

Board Meeting Minutes

October 1, 2021

APPROVED
12/3/2021

Board Members Present

Mr. Jeremy Clingenpeel
Rep. John Eplee-virtual
Dr. Gregory Faimon-virtual
Sen. Faust-Goudeau-virtual
Dr. Joel Hornung
Rep. Henderson
Comm. Ricky James
Director Deb Kaufman-virtual
Chief Shane Pearson
Mr. Chad Pore
Director John Ralston
Dr. Martin Sellberg-virtual
Comm. Bob Saueressig
Director Jeri Smith

Guests

Charles Foat
Mickey Huber

Representing

JCCC
AMR

Staff Present

Joseph House, Exec. Director
James Reed
Mary-Elaine Skinner
Suzette Smith
Terry Lower
James Kennedy
Curt Shreckengaust, Dep Dir-
virtual

Board Members Absent

Attorney

Sam Feather

Call to Order

Chairman Hornung called the Board Meeting to order on Friday, October 1, 2021 at 9:00 a.m.

Chairman Hornung called for a motion to approve the minutes.

Director Ralston made a motion to approve the August 6, 2021 minutes. Commissioner James seconded the motion. No discussion. No opposition noted. The motion carried.

Old Business

Chairman Hornung called upon Director House to provide an update on any COVID-19 related topics.

Director House reported that there were no COVID-19 related topics requiring affirmation.

The Board's stance on vaccines is that it is an employer's decision to mandate whether or not having the vaccine is a condition of employment. The Board does support priority access to vaccines for EMS providers prior to the general population.

SPARK – Strengthening People and Revitalizing Kansas offers \$50 million for front line health care workers primarily in hospital settings. Currently EMS is not eligible to receive these funds.

ARP – American Rescue Plan is a \$25.5 billion program with two different funding opportunities: \$8.5 billion for rural payments to transport patients and \$17 billion for provider relief fund for services who can document revenue losses due to the pandemic.

Executive Committee

Chairman Hornung called upon Vice-Chairman Pore to provide the Executive Committee report. Vice-Chairman Pore gave the following report.

- Vice-Chairman Pore reported the legislative plan from the last meeting has been color coded for items that were regulatory, statutory, and policy. Items written in blue on the plan are statutory and should be looked at before December if it is an item for the upcoming session. The committee wants to move these items to the Planning and Operations Committee for review and prioritization.

Vice-Chairman Pore moved the Legislative Plan be moved to the Planning and Operations Committee for review. Director Smith seconded the motion. No discussion, no opposition noted. The motion carried.

- The medication list regulations have been through the process and the public hearing was held this week. There was only one written comment received.

Vice-Chairman Pore reported that the Executive Committee moved that K.A.R. 109-3-3 be adopted as amended. Rep. Eplee seconded the motion. No discussion, no opposition noted. The motion carried.

Roll call vote to adopt K.A.R. 109-3-3 as amended:

Mr. Clingenpeel	Aye	Director Kaufman	Aye
Rep. Eplee	Aye	Chief Pearson	Aye
Dr. Faimon	Aye	Vice-Chairman Pore	Aye
Senator Faust-Goudeau	Aye	Director Ralston	Aye
Rep. Henderson	Aye	Comm. Saueressig	Aye

<i>Chairman Hornung</i>	<i>Aye</i>	<i>Dr. Sellberg</i>	<i>Aye</i>
<i>Comm. James</i>	<i>Aye</i>	<i>Director Smith</i>	<i>Aye</i>

Revision of K.A.R. 109-3-3 is adopted by the Board on a 14-0 vote (14Yes; 0 No; 0 Absent).

Vice-Chairman Pore reported that the Executive Committee moved that K.A.R 109-3-5 be adopted as amended. Director Smith seconded the motion. Vice-Chairman Pore stated he would vote to approve the AEMT medication list, but he opposes where we are in regard to responsibilities of AEMT's. No opposition noted. The motion carried.

Roll call vote to adopt K.A.R. 109-3-5 as amended:

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

Revision of K.A.R. 109-3-5 is adopted by the Board on a 14-0 vote (14Yes; 0 No; 0 Absent).

- The KEMSIS Version 2 data base has been retired and is inaccessible to users. The data will still be accessible though. We will receive a digital copy that we will forward out to services. The data will be translated into one version. Currently 18,000 reports have been completed with 1.2 million in Version 2 to move across. For a Version 3 update, all but one service has been onboarded. Another service has been onboarded but not submitting data yet and one service is struggling with getting the data in, but we are receiving 100% of the 911 calls. The three services with issues are interfacility transport agencies. Over the last 18 months there have been over 600,000 reports in the system. Director Ralston asked what time period Version 2 covered and was told 2007-2017.
- An update of the State Fair indicated that attendance was low. Vice-Chairman Pore thanked all the agencies that brought a truck and staff to help. Mr. Reed and Ms. Skinner were there most of the time.
- Dr. Hornung is looking for a permanent Chair for the Executive Committee and asked for volunteers to let him know if they are interested.

That concluded the Executive Committee report.

Planning and Operations Committee

Did not meet.

Medical Advisory Council (MAC)

Did not meet.

Education, Examination, Training and Certification Committee

Chairman Hornung called upon Director Ralston to provide the EETC report. Director Ralston gave the following report.

- There were no variances.
- Ms. Allen reported there were 40 BLS psychomotor examination sites with 1036 examinations requested and 952 candidates examined.
- Dr. Foat reported that the EDTF met and discussed issues regarding I/C and improving the process. They feel I/C is still important but might not need to test going in and look more at the outcome based data.
- There will be a public hearing on November 9th. K.A.R. 109-11-8 has a minor typographical change of “interosseous” to “intraosseous”.
- The Committee is looking into QI reporting and they reviewed a document from Texas that Director House found. Staff was instructed to make a model for Kansas to use on QI.
- The ImageTrend Training tab will be changing to the Education tab at some point. This was information only and no timeframe is available yet.
- There was a discussion regarding the AEMT and Paramedic educational processes that we will have to look at in the future. NREMT will cease testing for practical skills in 2023 and take a portfolio implementation approach. This change won't affect Paramedic level as much as it will AEMTs. That is because of how we have it structured. NREMT does not accredit AEMT courses and won't begin AEMT accrediting until 2025. That means there will be a three-year period when NREMT is not accrediting the course. The Board will either have to test practical skills or find another way to handle. With our AEMTs being so different with skills sets, the Board will have to look at how to make the AEMT accreditation work.

That concluded the EETC report.

Investigations Committee

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

- The committee is looking into how to report out actions taken and is considering the way the Board of Healing Arts uses a look up.

- A harassment case was brought on a co-worker who cared for another provider's mother, then made comments about the mother. The accused individual was fined \$150, put on probation for a year, and instructed to take a Principle of Ethics and Personal Leadership course.
- There was a complaint involving an initial course where the student challenged the exam before their class was over. The student had met all the requirements. The committee accepted the local action.
- Another case involved failure to safeguard a patient when a combative patient was injured after trying to stab the provider. After reviewing the video, the committee decided not to take any action and the case was dismissed. The committee will send a stern letter to the service to implement restraint training and protocol for restrains.
- A case involved failure to safeguard a patient when responding to a patient with seizures. The 1st and 2nd providers were fined \$125, ordered to take additional training on seizures, and placed on one year probation.
- The next case involved the diversion of narcotics for personal use. Evidence supports a violation occurred. The individual was terminated from the agency. The Board would like to try to work out a consent agreement where the person would have to go to rehab and other requirements in order to keep their certification. If not, we will revoke certification. The Board needs to look into an impaired provider program.
- An individual applied for Legal Recognition of Non-Kansas certification. When doing so the individual disclosed that their previous credential had been revoked but they had entered and successfully completed a consent agreement that allowed them to regain their certification. The Committee agreed to allow the processing of the application for legal recognition.
- There was an allegation of a credential violation involving two EMS providers and a police officer. The providers were providing treatment and starting CPR and the police officer performed a glucose test on the patient. There did not seem to be intent, so the committee agreed to dismiss the charges.
- A credential violation was found to have occurred when an individual provided patient care before becoming certified through legal recognition. There were mitigating circumstances and this case will be revisited in December.
- There were two emergency suspensions given since the last Board meeting. One involved ordering and receiving 150 vials of schedule narcotics for personal use and the other involved inappropriate touch of a patient.
- Director House has been given authority to handle continuing education audits. There were 215 audits in June and 201 audits in July. Of these 416 audits 101 individuals failed for various reasons. They could be fined \$75 - \$500 or have their certification revoked. Vice-Chairman Pore reminded the Board that with the capabilities of the computer system, more audits will be conducted, and that individuals should be sure and upload their continuing education information.

That concluded the Investigation report.

Liaison Reports

911 Coordinating Council – No report.

State Interoperability Advisory Committee – Chief Pearson reported they are still moving forward with First Net. The state is getting ready to update the radio systems to include WAVE technology. A user license is required.

Kansas Fire Training Rescue Institute – No report.

Advisory Committee on Trauma – No report.

Office Update

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

- Director House has spent a lot of time the last two weeks working with our federal partners discussing the potential mandate on vaccines required for ambulance service providers. This included staff from CMS, HHS, CDC, and the White House. CMS may not include ambulance services in their mandate.
- The criminal history records check is on track for January 1st implementation. This a requirement for participation in the EMS COMPACT and must be in place by October 2022. The regulations are going through and the public hearing is November 9, 2021. JKAR had no comment on the regulation at their hearing.
- The EMS COMPACT database is receiving Kansas data. Director House has been elected secretary and will serve for two years. Ray Mollers was appointed the Executive Director of the EMS COMPACT. The Executive Committee is meeting every two weeks. There are 23 states involved now, including the surrounding states, except Oklahoma.
- We are working with CAPCE to integrate our computer systems so there is automatic entry of CEU's. The plan is for a January 1st implementation. Vice-Chairman Pore asked how quickly the hours would be added and if there was a way to ensure duplicates were not entered. Director House stated that he was unsure of the time frame of when the hours would be added, and they were working on making sure that duplicates were not added.
- Mr. Kennedy, our IT specialist, is working on cleaning up our website. Some PDFs not accessed in 10-12 years will be removed. The URL will probably be changing to a “.gov” address.
- The Service Director briefings continue to take place on Mondays.
- The agency has been invited to attend the State Highway Safety Council. They will be working on a five-year strategic plan. They redesigned the committee to seek out more public components and individuals. EMS is also on the data action team mainly because of the capabilities of the Biospatial platform information and the linkage potential.

- Director House gave a presentation to the federal Air Ambulance Advisory Council on behalf of NASEMSO regarding air ambulances and the FAA airline deregulation act and how it relates to patient billing.

That concluded the Office Update.

New Business

Chairman Hornung wanted the Board to discuss the structure of the Committee and Board meetings. He reminded those present that they were mandated to meet at least four times a year and currently they meet six times a year. The changes might include only having Committee meetings when requested by the Chair of that Committee. The hope is that Board meetings may become more topic oriented, and the Board could receive more instruction from staff, and deal with issues that need to be handled. The Executive Committee would change to acting on emergent or semi-emergent issues. Vice-Chairman Pore explained that meetings use to be more contentious, but they are not anymore and do not last as long. He also felt a half or whole day Board meeting might encourage more involvement from members. Dr. Sellberg thought it was a great idea to look at the structure but was not in favor of meeting less frequently. Chairman Hornung requested that board members contact him with input before the December Board meeting to start implementing changes next year.

With no public comment and no further business before the Board, Chairman Hornung adjourned the meeting at 9:59 a.m.