

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

Board Meeting Minutes

June 1, 2018

Approved
8/3/2018

Board Members Present

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

Guests

Brandon Beck
Jason White
Galen Anderson
Cliff Moore
Jon Antrim
Scott Lenn
Chrissy Bartel
Charles Foat
Dan Hudson
Dawn Cornejo

John Cota

Representing

KEMSA/Region V
MARCER
AMR KCKS
Hutch Comm College
AMR
AMR
Norwich EMS
Johnson CCC
KU Health
Conway Springs
EMS
KCKCC

Staff Present

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

Attorney General Staff

Sarah Fertig

Board Members Absent

Dr. Joel Hornung
Dennis Shelby

*via phone

Call to Order

Vice-Chairman Pore called the Board Meeting to order on Friday, June 1st at 9:00 a.m. Vice-Chairman Pore called for a motion to approve the April 6, 2018 minutes.

Commissioner Saueressig made a motion to approve the April 6, 2018 minutes. Rep. Swanson seconded the motion. No discussion. No opposition. Motion carried.

Vice-Chairman Pore announced no meetings were held for the Planning and Operations Committee or the Medical Advisory Council.

Education, Examination, Training and Certification Committee

Vice-Chairman Pore called upon Director Kaufman to provide the EETC Committee Report. Director Kaufman reported:

- Three variance requests were received. One request was for a paramedic program to use non-hospital healthcare facilities as part of the required 232 hospital clinical hours. No hardship was demonstrated and the requested hours could be added to the required hospital clinical hours.

Director Kaufman made a motion to deny the request because there was no true hardship. Director Smith seconded the motion. No discussion. No opposition. The motion carried.

- Two other variances requested that two I/C candidates be able to use two EMR courses in lieu of one EMT course for their mentored teaching experience. No hardship was demonstrated and the committee felt the EMT course included participation/acquisition of a greater experience and a longer period with students while having the expertise of an experienced mentor.

Director Kaufman made a motion to deny both requests because there was no true hardship. Dr. Faimon seconded the motion. No discussion. No opposition. The motion carried.

- Chief Boyd sent an SKEMS BLS exam report that five exam sites are scheduled in June.
- There was no report from the EDTF.
- The revision to K.A.R. 109-7-1 has been removed as the changes are not needed at this time.
- Four regulation revisions (K.A.R. 109-5-1, K.A.R. 109-8-1, K.A.R. 109-8-2 and K.A.R. 109-11-6a) are on hold following approval by the Department of Administration and forwarding to the Attorney General's office for legal review. This hold is due to new legislation changing the regulatory review and approval process. This may require these regulations restart the review process.
- The EETC committee reviewed the BLS Skills Examination Guidebook. It was requested that the requirement of a drinking fountain be replaced with drinking water available at the site and that the document be reviewed for the use of "must" throughout. Johnson County Community College has volunteered a group of students who have recently completed the current examination process, to participate in an Alpha test of the new examination process in June. Hutchinson Community College and Director Ralston have volunteered EMT classes that will be testing in August to Beta test the new exam process. The committee wants to stay informed of the testing as the new process begins.
- Terry Lower was introduced as the new Education Specialist.

That concluded the EETC committee report.

Executive Committee

Vice-Chairman Pore provided the Executive Committee report. Vice Chairman Pore reported to the board:

Legislative Update:

- Mandatory Reporting of Elder Abuse bill passed. Director House will be developing a short explainer to send out to services within the next 2-3 weeks.
- There was some cleanup language on the DUI laws including: Removal of the EMT-I scope language and removal of the EMT blood draw language. Vice-Chairman Pore asked Assistant Attorney General Fertig if law enforcement could force EMS staff to do a blood draw. Ms. Fertig stated there is nothing in the law that forces an attendant to draw blood; however during discussion with a colleague (an expert on DUI law) it was shared that there have been public actions where individuals were taken into custody for not doing a draw. Vice-Chairman Pore stressed the importance of planning in advance for these potential scenarios.
- Recent legislation suggests the board should appoint a board member to the State Interoperability Advisory Committee. Kerry McCue has served in this role for the past 11 years and done a good job. The Board extends a Thank you to Director McCue for his service.

Vice-Chairman Pore motioned to appoint Chief Pearson as the Board's representative on the state committee. Director Kaufman seconded the motion. No discussion. No opposition. The motion carried.

- Assistant Attorney General Fertig explained HB 2280 reference the change to the regulatory process that takes effect June 7, 2018. Currently, regulations are drafted and sent to Department of Administration for grammar and context review, then to the Attorney General's office for legal review. Both departments must stamp when approved. This is followed by a 60-day public comment period, during which a public hearing is conducted, and the regulation is heard by the Joint Committee on Rules and Regulations. Then the regulation comes back to the Board for the final vote to implement. HB 2280 adds a new initial step in the application process, where all regulations must go to the Director of Budget for review of the agency's fiscal impact statement. This step will now require more analysis. An agency must document the economic impact anticipated for any two-year period. If it is over \$3 million, the agency must hold an additional public hearing for the economic impact. If the Director of Budget denies the regulation with no opportunity to change it, then the request is dead. This new process will take more staff time. It requires agencies to solicit fiscal impact statements from all corporate, government and individual constituents that may be impacted by the change, compare contiguous states to Kansas and address any differences and provide alternative methods that have been considered. Currently a regulation takes 90 days to 1-year to complete the regulatory process, with 4-5 months being the average. The new process will take much longer. Senator Schmidt advised that emergency or temporary regulations are not addressed in the bill and she believes they may no longer be an option. She is asking for an opinion on this. She hopes to send a letter to ask if regulations currently being approved have to start over. She will also ask if a word change by Department of Administration or the Attorney General will restart the process. She suggested the board

might want to consider making changes in statute. Division of Budget only has 10 staff members.

- There was Right to Know legislation. Director House explained that they would be working with KDHE to offer educational services to EMS.
- For REPLICA Director House reported that the 16th state will soon be added to the compact. Nebraska, South Carolina and New Hampshire have all recently joined. Missouri has been delayed due to resignation of their governor, but will likely be effective in July. Oklahoma is the only neighboring state that hasn't joined. Two more Compact rules are needed to be in place prior to going live. Jason White was thanked for being instrumental in getting Missouri legislation passed.
- Federal House Resolution 5678 was introduced by Representative Lynn Jenkins. Ron Marshall from the Kansas Hospital Association explained the bill addresses the growing concern that 44% of critical access hospitals are losing money and fear they will have to close. The model addressed in HR 5678 would allow CMS reimbursement to facilities that have an ER but no inpatient beds. This model increases the burden on small rural EMS services due to the need to transport more patients out to a hospital with inpatient capabilities. The resolution establishes CMS reimbursement for transport at 105% of the Medicare rate to the hospital or an EMS service who contracts with the hospital. Clarification of several items is needed. KHA and KBEMS will monitor closely.

Other items

- Inactive certification was discussed. Four components of inactive status for EMS includes: 1) no CE requirement; 2) restrictions to not engage in any practice; 3) fees would be the same as active status; and 4) conversion from inactive to active status will require training for any scope of practice changes and either testing or make up of continuing education hours for the time inactive.

Vice-Chairman Pore made a motion to move forward with a statutory change to include inactive status with the four components listed. Director Smith seconded the motion. Discussion ensued reference individuals desiring inactive status to be able to keep EMS license plates. Senator Schmidt advised that she does not think legislation will be necessary to allow retired EMS persons to maintain the EMS license plate. She offered to assist with this process. No opposition. The motion carried.

- A KBEMS legislative meeting was held May 15th in Salina: 19 attended, plus Director House and Deputy Director Shreckengaust. Director House thanked those who participated. The Committee reviewed the Legislative Summary report provided by Director House. Discussion ensued on the topic of board meeting format. Vice-Chairman Pore discussed meeting changes such as: starting the first committee meeting on Thursday at 9:30 and then start subsequent committee meetings ten minutes after the end of the immediately preceding meeting, or do away with committee meetings except Investigations Committee, so that the full board hears all information at once.

- The August meeting will be a strategic planning meeting. The last one was two years ago. Any committee needing to meet could schedule such in the morning before the full board convenes for strategic planning around noon. Senator Schmidt recommended Kansas Health Institute who has a good facilitator that keeps the audience involvement professional and positive.

That completed the Executive committee report.

Investigation Committee

Vice-Chairman Pore provided the Investigation Committee report.

- The types of cases heard were stressful.
- Two on the consent agenda.
 - One was a clerical error
 - Other was for an application for certification, but the applicant already withdrew from the course.
- Cases presented:
 - An attendant charged with felony criminal charge for unlawful restraint. It was pled down to a misdemeanor. This person has previously pled down other charges. The committee will table this issue and investigate the original charges.
 - Application for certification made by person having legal issues regarding child sex crimes. The committee felt this person should not be allowed to be certified based on the evidence. KBEMS attorney recommended an emergency order to deny application. KBEMS understands there is a chance it could be challenged.
 - Previous emergency order of suspension for a person crime. A diversion was in place. Emergency order lifted last year. Diversion completed, case dismissed.
 - Previous emergency suspension order for arrest and charge of rape occurring several years prior with child involvement. Person has been convicted. Summary proceeding order for revocation of certification to be issued.
 - EMS provider contacting a former co-worker and asked if they had narcotics they weren't using and if they would sell some. The co-worker contacted law enforcement and they setup a sting, catching the individual. The person's certification is up the end of this year, so the committee suspended certification and will not allow renewal.
 - Reports of a service having people change reports. After investigating, there were no findings of violations.
 - Previous agreement for narcotic diversion. The individual sought help. The committee had done a consent agreement. Attendant's current agency is concerned that narcotics are being diverted again, committee requested more information.
 - \$50 fine imposed for an instructor creating a fictitious account to create screen shots for training. The board office has provided a tutorial on the Board's website. The committee recognized Ms. Lower and Mr. Kennedy who figured out the account was false.

- Newly certified attendant shared information about an EMS call with a discount store co-worker. Three-month suspension issued and is working on a consent agreement for the individual to take a course on the principles of ethics.
- Previously issued consent agreement to take a course was violated. The individual didn't agree to the violations and didn't remember violations being mentioned, so did not sign agreement. The committee will bring it back, if unsigned, and issue a summary proceeding order.
- Individual was getting certified in Kansas a couple years ago but the agency who hired him told him he could work on a temporary certification so he was working and providing care before he became certified. Agency previously fined through a consent agreement. Nothing was done to the individual because he was set to recertify within two months but moved out of state and did not renew. He is now seeking Kansas certification as part of job requirements. He will be allowed to recertify.
- Senator Schmidt asked if KBEMS has an Impaired Provider Program. KBEMS does not, chooses to use Consent Agreements instead. She highly recommends we use the program.

That concluded the Investigation committee report.

Office Update

Vice-Chairman Pore called upon Director House to provide the Office Update. Director House provided the following information:

- The office has been busy with meetings.
- The legislative session is done.
- KEMSIS Users Group met May 14th. 27 attended, with 22 services represented. 150 services are using KEMSIS. Outliers were discussed. There are three things coming July 1: 1) All services will get a generic student user; 2) CPAP and nebulizer will be added as methods for medication administration; and 3) if "other" is the complaint submitted by dispatch, there will be a prompt for a second field for more information. Recently, received the ability to post reports and see top 10 dispatch complaints in the state. Developing best practices for documenting. An example was administration of aspirin. These best practices will help with continuity on reporting.
- Board staff sits on the Governor's Substance Use Disorder Task Force which met April 19 and May 24th. Current focus will be meth and opioid use. The task force will provide recommendations by the end of August.
- June mobile testing sites to be held in Sharon Springs, Atwood, Concordia and Oakley.
- NASEMSO's annual meeting was held last week in Rhode Island. Deputy Director Shreckengast is the regional representative on the Personnel Licensure Committee. Discussion held on a national requirement for an associate's degree for paramedic. The cost is high for low return. Ms. Allen is now a representative on the Prehospital Trauma Committee.
- Executive Order 18-08 requires a public square for meeting notices on publicsquare.ks.gov. This will be another publication site for our meetings.
- Department of Administration has issued a new Information Circular on mileage reimbursement for board members. Director House discussed this with legal staff and no

change to reimbursement is recommended. KBEMS stance is we budgeted for board travel and the time and effort on board members part makes it cost prohibitive to rent cars. Assistant Attorney General Fertig has a good, strong alternative we will pursue.

- Senator Schmidt appreciated Director House's efforts during the session. He has been outstanding at emailing or catching legislators in the hall. He should be commended for keeping everyone informed.

Director House concluded his Office Update.

The MAC appointment of Dr. Paige Dodson was discussed.

Vice-Chairman Pore moved to appoint Dr. Paige Dodson to the Medical Advisory Council. Director Smith seconded. No discussion. No opposition. The motion carried.

Public Comment

Brandon Beck requested KBEMS endorsement of some federal legislation. HR 5429 and SR 2830 called the Siren Act would get monies to rural EMS. He thanked Terry David for his active role in these bills. NAEMT is pushing to get this passed and it would have \$20 million attached per year. HR 1445 is a VA patient reimbursement bill. If a call comes in with chest pains, they look at what the patient was released for and if not heart related, they might deny funding for the call. This bill would correct language to fund similar calls. Vice-Chairman Pore gave another example of a VA patient transported to a non-VA facility. If Medicare gets the bills for the hospital stay charged to Part A but the ambulance bills the VA side, then the VA never sees the Part A side and wants to fight the claim. HR 1876 and SR 781 is the Good Samaritan Act. In a national disaster it would cover EMS to act in another state. Mr. Beck would like a letter of endorsement for these bills. He also announced that Con Olson was appointed as the NAEMT State Advocacy Coordinator for Kansas. Senator Faust-Goudeau recommended Director House prepare a letter of support.

Mr. Beck said that when the governor signs the budget bill we will see a 20% increase in our Medicare reimbursement for ambulance services. There are still details to be worked out, but KDHE anticipates the increase will apply across the emergency base rate and mileage. It goes into effect July 1 and should see an increase of about \$1.3 million statewide. KEMSA would like to thank the four KBEMS legislators for their support as well as the efforts made by Director House, Shawn Gatewood, and Jon Hamdorf of KDHE.

Director House put in a plug for the August 9th Medical Directors meeting and asked those present to take the information back to their services. Contact Darlene Whitlock to schedule to attend.

Vice-Chairman Pore adjourned the meeting at 10:45 a.m.