

**Approved**  
**12-5-2014**

**Board Meeting Minutes**  
**October 3, 2014**

**Board Members Present**

Dennis Franks  
Rep. Broderick Henderson  
Sen. Mitch Holmes  
Dr. Joel Hornung  
Director Deb Kaufman  
Dr. David Kingfisher  
Chief Shane Pearson  
Director Chad Pore  
Director John Ralston  
Rep. Vern Swanson

**Attorney General Staff**

Sarah Fertig

**Board Members Absent**

Senator Oletha Faust-  
Goudeau  
Wendy Gronau  
Dr. Denise Miller  
Comm. Mike Lewis  
Comm. Keith Olsen

**Guests**

Marvin Van Blaricon  
Brandon Beck  
Dalene Deck  
Brandon Beck  
Brad Sisk  
Kathy Dooley  
Mark Willis  
Kerry McCue  
Dan Hudson  
Jason Bolt  
Terry David  
Collin Fitzgerald  
Scott Lam  
Ron Marshall  
Carman Allen  
Rosa Spainhour  
Skylar Swords  
Scott Reese  
Dr. Deb Smith  
Jason White

**Representing**

Clay County EMS  
Region V/Emporia Fire  
SCEMS/Region III  
Emp. Fire/EMS/Reg V  
GCCC/SKEMS/Reg. II  
Reg. II  
Newton Fire/EMS  
Region I/Ellis Co EMS  
KU Hospital  
Region VI/KEMTA  
Rice Co EMS  
Leawood Fire  
Olathe Fire  
Kansas Hospital Assoc.  
KDHE  
Kiowa County EMS  
Finney Co. EMS  
Region I EMS  
Jackson Co. EMS  
MARC/KEMSA

**Staff**

Joseph House  
Suzette Smith  
Dave Cromwell  
Chrystine Hannon  
Carrie Doud  
Martin Miller  
Jim Reed  
Danielle Buchheister  
Georganne Lovelace  
Ann Stevenson

## Call to Order

Chairman Hornung called the Board Meeting to order on Friday, October 3, 2014 at 9:05 a.m. The first order of business was to approve the August 1, 2014 minutes.

## APPROVAL OF MINUTES

*Vern Swanson moved to approve the August 1, 2014 minutes; Deb Kaufman seconded; No discussion. No opposition noted. The motion carried.*

## COMMITTEE REPORTS AND POSSIBLE ACTIONS

- REPLICA Interstate Compact
  - Stand-alone legislative item
  - Staff opinion REPLICA would be beneficial to Kansas; not hearing any opposition in Kansas
  - Board staff recommendation is to pursue this as a legislative priority in the 2015 legislative session
  - Missouri opposed to it at first, but other states on board
  - Executive Director interjects that new information shows Missouri is now considering it
  - The state has 5 years to have back ground checks in place
  - Flight services are willing to assist the board in legislative presentation

*Executive Committee made motion to move REPLICA forward; Director Pore seconded. No discussion. No opposition noted. The motion carried.*

## Planning and Operations Committee

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

- No new KEMSIS information at this time
- Committee had discussion on K.A.R.109-2-8, which is going to be open for the hearing on October 16<sup>th</sup>. It revolves around equipment carried on the ambulance. Concerns can be submitted through the website; the public hearing's going to be held on October 16<sup>th</sup>. The changes or suggestions will come back to the committee in December. Committee received a comment with regard to spinal immobilization and required equipment. This needs to be addressed for services that are doing selective or spinal motion restriction guidelines versus complete spinal immobilization.
  - Consider making them an optional item based on local protocol versus a required piece of equipment if that service is not utilizing full spinal immobilization.
- K.A.R.109-3-5 which is the AEMT med list, is now law and published on the website.
- Dave Cromwell gave a presentation on an outstanding service vehicle display sticker

-Comments and suggestions were: Needs to say from Kansas Board of EMS and the word Inspection needs to be added back in, “Outstanding Service Inspection” as opposed to “Outstanding Service”.

-Staff will make changes and bring it back in December

-Clarification made that letters addressing outstanding inspections and letters addressing very bad inspections will be sent to the owner operators as well as the Service and Medical Directors

-A wall certificate will accompany the sticker

-Suggestion made to also have a press release

- Specialty Care Transport (SCT) - confirmation from Medicare and WPS that the definitions that are listed for Kansas through the board meet the requirements for WPS that allow ground ambulance services to bill the SCT fee.
  - Dr. Kingfisher raises concern about specifics and requests to see the documented response from Medicare and how the issue was posed to them.
- Committee heard a presentation from Gilbert Tabares, KDHE on the EMS service director survey. 131 out of 138 services responded to the survey. KDHE partnered with Fort Hays State to conduct trainings. The primary goals are to assess the training needs of local EMS leadership and to assess the EMS and Hospital relationships. Handouts were provided to the committee and he went over some things that will be a good thing for service directors to utilize.
- Committee heard an Ebola update and requests to put links to CDC alerts on KSBEMS website

### Education, Examination, Training and Certification Committee

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

- Committee heard a report from Curt Shreckengaust on the 553 attendants remaining to transition prior to their certification renewal. Thanks to all the educators who are assisting these individuals in the process.
- The committee is following a number of regulations that are in the state process. Curt met with AG’s office; minor revisions were made through the DOA office and are now back at the AG’s office. They are K.A.R. 109-10-1; K.A.R. 109-10-1e; K.A.R. 109-10-7; K.A.R. 109-11-3a; K.A.R. 109-11-4a; K.A.R. 109-11-6a; and K.A.R. 109-11-10 and they’ve been in this process for a while. Once they come back from the AG’s office Curt will send the regulations back out to the committee. There’s a public hearing on K.A.R. 109-15-1 December 02, 2014 in RM 560.
- Exam vendor reported they have used the new trauma scenarios at three test sites since summer break. A few issues were found among examiners. The medical scenarios were

worked through. Having enough assistants and patients continues to be a challenge. Students are encouraged to attend exam sites as a patient prior to examining.

- Jason Bolt reported on the EDTF's work on KS Continued Competency proposal. The scenario development group is between cycles. A subcommittee is looking at the IC process and revisiting the mentor requirements as well.
- Committee made motion to bring KS Continued Competency proposal forward to the full board for review. This is conceptual approval and EETC will still need to identify the individual regulations that will have to be changed. The two elements in the proposal that need to be decided at the regulatory stage are how many hours to be required at the EMT level, 40 or 34. KS Continued Competency plan was developed by EDTF. The problem identified was with continuing education being too broad and not categorized. Some in the state felt the requirement wasn't significant enough to keep CE applicable to the renewal process.
  - The six regions, KEMTA, KEMSA, and the KS State Fire Fighters Association met several times and outlined a plan that would make the continuing education requirements more specific.

***Director Kaufman motions for board's conceptual approval on the KS Continued Competency proposal going from an open continuing education program at all levels to one that is specific to categories; Director Pore seconded. After discussion and no opposition noted, the motion carried.***

- K.A.R.109-10-2 is in the process for revocation
  - Director Pore moves to accept the new Education standards to correlate with AEMT med list; Director Ralston seconded. No discussion. No opposition noted. The motion carried.***
- The NATA document will be provided on website.
- Renewals have been sent out. TO renewal form was changed and now requires providing proof of 20 hours of CE. Staff is directed to send a letter out to all TOs with this information.

### **Executive Committee**

Chairman Hornung called upon Dr. Kingfisher to give the Exec Committee report. Dr. Kingfisher reported to the Board:

- Committee heard a report from Dr. Braithwaite on MAC discussion topics:
  - EMS Helicopter utilization, quality, continuity of care, integration in the system
  - Supportive of the Kansas Continued Competency proposal
  - Endorsed PEC and adopted it as a resource document
  - FLEX EMS Committee was seeking physician input; Dr. Longabaugh and Dr. Herrington volunteered to be involved
  - MAC continues to monitor legislation, Peer review and Community Paramedicine
- Committee discussed the function of a resource document

-Sarah clarified physician statements are for information only and do not impose requirements on the field

- *A motion was made in the Committee meeting to put the resource document on KBEMS website; the motion passed.*
- AG Opinion on EMS Attendants capabilities/limitations outside EMS environment: no new information still pending; waiting for interested parties to provide input.
- State EMS Medical Director - No new information
- Board Bylaws – there was significant discussion, but no decisions
  - Concern was expressed that the bylaws duplicate what’s already in statute; will the bylaws have to change each time the statute changes
  - Suggestion to have a type of handbook of the statutes that affect the board’s bylaws
  - Clarification on voting rights of Exofficio membership
  - Discussion and comments on the need for a quorum
  - Suggestion to require attendance to a certain number of meetings
  - Discussion will continue after the committee reviews the draft document; it will be set up as a new business item at the December meeting
- Legislative Packet for 2015 Session – committee went through the objectives in terms of priorities
  - last session HB 2509 cleared the House but died on the Senate floor by 1 vote
  - Board office received two surveys back from legislators and 4 emails saying they will not be filling out the survey
  - The board packet listed the priorities:
    - Clean up language in HB 2509 as amended by the Senate
    - Pursue civil fines without subpoena (SB 320)
    - Pursue moving all disciplinary action to one process (currently the denial of an application is different than any other action)
    - Broadening of the scope of practice/ authorized activities in the EMT, EMR and AEMT statutes then be more specific in regulation.
- Statutes K.S.A. 65-6120, K.S.A. 65-6121 and K.S.A. 65-6144 are included in HB 2509.
- A decision needs to be made which version of the statute the board would support as a priority.
- The committee will wait to make a decision on K.S.A. 65-6144 until the December meeting
- Staff encouraging those left to transition to do so early if possible; then the older scope language can be stricken. Decision to be made in December.

- Committee had a subpoena discussion and requested opinion from the following:
  - Hospital Administration opinion - the main concern is with HIPPA and feels that the board will have opposition from other hospitals. Need to understand the entire process before deciding to move forward.
  - Service director opinion - in favor of subpoena power; understands the need to get the information required to make a decision in investigations cases.
  - Committee directed Director House to reach out to the hospital association and hear out their issues so that a compromise can be established. Director House will give an initial report at the December meeting.*
- Discussion about alternative models of care will increase the role of EMS. Dennis Franks and Joe House met with KHA; it is important for the board to discuss and get involved.
  - Much discussion regarding community Paramedicine/ healthcare safety net. This is a collaborative effort.
  - Discussion about super users and follow up with patients

### Investigations Committee

Chairman Hornung called upon Director Pore to give the Investigations Committee report.

Director Pore reported to the Board:

- Committee met on September 4<sup>th</sup> in Salina and discussed two cases:
  - an attendant with a previous consent agreement asked for an extension; the committee granted the extension
  - Ambulance accident case - driver failed drug test; committee accepted local action with consent agreement stipulation of random drug testing, at the request of KBEMS, up to 3 times over the next 6 months
- 5 old cases of applications with felony were withdrawn
- 1 agency audit on CE - will continue to audit during next two reporting cycles
- EMT and AEMT case - AEMT gave the EMT permission to start an IV in the back of ambulance; committee moved for a summary order for a 3 month suspension for the AEMT with serving 30 days and a 2-month stay along with 2 years probation
- EMT was actually the one who reported it and had local action taken – committee moved for a summary order for a 1 month suspension and 1 year probation
- AEMT class I/O demonstration on a live subject who started seizing and was taken to the hospital then life flighted to Wichita -- someone could have lost life due to this demonstration. Sponsoring organization suspended class immediately and reported it to the board office – committee accepted local action.
  - EMT that started the I/O was a student– no action taken
  - Lab assistant paramedic - committee moved for a summary order for a 3 month suspension

-IC was the live patient that coerced the situation -- committee moved for a summary order for a 3 month suspension and a summary to revoke their IC.

-Primary instructor – committee moved to revoke both IC and Paramedic

- There are still 52 open cases. The Committee commends Mark on his work to get cases closed

### Office Update

Chairman Hornung called on Director House to give the office update. Director House reported to the Board:

- The budget was submitted on time, actually early and is still being reviewed. Costs of data center storage and rent have increased significantly for all agencies. Our agency has been able to absorb these costs and remain budget neutral.  
-Facilities management may be brought before legislature to justify increases. A letter to Facilities management has been crafted by several other state agencies with questions to their management.

***Mr. Dennis Franks motions to have Director House form a letter regarding budget; after brief discussion, Director Ralston seconded. No discussion. No opposition noted. The motion carried.***

- Internal database – starting a project management plan, sending out letters to clarify information such as sponsoring organizations in an attempt to have cleaned up data to upload into the new system
- Looking at regulations to see what's being enforced and bringing them back to the board to see if the regulation needs changing or enforcement needs to begin. Staff will put out notice on things that need to be enforced that haven't been in the past
- KRAF grant review will begin by the grant committee to develop priorities for 2015 grant cycle; EIG should be looked at as well to make sure it's still meeting the needs of EMS
- Online renewal is live but issues with AEMT. AEMTs have to renew as an EMT-I but Chrystine will recertify them at the AEMT level.  
-Chair directs staff to get the problem fixed ASAP to avoid confusion. Senator Holmes says do not accept a week for an answer from the IT and offers his assistance
- Opportunities coming up for the board: working with KDHE, the office of state rural health, EMS for Children and the trauma plan. Multiple meetings have been scheduled with each of them. Looking to develop some sort of recognition of continuous improvement showing you've met established criteria above and beyond what is in regulation in preparation for being ready for a trauma scenario or pediatric scenario. This is in early stages of development.

- Attending NASEMSO next week -- will update the board on the hot topics discussed. There's talk of a 6-8 page specialty EMS certification; there will be several meetings discussing this. They will be talking about Interstate Compact and ambulance vehicle licensure, the difference between triple K standard and the NFPA standard.

### Public Comment

Chairman Hornung called on Jason White for public comment.

Jason White discussed community Paramedicine and out of hospital care; he provided the board with a handout

- KEMSA has a proactive stance trying to engage the topic in a collaborative effort in stakeholders meeting
- Suggested the board keep an eye on this
- Discussed Medicare revenue cuts and the conversation going on in Washington with regard to renewal
- Medicaid rates are low in Kansas from 30-240% below the internal bench mark of rate schedules
- Discussion on possible provider tax to help generate funds
- Impact on small services when hospitals close their doors

**Representative Swanson encourages everyone to vote in November**

### Adjournment

Meeting adjourned at 10:43. The next meeting is scheduled for December 5, 2014.