

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

## Board Meeting Minutes

February 2, 2018

**APPROVED**  
**4/6/2018**

### Board Members Present

Dr. Gregory Faimon  
Sen. Faust-Goudeau  
Dr. Joel Hornung  
Comm. Ricky James  
Director Deb Kaufman  
Director Chad Pore  
Director John Ralston  
Comm. Bob Saueressig  
Dr. Martin Sellberg  
Dennis Shelby  
Director Jeri Smith  
Chad Pore\*

### Guests

Brandon Beck  
John Cota  
Jason White  
Mark Holcomb  
Kerry McCue  
  
James Zeeb  
Ron Marshall  
Galen Anderson  
Terry David  
Craig Isom  
  
Richard Sigle Jr.  
Jon Antrim  
Matthew Orozco  
John Hultgren  
Jason Kennedy  
Darlene Deck  
Kent Vosburg  
Charles Foat  
Chrissy Bartel  
Dan Hudson  
Chris Matson  
Skylar Swords  
Davon Cornejo  
  
Billie Nickell  
  
Tracy Cleary

### Representing

KEMSA/Region V  
KCKFD  
MARCER  
Med-Trans  
Ellis County EMS/  
Region I  
KCKFD  
KHA  
AMR KCKS  
Reno Co EMR  
EagleMed/Med-Trans  
Corp  
Topeka Fire  
AMR  
AMR  
DK Co EMS  
Ellis Co EMS  
Hutchison CC  
Junction City FD  
Johnson Co CC  
Norwich EMS  
Univ. of Ks Health  
Andover Fire Rescue  
Finney Co EMS  
Conway Springs  
EMS  
Conway Springs  
EMS  
KDHE-  
EMSC/Trauma  
Programs

### Staff Present

Joseph House-Exec Dir  
Curt Shreckengaust-Dep Dir  
James Kennedy  
Terry Lower  
Suzette Smith  
Emilee Turkin  
Alicia Bergquist  
Amanda Walton  
Christyne Hannon  
Jim Reed  
Kim Cott  
Carmen Allen

### Attorney General Staff

Sarah Fertig

## Board Members Absent

Rep. Henderson

Chief Shane Pearson           \*phone

Sen. Schmidt

Rep. Susie Swanson

## Call to Order

Chairman Hornung called the Board Meeting to order on Friday, February 2<sup>nd</sup> at 9:00 a.m. Dr. Hornung called for a motion to approve the minutes.

***Director Ralston made a motion to approve the December 1, 2017 minutes. Director Kaufman seconded the motion. No discussion. No opposition noted. The motion carried.***

## Planning and Operations Committee

Chairman Hornung called upon Director Kaufman to give the Planning and Operations Committee report. Director Kaufman reported to the Board:

- Director House reported that there had not been a user's group meeting last week due to scheduling conflict. They are looking for one in the future.
- Two new services have recently started reported to KEMSIS.
- Mr. Reed reported that thirty-one inspections had been completed in January. He stated that they are going well and that services are doing a nice job.
- Mr. Reed reported that the 2017 applications for the Service Recognition Program were available on the portal. The 2018 applications are also available and that any time a service reaches the goals/benchmarks they are welcome to apply.
- Mr. Reed asked for new and better ideas for a display at the State Fair and to contact him with input. There is a spot available in our booth where we would like to add a display.
- Director House opened a discussion on the repurposing of ambulances and provided a copy of a legislative bill from Texas for example. He stated that ambulances sold with the lights, siren, and markings could easily be used as a domestic threat because they appear to be an official vehicle.
- Companies are repurposing ambulances that had once been decommissioned.
- A couple issues came up in the Wichita area. One was a Miltonvale ambulance that was repurposed by a transfer company. They were transferring people who really needed an ambulance, not just a transfer.
- The Texas law makes it unlawful to use any vehicle that looks like an ambulance for other purposes. Director House would look at a statute or regulation to address this. He would also look at best practices on decommissioning old ambulances.
- Chief Pearson recommends identifying markers and removing them. He suggested the purchaser be responsible for removing emergency items and a possible inspection implemented that would require those vehicles to be inspected before putting them into service.
- Director House would like to look at legislation this year.

*Director Kaufman moved to pursue the idea of legislation this year on restrictions for decommissioned ambulances. Commissioner Saueressig seconded the motion. No discussion. No opposition. The motion carried.*

- Senator Faust-Goudeau asked about the refurbishing and other uses. Director Kaufman said plumbers, carpentry and tailgating are all uses.
- Service renewals went live Wednesday night. The forms are essentially the same as last year. Services should call Mr. Reed with any questions.
- Mr. Reed presented two End of the Year reports: one on Education Audits and the other on Inspections. He reported that vehicle inspections have increased from 84% in 2015 to 87% in 2017. Vehicle infractions are staying steady while service infractions are decreasing each year. The major infractions included not reporting changes on the roster within 90 days and Medical Directors not completing patient care reviews in a timely manner.
- The question was raised on how to get Medical Directors involved. Mr. Reed reported that when Medical Directors are written up, that usually gets their attention and the situation improves. It was suggested that they could designate someone else to complete the review such as a mid-level.
- Mr. Reed was starting early on ideas for the Proclamation from the Governor on EMS Week. Several services participated last year. This year he wants to do more for EMS providers and is looking for any ideas. The proclamation is for the week of May 20-26, 2018.
- Region I meeting was scheduled for February 14<sup>th</sup> but will be rescheduled for February 21<sup>st</sup> in Hoxie.
- Region II reported that two Medical Directors came to their training. They have upcoming test dates in Hutchinson, Hays and Dodge City.
- Region III reported that their next meeting is February 23<sup>rd</sup> in Kingman. They had a lot of December workshops. They are working on a needs assessment.
- Region IV has a meeting scheduled for February 13<sup>th</sup>, at 10:00 a.m. They are looking into providing an Educator's Workshop.
- Region V has a meeting scheduled for April 12<sup>th</sup>, possibly in Osage City.
- Region VI is sponsoring a Guardians of the Heart Conference in Oklahoma, February 19<sup>th</sup> and 20<sup>th</sup>, with 470 participants signed up thus far. They are planning a SCISM class for the four corners area in SE Kansas. They are also planning a Medical Directors training for late July.
- KEMSA reported that Wednesday was Capitol Day and they had about 30 attendees. There was good information provided. They visited with legislators about the law concerning mandatory reporting of elder abuse. KEMSA members agree that the law is a good idea. They also discussed Medicaid expansion. They will be hosting a Core Conference in Dodge City on April 20-22<sup>nd</sup>.
- KAMTS held their meeting yesterday and elected new officers. Craig Isom was elected President and Frank Williams was elected Vice-President. They discussed pre-established landing areas and utilization of aircraft for NICU and Peds patients. Their next meeting is April 4<sup>th</sup>.
- MARCER reported they are having regional conversations on Stemi, Stroke, and Trauma. They are looking to combine hospital data. They are planning a one day seminar in May to help prepare EMS managers and Nursing Managers. As of yesterday, the Medicare issue is taking another step. They are looking at a five year extension for the 2%, 3%, or

22% adjustment, cost reporting, a threshold for 20 calls or less where cost reporting wouldn't be mandated, and the penalty structure would be handed off to CMS to handle via regulation. The emphasis will be on cost reporting. Services will get funded retroactively to January 1 if it passes.

- KDHE reported on a number of Trauma Symposiums they will be offering around the state. May 1<sup>st</sup> – Topeka, April 19<sup>th</sup> – Chanute, May 22<sup>nd</sup> – Salina, April 26<sup>th</sup> – Wichita, May 9<sup>th</sup> – Oakley, and April 11<sup>th</sup> – Dodge City. A Save the Date notice and registration are coming soon. KDHE reported that EMSC appreciated the data collection and information presented to them on the survey from all services. The EMS committee will be providing pediatric weight charts to each ambulance service in the state. The committee is working on a book with three scenarios for pediatric emergencies. EMSC will be offering Pediatric Safe Transport classes. KDHE also reported that the Trauma Program has had a change in leadership and the interim Director is Kendra Baldrige.
- Director House displayed the Kansas Ambulance Services Assessment report on surveys done last April. He stated that services can look at it as a tool to improve their scores and services.

That completed the committee report.

### Education, Examination, Training and Certification Committee

Chairman Hornung called upon Director Kaufman to give the EETC Committee Report. Director Kaufman reported to the Board:

- Chief Boyd from SKEMS reported that 419 students had tested. There will be upcoming testing sites in Hutchinson, Hays, and Dodge City. He also gave a comparison between 2016 and 2017.
- The EDTF report was by Dr. Charles Foat who gave a presentation on rolling, three year education results. The results will be made available on the Board website. The report gives a better picture of education that is happening at the initial level. Director Kaufman would like the EDTF to make this an annual report and explore other data points. There is a 70% average pass rate. Staff will develop and send a survey to educators to ascertain what are their strength and weaknesses in their programs.
- A large group of regulations have passed and went into effect on December 29, 2017. These regulations are on our website. Program Providers need to review these and rewrite their training and management plans with the correct language. Any questions can go to Board staff.
- An alternative to the current BLS Psychomotor Examinations has been proposed. A draft proposal was brought before the committee and there was a lengthy discussion regarding concerns. Director House asked that further questions and comments from the committee and public be submitted to him. Several programs have agreed to test this process. KEMSA Education Society volunteered to host a meeting to discuss the proposal and EDTF agreed to look at it. The proposal will be on the agenda again in April.
- A proposal to address continuing education approval for courses approved by other states was discussed. They are working to strengthen the terminology in regulations that would need to be updated.
- Deputy Director Shreckengast gave an education section report on the 2016-2017 processes and field audit review. The information is on the Board website. A group of

'canned courses' such as PHTLS and TMCC were reviewed by Directors Smith and Kaufman as well as Deputy Director Shreckengaust. Even if all the course objectives are presented with the categories that those objectives would fall under, it is not possible to identify the number of hours because of how the instructor presents the material and what time frame they use to present that. We will make that information available but it will be somewhat limited.

- The committee welcomed Carmen Allen back as the Education Manager.

With no further business they adjourned.

### Executive Committee

Chairman Hornung gave the Executive Committee report.

- Director House said the three federal legislation bills are on hold and there is ongoing discussion.
- Director House explained that HB 2435, the Kansas 911 act, would align the post audit process with another review of committee. The bill had a hearing in the House this week and cleared committee in the Senate.
- Director House told the board about a bill that will change the Statewide Interoperability Council. BEMS would appoint two members to the council instead of one.
- 911 Coordination Council has a bill to be introduced this year. There were a lot of concerns with the original draft, as it extended authority further than intended.
- Director House has started to think about next legislative session to work on language by next fall.
- There will need to be criminal background checks for REPLICA as part of the certified process. Director House explained to the board that background checks are required for participation in the Compact and would only be needed for those initially certified.
- Dr. Hornung brought up the concern of the cost of adding an additional \$50.00 for applicants and he would like to find a way to absorb the cost or find grant funding. Director Pore explained that the practical skills cost will drop and potentially offset the cost.
- Director House said that 2,200 students went into EMS courses and only 900 gained certification. He has looked at changing the system until they pass to do the background check. There was discussion on the use of grant funding from EIG. Also, there is a bill on the Senate calendar to waive occupation licensing fees for low income and military families.
- Director House reported there is cleanup language on EMT-I and EMT-D and EMT-ID that needs to come out of statute. These are approximately 27 statutes. He also said if we open that up we could look at revising definition language using "attendant". People don't like "attendant" so we could change it. There hasn't been discussion on what to change it to. The Board agreed to have Director House work on cleanup. Director Pore thinks 'attendant' could be changed to 'Paramedic'. Other emergency personnel go by police officer or fire fighter. Dr. Hornung said he would take this under advisement. Mr. Shelby will poll agencies in his region to get input. There is a push to use the international term of

Paramedic, which we would give levels. Changing the name from attendant could add a couple more statutes to the cleanup list.

- Creation of an “inactive” status for EMS certification for those that are no longer active but want to keep certification was discussed. Director Pore questioned how long you could keep inactive status, could you get CEU’s years later, and how would this work. Dr. Hornung suggested that they need to have been active for a minimum number of years, like 10-15 years. Mr. Shelby questioned the fee to remain inactive. Dr. Hornung thinks a fee and minimal activity would be appropriate. Commissioner Saueressig recommended a limit on the number of years you are inactive before needing to start over. Director Kaufman agrees except was wondering about EMS personnel who are an RN or PA and continue to hold those licenses, could we work with that. Director Ralston stated that other state agencies had inactive or retired status. Director House stated that other agencies do inactive so we could use their ideas to start. Staff will create a concept and bring back to the committee.
- Director House reported that the two annual reports have been submitted to the Legislature and there were no questions from either chamber.
- Statewide Care Guideline protocol development was discussed at the MAC meeting. The Regional Medical Director meeting saw rural services would welcome guidelines that are researched. They talked about a mandatory baseline set of protocols for the state and not needing medical society approval. Dr. Hornung asked Assistant Attorney General Fertig if the board has the power to create statewide protocols. She said it would be a stretch and the Board would have to create legislation. Mr. Shelby stated that the Kansas Heart and Stroke Initiative has been working with ER staff and has seen positive effects. Director Pore thinks KEMESIS data should be reported out and used for protocols. Also, he was concerned that the MAC discussion didn’t include EMS personnel in the protocol discussion. Director Pore also thinks we are looking at the wrong issue. We should look at the difficulty in medical director involvement around the state. Rural services want statewide protocols because they lack medical director involvement. They need excellent quality, engaged medical directors to make those decisions. We would have to look at how to go out to areas and engage medical directors and get training. Right now, there are only two full time medical directors in the state. Chief Pearson agreed with Director Pore that protocols don’t fix the problems in parts of the state that lack involvement. Dr. Sellberg would like to have protocols as a resource for standardization. Dr. Hornung sees it as a major quality of care issue. He said having standard protocols would be helpful. Director Kaufman thinks protocols that have been researched would be a great tool in rural areas. Dr. Hornung said they talked that a solution could be NASEMSO’s patient care guidelines that Director House mentioned. They are evidence-based and could be revised. Board staff can get these out to all services to show these are the expectations and each service should be meeting the level of care in these guidelines. It is a place to start. Dr. Hornung agreed protocols are a pain and are difficult to write and memorize. Standardized protocols might be helpful. Senator Faust-Goudeau asked about using telemedicine. Dr. Hornung explained these are for at the scene and spur of the moment. Board staff have reviewed 30 service protocols and they all met those guidelines. Dr. Hornung wants to get with Director House and the Kansas Medical Society to come up with a plan. He wants something to improve care across the state. He doesn’t see us

working toward a mandatory process. Dr. Sellberg said protocols need be to a collaborative effort. Medical Director set protocols but with stakeholders' input. Dr. Hornung said that 16 states have mandatory protocols, 21 have BLS only protocols, and over 30 have model protocols. Most states would say it aids their patients.

- Director House explained that currently applications and fees for certification are due within the first 20 days. But some instructors offer a course as a prerequisite to another level instead of students getting certified. He is looking to have a student form but not require an application until they pass their course. This would reduce the revenue from application fees for fails and drops. The felony questions could not be asked; only on the application. If anyone answers yes to the felony questions, it takes an investigation. If a student has legal issues, they would let us know up front. Regulations would need changed to use a student form. If the student has a felony, they could still make application at the start of class. We would want to publicize this change and not place a time on when an application is due.

Dr. Hornung asked for questions and, hearing none, concluded his report.

### Investigation Committee

Chairman Hornung called upon Director Ralston to provide the Investigation Committee report. Director Ralston provided the following information.

- Seventeen cases were brought to the Committee. The first four were felony convictions. Two were denied and two allowed to go on.
- Case five was pulled off the consent agenda. The attendant has a two year diversion agreement with the court for probation. The committee agreed and entered into a consent agreement that mirrored the one with the court with stipulations that they notify the Board if they had any actions with the court.
- Another individual who had a Consent Agreement had met all conditions except one due to extenuating circumstances. He was released from the last objective and the case was closed.
- Another case involved missing records. A he said/she said kind of case where one said they left the records and the other said they never had them. The committee closed both cases and a cautionary letter will be sent notifying them they need to comply with agency regulations and maintain records for three years.
- The next case was over patient care and use of a spine board. No violations were found and the case was closed.
- A complaint was brought against a service out of various concerns, sent to several regulatory agencies and after attempting unsuccessfully to reach the complainant, the case was closed.
- Another case involved a disruptive student at a test site but since he is not certified, the Board does not have jurisdiction and the case was closed.
- A concerned citizen called about two attendants who removed oxygen from a hospice patient. Upon investigation it was found that they were following physician's orders and the case was dismissed.
- There was a patient care complaint involving a Nurse Practitioner and a RN at a clinic. They had given orders for certain care and the attendant did not follow them. The Committee dismissed the case against the service. However, it did find that the

attendant did have some violation of professional conduct for failure to safeguard. The attendant agreed to a consent agreement to complete advanced AMLS for differential diagnosis.

- The next one was an education case involving a class size issue. An EIG student filed a complaint about class size and since the class size was found to exceed the 6:1 ratio, the Committee offered a consent agreement to the Service to repay the grant and not the student.
- A patient complaint against two attendants that was unfounded and the case was closed.
- Another case involved patient care that was a self-report from an AEMT and a Paramedic regarding drug administration. The AEMT gave the drug and exceeded their scope, then realized when they got back that they had done it. The service took great action and was transparent. The Committee accepted local action.
- The next case involved a paramedic called to a cardiac arrest case. The attendant left the AED in the First Response vehicle and continued to assist with CPR until an ALS vehicle arrived on the scene. The paramedic was found to be in violation to safeguard a patient. They entered into a consent agreement with a 180 day suspension, required they get training for pit crew CPR, obtain medic/first aid and teach a class. Kingman EMS will provide the training to the attendant.
- Attendant completed a renewal application and improperly answered the legal questions. They were fined \$50.00.

Dr. Hornung asked about when to start an investigation at the state level or when it should be handled locally. Director Smith said that after they complete their investigation they send the paperwork to the state. Dr. Sellberg said that for the Board of Healing Arts the violation has to be a Level 3 or above have to be reported. Dr. Hornung stated that if it is a Level 3, it should be reported.

### Office Update

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

- The Legislature is in session and bills are plentiful. Many involve government transparency and Director House is spending a lot of time across the street. Senate Bill 321 deals with increasing penalties for public safety sector employees charged with involuntary manslaughter or aggravated battery. This goes along with trying to get tougher penalties for crimes against health care workers. He has a feeler out to get an amendment to add EMS to the bill.
- Carmen Allen was welcomed back to the agency as the Education Manager.
- Mobile testing has been going quite well. The first site was in Atwood and tested four students. The second site was in Kiowa and tested seven students. The third site was in Miltonvale and had a little difficulty with the scheduling process but nine students tested. The next site will be in Ellinwood with three scheduled to test. The final site is in Sharon Springs in May.
- Director Ralston asked a question regarding how to schedule mobile testing such as can other people come to test from different sites. Director House stated he was starting small. He was contacting instructors to offer testing. Currently we only have two machines for testing, but we will repurpose machines as they become available. The payment process is the same and goes to the National Registry, but we are the test site that is mobile.



- The skills exam proposal is up on the board website and Director House is waiting to hear comments.
- Director House congratulated Assistant Attorney General Fertig on her new nomination for the Office of Inspector General and thanked her for her service and guidance to the Board. Dr. Hornung wished her the best of luck.

Director House concluded his update.

Dr. Hornung called for the election of officers.

*Director Smith nominated Dr. Hornung to be the Chairman. Director Ralston seconded the motion. Director Kaufman called for the vote. No opposition. The motion carried.*

*Director Smith nominated Director Pore to be the Vice-chairman. Dr. Hornung seconded the motion. No opposition. The motion carried.*

Mr. Terry David wished to speak to the Board about the following topics:

- While stating that he agreed with the removal of equipment from repurposed ambulances, he said that removing the lights and sirens from ambulances will make them more difficult to sell. He encouraged KEMSA and the Medical Society to make something that works.
- Director House had a meeting a few months ago with first response groups regarding the relationship between the Board and the groups. Director David encouraged the board not to drop this topic because the Cunningham/Kingman incident exemplified the problem. In his county there is a group that calls themselves an EMS agency, but they are not licensed. They report to no one. If the Board doesn't make others who initiate health care follow the regulations, while his service has to, it is borderline negligent.
- He said if a law is passed to have a retired status, he will get one. He is proud of his life in EMS.

Dr. Hornung thanked Region V for the refreshments.

*Dr. Hornung adjourned the meeting at 10:24 a.m.*