carried.

Director Kaufman continued to report:

- There was a brief discussion on revisions to K.A.R. 109-5-1 regarding CE approval. The committee will revisit the proposed changes in April.
- The committee heard an abbreviated Education manager's report from Curt Shreckengast due to time constraints. There are two long-term program providers whose status has been affected due to the designated program manager failing to renew their educator certification.
Correspondence will be sent to the organizations noting withdrawal of their approval.
- Correspondence will also be going out to training officers reminding them that documentation of teaching hours will be required with their 2015 renewal.

Executive Committee

Chairman Hornung called upon Dennis Franks to give the Exec Committee report in Dr. Kingfisher's absence Mr. Franks reported to the board:

- Director House reported and handed out copies to the committee to include a copy of some senate bills and a house bill:
- SB129 regarding requiring EMS personnel to be mandatory reporters of abuse and vulnerable adults is being presented by Division of Children and Families (DCF). They reached out to board staff to see if there was any opposition to it. Staff then reached out to the EMS community to see if there was any opposition and there was not.
- SB82 and HB2157 both of these are acts creating the seatbelt safety fund. They are designed to assist the Safe program in coming into all middle schools and high schools within the state of Kansas.
- This would come from the same funding pool that the KRAF grant is from so there would be a reduction from 2.28% to 2.15% which is about a \$26,000 loss.
- SB133 - board staff was asked to respond with fiscal report by today whether it would impact the agency or not. After reading closely it may impact the KRAF grant amount.
- There was a hearing that was proponents only they have not had an opponent hearing yet.
- This would grant immunity to individuals requesting assistance due to alcohol consumption. SB133 JJA reported 2500 minor arrests made regarding consumption and possession. The maximum fine, for under age 21 but over 18, is capped at \$500.
- These three senate bills and the house bill may impact KRAF funding. Our three bills have not been presented yet, waiting for presentation to the committee so they can be filed.
- The committee is seeking board approval to give Executive committee the authority to make decisions for the board on legislative ideas between meetings. There is a resolution being crafted to go over today.

- The committee heard a Medical Advisory Council (MAC) Report from the January Teleconference Meeting Notes. The agenda focused on the position statement for RSI and the election of a new chair.
- A copy of the MAC minutes is included in the packet.
- Dr. Ryan Jacobsen, the newly elected chair reported to the Council:
 - Dr. Jacobsen reiterated that the MAC position statements are not law.
 - No one size fits all solutions for EMS services in Kansas.
 - Discussed that Peer Review protection is a complex issue.
 - There was a provision that allowed regional trauma councils to have some protection for quality data in trauma but was never actually used.
- They are trying it locally in the Johnson county EMS system; if it works it will be used as a model and hospitals will be invited to participate as well.

AG Opinion – EMS Attendants capabilities/limitations outside the EMS environment

- The committee heard an overview from Sarah Fertig of the AG opinion in plain language. A synopsis is included in the packet, drafted by her colleague Dwight Carswell.
- Sarah stated that she took no part in the research or the drafting of this opinion. She wanted a completely objective view.
- There were two main questions:
 1. Can a paramedic function inside a hospital outside of an emergency setting? The AG conclusion is there is nothing in law that would prohibit it. There is an old 1990 AG opinion that is withdrawn and obsolete based on changes in statute. It conflicted with the new opinion.
 2. Can a physician delegate medical tasks to EMTs beyond the tasks authorized in regulation and statute? Yes as long as the physician knows that the EMT is competent to perform it. There is an ethical duty for the EMT to inform the physician they cannot perform, but ultimately it is the physician's responsibility.
- There should not be any blanket delegation.
- The question was posed should the statute be changed so blanket delegations cannot be made? There was discussion and a mention of a medical director giving a blanket delegation. The committee feels there is no need to change statute because of one incident.
- You cannot violate the AG's opinion; it is not law.
- Responsibility lies with the person licensed by the Board of Healing Arts
- Medical Director is defined in the regulations as a physician; no regulation addresses the physicians experience, etc.
- There is a statute regarding obligation to report data that is currently not enforced.
- There was a lengthy discussion regarding quality of care and the regulation of medical practices.

- Chairman Kingfisher is concerned that there is no mechanism in place that monitors good or bad outcomes. Critical care oversight is left to the medical directors. The Board of EMS doesn't regulate medical activities or outcomes. He also discussed similarities of EMS personnel and medical practices and stated that the public looks to the state to guarantee some uniformity of standard of care.
- Chairman Kingfisher is going on record regarding these issues.
- Board of EMS will never regulate medical directors; they can make recommendations but probably shouldn't change statutes.

KRAF/EIG Grant

- The KRAF Grant submission process closed with 54 requests for funding for a total amount of \$1,201,088.73. The KRAF review committee will meet to develop a recommendation for funding approval that will be proposed at the April meeting.
- The EIG committee met on December 4, 2014, and is proposing the attached changes to the grant criteria and priorities. The proposal of the EIG committee recommends several changes which are provided in the packet.
- A motion was made and seconded to move forward to the board for approval
- After questions and much discussion the first motion was amended to include the change regarding for-profit agencies not being eligible until the 3rd month. The motion to move it to the full board passed with 6 yeases and 1 opposed.

Inactive Status

- The consideration of an inactive status for attendants was forwarded to the Executive Committee by the board.
- Director House explained what inactive status entails; details are included in packet. This would require a statutory change.
- The Committee feels there are a lot of details to be worked out and recommends a task force or subcommittee is formed to work on this
- Director House will help to get the subcommittee formed and touch base with KEMSA to get their list.

State Fair Funding

- Since the Board voted to pursue having a booth at the 2015 Kansas State Fair, the agency asked for a committee recommendation to the Board to authorize an expenditure of up to \$20,000 from the FY2016 budget for costs associated with the booth.

Chairman Hornung announced there were three items that needed action. The first is regarding board authorization to the Executive Committee.

Dennis Franks moved that the board authorize the executive committee to provide guidance and input to the staff, on behalf of the board, with respect to any relevant changes to legislation during the 2014 session. Chairman Hornung clarified that the

Executive Committee would like permission from the board to act on behalf of the board if a vote is required prior to the next board meeting. Director Ralston seconded. No discussion. No opposition noted. The motion carried.

Chairman Hornung announced the next action item: the endorsement of the Educational and Incentive Grant

Director Ralston made a motion to move on with the EIG funding as presented at the meeting with for-profit services being moved to the 3rd tier of funding; with the stipulation that the person receiving the funding fulfill their obligation by working in the service in that rural area. Director Kaufman seconded. After a brief discussion, the motion carried with one dissent.

Chairman Hornung called on Director House to address state fair funding to clarify the amount and what it will be used for. Director House reported to the board:

- The money will cover booth space, lodging, etc.
- The funds will be redirected from what has been saved on salaries due to vacant positions.

Director Ralston made a motion to authorize board staff to allocate the money up to \$20,000 for the state fair; Mr. Franks seconded. No discussion. No opposition noted. The motion carried.

Investigations Committee

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

- 11 cases on consent agenda: six were applications w/felonies: of those four were approved and two were denied
- 2012 case of a service director was closed with no further action except a letter was sent reminding them of reporting requirements
- Two other cases were discussed:
 - A self-report regarding protocol that conflicted with regulation. This was closed with a letter.
 - An IC left the course and didn't come back, falsified documents, etc.; the committee chose to offer a consent agreement to surrender IC with no ability to gain it back.
- In January the committee moved for emergency action, on a person for domestic battery and criminal threat, to suspend his attendant certification.
- Looking into an email about a service director in Colorado with 9 felonies. If confirmed the committee will take emergency action to suspend.

Office Update

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

- The renewal process is complete for the attendants and process is running smoothly.
- Staff is asking that service directors keep up their attendant roster on the website.
- Service Inspections looked great for the calendar year.
- Jim is doing 2015 inspections and continuing education audits.
- Staff is doing some pop-ins on initial courses to ensure documentation, etc. is in compliance. Staff will report the findings back to the Education Committee.
- The attendant side on the new internal data base will be live by the end of March; the service side will be switched over in June.
- Mr. Dave Cromwell is at a Prescription Drug abuse Prevention work group representing the Kansas Board of EMS. This was started by KDAD and they encouraged KBEMS to participate since EMS is on the front line. The committee was formed because Prescription Drug Abuse is increasing in the state of Kansas.
- Legislative activities have been huge: *Director House requested the Chairman entertain, under new business, finding out the board's stance on the Senate Bills and House Bills.*
- KBEMS budget meetings are scheduled over the next couple of weeks and Director House will be attending and speaking to legislators.
- The agency was approached by the House Committee of Transportation and Public Safety Budget to provide an agency overview. A color handout was provided to the Executive Committee and to the public of what the board's formal testimony was. Director House will provide this documentation to anyone that requests it.

New Business

Chairman Hornung called on Director House to clarify which bills were of concern. Director House explained the various bills to the Board:

- SB129 would designate EMS as a mandatory reporter of vulnerable adult abuse. Director House has not heard any opposition from the EMS community, and the MAC is in support of the bill. *Board consensus is support for this bill.*
- SB82 and HB2157 are the two bills that create the seat belt safety fund. *Board consensus is opposition to the funding source, as it would take away dollars from the Kraf Fund, but support the Safe Program itself.*
- SB133 deals with immunity from criminal prosecution for minors in consumption or possession. Staff will provide the fiscal impact report. *Board consensus is to neither support nor oppose this bill, but to remain neutral.*

Chairman Hornung opened the floor to nominations for Chair and Vice Chair.

Director Gronau made a motion to keep the positions as they are with Dr. Hornung as the Chairman of the Board and Director Pore as the Vice Chair; Director Ralston seconded. No discussion. No opposition noted. The motion carried.

Public Comment

Chairman Hornung called for public comment.

- Jason White reported that he and Terry David testified on behalf of Medicaid expansion before the committee. This is referred to as KanCare2.0.

-Terry did a great job of expressing the issues related to EMS. Nationally 20 of the last 22 hospitals that have closed have been in states that had not expended Medicaid. Most of the closings have been in rural areas.

-The Chairman approached Terry and said he was interested in working with EMS to pursue the provider assessment program. He is formulating legislation that will go through his committee on Monday.

- Dave Johnson discussed the seat belt legislation. The current ten dollar fine will be increasing.

-KEMSA is in opposition to taking money away from the current funding, but is in favor of the program itself.

-KEMSA billing workshop is March 6th in Salina.

-There is a draft in the operations packet regarding staffing legislation which is a complete overhaul of ambulance staffing. It simplifies it down to air or ground and removes Type I, II, and IIa, along with Type V. Ground ambulances, there must be an EMT present in the patient compartment and/or a higher level of healthcare provider in the back.

- Dr. Hornung discussed three issues from the Medical Directors Council of the NASEMSO last month.

1. REPLICIA Interstate Compact in standing orders is starting to gain ground on the East Coast.

2. According to the DEA, EMS should not be administering narcotics outside the presence of a physician. The use of narcotics in standing orders is not in the DEA regulation. The medical director's council met with the DEA representatives who are trying to create regulations that allow EMS to function with standing orders. KBEMS may need to work with the Kansas Board of Pharmacy to make sure our reporting and guidelines regarding opioids are in line.

3. Dr. Hornung discussed the use of naloxone by EMS. It is being mandated in some states that certain first responders and law enforcement personnel carry naloxone if they respond to opiate overdoses. This is already in the works in Missouri.

-Dr. Hornung implores that if anyone is aware of any action in the legislature to establish this mandate in Kansas, that the board be notified immediately so it can start preparing.

- Senator Mitch Holmes gives a heads up that he asked for the introduction of a bill that will reduce the number of legislators, on the KBEMS Board of Directors, from three to one.

A motion to adjourn was made and seconded; Dr. Hornung adjourned the meeting at 10:15 a.m.

The next meeting is April 3, 2015.