

## Board Meeting Minutes

February 3, 2023

**APPROVED**

**4/7/2023**

### Board Members Present

Dr. Joel Hornung  
Director David Adams  
Rep. Stephanie Clayton  
Rep. John Eplee  
Dr. Greg Faimon  
Director Deb Kaufman-virtual  
Chief Shane Pearson  
Director John Ralston  
Dr. Sellberg - virtual  
Director Jeri Wheatley

### Guests

Con Olson	TECHs
Craig Isom	Med Trans
Dave Johnston	Reno Co EMS
Charles Foat	Johnson Co CC
Frank Williams	Butler Co EMS
Angela Hamilton	Sedgwick Co EMS
Chrissy Bartel	Norwich EMS
Dave Beam	Dickinson Co EMS
Kara Lawrence	Pawnee Co EMS
Jason Zink	Pawnee Co EMS
Clay Cox	LifeSave

### Staff Present

Joseph House, Exec. Director  
James Reed  
Carman Allen  
Chad Pore  
Suzette Smith  
Terry Lower  
James Kennedy  
Mary-Elaine Skinner

### Board Members Absent

Senator Michael Fagg  
Sen. Faust-Goudeau

Virtual attendees  
listed at the  
bottom

## Call to Order

Chairman Hornung called the Board Meeting to order on Friday, February 3, 2023 at 9:00 a.m.

Chairman Hornung welcomed Representative Stephanie Clayton to the Board and asked her to introduce herself. She stated that she represented the areas of Overland Park, Leawood, and Prairie Village and this is her 11<sup>th</sup> year as a representative. Labor issues and workers compensation for PTSD for EMS providers are some of her interests.

Chairman Hornung called for a motion to approve the minutes.

***Director Wheatley moved to approve the December 2, 2022 minutes. Director Ralston seconded the motion. No further discussion. No opposition noted. The motion carried.***

## Standing Items

Chairman Hornung called on Director House for variance requests.

- Director House reported that there had been a request for a variance, but it was withdrawn.

### Investigations Committee Actions

Chairman Hornung called on Director Wheatley to give the Investigations Committee report.

Director Wheatley gave the following report.

- There were nine cases on the consent agenda for failure to disclose disciplinary action on their renewal application with one being removed. The other eight received Summary Proceeding Order's for a 365 day probation.
- There was one case up for discussion for refusing to cooperate with the investigation and they received a Summary Proceeding Order for a \$225 fine and 365 day probationary period.
- They went into Executive Session with no binding action taken.

That concluded the Investigations Committee report.

### Office Update

Chairman Hornung called on Director House to give the Office Update. Director House reported the following.

- Director House asked Mr. Pore to report on the progress of the update to NEMSIS version 3.5. Mr. Pore stated that 25 agencies are reporting. Twenty services are in the direct entry system, four are third party vendors, and one is a non-Image Trend agency. He reminded everyone we are ready to accept any other agency onto version 3.5. Meetings will be held in regions on these dates: Region I – February 15<sup>th</sup> - Hoxie, Region VI – February 16<sup>th</sup> – Ft. Scott, and Region III - February 23<sup>rd</sup> - Kingman. Mr. Pore reminded everyone that all agencies must convert to 3.5 by the end of 2023. Our goal is to have everyone on board by June 30<sup>th</sup> so that the kinks can be worked out by December.
- Director House reported that 26 service inspections have been completed so far this year.
- He also stated that there were a number of Sponsoring Organizations that need to provide Performance Improvement Plans by March 1<sup>st</sup> because they were not meeting the requirement of a 70% pass rate. There are two of six EMR classes, thirty-four of forty-six EMT classes, seven of fourteen AEMT classes, and no Paramedic classes that fell below the 70% threshold.
- Director House commended the staff for their work on renewals. There were 1 or 2 staff working from 3:00 a.m. to 10:00 p.m. to process renewals from December 27<sup>th</sup>-December 31<sup>st</sup>. Twenty percent of our providers were renewing during that timeframe. There were 660 renewals we were trying to process within four days of their deadline. The process we were going through was to look through documentation to ensure they had completed all continuing education requirements prior to renewal. That process prevented 879 providers from failing audit and going on to the Investigations Committee. That is a 26.6% audit fail rate. There were 881 individuals that did not renew their certifications. There are currently 9,500 EMS certified personnel in Kansas with 214 EMR's, 5,646

EMT's, 875 AEMT's and 2809 Paramedics. The question was asked if there was anyway to know why the 881 did not renew. The answer was no.

- Director House gave a legislative update. There were 286 bills filed in the House of Representatives and he is following eight:
  - H.B. 2023 – increases the penalty for battery of a health care provider
  - H.B. 2066 – property tax exemption for up to two vehicles for fire and EMS volunteers
  - H.B. 2138 – career technical education
  - H.B. 2146 – super speeder law which would allow for higher fines for speeding over 30 mph
  - H.B. 2171 – peer review privileges for health care providers to better define what can be disclosed
  - H.B. 2211 – would establish a homeland security office under the Adjutant General
  - H.B. 2239 – work experience in place of continuing education credits
  - H.B. 2273 – appropriations bill

The Senate had 161 bills filed and he is following three:

- S.B. 155 – appropriations bill
  - S.B. 112 – regulating nurse anesthetists to practice skills independently
  - S.B. 118 – adds duties to the Maternal Death Review Board.
- The House budget hearing was held this week and the Senate budget hearing will be February 13<sup>th</sup>. We requested an enhancement for salary and wages which wasn't rejected or recommended by Division of Budget. They did say we had the revenue to support it. We appealed to the Governor and she did not recommend the enhancement. She is requesting a 5% increase for all state employees and a market adjustment for some classification to bring them within 5% of market value. Our enhancement would be a 100% increase for some staff, as a couple of folks are only making \$30,000. We currently have five vacancies in an agency with only fourteen employees and applicants are not showing interest after they hear the salary range. Next fiscal year we have three individuals who could retire and expect a couple to do so. During the renewal period, with the staff shortage, we did have some providers that were upset because things were not getting handled quickly enough simply because we didn't have the staff to do it. We were requesting \$263,267 for this enhancement, which is within our funding stream. Our revenue continues to exceed our expenditures. There was a motion to add the enhancement in the House subcommittee, but the motion failed due to lack of a second. We were told the Governor's plan should cover that. We have a shot to get our budget recommendation through the Senate.

That concluded the Office Update report.

[New Business](#)

- Director House brought before the Board the annual disclosure of delegated authority as a reminder that we have it for decisions in the Board's absence. This includes legislative matters such as submitting testimony timely after discussion with some board members. It also includes emergency orders, which are hit and miss. We only had one last year with a potential for three others and one likely coming up soon.
- Dr. Hornung opened the floor for nominations for Board Chairman. There was one nomination for Dr. Hornung. Dr. Hornung accepted the nomination as Board Chairman. There were no other nominations.

***Representative Eplee moved to close nominations for Board Chairman and nominated Dr. Hornung. Director Wheatley seconded the motion. No further discussion. No opposition noted. The motion carried.***

- Dr. Hornung opened the floor for nominations for Board Vice-Chairman. There was one nomination for Chief Pearson. Chief Pearson accepted the nomination as Board Vice-Chairman. There were no other nominations.

***Director Ralston moved to close nominations for Board Vice-Chairman and nominated Chief Pearson. Director Adams seconded the motion. No further discussion. No opposition noted. The motion carried.***

There was no Public Comment.

### **Executive Session**

***Vice-Chairman Pearson moved to enter into Executive Session to discuss a Petition for Reconsideration of an Initial Order in Case Number 2021-189-01 filed with the Board for the purpose of consultation with our legal counsel to receive legal advice which would be deemed privileged under the attorney-client relationship for a period of 40 minutes to begin at 9:40 a.m. after which this open meeting will resume at 10:20 a.m. in this same place. I would ask that General Counsel remain present for this session. Director Adams seconded the motion. No further discussion. No opposition noted. The motion carried.***

The Board moved into Executive Session at 9:40 a.m.

The Board was reconvened in open meeting at 10:25 a.m. and Dr. Hornung asked Sam Feather, General Counsel, to give an update. The matter before the Board is case number 2021-189-01. This case went for an evidentiary hearing in the Office of Administrative Hearings and an Initial Order was issued in which staff filed a petition of reconsideration asking the board as a whole body to review and reconsider the determination made in the initial order. Staff lays out a number of reasons for its reconsideration. Mr. Feather would recommend the Board accept staff position and asked that he be appointed as a pre-hearing officer for the purpose of setting briefing and oral arguments schedules and then the Board can make a determination on issuing a final report.

*Director Ralston moved that the Board accept staff's reconsideration of case number 2021-189-01. Vice-Chairman Pearson seconded the motion. No further discussion. No opposition noted. The motion carried.*

*Having completed all items on the agenda, Director Wheatley moved that the meeting be adjourned. Dr. Faimon seconded the motion. No further discussion. No opposition noted. The motion carried.*

Meeting adjourned at 10:30 a.m.

#### Virtual Guests

Wendy O'Hare  
Brandon Beck  
Nathan Sturchio  
Tom Miller  
Chris Cannon  
Rick Robison  
Heather Scruton  
John Cota  
Brad Klein  
Alex Bergstrom  
Jesse Taylor  
Ron Marshall  
Scott Sare  
Mike Morgan