



KANSAS

DENNIS ALLIN, M.D., CHAIR
DAVID LAKE, ADMINISTRATOR

BOARD OF EMERGENCY MEDICAL SERVICES

KATHLEEN SEBELIUS, GOVERNOR

MINUTES

EMERGENCY MEDICAL SERVICES

BOARD MEETING

June 3, 2005

<u>Board Members Present</u>	<u>Guests</u>	<u>Staff</u>	
Dr. Dennis Allin	Pam Kemp	Chy Miller	David Lake
Jim McClain	Gary Winter	Darlene Deck	Steve Sutton
Michael Ryan	Bob Prewitt	Jon E. Frieson	Mary E. Mulryan
Comm. Duane Mathes	Kerry McCue	Con Olson	Joe Moreland
J. R. Behan	Randy L. Cardonell	Jane A. Miller	
Comm. Bob Boaldin	Bradford Cardonell	Irene Maley	
Joe Megredy	James Osborne	Randy Easter	
Rep. Kasha Kelley	Terry David	Rosanne Rutkowski	
Sen. Jay Emler	Grant Helferich	Jerree Forbes	
Dale Wasson	Pat Pomeroy	Jerry Jo Deckert	

<u>Board Members Absent</u>
Rep. Margaret Long
Sen. Chris Steineger
Dr. Daniel Caliendo

CALL TO ORDER

Dr. Allin: Meeting called to order at 9:06.

APPROVAL OF MINUTES

Dr. Allin: Approval of the minutes? Any additions to them? *Joe Megredy: I move that we accept the minutes from last meeting. Duane Mathes: I second. Dr. Allin: Any discussion? All those in favor say aye. Any opposed? Minutes approved.*

OFFICE UPDATE

David Lake: Good Morning. We have a new sound system with speakers. We tried it out during the strategic planning and it worked well.

Welcome to all. The first thing I want to do is introduce the new board members. The President of the Senate has named Senator Jay Emler to our Board. Senator Emler and I go back quite a ways. He is from Lindsborg. He is an attorney in Lindsborg and he also was the first service director in Lindsborg. I believe under the Bureau of EMS Regulation. I did a couple of EMS classes there. I do know that Senator Emler is very aware of EMS. I think he is a strong support of EMS. Welcome and I hope we match up to your expectations.

We also have another new Board member, Dale Wasson, who is service director of Winfield EMS. Dale is filling the vacancy created by Rob Kort which is an attendant position. Dale is a long time provider of EMS in Kansas and I am also excited about having him on the Board. Welcome Dale.

There is one other new appointment. Representative Kasha Kelley who is from Arkansas City. Representative Kelley was just appointed. She was appointed by the Speaker of the House and is filling the vacancy left when Representative Howell decided not to come back.

Dr. Caliendo is on vacation and will not be here today, but his position has not been filled yet and he will be replaced by a "Position active in the delivery of emergency medical care", with a recommendation from the Kansas Medical Society.

I do want to welcome the attendants and thank them for braving the weather and attending the meeting. It is important that you go back and report the information that you receive here and I applaud you for that.

Thanks to Region VI for the refreshments. I also want to express my sincere appreciation to the staff. It has been a tough couple of months and we are one very important position short and he is missed everyday and it has an additional workload on all of us in the office. I would like to announce the Steve Sutton has been named the Interim Deputy Administrator of the Agency. There are a lot of things going on and I appreciate the staff.

It has been a busy couple of months. And as I mentioned Don did pass away very suddenly since we met last and we had that to deal with. My activities this month have included quite a few things.

- ❖ The KEMTA Conference was in Great Bend early in April. There were several staff members there. They like to have us there. I do a presentation on Board activities and the other staff members talk about their particular areas of expertise. It's just good to have us there. We are open to talk to them.
- ❖ Pam Kemp had invited me the Clay County. Ken Justice and I met with the Clay County Commission and talked with them a little bit about the proposed transition to the 800 MHz and the advantages to the counties.
- ❖ Dr. Allin and I met with Dr. Rodenburg who is the new State Director of Health. Dr. Rodenburg comes from Florida. He was track physician to Datonna Racetrack and Dr. Allin is the track physician for the Kansas Speedway. Dr. Rodenburg was very active in Florida EMS. He has a strong background in EMS and I think that is very good for us in our relationship with the Department of Health. He does understand the importance of medical director and medical involvement in pre-hospital care and it just lends a little bit more professionalism to what we do.
- ❖ Steve and I had a meeting with individuals from IO Solutions which is a company that is interested in talking with us about our written certification exam. Yesterday's Committee

Meeting we heard from a National Registry Representative and in August we will be having a presentation from them and we also have been contacted by two other agencies concerning the written exam, so we have some other things to talk about there.

❖ Washington EMS received a Community Development Block Grant along with some money through Water Resources Program, and they built a beautiful new public safety station in Washington, Kansas. A combined Fire station and EMS station. They did it with 100% volunteer labor. The grant money bought the supplies and materials. They had a Grand Opening and it was a beautiful facility.

❖ We had a data collection meeting in Salina. It was a two day seminar conducted by KDHE and the pilot agencies who are volunteering to participate with us.

❖ I was invited to meet with the Dean of Instruction at Hutchinson Community College to get an update on the situation there and spend some time visiting about that situation.

❖ I was also invited to Greenwood County to meet with the medical director there who had some questions about their community. I think this was an example where we were actually asked for our advice and expertise in helping them better their EMS service.

❖ The two services in Rush County were having some issues and they really wanted to talk and they invited me out and I think just to be a facilitator in the discussion among them is what makes those meetings successful.

❖ I did a presentation to the Kansas State Firefighters Association. Kevin Flory, who is on the Planning and Coordination Committee as their representative to that group, invited me to do a Board update to that group. That was enjoyable.

❖ We had an Advisory Committee on Trauma meeting which you will here more about later.

❖ Mary made arrangements for me to do a presentation to ASTRA. They are a group of 200 plus people who are state accounting representatives from all the state agencies. That was enjoyable also.

❖ We met with members of Allen County Community College in the last couple of weeks who are interested in becoming a Paramedic Training Program. Dave Lynch representing KOA came over and we talked about the process that involves the Board in getting their programs approved and what they need to do. Knowing that they have to gain accreditation with KOA. It has to be taught through their college, so I anticipate that there will be another community college coming on board interested in providing Paramedic Training. There were people that were concerned about the way our regulation was written that if you didn't have a program by January 1 of 2001, you couldn't have one. That is not correct. We can start new programs and I'm excited that we are.

❖ I also participated in the site visit by KOA with Barton County Community College. Very rewarding. I appreciate Chy inviting me down to do that. I had a great conversation with those two evaluators. I think it went well.

❖ I closed out the month a couple of days ago with the Governor's announcement on the 800 MHz initiative by KDOT. I will talk just a minute about that. There is going to be a pilot project done in KDOT's Region IV. I have some brochures up here if anyone is interested in that. It is going to be a pilot project where there will be a wide area trunking system, total interoperable communication among every emergency services in that Region IV. They are going to pilot the program starting this fall and there is proposals into the Federal Government to help fund this process so it will gradually move across the state. As I said, yesterday the Governor was very optimistic about hoping this would happen in the next two years.

I would be glad to entertain any questions that you might have of me. We are scheduled to start the on-line renewal this fall and you have some information in your packets regarding that.

Senator Emler: Actually, not a question. I would just encourage everybody to pick up one of the packets. It includes a draft lease agreement for the equipment if you can't afford to buy the 800 MHz. It also includes a draft lease agreement for getting tower space and just because you are not the one that is going to use it, you have an in with someone in your county that would be interested in it, take it back and let them look at it. Get it into their hands as soon as possible. It will get to the rest of the state. We need your help in getting it rolled out. This packet is a first good step in that. I would encourage you to pick up a packet, take it back with you and give it to right person and let them review it.

David Lake: I want to impress upon you about this KDOT initiative. It does include COW (Communication on Wheels). There are two portable towers now available. One in Salina and one in Wichita. 24/7. KDOT funded that totally with personnel and between KDOT and the Bioterrorism Funds, they have these portable towers with radios, communication, and upon very short notice they can be activated to come to your community and those are for disasters that occur, natural or whatever happens where you need some communications help. Your Emergency Preparedness Director in the county can activate them. They will be there as quickly as possible. They have pre-programmed their computers with a lot of the areas, so they know what frequencies are there. So very shortly after getting to the community, running the tower up, you are talking with everybody and they have extra radios for those who do not have them. It is a very good service. They are encouraging us to invite you to call them and have them come out and provide demonstrations.

COMMITTEE REPORTS AND POSSIBLE ACTION

Executive Committee—Mr. Jim McClain

Jim McClain: Thank you. We had a very good meeting. However, we took no action to bring to this Board.

- * We heard reports on the FY 05 as well as the FY 06 Budget. That would be item number six on the agenda.
- * We had a review of Legislation of the past Session. That will be item number five.
- * We had a report on Legal Recognition and Reciprocity from Chrystine Hannon. The process is going well with just a few minor adjustments. I believe ten attendants have gained certification through that process.
- * A major part of our discussion was on the Data Collection Pilot project that is underway. 17 Services are involved. Literally border to border, from Morton County to Johnson County, from Smith to Montgomery. We are supposed to be submitting historical data from the past year in whatever format that we have. The one from Bennington Ambulance will be very rough. Just an excel spreadsheet. Starting July 1 the hope is to submit data for the next four months on the data points as developed by KDHE. Mark Schriener from KDHE was at our committee meeting yesterday to hand out those data points. There is considerable interest in the use of a third party vendor for report purposes in conjunction with using the KDHE data points. That will be developing in the very near future.
- * There were questions raised on Wesley Garage. The progress being made and staff will check that out.

- ✿ As David pointed out, the on-line renewal was discussed. There is a packet of material in your information this morning with those screens that will be used and that is ready to go.
- ✿ We also sat in with the Education/Examination Committee for the presentation by Bill Brown.

Jim McClain: That's the end of my report.

David Lake: A couple of things that I was reminded of:

- ✿ Our website also now has most, if not all, of the forms that we use as an agency, on-line. You can access them on the web, you can fill them in, but right now we are not accepting them over the web. We still want signatures. We want you to print them out, sign them and mail them to us. As you need forms, go to our webpage, www.ksbems.org and see if they are available.
- ✿ We want to try to have an Executive Committee Special meeting in July and invite as many people who are interested in Data Collection and the third party vendor you talked about. And we also talked about involving the Advisory Committee on Trauma. They have a Data Collection System and we collect a lot of the same stuff and we collect on a lot of the same patients, so we wanted to figure out when we could get together and talk about where we need to get going.

Planning and Coordination Committee—Joe Megredy

Joe Megredy: We had a pretty good meeting yesterday. I think everyone was at the table except maybe Region VI.

- ✿ All the Regions' focus is on the MERGe program and trying to complete those meetings and trying to get ready for the training. Region III is gearing up in the fall to do that. It is a little concerning that some of them reported that the interest in attending some of the meetings have fallen off. I think this is a busy time of year for everyone and most of the players that are involved in that are also involved in a number of the other activities.
- ✿ Region IV specifically is working on their Regional QI Program. They reported they are struggling with that some because of lack of personnel and the technical capability, but they continue to try to make progress. Another issue for them is they have lost two of their key personnel.
- ✿ Region V is working on their TO 1 class scheduled for next week and TO 2 for July and they also have the need to maybe address a policy for dress code for candidates for their testing processes.
- ✿ KEMSA just reported their last free issue of the Chronicle comes out next week. Their conference is scheduled for August. They did send a delegation to Washington, D.C. and met with a number of people. Everything went well. They talked about Grants, EMSC and Medicare. Their new website is up and running. Currently they are working on their Service Directors Workshop.
- ✿ KEMTA will be reviewing their workshop that was just completed to see how it went.
- ✿ The MARC Group reported they continue to work on a cooperative purchasing program. Hopefully they will have that wrapped up in July. They also are working on a new program developed from a \$500,000 grant that will allow them to track patients during a disaster using a bar code system and internet.
- ✿ Fire Chiefs did not give a report other than Steve Moody who is the Deputy Chief from Salina is our new representative who replaces Jeff Strickland who has been sent to Iraq.

- * The Firefighters Association reported that they had their elections and have new faces. Tim Leagers is the new president replacing Jim Keating who used to be a Board member here. They are working on updating their EMS courses that they offer.
- * There was a lot of discussion with Emergency Management and Homeland Security. We talked about the 800 MHz communication system that David talked about.
- * He also reported that it is anticipated that in 06 that of the ODP funds, 80% of the funds that come to Kansas 40% of will go to the Regions and we may have a representative from the Board set on those Regions.
- * David reported to us on a number of working groups, Public Safety and Homeland Security. Again their focus was on the interoperability communications system and then we had a discussion about all the groups that are regionalizing.
- * We will try to get the Strategic Plan going this summer.
- * We heard from Region V and their position on the CAT testing and their desire to leave things as is with the National Registry.

That's the end of my report.

Investigations—Comm. Duane Mathes

Duane Mathes: It was an interesting afternoon.

- * We started off with a very old case. It was a consent order. Several individuals were involved in this. All but two had signed a consent order and done what they said they would do. Two completed some hours with nothing to do with what the consent order said. So we decided to wait because they still have almost two years to complete it. January 1, 2007 we will re-evaluate unless they do a compliance, which was patient assessment, ethics, and non-resuscitation which is kind of important and they thought HAZMAT and RR 101 would suffice but it didn't. So that is still open.
- * Another case that was still open was a tabled inspection report (05-001). There are doing a technical assistance with help from the Board of EMS. They will report back at the next meeting, so that one has been left open. They have got numerous problems. Hopefully that will be taken care of with the assistance from the Board. That is a case of where the state does help.
- * The next case is 05-006 and it is a new case. It was flagged by the QA program. A self reported incident. A kind of a mis-diagnosis, but as Dr. Allin pointed out, it was the kind of a diagnosis that is hard to diagnose and they administered medication to a heart patient with congestive heart failure who had an MI a few hours earlier, but like the doctor said, it probably didn't make any difference. But without the documentation, they hadn't done any vitals, so they really didn't know what they were actually doing. We are going to follow up with a little bit of education and see what happens next. One tech decided to get the educational training and one did not. He has been dropped to inactive status and we have done a letter to be sent to the County Commissioners of that county to see if they can't support their service director. They have a good one and they have a good Medical Director. They have a good QA program because they did flag the problem. The only other problem is there might be a lot more problems in that county and that is what we are going to see about in the future. We will look at that next time.

Dr. Allin: The letter is in your packet and since it is coming from the Board, I wanted you all to get a chance to look at it and the purpose of it. The Service Director was there yesterday and expressed that

the things he is trying to do which are very positive in moving the service forward are not being very well received by what I would hope is a minority of the service. Some of that discontent has gone to the county commissioners. Actually it seemed like bringing this case forward by a self report was very courageous because it was going to make the service potentially look bad. The purpose of the letter was to 1) make the county commissioners aware of the fact that this is required to report when you find a problem with standard of care and service, 2) that we think it is being well handled and 3) they need to support this service director in his attempts to improve the service. We generally don't have a letter coming from the whole Board as a result of an investigation. Is there any objections from anybody as to how this is worded?

Sen. Emler: I would recommend and move that that we approve this letter for David's signature.
Comm. Boaldin: I second that. *Dr. Allin:* Any other discussion? All in favor? Any opposed? Motion passed. *Duane Mathes:* I would say that is a well written letter. So that case is still open and we will have a follow up in August.

- * The next case is 05-009 and here again documentation is an issue. It's a Medicare report. It was actually two separate runs and in doing the run, I guess the organization didn't quite document it right. Rather than being a patient care issue, it turned out to be a billing issue. So that case was closed.
- * 05-012 was a dandy. You could start at A and go to Z and cover all the broken issues. Minimal documentation in that the tech received a call, a few minutes later left the station by himself, picked up a two year old and the mother. The two year old was reportedly having seizures but upon arrival, he applied oxygen, I think he said the blueness went away, he applied oxygen at the wrong rate, according to protocol. He put the patient and the mother in the back of the ambulance on the bench and then he gets in front and lets the mother apply the oxygen. The documentation was almost zero. Even the amended report was as bad as the first report because he put in there that he monitored the vitals and there was only two vital signs taken. There was no EMT in the back, so that was a violation, arrived at the hospital only two blocks away. There was two techs there that tried to stop him on the way out. He didn't stop. This gentleman had a lot of problems. Right now it is in the Attorney General's Office. We will see at the next meeting what happens. The tech was suspended for the next ten runs and the service is going to get some technical assistance from the Board of EMS.
- * 03-039. That has been open for a couple of years. It is still lacking one day's run schedule of this service and the Committee still wants to see that day's run. They know the ambulance was dispatched but they don't have a record of it. That has been tabled until the next meeting.
- * 03-048 is an old case where the owner of the service is different from the organization that runs the service and since this has been happening, the owner of the service has signed the consent agreement, but the people running it would not sign the consent agreement. They have a new organization to run this service and so we are going to see in August that everything will be taken care of. Of course there will be technical assistance again from the Board.

Duane Mathes: There seems to be a trend with these investigations. Documentation. I cannot believe what I see in documentation in some of these investigations. When the person says, I don't want to document, that way I can't be held accountable, well; you are going to be held accountable if you don't

document. The QA system seems to be doing its job as a lot of these are flagged and that is important. The Board does not want to go out and punish, but to try to help correct mistakes.

Education and Examination—J. R. Behan

J. R. Behan: In the interest of time:

- * Some of Steve's reports are just a matter of information, and since there has not been much going on in some of the taskforces and workgroups that we have had, we didn't hear those reports yesterday.
- * We did hear from Bill Brown who is the Executive Director of the National Registry and I think most everybody was here that listened to him. You know our on-going struggles in deciding what we want to do with our exam. We are going to hear from some other vendors as well in the coming meetings. He just happened to be the first one, the system that we currently use. He was here to give us his proposal on their computer adaptive testing. It was a good proposal. I think he answered some questions that a lot of people had from when they were here last June in Salina. We heard some position statements from some people. I imagine we will hear more the next time. It will be a big decision once we get ready to decide what we want to do. He also had some brochures and handouts that he distributed. They are going to continuing looking to find a couple of other sites. I think three places were mentioned in addition to the map that they had showed us. There fees would be locked in until 2011. There are some things there that are a little more out in the open then the first time they presented.
- * If you remember from the last meeting where we granted a variance to the Hutchinson Community College in order for them to proceed on their accreditation of their Paramedic Program, one of the stipulations was that they would report back to us and they did do that. Jerree Forbes was here along with Darlene Whitlock and gave the Committee an update. They have submitted their self-study and they are expecting a site review later this fall or early next spring. They have found some deficiencies and they are working to correct those.
- * Sedgwick County Emergency Medical Service—they are requesting a variance from 109-2-9 and probably more specifically the awarding of continuing education under the Program Provider as it pertains to distance learning. It's my understanding that they have a run sheet program and a patient reporting program that they are going to roll out using computers and allow their staff to do that while they are on duty at a station. There request is not a blanket approval for them to continue to do it, it's the one time only. The Committee did recommend that we approve that. *Joe Megredy: I move that we accept the Committee's recommendation and approve the distance learning variance request from Sedgwick County. Mike Ryan: I second. Dr. Allin: Any discussion? All in favor? Any opposed? Motion passed.*
- * Jenny Blevins. She is requesting a variance from the Training Officer renewal requirements. She was unable to attend the annual educator's conference this past year due to a lengthy documented illness. She has met or is in the process of meeting all of the other requirements with the exception of the meeting. There are no more left so it is not possible for her to go to another one. She has provided all the supporting documentation from her physician and a host of other people. We recommend that we approve this variance as well. This wouldn't be the first one that we have done. We did one last time and one in February. Where someone has been ill for a long time. *Comm. Bob Boaldin: I would make the motion that we approve the recommendation from the*

Committee: Duane Mathes: I second that. Dr. Allin: Any discussion? All in favor? Any opposed? Motion passed.

- * Richard Hinkle. From the Overland Park Fire Department. He is requesting a variance from 109-13-1 which requires him to be a TO II. His request is also based on his current status as a Missouri I/C and a Fire Service Instructor I. He also does meet some other requirements as far as his ACLS. Everything was there. We did recommend approval with the stipulation that he get with somebody or attend part of a TO II class and get the material from the class specific to Kansas. That wouldn't be any different from any of the other variances that we have approved. And also to get with someone on the enrichments. Coincidentally there is a TO II program being held near his community here and they verbally gave an OK that they would allow him to do that. We recommend approval of the variance with those stipulations. *Jim McClain: I would move that the recommendation of the Committee be approved. Duane Mathes: I second. Dr. Allin: Any discussion? All in favor? Any opposed? Motion passed.*

2005 Legislative, Budget and AED Updates

David Lake: Thank you.

- * 2005 Legislative Session—During that session we had three bills introduced that related directly to the Board of EMS.
 - One would require ambulance services to carry a brochure explaining legal documents which was in response to an investigations committee action on a perceived misunderstanding of a Durable Power of Attorney. It was introduced in the House. Dr. Allin and I provided testimony. We took a neutral stance on the issue. What we had done proactively was to have Mary Feighny develop an Attorney General's interpretation of those legal documents that were in question and we have made it available on our website and told all services to please look at it and visit with their attorney. Get their attorney's opinion and develop training on these documents. It did pass out of the House Committee, but did not get to the House floor. It will carry over until next year.
 - There was another bill introduced that would have altered the membership of the Board. It would have added two positions to the Board making it a 15 member Board as opposed to a 13 member Board. It was heard in the Senate State and Local Affairs. It was suggested that instead of making the Board larger, we should change the stipulation of one of the attendant positions to be an active Service Director. It was agreeable. Since the inception of the Board there has always been at least one Service Director on the Board. Currently we have two active Service Directors on the Board, as well as Mike Ryan who is the Fire Chief and Service Director. He doesn't fill an attendant position but he is the Director of Junction City Fire and EMS.
 - The third bill was the one that we introduced on legal recognition and reciprocity issues. Our statutes require that anyone who trains outside of our state must justify their training is similar to Kansas training. There was no verbal opposition to the bill and one written. It did not make it out of committee. It will still be around next year. The last Board meeting we changed the process for awarding Kansas certification to out of state attendants. We have implemented that. You heard a report yesterday in the Executive Committee. It is going very well. We have utilized it 10 times since it

was implemented April 4 and we have ironed out a few verbiage problems. There have been no major problems.

- * Budget—We are in the last month of the 2005 budget. You have a print out in your packet showing where we are at in regards to the budget. Once again I would like to commend Mary Mulryan on this report that she provides. We are right on track with 90% of our expenditure authority spent.
 - Education Incentive Grant—We had \$200,000 awarded to us last year for the current fiscal year. We have \$190,000 total dollars requested and awarded and have some of the additional \$10,000 committed. We have about \$7,000 left available. We will spend the \$200,000 this year.
- * The 2006 budget starts July 1 and once again the two new enhancements to the 06 budget are the Education Incentive Grant money, again \$200,000, and the new position in Western Kansas, which we have a position description, but we won't be able to advertise that position until July 1. Our goal is to place this position in Region I or Region II. Employees will get a 1.25% increase July 1 and another 1.25% increase in January.
- * AED Grant—We received notification a couple of weeks ago that we had been awarded \$139,799 in the latest grant. That will allow us to put another 54 AEDs to place. That is a little less than last year. Last year our award was \$164,344 and placed 66 AEDs. We have distributed training monies to the six regions. There are close to 300 AEDs out in that state now that weren't there three years ago. We are very proud of that program. This is the last year of the AED program. We don't know if it will come back or not. (General discussion on the AEDs, placement and reporting)

Advisory Committee on Trauma

Dr. Allin: We have just been following up on things that we have been doing. The Level III criteria has been approved and now there is just the process by which hospitals actually get visited and verified has to be worked out. The next step will be Level IV. When you start talking about any number above a three, you start talking about non-operative stabilization, lines, airways, and recognition of the trauma needs. The problem becomes having hospitals understand and actually participate instead of just instructing them on what they need to do. That really isn't creating a system. The issue now is what are the barriers to being a Level IV and how can we provide support to hospitals to achieve at least that level. There are six trauma regions and four now have Regional Trauma Plans that they have approved that need to come to the Advisory Committee on Trauma. There are some committee positions open beginning July 1st and individuals are submitting names. Those are the major issues.

(Senator Emler commented that if there is a need for statute changes to be made to please consider that for next year and he would be more than happy to assist. There was also discussion regarding the Good Samaritan Act and "Duty to Respond" and whether it needs to be revised.)

Mike Ryan: I move that we adjourn the meeting. *Comm. Bob Boaldin:* I second. *Dr. Allin:* All in favor? Any opposed?