

# Kansas Board of Emergency Medical Services

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Board Articles



Adopted December 2014

# **KANSAS BOARD OF EMERGENCY MEDICAL SERVICES**

## **ARTICLES**

Insofar as these articles conflict with or limit any federal or state statute or regulation, the statute or regulation controls. These articles are not intended to create any rights, contractual or otherwise, for any person.

### **ARTICLE I – NAME AND LOCATION**

**Section 1.** The name of the agency shall be the Kansas Board of Emergency Medical Services, hereinafter referred to as the Board.

**Section 2.** The Board is located in the Landon State Office Building, 900 SW Jackson, Suite 1031, Topeka, Kansas 66612-1228.

### **ARTICLE II – PURPOSE AND FUNCTIONS**

**Section 1.** Purpose. The purpose of the Board is to protect and promote the welfare of the citizens of Kansas. This purpose supersedes the interest of any individual, the emergency medical services (EMS) profession, or any special interest group. This is accomplished through the regulation of standards for the effective and coordinated delivery of care which includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by attendants.

**Section 2.** Functions. The Board performs the functions set forth in K.S.A. 65-6111.

### **ARTICLE III – MEMBERSHIP**

**Section 1.** Members, Qualifications, and Reimbursement. The Board composition, qualifications, and reimbursement are set forth in K.S.A. 65-6102.

**Section 2.** Privileges of Membership. Each member of the Board has the privilege of voting, of holding office, and of serving on committees.

**Section 3.** Resignation. The Board may request voluntary resignation of any of its members for neglect of duty or other conduct which shall mean:

- a. failure to attend two consecutive meetings without justification;
- b. failure to participate in committees to which appointment was accepted without justification;
- c. abuse of position.

Any member wishing to resign shall submit resignation in writing to the Governor and Board Chairperson who shall present it to the Board.

**Section 4.** Disqualification. In keeping with the Board's Purpose as stated above in Article II, Section 1, Board members are disqualified and will recuse themselves from chairing or voting in any proceeding before the Board or a Board committee if:

- a. The Board member has a substantial economical interest in a subject matter;
- b. the Board member or the Board member's spouse, parent, or child is an officer or director of a professional association that is actively promoting or representing a particular subject matter or issue on behalf of the association; or
- c. the Board member has prior knowledge of the allegations in a disciplinary case or may have a personal bias with a party who is the subject in the disciplinary case.

#### **ARTICLE IV – OFFICERS**

**Section 1.** Officers. The officers shall consist of a Chairperson and Vice-chairperson.

**Section 2.** Election. The officers shall be elected annually at the first meeting of the board after January 1, and shall serve until the next election.

**Section 3.** Vacancy. In the event of the vacancy of one of the offices, a new election will be held at the next meeting to fill the vacancy.

**Section 4.** Chairperson duties. The Chairperson shall:

- a. preside over all meetings of the Board;
- b. establish a proposed agenda in consultation with the Executive Director for meetings of the Board;
- c. gain consent and appoint all members of standing committees, including chair and vice chair of each committee;
- d. serve as an ex-officio member of all standing committees with a voice, but shall not vote except when needed as a member to establish a majority;
- e. remove any committee member not fulfilling obligation to a committee;
- f. have the right to vote on all Board issues;
- g. sign appropriate legal documents;
- h. advise the Executive Director;
- i. oversee the annual evaluation of the Executive Director; and
- j. be responsible for the proper functioning of the work of the Board

**Section 5.** Vice-Chairperson duties. The Vice-Chairperson shall:

- a. serve in the absence of the Chairperson;
- b. assume all such functions or responsibilities as may be delegated by the Chairperson;
- c. assist the Chairperson and the Executive Director with appointments to committees.

## **ARTICLE V – EXECUTIVE DIRECTOR**

**Section 1.** Executive Director duties. The Executive Director shall:

- a. administer agency operations by the following:
  - 1. evaluate staffing patterns to enhance operation of the organization;
  - 2. direct professional and clerical staff for efficient functioning;

3. solve administrative problems;
  4. evaluate agency staff; and
  5. assist professional staff to review investigative cases;
- b. Manage board activities by the following:
1. develop a proposed agenda for meetings of the Board with the Chairperson;
  2. research and prepare informational materials for Board meetings;
  3. assist staff in completing work of standing committees;
  4. serve as professional staff to standing committees; and
  5. report on national and state issues to the Board;
- c. manage agency budget by the following:
1. develop agency budget based on current agency expenditures, trends, and issues;
  2. present budget to legislature and appropriate others; and
  3. evaluate on-going expenditures and revenues to maintain balanced budget;
- d. participate in legislative and regulatory activities by the following:
1. evaluate current statutes and regulations as to changing needs of EMS and health care as directed by the Board;
  2. prepare drafts of changes in statutes and regulations for Board approval;
  3. present testimony on proposed changes in statutes before the legislature; and
  4. prepare statistical and technical reports for the legislature;
- e. participate in professional activities by the following:

1. provide information on EMS issues to attendants, ambulance service owners/operators, service directors, sponsoring organizations, hospitals, and medical directors;
  2. facilitate joint activities with EMS organizations, Attorney General's office, and other state agencies;
  3. represent the Board at local, state, and national meetings;
  4. lecture on EMS issues; and
  5. compile an annual report; and
- f. perform such other duties as directed by the Board.

## **ARTICLE VI – MEETINGS**

**Section 1.** Kansas Open Meetings Act. The Board adheres to the provisions of the Open Meetings Act. Regular meetings of the Board shall be held at a place and time designated by the Board.

**Section 2.** Board Meetings. The Board shall meet at least six times annually and at least once each quarter: February, April, June, August, October, and December.

- a. Scheduled Board meetings occur on the first Friday of the listed months. In the case of unusual circumstances and the Board cannot meet at a regularly scheduled time, then notice shall be given and the meeting shall be rescheduled.
- b. Notice shall be given to the public at least fourteen (14) days prior to the date of the meeting except in cases of special or emergency meetings when notice will be given as soon as possible. The purpose of the meeting shall be stated in the meeting notice.

- c. There shall be a majority of the Board. For the purposes of a majority, one or more members may participate by telephone conference call, video conference or other interactive means of conducting conference communications.
- d. Minutes of each meeting shall include the names of participating members, by what means they were participating (if not physically present), and a record of each vote taken.

**Section 3.** Special Meetings. Special meetings shall be called by the Executive Director at the request of the Chairperson, at the request of the Executive Director, or at the request of any six members of the Board.

**Section 4.** Consent Agenda. The Board may use a consent agenda, whereby those items that require no discussion, no action, or action but no anticipated discussion can be adopted in one motion. A Board member, after reviewing the agenda, may request the removal of an item from the consent agenda for purpose of discussion.

**Section 5.** Notice of Meetings. Request for notice of meetings pursuant to the Kansas Open Meetings Act should be directed to: Executive Director, Board of Emergency Medical Services; Landon State Office Building; 900 SW Jackson, Rm 1031; Topeka, KS 66612-1228. Written requests are preferred, but not required. Requests should be renewed annually.

**Section 6.** Members of the public may participate at Board or committee meetings only at the discretion of the respective Chairperson.

## **ARTICLE VII – COMMITTEES**

**Section 1.** General Committee Information. Unless otherwise noted, each committee serves as an advisory body to the Board.

- a. Standing committees shall be Planning and Operations; Education, Examination, Training, and Certification; Investigations; and Executive;
- b. committees may submit recommendations to the Board. A Board member will need to make the recommendation in a motion which would then be subject to approval by the entire Board;
- c. committee meetings shall conform to the law regarding open meetings. The dates, times, and places of all committee meetings shall be listed with their agenda;
- d. members of the Board on standing committees shall be appointed by the Board Chairperson in consultation with the Executive Director and Vice-Chairperson;
- e. chairperson and vice-chairperson of each committee shall be appointed by the Board Chairperson in consultation with the Executive Director and Board Vice-Chairperson;
- f. appropriate Board staff shall serve as non-voting members of all committees. Board staff or designees shall provide support services to each committee and prepare and distribute agendas and supporting documentation of each meeting to committee members;
- g. a quorum of the committees shall consist of a majority of the members appointed by the Board Chairperson. Only committee members appointed by the Board Chairperson shall be entitled to vote within the committee. The Board Chairperson may serve as a voting member of any committee in order to establish a majority. Other Board members may participate, but have no vote;
- h. in the sustained absence or temporary inability to serve by one committee member, the Board Chairperson may appoint a new member; and

- i. scheduled meetings of the committees shall be held the day prior to the scheduled Board meeting and whenever deemed necessary by the Committee Chairperson or the Board Chairperson.

**Section 2.** Planning and Operations (P & O) Committee.

- a. Membership: A minimum of 5 Board members and no more than seven, including at least one attendant involved in EMS.
- b. Ad hoc Membership: In addition to each EMS Region being allowed one (1) representative; each of the following organizations/entities are allowed one (1) representative to act as an ad hoc member of the committee:
  - 1. Kansas Emergency Medical Services Association (KEMSA)
  - 2. Kansas Emergency Medical Technicians Association (KEMTA)
  - 3. Mid-America Regional Council Emergency Rescue Committee (MARCER)
  - 4. Kansas Association of Air Medical Services (KanAAMS)
  - 5. Fire Services
  - 6. Kansas Department of Health and Environment (KDHE)

Each ad hoc member shall not be a voting member of the committee and shall be appointed by their respective EMS region/organization/entity.

- c. Purpose: To review and recommend revisions in statutes and regulations as they pertain to operational functions of ambulance services and attendants. To make recommendations upon issues that may affect the operation of ambulance services. To review and recommend changes in attendant authorized activities. To review and recommend changes based upon statistical information regarding the operations of ambulance services. To review and recommend changes to operational

policies and procedures. To make recommendations to assist the development of a state plan for delivery of EMS. To make recommendations for statewide education of operational functions of ambulance services and attendants.

**Section 3.** Education, Examination, Training and Certification (EETC) Committee.

- a. Membership: A minimum of five Board members and no more than seven, including at least one attendant and an instructor-coordinator.
- b. Purpose: To review and recommend revisions in statutes and regulations as they pertain to educational programs, examination, training, and certification. To make recommendations to changes in educational standards for the EMR, EMT, AEMT, and Paramedic levels of attendant certification. To make recommendations to changes in educational standards for the Training Officer and Instructor-Coordinator levels of certification. To make recommendations for changes in the examination for each level of certification. To make recommendation for changes pertaining to EMS continuing education. To review and recommend changes based upon statistical information regarding education, examination, training, and certification. To review and recommend changes to educational standards in collaboration with the P & O committee review and recommendations for changes in attendant authorized activities. To make recommendations for statewide education of certification, training, examination, and education processes for educators and attendants. To make recommendations upon issues that may affect EMS education, examination, training, and/or certification.

**Section 4.** Investigations Committee.

- a. Membership: A minimum of five Board members and no more than seven, including at least one attendant involved in EMS and one physician.
- b. Binding Authority: The Investigations Committee has binding authority of the Board in all disciplinary issues and actions.
- c. Purpose: To review and recommend revisions in investigative and discipline statutes and regulations. To conduct a review of opened cases, determine what type of disciplinary proceeding, and recommend proceedings be initiated. To review and recommend changes to investigative and discipline policies and procedures.

**Section 5.** Executive Committee

- a. Membership: A minimum of five Board members and no more than seven, including each of the other Committee Chairpersons, the Board Chairperson, and the Board Vice-Chairperson.
- b. Purpose: To review and project budgetary needs to support agency. To develop and review grant programs to support EMS in Kansas. To assist with the delegation and coordination of board tasks to each of the committees. To assist in the development and implementation of the Board's strategic plan. To review all recommendations for changes in EMS statutes. To assist in the development of a legislative packet. To review and recommend changes to Board policies and procedures. To review and recommend clinical changes in EMS.

**Section 6.** Other Committees. Such other committees, standing or ad hoc, shall be appointed by the Board Chairperson as deemed necessary to carry on the work of the Board. The Board Chairperson shall provide any such committee with a stated purpose or mission.

- a. Medical Advisory Council
  - 1. Membership: A minimum of six members and shall include two Board members, one of whom shall be a physician, and not less than four other physicians not members of the Board.
  - 2. Officers: The Medical Advisory Council elects a chairperson and vice-chairperson from their membership.
  - 3. Purpose: To advise and assist the Board in medical standards and practices.

## **ARTICLE VIII – AMENDMENTS TO THE ARTICLES**

### **Section 1. Proposals**

- a. Proposed amendments to these articles shall be submitted to the Executive Director and sent to each member of the Board by the Executive Director at least two weeks prior to the meeting of the Board and shall be included in the agenda of that meeting.
- b. The Board Chairperson will form an ad hoc committee of Board members as needed to review the articles.
- c. Changes in the articles require a majority vote of the membership.

Adopted: December 5, 2014