

Board Meeting Minutes

February 1, 2019

Approved
4/5/19

Board Members Present

Rep. John Eplee
Dr. Gregory Faimon
Dr. Joel Hornung
Comm. Ricky James
Director Deb Kaufman
Chief Shane Pearson
Director Chad Pore
Director John Ralston
Comm. Bob Saueressig
Dr. Martin Sellberg
Director Jeri Smith
Rep. Susie Swanson
Sen. Faust-Goudeau-phone

Guests

Terry David
John Hultgren
Kerry McCue
Brandon Beck
John Cota
Dave Johnston
Con Olson
David Trotter
Colin Fitzgerald
Chrissy Bartel
Craig Isom
Jon Antrim
Chris Matson
Charles Foat
Richard Sigle Jr.
Jason Kennedy
Galen Anderson

Representing

Reno Co. EMS
Dickinson Co EMS
Ellis Co/Region I
Lyon Co City Emporia
KCKFD
KEMSA
TECHS
Reno Co EMS
Leawood FD
Norwich
EagleMed/MTC
AMR
Andover Fire
JCCC
TFD
ECEMS
AMR KC

Staff Present

Joseph House-Exec Dir
Curt Shreckengast-Dep Dir
James Kennedy
Terry Lower
Suzette Smith
Amanda Walton
Chrystine Hannon
Emilee Turkin
Carmen Allen
Kim Cott

Attorney General Staff

Kurtis Wiard

Board Members Absent

Rep. Henderson

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, February 1, 2019 at 9:00 a.m.
Chairman Hornung called for a motion to approve the minutes.

Chief Pearson made a motion to approve the December 7, 2018 minutes. Director Ralston seconded the motion. No discussion. No opposition noted. The motion carried.

Planning and Operations Committee

Chairman Hornung called upon Chief Pearson to provide the Planning and Operations Committee Report. Chief Pearson reported to the Board:

- Director Pore let the committee know that effective February 1st Director House will be the only state administrator for KEMSIS.
- Director House discussed that 2018 call volumes are still trickling in. There have been 257,000 runs reported with the majority in Version 3. Only one service will stay in Version 2 this year. 151 ambulance services reported into KEMSIS in 2018. As of January 1st, Elk County has joined in reporting data. Director House is working with Decatur and Rush Counties to get them on board. He will be sending a letter to Sedgwick County about adding their data.
- Mr. Reed reported that they had done 25 service inspections. They have also added a line for deficiencies for not reporting data. They will allow them 30 days if they had been reporting data but stopped, and 60 days to correct deficiencies if they have never been reporting. They can always extend if they are working on it. It has been in statute for ten years, so we are tightening that up. It was asked what the retributions would be. Director House said as of right now it would go to Investigations and they were looking at fines.
- Mr. Reed had one variance and it was a service that went out of business and the county picked it up and they just needed a little time to letter their trucks.
- Adding non-transport as a type was discussed. At the last Board meeting staff were asked to look into what other states do. It was surprising that Kansas is one of very few states with no oversight on non-transporting agencies. KEMSA offered to host a stakeholders meeting, if needed. Any oversight would require statutory changes so it will take time. They are looking to get input perhaps on the Wednesday before the June Board meeting.
- There is one item needing Board action on the service renewals. Mr. Reed wants to include on service renewals a declaration of services that an EMS agency can provide. These would be data points for the Board to collect and be added on the renewals.

Chief Pearson moved to approve the updated list of capabilities be added to the service renewal. Director Kaufman seconded the motion. The motion carried.

- Bourbon County EMS is a new service that was added as a result of the closure of Mercy Hospital in Fort Scott.
- Service renewals will open February 1st. EMS week is May 19th-25th and we will proceed with the declaration with the governor.
- Region updates were received.

That concluded the Planning and Operations Committee report.

Chairman Hornung introduced and welcomed Representative John Eplee to the Board. Rep. Eplee is from Atchison and is a physician. He was born in southeast Kansas and is on his second tour of duty as a Representative. Rep. Eplee stated that he is looking forward to learning and was an ambulance director in the past.

Medical Advisory Council

Chairman Hornung called upon Dr. Sellberg to provide a MAC update. Dr. Sellberg said they welcomed new members. There was a good debate and philosophical discussion. The MAC answered the Board's questions with the response that it should be under local medical control and advisement. The engagement of medical directors is critical in Kansas. They are looking at how to achieve competency in medical direction and the topic of what happens when clinical

recommendations are not accepted. The MAC believes they have fulfilled their review of the medication lists as a ceiling with decision for implementation based on the local medical director.

Education, Examination, Training and Certification Committee

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

- Ms. Allen reported one variance request had been received from two individuals from Kansas City to use a Missouri instructor course to meet requirements for IC certification. Kansas does not have authority to approve an out of state class. The variance was denied.
- Ms. Allen also reported 481 candidates challenged the practical skills exam prior to the end of December and approximately 100 this January. The total pass rate to the end of December was 70%. Data was requested to compare this pass rate to the pass rate of the old practical skills exam for the next meeting.
- 7% of the exam results were overturned following review of the exam attempts. The reasons results were overturned were not consistent.
- Staff shared that 3-4 examiners have been flagged as ineligible to examine.
- A review of the NREMT Observation findings and the comments found they were predominately positive. Staff will analyze the recommendations and report at the next meeting.
- Dr. Foat reported EDTF was in agreement to eliminate sub-categories and add Pediatrics as a Core category in the Kansas Continuing Education Plan.

Director Kaufman motioned to adopt the Continuing Education Plan change to eliminate the subcategories and add the pediatric category with no change in overall required hours for the certification levels. Director Ralston seconded the motion. The motion carried.

- A program was discussed to require monitoring of initial course outcomes. It was the EDTF recommendation to add a requirement for a 70% pass rate. We will see a drafted regulatory change of K.A.R.109-11-1a in April, adding the requirement the sponsoring organization maintain a 70% pass rate during initial courses over a three-year period and initiate a quality improvement plan or remediation program if it is not met.
- Four regulations have been through the regulatory approval process. Public comments were received and all were positive. The committee would like to bring forth a motion to take an individual roll call vote on:
K.A.R. 109-5-1- continuing education
K.A.R. 109-8-1 – Examination
K.A.R. 109-8-2 – Scheduling examinations for certification
K.A.R. 109-11-6a – Paramedic course approval.

Director Kaufman motioned that these four regulatory revisions be presented for final roll-call approval. Motion seconded by Director Ralston. The motion carried.

Roll call vote to adopt K.A.R. 109-5-1 as amended:

<i>Rep. Eplee</i>	<i>Aye</i>	<i>Chief Pearson</i>	<i>Aye</i>
<i>Dr. Faimon</i>	<i>Aye</i>	<i>Director Pore</i>	<i>Aye</i>
<i>Senator Faust-Goudeau</i>	<i>Aye</i>	<i>Director Ralston</i>	<i>Aye</i>
<i>Rep. Henderson</i>	<i>(Absent)</i>	<i>Comm. Saueressig</i>	<i>Aye</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Comm. James</i>	<i>Aye</i>	<i>Mr. Shelby</i>	<i>Aye</i>
<i>Director Kaufman</i>	<i>Aye</i>	<i>Director Smith</i>	<i>Aye</i>

Revision of K.A.R. 109-5-1 is adopted by the Board on a 13-0 vote (13Yes; 0 No; 1 Absent).

Roll call vote for K.A.R. 109-8-1 as amended:

<i>Rep. Eplee</i>	<i>Aye</i>	<i>Chief Pearson</i>	<i>Aye</i>
<i>Dr. Faimon</i>	<i>Aye</i>	<i>Director Pore</i>	<i>Aye</i>
<i>Senator Faust-Goudeau</i>	<i>Aye</i>	<i>Director Ralston</i>	<i>Aye</i>
<i>Rep. Henderson</i>	<i>(Absent)</i>	<i>Comm. Saueressig</i>	<i>Aye</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Comm. James</i>	<i>Aye</i>	<i>Mr. Shelby</i>	<i>Aye</i>
<i>Director Kaufman</i>	<i>Aye</i>	<i>Director Smith</i>	<i>Aye</i>

Revision of K.A.R. 109-8-1 is adopted by the Board on a 13-0 vote (13Yes; 0 No; 1 Absent).

Roll call vote for K.A.R. 109-8-2 as amended:

<i>Rep. Eplee</i>	<i>Aye</i>	<i>Chief Pearson</i>	<i>Aye</i>
<i>Dr. Faimon</i>	<i>Aye</i>	<i>Director Pore</i>	<i>Aye</i>
<i>Senator Faust-Goudeau</i>	<i>Aye</i>	<i>Director Ralston</i>	<i>Aye</i>
<i>Rep. Henderson</i>	<i>(Absent)</i>	<i>Comm. Saueressig</i>	<i>Aye</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Comm. James</i>	<i>Aye</i>	<i>Mr. Shelby</i>	<i>Aye</i>
<i>Director Kaufman</i>	<i>Aye</i>	<i>Director Smith</i>	<i>Aye</i>

Revision of K.A.R. 109-8-2 is adopted by the Board on a 13-0 vote (13Yes; 0 No; 1 Absent).

Roll call vote for K.A.R. 109-11-6a as amended:

<i>Rep. Eplee</i>	<i>Aye</i>	<i>Chief Pearson</i>	<i>Aye</i>
<i>Dr. Faimon</i>	<i>Aye</i>	<i>Director Pore</i>	<i>Aye</i>
<i>Senator Faust-Goudeau</i>	<i>Aye</i>	<i>Director Ralston</i>	<i>Aye</i>
<i>Rep. Henderson</i>	<i>(Absent)</i>	<i>Comm. Saueressig</i>	<i>Aye</i>
<i>Chairman Dr. Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Comm. James</i>	<i>Aye</i>	<i>Mr. Shelby</i>	<i>Aye</i>
<i>Director Kaufman</i>	<i>Aye</i>	<i>Director Smith</i>	<i>Aye</i>

Revision of K.A.R. 109-11-6a is adopted by the Board on a 13-0 vote (13Yes; 0 No; 1 Absent).

- On updated education standards - Staff recommended that it be considered to adopt the National Education Guidelines and develop Kansas specific resources, rather than rewrite the current Kansas Education Standards. Discussion followed, and this item will be kept on the agenda for further review.
- Ms. Allen shared that staff has been very busy with retroactive and initial course approvals, renewals and reinstatements. Staff were directed to provide updated data at the April meeting.
- Ms. Allen said that a couple of people have shared words of praise on Ms. Hannon's helpfulness and pleasant demeanor in completing the renewal and legal recognition processes. Deputy Director Shreckengaust reported that in 2018 we granted reciprocity to 208 EMTs, 5 AEMTs, and 114 Paramedics.

That concluded the EETC Committee report.

Executive Committee

Chairman Hornung called upon Mr. Shelby to provide the Executive Committee report. Mr. Shelby reported the following:

- Director House reported that House Bill 2065 is a pursuit bill intended for law enforcement only. There are indications that Fire and EMS will be exempt from this bill. Four of the five listed potential bill items were presented to the Revisor's office and two were presented yesterday by Senator Faust-Goudeau. The Clean-up bill, criminal background checks and creation of an inactive status have been combined into one bill. These will be introduced February 1 so there are no Senate numbers yet. The KRAF increase has received comment from both the House and Senate in support but local EMS support is needed. The bill on Class A Misdemeanor Convictions is awaiting a sponsor.
- A bill has been drafted on PTSD as worker's compensation for EMS, Fire and Law enforcement, but has not yet been submitted.

- Director House explained that if we go the path of Emergency Medical Response Agency for non-transporting agencies, a statutory change will need to be made and he does not anticipate it could be done this legislative session.
- Director House stated that both annual reports have been submitted to the appropriate legislative committees.
- Region III had a meeting to discuss EIG for For-Profit agencies. Vice-Chairman Pore was at that meeting and reported that Region III felt that overall a For-Profit service should not get funding but is still needed in rural areas. Dave Johnston provided the Region III recommendation which is: 1) Restrict grant eligibility until the last month of the application period which would be December and June; 2) Place a cap on total funds allocated; and 3) EIG for Paramedics would be exempt as the funds would go directly to the community colleges. Vice-Chairman Pore stated that a decision needs to be made. David Adams stated that he would like the EIG program to continue as is. Dr. Sellberg and Chief Pearson support the recommendations of Region III. Vice-Chairman Pore continued discussion and alternatives to funding For-Profit agencies.

Vice-Chairman Pore made a motion to restrict EIG funding for For-Profit companies to no more than 50% of the allowed amount per individual and still allow them to receive funding in the last three months of the cycle. Paramedics are exempt from this limit. Chief Pearson seconded the motion. The motion carried with one opposed.

- Dr. Sellberg discussed the 4 questions that were sent to the MAC and stated that the MAC affirmed the responses as “under local control and direction”. Dr. Ryan Jacobsen confirmed the MAC response. The MAC continues to have two concerns; 1) when there is a difference by the Board with MAC recommendations, and 2) the concept of provider care for AEMT’s. Dr. Sellberg recommends the committee approve the medication list for EMR’s and EMT’s and suggested that it be moved to the Board for consideration. On initial education there is concern where the number of hours of training varying so greatly. There was also discussion on the list as a “floor” versus “ceiling” on care provided. Director Kaufman said the list is the maximum and a service director needs to tell their medical director if staff aren’t trained to perform all items on the list. Vice-Chairman Pore said he didn’t have clinical issues with the medication lists, but a systemic issue in Kansas. He doesn’t support moving the medication lists forward until the system issues are addressed. Director Kaufman said there is a financial need for the new medication lists such as for Epipens.

Mr. Shelby made a motion to approve the updated EMR and EMT medication lists. Director Kaufman seconded. The motion carried with one opposed.

- Mr. Shelby reported the Kansas Hospital Association is working on a new model of care called Primary Health Center or PHC. Several rural hospitals are struggling or closing. The model is getting nationwide attention. This model of care would have no acute care beds. There would be a demand on medical transportation with this type of model.

That completed the Executive Committee report.

Investigation Committee

Chairman Hornung called upon Vice-Chairman Pore to provide the Investigation Committee report. Vice-Chairman Pore provided the following report:

- They welcomed Dr. Faimon to the committee.
- They had 4 cases and consent cases.
- One was a narcotics diversion that had been on emergency suspension for a while. He pled guilty to diverting narcotics. The committee moved to proceed with revocation.
- There was a self-report from an agency where the ambulance crew reported to a call and a car was on fire. A 15-year-old had a cut on the hand and they bandaged it up and reported it as no patient and left the scene. The agency was concerned because they didn't get a refusal. There wasn't a violation in statute or regulation. The agency did take local action and the case was dismissed.
- A crew member got stuck in the snow, so they contacted another crew member with a four wheel drive personal vehicle who went straight to the scene, then took the patient to the hospital, but wasn't reported. The case against the attendant was dismissed but a letter was sent to the agency.
- A scope of practice issue was received from a service director. An AEMT pushed a medication that wasn't under their scope of practice. They thought it would be covered under their physician. The AEMT received a 90-day suspension but stayed the suspension and issued a \$25.00 fine.
- Updates on cases included: 1) Individual on previous consent agenda had gotten arrested and violated consent agreement back in October. The Committee was going to go with another consent agreement and tried multiple times to contact the individual. At the December meeting they moved to go ahead with revocation. That got a response and she requested a hearing. Committee said let things go forward and if she wants to try to do a consent agreement again she needs to show up to the April meeting and show proof to the investigator of all the rehab programs she has been doing before we will pull the revocation. 2) In December Clearwater EMS had a staffing issue. They had a plan with an EMT class in place that would help with their issue. We received information that none of those EMT students were affiliated with that service, even though the service signed their EIG paperwork. On the 29th of January a notice to their community was put out that Sedgwick County would put an ambulance in their community. Dave Johnston said an MOU was signed this week. Sedgwick County will be the primary and Clearwater will respond.

That concluded the Investigation Committee report.

Office Update

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

- Legislature and renewals have kept us busy. Staff has done a great job.
- The KRAF Grant has just under \$1.5 million in requests. A meeting will be held to review applications. It is anticipated \$380,000 of funding will be available.

- A tentative plan is to have a KEMSIS user group meeting sometime in March to combine with the KRAF meeting.
- A discussion was had on a clear definition of the “floor” vs “ceiling”, a minimum standard of care, and what happens when we adjust the medication list. The initial education needs to be at the state level and needs to include changes so we can adjust. A local standard of care can be higher than the state sets. Dr. Sellberg said the initial course of instruction should address new changes. Director Kaufman said it was admirable that we recognize the minimum standard of care at the local level.

New Business

For a review of the MAC roles Dr. Sellberg recommended this review so we understand where the relationship is. The MAC was set up to advise and assist the Board with medical decision. There are no other mandates or rules. He suggested the Board prepare some specific items for the MAC to address. Chairman Hornung said the MAC has to help the Board dictate the ceiling and update what the ceiling will be. Vice-Chairman Pore thought the previous day’s meeting was good and the Chair was open to public comments during the meeting. The perception has been that the EMS providers don’t need to be involved. He feels they each need input to have conversations and how it will affect them operationally. He thinks the statute is clear on the role of the MAC to advise the Board. Chairman Hornung feels the MAC is energized and has a strong base. He will introduce 2-3 projects for them to take and run with.

Chairman Hornung requested nominations for board chairman and vice-chairman.

Director Pore nominated Dr. Hornung to stay on as Chairman. Director Ralston seconded. No further nominations and the vote taken. Dr. Hornung was re-elected to Chair.

Chief Pearson nominated Director Pore to stay on as Vice-Chairman. Director Smith seconded. No further nominations and the vote taken. Director Pore was re-elected to Vice-Chair.

Chairman Hornung thanked Region V for the refreshments.

Chairman Hornung adjourned the meeting at 10:39 a.m.