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

Sam Brownback, Governor

## Board Meeting Minutes

June 3, 2016

Approved

10/07/2016

### Board Members Present

Dr. Joel Hornung  
Sen. Mitch Holmes  
Comm. Ricky James  
Director Deb Kaufman  
Chief Shane Pearson  
Director Chad Pore  
Director John Ralston  
Director Jeri Smith  
Rep. Susie Swanson  
Dr. Martin Sellberg  
Rep. Henderson

### Attorney General Staff

Sarah Fertig

### Board Members Absent

Dennis Franks (E)  
Sen. Faust-Goudeau (E)  
Comm. Keith Olsen

### Guests

Brandon Beck  
Kerry McCue  
John Hultgren  
Frank Williams  
Craig Isom  
Dan Hudson  
Eric Voss  
Kathy Coleman  
John Paul Jones  
Marvin Van Blaricon  
  
Darrel Kohls  
Rosa Spainhour  
Stacy Croomes  
Frank Burrow  
Mark Willis

### Representing

KEMSA/Region V  
Region I  
Dickinson Co. EMS  
Life Team  
Med-Trans Corp.  
Univ. of KS Hospital  
KSFFA  
Miltonvale EMS  
KCKFD  
KEMSA/Clay Co.  
EMS/Region IV  
Wichita Fire Dept.  
Kiowa Co. EMS  
Air Evac Lifeteam  
Miami Co. EMS  
NFEMS

### Staff Present

Joe House-Exec Dir  
Curt Shreckengaust-Dep Dir  
Chrystine Hannon  
James Kennedy  
Suzette Smith  
Nance Young  
Ann Stevenson  
Emilee Turkin  
Kim Cott  
James Reed

### Call to Order

Chairman Hornung called the Board Meeting to order on Friday, June 3, 2016 at 9:05 a.m. The first order of business was to approve the minutes from April 1, 2016, and the minutes from the conference call on May 3, 2016 to discuss appointing a panel member for hearings.

***Director Ralston made a motion to approve the April 1, 2016 minutes as provided. Director Kaufman seconded the motion. No discussion. No opposition noted. The motion carried.***

***Director Kaufman made a motion to approve the May 3, 2016 minutes as provided. Director Ralston 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:

- KEMSIS Update: Director Pore reported that KEMSIS is working on a report to track state data for a state annual report that will be built based on patient demographics. The top ten impressions on pediatric patients are examples of the type of data that will be included in the report. The report will be accessible on ImageTrend Elite and the current ImageTrend. Two training sessions on ImageTrend Elite have been held. The last session was held in Hays on May 15<sup>th</sup> with ten agencies in attendance. Nineteen agencies are currently live on ImageTrend Elite. Training is planned for Regions II, III, V and VI by the end of August. User group meetings will be scheduled to discuss appropriate tracking methods. If a service isn't already on the state bridge, it is not recommended that they buy the offline piece from ImageTrend. There are state rules and agency rules as separate features which can be added to the program.
- James Reed reported that everything is set for the Kansas State Fair booth including give away items, but he is still looking for volunteers from different agencies to come staff the booth.
- 73 of the 172 services have been inspected. Inspections are running ahead of schedule and if there is time at the end of the year, they will perform more education audits.
- The service recognition program has been a work in progress for the past several months. It is a voluntary program with several different agencies involved in drafting it. Currently it is a rough, final draft. There are a few things that James Reed would like to change before finalizing. The initial plan was to bring this forward to the full board today, but after yesterday's discussion, the decision was made to let the regions review the program draft and to wait to allow time for regulatory adjustments. Concerns were expressed that the program would not be attainable for some services. Several on the committee felt the program was attainable, but may be more difficult for some services to attain some of the items that are listed in the recognition program. Some services probably meet a lot of the criteria already to be awarded a bronze, silver, or gold level in the program. If it were easy to attain, then there would not be much need for the program. The paperwork will go to the regions to look at and comment, then come back to the committee.
- A request has been received from a service in southwest Kansas and supporting documentation from the Medical Director for the burn center at Via Christie in Wichita to remove the burn sheet from the required list of supplies and equipment. Chief Pearson agrees with removing the burn sheets. His service does not use them. This issue is supported and will be brought up once the regulations are allowed to be opened.
- The KHP, KEMSA, KU Fire Fighter Training Institute and the Kansas Law Enforcement Training Center staff will collaborate on a statewide highway safety course for emergency responders and services. The plan is to start up in August and provide statewide training on a consistent level for highway traffic safety and operating safely on incident scenes for everyone involved including law enforcement, and towing and recovery operators.
- Region 1 - Meeting scheduled for June 15<sup>th</sup> and an educator's workshop is planned for this fall.
- Region IV- Next meeting will be June 14<sup>th</sup>.

- Region V-No meeting is scheduled for this month. An educator's workshop is planned for this fall. They are also planning to host a 1-2 day educational workshop on cardiology or Entitled CO2 or a combination of both.
- KEMSA- Legislation update: DEA bill is awaiting a hearing in the House. The Senate version is being worked on and Senate sponsors are needed. There has been no opposition to the bill. Jason White has reported that with the cuts to Medicaid at the state level, ambulance services should expect a 4% cut in Medicaid reimbursement rates. KEMSA did a survey to their membership regarding either the adoption or changes to the continuing education hours. Of the members who replied to the survey, 56% voted to return to the original requirement and hours with the core content remaining in place.
- Kansas Air Medical Transport Society met Wednesday and discussed new projects and their plan to assist with the State Fair. Their next meeting will be August 3<sup>rd</sup>.
- Con Olson gave a presentation on the Community Paramedicine pilot program they are working on. Franklin County EMS and all four Techs Inc. services will be participating in the pilot project with United Health Care. They have about a 60 to 90 day window for the pilot program focusing on repeat diabetic patients and being able to do some home visits and general education. The focus will be on patients that are using EMS and emergency departments as their primary means of health care at this point. Chief Pearson is expecting to hear back from them on the success of the program once the pilot has ended.

### Education, Examination, Training and Certification Committee

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

- There are no regulations currently in the revision process for the Education Committee.
- One variance has been received. This was a request to bypass the Kansas I/C course and instruction of an initial EMT course. This individual has a background in education from another state and credentials, which were provided to the committee in the packet. Following assistance from Assistant Attorney General Sarah Fertig on this variance request, the committee brought forward a motion to approve. Director Kaufman requested this topic be added to conversation for future regulations for a formal method of verifying education that is coming into the state.

***Director Kaufman made a motion on a variance that the education and experience that this individual has, along with the supporting documentation, shall be approved for this individual as successfully completing the training in instructing and coordinating attendant training programs and shall suffice to meet K.S.A. 65-6129b subsection (a) (2) in granting an instructor/coordinator certificate to this individual. Director Ralston seconded. After a brief discussion and no opposition noted, the motion carried.***

- Examination Vendor Report-The committee heard discussion on the examination contract with SKEMS. Director Ralston reported to the committee that after reviewing the figures and visiting with the region, SKEMS would like to withdraw the proposed changes and move forward with their contract as is.

***Director Kaufman made a motion to renew the existing examination contract for the next year. Director Smith seconded. After a brief discussion and no opposition noted, the motion carried.***

- The committee discussed the value of the TO, TO II and I/C certification and requested this topic be discussed at the next board meeting due to the philosophical implications.
- The committee brought forward a motion to approve K.A.R. 109-5-5 Retroactive Approval for Continuing Education.
- ***Director Kaufman made a motion to adopt K.A.R. 109-5-5. Director Ralston seconded the motion. After some discussion, the motion carried.***

***Roll call vote as noted:***

<i>Senator Faust-Goudeau, (Absent)</i>	<i>Comm. Olsen (Absent)</i>
<i>Mr. Franks (Absent)</i>	<i>Chief Pearson Aye</i>
<i>Rep. Henderson Aye</i>	<i>Director Pore Aye</i>
<i>Senator Holmes Aye</i>	<i>Director Ralston Aye</i>
<i>Chairman Dr. Hornung Aye</i>	<i>Dr. Sellberg Aye</i>
<i>Comm. Ricky James Aye</i>	<i>Director Jeri Smith Aye</i>
<i>Director Kaufman Aye</i>	<i>Rep. Susie Swanson Aye</i>

***K.A.R. 109-5-5 is adopted by the Board on an 11-0 vote (11 Yes; 0 No; 3 Absent).***

- The committee discussed and received public comment on K.A.R. 109-5-1a, K.A.R. 109-5-1b, and K.A.R. 109-5-1c. The committee’s motion to bring these three regulations forward to the board for approval failed. Assistant Attorney General Fertig advised the regulations were eligible for adoption but do not have to be adopted today and she provided two options for the board. The board could bring the regulations up for a vote on final adoption or they could delay consideration of the regulations and table them for a later date. Assistant Attorney General Fertig said if the regulations were adopted six months from now they will probably have to go through an abbreviated process to update some of the legal references. This process would probably just take a week to complete. Dr. Hornung believes the board meeting should not be an open forum for debate of a current regulation or statute without a recommendation from a committee.

***Dr. Hornung made a motion to table consideration of regulation changes to K.A.R. 109-5-1a, K.A.R. 109-5-1b, and K.A.R. 109-5-1c. Senator Holmes seconded the motion. The motion passed after the following discussion.***

Director Pore questioned the benefit of tabling the regulation. He also said a decision needs to be made so the Board can move forward with future changes. Director Pore also asked that since the committee did not pass the motion to bring the regulation forward for approval by the board, then what that “no” meant was the recommendation of the committee was to not approve the regulations and the board could vote on that. Dr. Hornung stated the board does not have a clear direction on how they should vote on this issue. Dr. Hornung also stated since these regulations would affect the entire state in terms of how much effort people are

going to put in and includes proving our competency, the board needs more time to think this through.

Director Pore suggests new board members be educated on regulations that are in the process of being considered for amendment. This would include when the process started, where the regulation is at in the process, the Board intentions in moving a certain direction, and communications that have taken place. Director Ralston believes the common goal is to break the time link in education to focusing more on the demonstration and outcome in the education process. Director Ralston agrees the Board needs to revisit this and bring it back at a later time. Senator Holmes expressed confusion on the process because the regulations were voted down in the committee and yet they are being discussed at the Board Meeting. Dr. Hornung called on Sarah Fertig for clarification. Ms. Fertig stated the Board has the authority to vote on regulations even if the committee voted them down. A majority vote of eight Board members is required to adopt or reject a regulation. Dr. Sellberg felt this topic developed some good conversation and the years of working with many clinical staff reveal their character and intent. He appreciates the passion others have on this topic and feels there is more work to be done.

- Deputy Director Shreckengaust reported that education audits are still continuing for program providers and initial courses. The main issues continue to be items with attendance rosters and certificates of attendance.
- Deputy Director Shreckengaust also informed the committee that the Education Manager position remains vacant. An interview for that position is scheduled for next week and he will keep the committee updated.

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

### Executive Committee

Chairman Hornung presented the Executive Committee Report to the Board:

#### Federal Legislative Update

- H.R. 4365 / S. 2392 – Controlled Substances Act  
Director House discussed the Federal legislation regarding the Controlled Substances Act. H.R. 4365 had an NFL bill lumped in with it to allow NFL physicians to carry narcotics. The Senate bill is entirely EMS and has the Board support.

#### Kansas Legislation

- SB 224 was signed into law effective July 1, 2016.
- HB 2387 - Amendments to EMS statutes, the cleanup bill, was signed into law effective July 1, 2016.
- SB 225 - Interstate Compact  
Kansas was the sixth state to enact this bill with a total of seven so far. There needs to be ten for it to become effective. There are a few other states that are trying to work through it. Missouri is having issues because of reciprocity and the financial note. The National Registry has agreed to maintain the database for the compact which will cut our financial note by about \$10,000.

- Sub SB 22 – Disclosure immunity sunset for trauma peer review. This bill refers to protecting peer review for trauma review. This has been extended for another five years.
- Dr. Jacobsen of the Medical Advisory Council reported they discussed the following issues at their last meeting:
  - Support of the DEA bill
  - The privatization of the CARES registry and how they can continue to support it.
  - How to support the TPOPP. This issue continues to be confusing for EMS regarding DNR's and living wills. They will continue to look into this issue, as will the Board.
- Dr. Jacobsen also reported that the MAC discussed the desire to meet in person and schedule their meeting around our board meetings. So they will work on getting this to happen from time to time.
- Director House is working on setting up the regulatory revision process. The current policy has been in place since 2012, but does not reflect what actually needs to be done.
- Director House stated that new legislation, effective 7/1/2016, doesn't allow a TO II to teach an EMR course as required by the EIG grant. He proposed two options: to not fund any TO II grants or change the requirements of the grant. Director Pore recommended to make it a requirement that a TO II would become an I/C within 2 years. He also stated that it is his opinion that to be eligible for an EIG grant, the service should be required to report data to the board per K.S.A. 65-6153 or they would not be eligible. Deb Kaufman questioned whether there was another option to submit data other than electronically. Director House said the statute states electronic reporting is mandatory, but they certainly could submit paper.

***Dr. Hornung made a motion to change the EIG obligation requirement for a TO II award to state that the TO II must become an I/C within 2 years. Director Pore seconded the motion. No discussion. No opposition noted. The motion carried.***

***Director Pore made a motion to revise the EIG service eligibility requirements to require either active efforts towards submission of data into KEMSIS or the regular submission of data into KEMSIS. Director Kaufman seconded the motion. Director Pore amended the motion to go into effect January 1, 2017. Director Kaufman seconded the amendment motion. No discussion. No opposition noted. The motion carried.***

The Board held its legislative meeting regarding their priorities for legislation. The issues identified are:

- Background checks within five years of the interstate compact implementation
- Inactive status and education requirements
- Possible change or removal of the title "attendants"
- Provision of Narcan use at all provider levels
- System approach to care and trying to track first responder agencies
- Mandatory reporting of elder abuse
- Trauma linkage with Trauma Registry
- Medicaid expansion
- Community paramedicine
- Time sensitive emergencies
- Peer review protection

- Medical protocol approval and whether or not the local medical director could do it by himself.
- Continuing education concepts which will be ongoing

Dr. Hornung added new business to change the format of the August board meeting to a retreat. The retreat would provide discussion of the following:

- Philosophy
- Goals/Mission
- Strategic planning
- An update on where the Board is on current ongoing projects, give board members a chance to discuss what they think, what the good and bad things are and where the Board needs to improve.
- Dr. Hornung said they were thinking about starting in the afternoon, then having a social get together in the evening and maybe some discussion over dinner. The retreat would end at 1:00pm the next day. This would be a full Board retreat, and any committee business could be resolved by teleconference on a different day.

***Dr. Hornung made a motion that the Board moves forward with an altered format for the August meeting. Dr. Hornung suggested that Director House start working on a time and place for the retreat. Director Pore seconded the motion. No discussion. No opposition noted. The motion carried.***

### Investigations Committee

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

The following two cases were the larger cases reviewed by the committee:

- An individual self-reported he was on suspension after he was accused of felony person crimes so he was on suspension from his department pending the outcome of the charges. The charges were dropped. During his suspension, he took IV setup, IV fluids and Zofran from a station to administer to his girlfriend who was ill. He was subsequently terminated by the department. The committee found that there were violations that occurred and chose to accept the local action since he was terminated for it.
- A number of technicians have been suspended from an agency over the past year due to scope of practice issues. The committee determined the agency and the oversight group of the commissioners were not taking matters seriously. A summary proceeding order was obtained to limit the AEMT's in the agency to BLS only. The agency did remove their director, and the commissioners did hire a permanent director with previous director experience. The committee withdrew their summary proceeding order and are entering into a consent agreement where the agency will acknowledge that multiple violations have occurred. The new director will also submit a monthly report from their electronic patient care reporting vendor that shows the medication that AEMT's have administered. This report will be submitted to Director House for six months. The case will then close if no other scope of practice issues are reported.
- The committee heard a total of seven cases.

- The fines and subpoenas legislation did pass and goes into effect July 1, 2016. The committee is trying to figure out how they can align the fine with the graduated sanctions. The committee's idea is to be consistent with the fines they issue based on what occurs. They want a more formal, structured process in place. They will work on it the next couple of months.

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:

- The renewal process has been completed with 173 services.
- There is going to be a change in the way we submit our budget. Program areas will be the initial phase focus of the budget, then the next phase will be performance based budgeting over the next two or three years. Director House does not anticipate any major problems with these changes.
- The office is cleaning up items to transition to our new license management system scheduled to go live on July 1<sup>st</sup>. This will require all EMS providers renewing on line to establish an account through the new system. Providers will be able to manage their profile with the Board of EMS. Director House does not think there will be a big change in the on-line renewal process. Education will be provided when questions do arise.
- Director House attended a rural EMS conference which prompted a lot of ideas and suggestions. A tele-medicine project being done in West Texas was presented at the conference. Tele-medicine brings more of a physician level of care to the field. Director House said Kansas could easily do a pilot project on tele-medicine. This project would help with the comfort level of attendants with critical patients with longer transport times.
- The Rural Health Visioning Group had their first meeting and discussed mitigating the impact when rural hospitals close. The Kansas Hospital Association has a plan that may help to deter or slow down the situation. This plan involves a very strong EMS presence. EMS had a great representation at the first meeting. Many thoughts and ideas were presented at the meeting. A second meeting is scheduled for the end of June. Director House anticipates a strong EMS representation at the second meeting.
- KDHE Preparedness Division has been working with BEMS on looking at various patient tracking solutions. Three different vendors are being considered and the final decision will be made by KDHE.
- BEMS is currently working with three other ePCR vendors to ensure that the clients they have within the state of Kansas have the ability to seamlessly submit data into KEMSIS. The vendors are EMS Charts, ESO Solutions, and Golden Hour. This would be an addition of another 17 services into our system. This would increase the total to 130 out of 173 services. The remaining 40 services are still using paper charting. BEMS continues to work with the KDOT to ensure that the reports they are receiving from us are also helping with their records coordinating. The KDOT initially funded the design and the build of KEMSIS. BEMS reports quarterly to the traffic records coordinating council. We reported to them that we are starting to bring more services on and that will increase the call volume reported. This council has a fatality analyst who reports certain things we provide generated out of KEMSIS, which helps him immensely. This report has reduced his phone calls from 13 or 14 a day down to three or four a week. BEMS continues to be a point on their performance measures of tracking and what is ensuring

the state to receive the 407 funding for that project. KDOT is excited to see that BEMS will be increasing numbers over the next year.

- Senator Holmes said he will not be running for re-election and he will attend all of the meetings until the end of this year.

### Public Comment

Chairman Hornung called for public comment.

Kevin Flory, president of the Kansas State Firefighters Association, came to talk about K.A.R 109-5-1a, K.A.R 109-5-1b, and K.A.R 109-5-1c. Since it is tabled, he suggested the information to be shared with the new Board members discussed earlier by Chad Pore also be shared with services providers and attendants. Mr. Flory also stated they would like to see the reduction in hours as well on the regulations.

John Paul Jones, Chief of the Kansas City Kansas Fire Department and representing Kansas State Association of Fire Chiefs, also asked for the regulation to be passed in order to reduce the number of recertification hours. Chief Jones stated the following three reasons for reducing the number of hours:

- The Fire Service in Kansas believes it is an additional burden in retaining volunteer fire fighters who also have certification.
- There is a cost associated with the increased hours, if overtime is involved.
- There is no evidence based information to show patient care has been compromised and the remedy would be to increase the hours by twelve.

*Dr. Hornung adjourned the meeting at 10:22 am.*

The date and location of the next meeting will be announced at a later date.