

## Board Meeting Minutes

February 5, 2016

Approved

04/01/2016

### Board Members Present

Dennis Franks  
Sen. Faust-Goudeau  
Dr. Joel Hornung  
Sen. Mitch Holmes  
Comm. Ricky James  
Director Deb Kaufman  
Chief Shane Pearson  
Director Chad Pore  
Director John Ralston  
Director Jeri Smith

### Attorney General Staff

Sarah Fertig

### Board Members Absent

Dr. Kingfisher  
Rep. Henderson - Excused  
Comm. Olsen  
Dr. Sellberg - Excused  
Rep. Susie Swanson - Excused

### Guests

Jeff Smith  
Brandon Beck  
Mark Bradford  
Tracy Cleary  
Chrissy Bartel  
John Cota  
Kerry McCue  
Jon Antrim  
Jason Jenkins  
Terry David  
Colin Fitzgerald  
Ed Debesis  
K. Brent Rouse  
Frank Burrow  
Rosa Spainhour  
John Hultgren  
Frank Williams  
Craig Isom

### Representing

KCKCC  
KEMSA/Region V  
Lawrence  
EMSC  
Norwich EMS  
KCKFD  
Ellis Co. EMS  
AMR  
AMR  
Rice Co. EMS  
Leawood Fire Dept.  
Marion County  
Finney County  
Miami County EMS  
Kiowa County EMS  
Dickinson Co. EMS  
Life Team  
EagleMed

### Staff Present

Joe House  
Curt Shreckengaust  
Mark Grayson  
Wendy Gronau  
Christine Hannon  
James Kennedy  
Suzette Smith  
Nance Young  
Ann Stevenson  
Emilee Turkin  
Kim Cott

### Call to Order

Chairman Hornung called the Board Meeting to order on Friday, February 5th, 2016 at 9:03 a.m. The first order of business was to approve the December 2015 minutes.

***Director Ralston 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:

- Butler County, Arkansas City, Kingman County and Rice County are all fully live with ImageTrend Elite. There have been no big issues. Any service wishing to migrate to Elite are invited to an ImageTrend users meeting at the end of February.
- James Reed reported the contract has been signed for the booth at the Kansas State Fair. Mr. Reed is looking for ideas from different agencies to improve and expand on what was done last year.
- All services have been inspected for 2015 with 32 services receiving an outstanding inspection award. The two most recent were Cherokee County Ambulance Dist. #3 and Mercy LifeNet. Almost 19% of the services in the state received the award in 2015.
- A Joint Committee on Administrative Rules and Regulations hearing on pending regulations was held on January 7, 2016 with no comments received from the committee. A public hearing is scheduled for February 8, 2016 at 10:00am in Room 560 in the Landon Building. These regulatory changes were to address the moving to ground and air ambulances from the specific types.
- Mr. Reed also reported on a service recognition program to revamp outstanding service inspections to make it an all-inclusive type award that is more than just the one day service inspection when everything was perfect. This would actually look at patient care, pediatrics, trauma, ambulance safety, community involvement, inspections, cardiac and stroke are the areas that have been identified. There has been one meeting held with Board of EMS staff and representatives from EMS for Children and the KDHE Trauma program. The next meeting is scheduled for March 2, 2016.
- The revised inspection policy will be brought back to the committee for discussion and possible approval during the April Meeting. Terry David requested the proposed changes to the inspection policy be mailed out prior to the April meeting. James Reed requested any comments be sent to him by the end of February. Chief Pearson asked if the proposed changes could be posted on the Board website. Director House said they could be posted. It was thought that posting the proposed changes on the website would increase transparency. Chief Pearson also suggested a copy of the proposed changes be e-mailed to the people who were in the meeting and on the committee. This would be the region chairs or a representative from each region.
- James Reed introduced Ed Steinlage, who is the new compliance manager hired in December.
- There was one new service license issued to Air Evac LifeTeam out of Oklahoma.
- Due to the significant number of scope of practice cases presented to the Investigations Committee, Mr. Reed is providing copies of the EMT and AEMT medication lists to service directors during inspections. He is also making sure the directors understand what the limitations are of the EMT and AEMT certifications and what medications they can and cannot administer.
- The regions and associations that were present at the Board meeting gave updates on region meetings and what has been happening in the regions throughout the state. Of particular interest for education is a two day class to be taught by Bob Page on April 19<sup>th</sup> and 20<sup>th</sup> in

Great Bend. This class is sponsored by Region III and Great Bend Fire and EMS, and will include a multi-lead medic course and an end tidal CO2 course. Region VI is also sponsoring the Guardians of the Heart education conference at the Downstream Casino that is coming up towards the end of February. The Bob Page two day class has a very small cost and the educational opportunity at the casino is completely free except for room and meals. KEMTA reported their conference is next week in Hutchinson. Registration is now open for the KEMSA conference coming up in August.

That concluded the report from Chief Pearson. No questions noted.

### Education, Examination, Training and Certification Committee

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

- The new education regulations became law on January 4, 2016.
- Wendy Gronau brought up the continued revisions of K.A.R. 109-5-1a, 109-5-1b, 109-5-1c which are the same wording as the regulations that became law but the hours would change as discussed at the December meeting. These regulations are currently at the Attorney General's office where they will be stamped and then move to the 60 day public comment period before being brought back to the board for vote in June.
- Wendy Gronau reported that there were no variance applications received.
- There were three BLS test sites in January and two scheduled for February.
- Wendy Gronau reported that EDTF held a teleconference on January 8, 2016. The committee is still working on documents to be uploaded to the EDTF cloud.
- Director Pore asked for information on what the EDTF is currently working on. Wendy Gronau responded they are currently working on the policies and procedures of EDTF and implementation plans on the Educator Proposal. Jeb Burress responded they are also currently reviewing scenarios and revising the skills exam sheets to work out any confusion with variances with the national exam and inconsistencies we are seeing with examinations.
- Wendy Gronau explained that during the transition period randomized audits had been suspended. Now randomized audits are going to start up again.
- Wendy Gronau brought to the committee's attention the need to revise K.A.R.109-5-5. She provided supporting documentation of copies of the regulation with the needed revisions which include changing the timeframe for the submission of applications for retroactive approval from 90 days to 180 days following the completion of the course, requiring the certificate of attendance or certificate of completion form, adding that official college transcripts include the amount of credit awarded to include the description to determine the number of retroactive hours to be awarded, as one credit hour is equivalent to 15 clock hours. Additional discussion on this regulation was heard regarding:
  - categorization for the Kansas requirements met by these courses submitted;
  - the need for an extension from 90 to 180 days;
  - why we do not accept nursing hours or physician hours for EMS;
  - including information within the renewal packet explaining the retroactive process that already is in place.
- Wendy Gronau provided documentation of the 2015 Education, Training and Certification Statistics, of which there were no questions.
- Wendy Gronau introduced Emilee Turkin as the new Education Specialist for KBEMS and Kim Cott as the new Exam Specialist.

- Wendy Gronau also made clarification on the information in the letter sent out regarding the new continuing education plan. Attendants with renewals in 2016 will not adhere to the new plan until 2017, whereas attendants that had renewals in 2015 will immediately enact the new plan.
  - Director John Ralston stated the services will need to be aware if the attendants are in the new or old cycle to make sure they have provided them the proper documentation.
  - Director Deb Kaufman requested Wendy Gronau to speak about the effect the new plan has on the certificates of attendance. Wendy Gronau discussed how it has been suggested, because it has not been mandated, that the instructors include the Kansas Core Competency topic that was covered in the course on the certificate of attendance. This would make it easier to track the hours that meet the requirements. A check box type system was suggested as one way to define hours on the certificate. Ms. Gronau will get with Director House to work on it. Director Pore commented on whether, with the new requirements set in the continuing education plan, it should be required to include these on the certificates of attendance. Director Ralston expressed his opinion that if these topics are to be included on the certificates of attendance they not be a check box that can be altered; but rather something written on the certificate.
- Director Pore expressed his opinion and disagreement on the statements made at the December meeting regarding the “back-dooring” and “chopping things up” saying that the board didn’t do what we needed to do to get the word out about the increased hours for the continuing education plan. He felt that the board and staff have been taking the blame for not making the proposed changes public, yet we’ve been working on it for two years and it was very public. He made it clear that the board and staff should not be taking any hits on this.
- Director Pore expressed his opinion that there is no scientific evidence that increased continuing education hours improve patient outcomes. Director Ralston agreed that competency based is where they want to be, but how do you guarantee competency other than by hours. Director Pore said that his opinion was if the argument coming in on hours was that if there is no scientific evidence that increased hours improves patient outcomes, then where is the scientific evidence that proves even having education hours improves outcomes. There is scientific evidence that shows competency verification improves skills which can improve outcomes. He said that if we are going to use the argument to not increase hours because there is no evidence, then we probably need to look at the evidence on hours in general to see if we need to use a competency based approach instead of hours. Director Pore also feels that there has not been progress globally on the educator proposal. He feels that I/C’s and examiners need to be held accountable for students’ success, and issues identified in the testing and I/C process need to be addressed.
- There was a discussion on retroactive hours and what types of education are accepted for retroactive approval. It was suggested that we should only accept EMS specific related courses.

That concluded the report from Mr. Ralston. No further questions noted.

## Executive Committee

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

### Legislative Update

- H.R. 4365 – Controlled Substances Act would make it legal to administer controlled substances the way EMS does, such as to make a service considered one entity instead of under a medical director. A physician would not have to be present to administer narcotics. This would also allow for the movement and storage of controlled substances. A motion passed recommending the board support this bill.
- HB 2376 / SB 224 – Ability to levy a civil fine / issuance of subpoenas. A hearing on SB 224 was held on January 28th with four proponents. The committee had great questions. The Revisor of Statutes explained the bill and was able to calm fears about the bill by sharing that other agencies have this same authority. The bill should be out of committee next week. Both bills are currently in the House, so only one should move out of that chamber.
- HB 2387 / SB 226 – Amendments to EMS statutes had a hearing on January 26th with one proponent. It currently sits on the Senate Calendar. Final Action is expected next Tuesday, but the bill will likely be gutted to use as a shell for another bill. There is no opposition to this bill.
- HB 2386 / SB 225 – Interstate Compact had a hearing Tuesday with 2 proponents. The bill was worked yesterday and passed out of committee. It now sits on the Senate Calendar.
- SB 274 – Seat belt bill – Would reduce percentage disbursed to EMS Revolving Fund (KRAF) and the Kansas Trauma Program. This bill has received a media campaign in northeast Kansas for support. The bill would cut \$8,000-\$10,000 from our KRAF grant.
- KDHE Trauma Bill - House Bill 2608 – Ability for KDHE to receive patient identifiable information within the Trauma Registry. It is recommended that the board support this bill. The bill was introduced yesterday and only amends K.S.A. 75-5667 by changing the word “nonidentifying” to “confidential”. This is requested to help facilitate the link between KEMESIS and the Trauma Registry to pick up indicators with high likelihood of matching to identify patients. Director House will support this bill if that is the desire of the board.
- SB 131 – Peer Support Counseling – The language within this bill passed during the 2015 session in HB 2025 and is now in K.S.A. 60-473. The language in the bill became law July 2015 after it was moved onto another bill that passed last session. The bill carried over from last year, but need not be worked.
- SB 133 – Immunity from criminal prosecution for minors seeking medical assistance passed this morning, 92 to 27.
- HB 2456 – Interstate Medical Licensure Compact (Physicians) - An informational hearing on this bill will be held this afternoon.
- HB 2437 – Concerning Maintenance of Effort Requirements- This bill has no hearing date set. Director House contacted Assistant Attorney General Fertig to discuss the true intent of the bill. More information will be coming as the bill is heard.
- Director House reported a Resolution was presented yesterday in the House to acknowledge the efforts of Lane County EMS and Eagle Med for a sudden cardiac arrest

case. This case involved Representative Hineman's wife, who was the victim. The Resolution was in support of "National Wear Red Day".

- The Budget Provision report was provided to the House Committee on Appropriations on January 8, 2016. It was acknowledged as received during their meeting on January 12, 2016, with no additional questions at that time.
- Director Pore asked Director House about the agency's budget process. Director House reported that the House Appropriations Committee met yesterday morning to discuss a bill that includes a net zero reduction for the agency. It removes the Local Match for the KRAF grant as the grant no longer requires the local funds be sent to the agency. No other changes were made to our budget at this time.

***Director Pore made a motion to have Director House draft a letter of support for H.R. 4365 – Controlled Substances Act and send it to the federal government to make sure they are aware this state board supports the act on a federal level because it will impact all of our agencies in Kansas. Director Ralston seconded the motion. No discussion. No opposition noted. The motion carried.***

***Director Pore made a motion to give Director House the authority to provide support from the board for the KDHE Trauma bill with the language change when that comes up across the street. Director Ralston seconded the motion. No discussion. No opposition noted. The motion carried.***

That concluded the report from Mr. Franks. No questions noted.

### **Investigations Committee**

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

- Assistant Attorney General Marty Snyder has completed twenty-four summary proceeding orders or consent agreements in the last six months.
- There are currently twenty-one open cases: seven of these are felony applications, eight other cases with four of those being educationally related, and there are only 2 cases prior to 2015.
- The committee moved nine cases forward on the consent agenda. One was pulled out and involved standard of care due to conflicting statements in the reports coming from the attendant and the agency. It was decided there was a violation in the standard of care because necessary assessments were not completed. There was also local action taken, which the committee accepted.
- Director House previously executed an emergency order to suspend the certification of an individual arrested for multiple child felony sex crimes. That individual has pled guilty to two felony child sex crimes so the committee moved to revoke the individual's certification.
- Another attendant was arrested on multiple person felony charges and Director House executed an emergency order to suspend his certification. Although this case was plead down to misdemeanors, the committee still had concerns about what the original charges were. Given that he had been suspended for a year, the committee moved to find that was time served and moved to release the emergency order.
- There was a case involving two inter-facility transporting agencies. One agency was asked to pick up a patient, and another service showed up to get the patient. There was

some conflicting communication going on. The committee determined this had nothing to do with the board and was a hospital issue. The case was closed.

- The committee did go into KAPA to discuss a case on an individual and agency from a small community that have a number of issues and violations. Attorneys from both sides are working on a resolution and the case will continue over the next two meetings.
- There was a case involving an I/C who has not been turning in paper work which has been requested by the board. The committee needs more information and has tabled this case until the next meeting.
- There was a report of a medication error and the committee accepted local action.
- There was a case against a service director which was dismissed by the committee. The service director who was certified as an EMT was on a call when an AEMT practiced outside of their scope. The committee determined they did not have any authority because the AEMT is the higher certified person and there was no indication they were forced to do it by the director, so the case was closed without action.
- There was another case of an AEMT practicing outside of their scope, administering a medication they were not authorized to give. The committee moved for a 90 day suspension, nine months' probation, and the attendant is required to write a paper on the importance of knowing the scope of practice and following it.
- Another case involved a service director that did an inter-facility transport and had her husband drive, who is not certified. This was a staffing issue and the director did not report it. The committee made a motion for a consent agreement with the director for a \$150.00 fine in lieu of further disciplinary action of a suspension.
- There was a case of a flight service that had a patient on an abnormally high drip rate of medication. This was a new medication and the service reverted back to their local policies. The medication did not fit within their protocols and so they adjusted the medication down. The patient did die, but this is not believed to be a result of the level of medication administered. There was very good local action on this case, so the committee accepted the local action and dismissed the case.
- Due to miscommunication with his agency, an attendant thought he had more continuing education hours for his renewal than he actually had. He took 13 hours in one day and we only allow 12. He was short 2 hours when he submitted his paper work to the board because some of the hours did not count. He did obtain more hours prior to the end of the year and had enough to recertify. The committee determined there was no ill intent and closed the case.
- Director Pore thanked Mark Grayson for conducting thorough investigations and sending copies to the committee members ahead of time so they can review them before the meeting. Because of their hard work, the committee has been able to clear cases much quicker than in previous years.
- Director Pore also thanked Senator Faust-Goudeau, Senator Holmes, Director House and Jason White, representing KEMSA and MARCER, for their support of the fines and subpoenas bill. Director Pore thought people would prefer a fine over a suspension due to the financial impact. Even though the bill has not passed yet, Dr. Hornung suggested they start thinking about how the fine structure is going to work in line with graduated sanctions.

That concluded the report from Director Pore. No questions noted.

[Office Update](#)

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

- Director House attended several meetings in December and January and has been very busy following legislation the last three weeks.
- The KRAF process opened in December and closed the beginning of January. Approximately seventy applications were received totaling near \$1.7 million. The KRAF committee will be meeting at the end of February to make their recommendations to bring back to the Executive Committee in April.
- The attendant renewal process has finished. There were not nearly as many problems with the online system this year as in previous years.
- The service renewal packets will go out soon and they will be due back before the end of April. The April meeting will probably be the first large submission of those coming through.
- The HRSA program and the Maternal and Child Health Bureau put out new performance measures in the EMS for Children Program. He provided public comment on three new performance measures as they seemed a little odd. The three new performance measures are:
  - Tracking submission of NEMESIS compliant Version 3.X data. Their goal was to establish a baseline in 2018 and then by 2021 hope that 90% of the services were submitting Version 3 data. Director House predicts Version 3 will probably not be around in 2021. He also stated we already do a very good job in Kansas of allowing our providers a means to submit the information without much impact to their service. We have statutory language that mandates submission of the data and we are not at 90%. Director House said trying to take a federal approach might be too lofty of a goal for a grant program within Health and Human Services on the federal government side. Director House also stated the performance measure fell outside of the scope of the EMS for Children Program.
  - Every ambulance will designate an individual to coordinate pediatric emergency care. Director House said this would be very difficult for smaller volunteer agencies and services where there are individuals who are probably already wearing nine or ten hats. To designate a single person to coordinate in each service seems a little lofty.
  - To include the use of pediatric specific equipment. A matrix was established that allows for education, physical use of the device, and contrived experience to be part of the scoring. The matrix was very specific for each type of pediatric equipment carried on the ambulance. The matrix made it rather difficult unless there was a significant number of pediatric contacts in a year for each provider to meet the requirement. Director House stated that this may work in large call volume services, but would be almost impossible, if not completely impractical, in smaller volume services who are struggling for personnel and who do not have the call volume to support such a plan.

That concluded the report from Director House. No questions noted.

## New Business

There was a brief discussion on the Transportable Orders for Patient Preference (TPOPP).

- Assistant Attorney General Fertig stated in an attorney general's opinion from early 2015 the TPOPP form does not qualify as a DNR directive as it relates to CPR because it does not have all of the specific items required by Kansas law. A healthcare provider withholding CPR relying on a TPOPP form as a directive may not be immune to liability. The TPOPP may be a DNR order under certain circumstances but it depends on the facts.
- Director Pore expressed concern over hospitals pushing the TPOPP and the services having a TPOPP saying the patient does not want CPR. Assistant Attorney General Fertig recommended the services consult their attorney in these situations. Director Ralston stated this is a problem when the hospital has a DNR order on a transfer patient and EMS personnel are expected to comply with that order.

Chair and Vice-Chair Elections

*Director Pore made a motion to nominate Dr. Hornung to continue serving as the Chair. Director Ralston seconded the motion. No discussion. No opposition noted. The motion carried.*

*Chief Pearson made a motion to nominate Director Pore to continue serving as the Vice-Chair. Director Jeri Smith seconded the motion. No discussion. No opposition noted. The motion carried.*

Other Items of New Business

- After a brief discussion over the refreshment schedule, Chief Pearson recommended having refreshments on Thursday when more people are in attendance. Dr. Hornung said the board staff will make the decision.
- Dr. Hornung extended his thanks to Senator Faust-Goudeau and Senator Holmes for the reception in the Senate yesterday and Senate Resolution 1759.
- Dr. Hornung also thanked Director House, staff and governmental representatives for paving the way for getting bills approved in the Senate and House of Representatives.
- Director Pore suggested the AEMT medication list be reviewed. The drug amiodarone was given as an example. This drug is on the medication list, but AEMTs can only administer it by IV or IO bolus and not by infusion. He expressed that his thought is that route of administration should be limited by the service and medical director, not state regulation.
- Director Pore referred back to the board by-laws which discuss attendance at meetings. Director Pore mentioned for the period 2014-2015, one board member has attended only 42% of the board meetings and another board member had attended 17% of the board meetings. After a brief discussion, Dr. Hornung said he would work with Director House to send a letter to the two board members regarding attendance.

*A motion to adjourn was made by Mr. Franks. Director Ralston seconded. Dr. Hornung adjourned the meeting at 10:10 am.*

The next meeting is scheduled for April 1, 2016.