



KANSAS

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

KATHLEEN SEBELIUS, GOVERNOR

BOARD OF EMERGENCY MEDICAL SERVICES

MINUTES

EMERGENCY MEDICAL SERVICES

BOARD MEETING

February 3, 2006

Board Members Present

J. R. Behan
Jim McClain
Michael Ryan
Joe Megredy
Dale Wasson
Comm. Duane Mathes
Comm. Bob Boaldin

Board Members Absent

Dr. Dennis Allin
Sen. Chris Steineger
Rep. Kasha Kelley
Sen. Jay Emler
Dr. Brian Holmes
Rep. Margaret Long

Guests

Stan Conover
Bill Auchterlonie
Mitch Miller
Con Olson
Steve Isaacson
Celia Simmons
Mike Simmons
T. J. Coker
James A. Miller
Terry David
Wendy Cronau
Tony Burr
Pat Morey
Shane Pearson
Mark Willis
Bob Prewitt
Darlene Deck
Jerry Jo Deckert

Rosanne Rutkowski
Kendra Tinsley
Chris Way
Clay Cox
Bob Binder
Randy Easter

Brad Sisk
Kathy Dooley
Pam Kemp
Jeff Smith
Chy Miller
Russell Walter
Darrel Grubbs
Joey Titro
Cliff Moore
James Catt
John Hultgren
Amy Cobbs
Dan Jones
Tina Peevyhouse
LeAnn Brair
Connie Meyer
Ken Keller
Tawnya Foutch &
Findley
Kelly Steinly
Dave Harbour
Frank Williams
Chad Pore
Kerry McCue

Staff

Robert Waller
Steve Sutton
Mary E. Mulryan
Joe Moreland
Dave Cromwell
Randy Cardonell
Jean Claude Kandagaye

CALL TO ORDER

Vice Chairman Behan called the meeting to order on Friday, February 3, 2006 at 9:07 am. The first order of business is the approval of the minutes from December.

APPROVAL OF MINUTES

Motion: Moved by Board Member McClain, seconded by Board Member Megredy to approve the minutes of the November 30 and December 2 Board meetings as written. Motion passed.

COMMITTEE REPORTS AND POSSIBLE ACTION

Executive Committee

Vice Chairman Behan called upon Board Member McClain to report on the Executive Committee activities. Board Member McClain directed the Board Member's attention to the PowerPoint presentation submitted by Robert Waller during the Executive Committee meeting. **(Attachment A)** Board Member McClain discussed the continuation of the strategic plan initiated by the Board and noted that the goal of a stable funding source had been achieved and the data collection bill would be debated during the Legislative Session. He also provided the Board with information regarding on-line renewal statistics. He stated that approximately 4,600 renewals were mailed out, approximately 3,700 were returned and of that number, over 1,000 renewed on-line without any major problems. Board member McClain continued by providing an update on rules and regulation changes. He noted that Board approval would be necessary to update rules and regulations regarding continuing education, maintaining single program providers, and issues of applicants applying for certification from out of state. The Executive Committee recommends the modification of an equivalent Kansas Board of Emergency Medical Services (KBEMS) form to implement a policy change to ensure that all out of state applicants have training to Kansas Standards. **(Attachment B)**

Motion: Approve the out of state application form change for KBEMS staff to ensure equivalent training standards to Kansas current level. Moved by Board Member McClain, seconded by Board Member Megredy. Motion passed.

Lastly, Board Member McClain discussed the request of a variance request from Metropolitan Ambulance Services Trust (MAST). MAST requested a variance to maintain extinguishers in their current location outside of the cab, instead of inside according to current rules and regulations. He remarked that the deficiency was not noted in previous inspections and that was the reasoning presented by MAST. The request for variance was recommended to be denied.

Motion: Deny the request by MAST for a variance related to the location of fire extinguishers. Moved by Board Member McClain, second by Board Member Boaldin. Motion passed.

Planning and Coordination Committee

Vice Chairman Behan next called upon Board Member Megredy to address the Board on the meeting conducted by the Planning and Coordination Committee. Board Member Megredy began by discussing the presentation given by Terry David, Executive Director of Region III on the MERGe Project and the matrix detailing Regional progress (**Attachment C**). He remarked that the Committee discussed funding issues relating to the project and noted confusion on the subject. Board Member Megredy informed the Board that a teleconference was scheduled with Mr. Waller, Mr. David, and the Kansas Department of Health and Environment (KDHE) to resolve financial and deadline issues. He remarked that the project seems to be moving slowly and certain regions are not participating or will not be able to meet the expectations of this project. He informed the Board that the Committee heard from Jeannette Shipley and Cynthia Wentworth from KDHE on the PIER Program. Ms Shipley and Wentworth provided an overview of the program and reported there would be a one day meeting on March 23, 2006 to address the program. Additionally, Board Member Megredy discussed Mr. Waller's plan to initiate a regional mechanism to afford the Board a method to account for funding both provided by the Board and that derived from examination fees.

Continuing, Board Member Megredy addressed and discussed testing and activities being conducted in each Region. Lastly, Board Member Megredy discussed information presented by Ms. Terry Ploger-McCool from the Adjutant General's Office Division of Emergency Management. She updated the Committee on the Homeland Security regionalization process and reviewed the National Incident Management Systems (NIMS) integration. Also, Joe Moreland discussed statewide communications and on-going progress of the system, and the splitting of Education Incentive grant funding. The Committee recommended the Education/Examination Committee to review the proposal.

Investigations

Due to the absence of Chairman Allin for the beginning of the meeting, Vice Chairman Behan called upon Board Member Megredy to present information from the Investigations Committee. Board Member Megredy stated that seven cases were heard, with the following recommendations:

- Revoke the certification of the attendant for unprofessional conduct that centered on intoxication issues; and,
- A six month suspension for exceeding authorized activities. The attendant gave medications without protocol and outside of authorized activities.

The following cases were closed:

- An attendant met the consent agreement recommended by the Board;
- Instructor/Coordinator issues regarding educational issues of an initial course of instruction;
- A self report on a patient care and documentation issue. A letter will be sent to both agencies explaining the issue of operating under protocol; and,
- A self report relating to a medication error. The Committee accepted the local action.

- A self report relating to a violation of protocols. The Committee accepted the local action.

Education and Examination

Vice Chairman Behan began by discussing the Instructor Development Taskforces (IDT) that are scheduled to set the meeting dates for the educator conferences, the continued meetings with IO Solutions and the curricula review. He also updated the Board on additional authority given to staff relating to the approval of some variances that the Board had approved previously. Vice Chairman Behan remarked that the Interim Deputy Director Steve Sutton (KBEMS) would provide the Education and Examination Committee with an update of those variances approved by staff. Continuing, the Committee discussed the emergency medical technician-defibrillator (EMT-D) certification and the decision to continue that level. He noted that a survey had been conducted with half of the services reporting, and 85 percent to 88 percent of those stated eliminating the EMT-D level would have no impact on care.

The Committee also reviewed two variances:

Lieutenant Dave Bruner with the Fort Scott Fire Department (a Training Officer I). Upon the Board extending certification to 2 years, Lt. Bruner delayed until the end of 2005 to attend an educator workshop in his region. During that time, he had a new child with health problems and did not attend the workshop. The Committee's recommendation was to allow Lt. Bruner to continue functioning in the capacity of a TO I, provided he enrolls in the first available TO I course; and,

Motion: To accept the Committee's Recommendation of Lt. Bruner to allow him to continue functioning as a TO I provided he enrolls in the first available TO I course. Moved by Board Member McClain, and seconded by Board Member Ryan. Motion Passed.

Jack Andrade requesting certification as an I/C. Mr. Sutton noted that Mr. Andrade does not have a letter from a currently certified I/C that would be willing to mentor him. Additionally, he needs to submit a mock EMT course, and provide proof of BLS certification. Once that documentation is submitted the Committee recommends granting certification. However, he met most of the requirements and would utilize his Fire Service Instructor I course in lieu of the 40 hour Department of Transportation (DOT) part.

Motion: To accept the Committee's recommendation to grant certification upon receipt of a mock course, BLS certification, and a verified mentor. Moved by Board Member Boaldin, seconded by Board Member Ryan. Motion passes.

Vice Chairman Behan, upon a recommendation from the Planning and Coordination Committee, began discussion on the distribution of the Education Incentive Grant Funding. He explained that although the Board provides \$200,000 per year to the Regions, there are some who do not teach during the first part of the fiscal year. Therefore, those individuals are unable to access the funding. It was suggested by the Planning and Coordination Committee that the funding be divided between the first and second halves of the fiscal year. He noted that for the FY 2008 Budget year, the Board could request an increase in the amount of available funding.

Motion: To accept the Committee's recommendation to divide all Education Incentive Grant Funding by 50 percent, with one half available during the first half of the fiscal year and the remaining 50 percent in the second half of the fiscal year. Moved by Board Member Boaldin, seconded by Board Member Ryan. Motion passed.

Vice Chairman Behan acknowledged the personnel visiting from a Norton County Ambulance Service and Hutchinson Community College instructors welcoming them to the Board meeting.

Office Update

Next, Vice-Chair Behan recognized Executive Director, Robert Waller, for an office update. Mr. Waller provided the Board with a Power Point presentation on ambulance service general statistics, on-line renewal, paperless committee, the new Deputy Director, and the new Board member (**Attachment D**). Mr. Waller discussed levels of care, the number of licensed ambulance vehicles and certified personnel in the state, and response statistics. He directed Board attention specifically to the location of paramedics, especially in Region I and Region II. Also, Mr. Waller discussed the on-line renewal process. He remarked that 4,607 were mailed and 1,051 attendants renewed on-line. Next Mr. Waller provided the Board with a budget update. He noted that the only change in the FY 2006 Budget submission was the Governor's recommendation to include a shrinkage amount totaling \$32,974. The amount encompasses the time period between hiring the deputy director. For FY 2007, Mr. Waller explained that the budget totals \$1.5 million. Regional, Education Incentive Grant, and Data Collection funding were included in one line item. The regional and Education Incentive Grant Funding of \$116,250 and \$200,000, respectively, but with those amounts in the base budget, they could be increased through the budget process for FY 2008 if the Board saw fit. He reiterated that the Regional funding was included in the base budget, and KBEMS staff would be asking for each Region to provide a report detailing funding and expenditures, both Board funding and funding derived from exams. Mr. Waller emphasized that KBEMS staff are not attempting to control or reduce regional funding, but implement accountability for the funding. Also, a report on the educational funding and the AED would be initiated.

Continuing, Mr. Waller discussed the EMS Operating Fund balance, and the cash flow balance within the fund. He stated the Governor's Office and the Legislature initially believed insurance premium receipts were going to increase, thus transferred \$1,000,000 out of the fund. However, insurance premiums were lower than expected, and the \$1,000,000 was still being transferred out. To alleviate the cash flow issue, the Division of the Budget would loan the Board \$500,000 for the beginning of FY 2007 fiscal year and that would be repaid by the Board at the end of the fiscal year to keep the fund out of the red. Mr. Waller also reiterated earlier Board action to split education incentive grant funding for FY 2008 and noted that the Board could move to increase the amount above the \$200,000 for FY 2008.

Next, Mr. Waller discussed Legislative bills which would affect the Board. He explained that SB 263 would change Board composition to designate an ambulance service director as one of the three attendants. He noted that Mary Mulryan (KSBEMS Administrative/Fiscal Officer) testified neutral on the bill. However; Ms. Mulryan did state to Chairman Morrison of the House Committee that the Board is not sure of the bill's intent. Mr. Waller noted that KBEMS

staff would send another letter to Chairman Morrison discussing the Board's position more directly on the content of the bill. Secondly, HB 2734 concerning the denial of an individual's certification or registration because some, or all, of the applicant's course of study was obtained on-line. Mr. Waller stated the KBEMS staff read the bill and were not sure how it affects the Board. However, a hearing had not been scheduled. Mr. Waller wasn't certain if the bill allowed individuals to complete their entire education on-line for certification or registration, and if that allows the individual to be exempt from clinical training as required by the Board. He noted the KBEMS staff would investigate and provide more information to the Board on the content of the bill.

Regarding the data collection bill, Mr. Waller reiterated that \$200,000 was included in the Board's FY 2007 budget and the intention of the legislation was to create a link between the traffic system of KDOT and trauma system of KDHE. The bill would enable the Board to create the data system to collect data on a uniform run sheet. He explained that the information would be maintained within all HIPPA standards with aggregate reports provided to the public, containing no individual health information, thus making the information non-discoverable. Additionally, any EMS provider acting in good faith (in accordance to BEMS rules and regulations), would not be subject to civil liabilities. Mr. Waller noted that an EMS provider would have 30 days after the end of the month to provide the information to the Board. The penalty for not complying would be incurred as follows:

- those with annual call volumes over 10,000, the fine would total \$1,000;
- annual call volume from 1,000 to 9,999, the fine would total \$500; and,
- annual call volume from 0 to 999, the fine would total \$250.

The money would be deposited into the State General Fund (SGF) and not be placed into the EMS Operations Fund. He noted that the creation of the data collection system fulfills a portion of the Board's strategic plan and fulfills one of the reasons why Kansas received a C- on a national report. The only responsibility to ambulance services would be providing information, with Board responsibility including securing, aggregate reports, and providing information to services. He remarked that the system would not be an unfunded mandate, due to the utilization of the web through an already existing internet connection. Mr. Waller noted that there may be some initial costs for some ambulance services in linking billing and other systems. However; through the request for proposal (RFP) process those concerns would be covered. He remarked that if the Legislature deems fit to pass the bill, a representative from each Region would be asked to join a data collection committee, along with KDHE and KDOT to discuss Regional concerns with vendors and recommend a system. The trauma contract through KDHE stated that any pre-hospital collection system would link seamlessly with the current trauma system so the Committee would decide among other things whether the vendor would provide training or whether the Region would train-the-trainer.

Board Member Wasson posed a concern relating to the reports KBEMS staff would request from the Regions. Mr. Waller remarked that currently the Legislature tracks aid to local units funding which includes homeland security funding flowing through the Highway Patrol, disaster funding through the Adjutant General's Office, and the Regional funding from the Board. However, the Board currently does not track or account for how that money was spent. In putting together the report, the Board can account for the funding and provide that information to the Legislature along with those ending balances to ensure that the money has been spent wisely.

Vice Chairman Behan asked about funding for the data collection system for the Board and those maintained by KDOT and KDHE. Mr. Waller stated that KDOT had \$100,000 to provide to the Board to aid in financing the data collection system. However, KBEMS staff needed Board approval to finalize the contents of the data collection bill so it could be introduced during the 2006 Legislative Session. He noted that due to the Board already having authorization to expend \$200,000 for data collection system, the important focus is passage of the bill. A vote on the provisions outlined with the presentation is necessary to ensure that the Board is in agreement with the bills specifications.

Motion: Approve the language to create a data collection system as presented by KBEMS staff. Moved by Board Member Mathes, seconded by Board Member Wasson. Motion passed.

Vice Chairman Behan inquired about on-line renewal, and the ability to allow groups of individuals from one service to renew all attendants at once along with I/C and T/Os. Mr. Waller stated with the magnitude and the minimum number of errors with on-line renewal, the Board could look at any number of possibilities in utilizing the website. These possibilities would be investigated by KBEMS staff and an update will be provided to the Board at a later date.

Board Member Boaldin requested more information on reports requested by KBEMS Staff relating to regional funding. Mr. Waller reiterated that currently KSBEMS staff do not have a reporting mechanism in place to account for the funding transferred to the Regions. Although KBEMS Staff do not believe that Regional funding is being misused, the Board could not respond to the Legislature, Governor or to the Board on how the money is spent.

Advisory Committee On Trauma

Vice Chairman Behan thanked Mr. Waller for his report and called up Ms. Rosanne Rutkowski to provide a report on the Advisory Committee on Trauma. Ms. Rutkowski informed the Board that KDHE introduced legislation to provide authority for hospital verification information (HB 2752). She explained that the bill authorized KDHE to designate hospitals, collect fees to offset costs related to designation, and link trauma registry data back to peer review to look at the system quality improvement process. She continued her presentation by discussing regional plans and trauma registry benchmarks and provided examples of concerns such as: how long did a patient sit in the waiting room before surgery; or is there an EMS record on that chart? She noted the final report would be reviewed by ACT on February 15, 2006, with a website being developed to allow hospitals to log on and acquire that information. Ms. Rutkowski informed the Board that federal EMS trauma funding was eliminated and was not in President Bush's final budget recommendation. However, it does not affect state's services, but does affect national trauma data. She concluded by discussing the Traffic Records Assessment Committee through KDOT, and the KDHE intern working with the Regional Trauma Councils on injury prevention.

Vice Chairman Behan thanked her for the presentation and moved to new business.

Vice Chairman Behan discussed the annual election of officers, and noted that Dr. Allin would like to remain Board Chair.

Motion: Approve the continuation of Dr. Dennis Allin as chair of the Board of Emergency Medical Services. Moved by Board Member Boaldin, seconded by Board Member Wasson. Board Member McClain moved that nominations cease. Motion passed.

Vice Chairman Behan noted that the Board would also need a vice chair.

Motion: Approve Vice Chairman Behan to remain vice chair of the Kansas Board of Emergency Medical Services. Moved by Board Member Megredy, seconded by Board Member Wasson. Board Member Ryan moved that the nominations cease. Motion passed.

Vice Chairman Behan informed the audience that the Board would enter into Executive Session, so he opened the meeting to public comment and recognized Pam Kemp. Ms. Kemp voiced concern regarding the data collection bill and the inclusion of the fines, and the issue of Regional funding included in the Board's base budget. Mr. Waller explained that it was a budgetary issue. The request came from the Division of the Budget and Legislative Research, and it was no longer necessary to separate the funding because the Board has not indicated any notion of reducing or adjusting amount. Ms. Kemp indicated her appreciation for information being provided by Power Point. Mr. Waller noted that with the funding being included in the base budget, the Board would have the discretion of increasing that amount dependent on financial reports received by KBEMS Staff. However, as director, he would not recommend that course at this time.

Vice Chairman Behan thanked the audience for their attention and announced the Board would go into Executive Session to discuss personnel issues.

Motion: Approve the closure of the Board meeting to enter into Executive Session from 10:15 am to 11:15 am and present will be the Executive Director and Deputy Director.. Moved by Board Member Megredy, seconded by Board Member Mathes. Motion passed.

The Board reopened at 11:15 am, to reclose for Executive Session to discuss personnel matters.

Motion: Approve the closure of the Board meeting to enter into Executive Session at 11:20 am to 11:50 am and present will be the Executive Director and Deputy Director. Moved by Board Member Megredy, second by Board Member Wasson. Motion passed.

The Board reopened at 11:45 am.

Vice Chairman Behan thanked members for their attendance, and requested a motion to adjourn.

Motion: Approve adjourn of the February 3, 2006 Board meeting. Moved by Board Member Megredy and seconded by Board Member McClain. Motion passed.

Attachments may be requested from the BEMS office at 785-296-7296.

Attachment A—Presentation presented by Robert Waller to the Executive Committee

Attachment B—Equivalent KSBEMS form to implement a policy change

Attachment C—MERGe Regional matrix detailing Regional progress

Attachment D—Power Point presentation from Robert Waller