

## **Investigations Committee**

Jeri Wheatley - Chair

### **AGENDA**

**Thursday, February 5, 2026 – 3:00pm CST**

**LANDON STATE OFFICE BUILDING  
900 SW Jackson, Room 509; Topeka, Kansas**

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### **1. CALL TO ORDER**

### **2. CONSENT AGENDA – NO ITEMS**

- 2.1. **Delegated Activity Report – Beginning in December 2024, the Board delegated concurrent authority to the Executive Director for the issuance of Orders related to failure to disclose a criminal conviction and/or criminal proceedings.**

2.1.1. **None**

### **3. DISCUSSION CASES**

3.1. **Case 2026-001-01 – *In the Matter of Jase Hoffman, Applicant***

Respondent indicated having prior felony convictions in 2008 and 2010. Staff recommends the Board approve proceeding with the further processing of the Respondent's application. With these incidents happening over 15 years ago, the Respondent having no further convictions since, and the Respondent having successfully completed all sentencing requirements, staff believes there is no evidence indicating Respondent is not sufficiently rehabilitated to warrant the public trust.

### **4. NEW BUSINESS**

4.1. **\*Service Inspection and Ambulance Inspection Sanctioning Reference Points**

In light of 130+ investigations into regulatory and statutory non-compliance during 2025 from the service inspection and ambulance inspection process, there is a desire to have an objective tool to assist with the determination of any associated penalty related to the non-compliance. A similar tool was utilized to assist with processing CE audits in 2020. Discussion to be had about the tool and any potential changes.

### **5. CLOSED SESSION – IF NEEDED**

### **6. ADJOURNMENT**

*\*At the chair's directive, public comment upon Item 4.1 does not need to be submitted prior to the meeting.*

**Agenda Item: Sanctioning Reference Points (SRP) – Service Inspections**

**Committee: Investigations**

### **BACKGROUND**

The Board desires to provide a fair and consistent method of adjudication through the process of enforcement of its statutes, rules, and regulations.

Sanctioning reference points are a means to determine the severity of the infraction based upon the facts identified in the case. These points can be applied to the already established graduated sanctions and provide the Board with a consistent approach.

In August 2020, the Board approved the use of a sanctioning reference tool to assist with adjudicating violations occurring from continuing education audits. Furthermore, the committee delegated their authority to the Board's Executive Director to apply the tool and to authorize an order be issued based upon the score.

The Board has adopted an Operator Fine Schedule whereby fines increase for repetitive violations and increase for severity. The range is currently \$250 - \$2,500 for each violation.

The Board has also adopted Graduated Sanctions for the Operator. The majority of items seen in these inspections relate to violating a provision/regulation of this act; failure to keep and maintain required records; and inability to provide adequate ambulance service.

In these sections, the Board has broken down sanctions into those events which have no likelihood of harm to a patient, the potential for harm to patient, and harm to the patient.

Finally, K.A.R. 109-16-1, is what incorporates the graduated sanctions. There are 6 levels applicable to the operator:

- Sanction Level 1 – local action taken by the operator is approved/accepted by the committee
- Sanction Level 2 – Modification of permit by the imposition of conditions
- Sanction Level 3 – Limitation of permit
- Sanction Level 4 – Suspension of permit for less than 3 months
- Sanction Level 5 – Suspension of permit for 3 months or more
- Sanction Level 6 – Revocation of permit

It is important to note, if the Board desires to limit, modify, suspend, or revoke the actual permit, a hearing must be conducted first. The imposition/levying of a civil fine does not require a hearing to be conducted, but does afford one in accordance with the Kansas Administrative Procedures Act.

### **DISCUSSION**

A copy of the developed SRP for Service and Ambulance Inspections is attached (Enclosure 1). Specific points are applied based upon the answers for each question.

Key components:

- Ambulance Large Buckets – Outdated/Expired Items; Damaged; Inoperable; Missing; Unsecured
- Service Large Buckets – Technical Violation; Public Expectation; QA/QI
- Green fields are the fields where an answer should be provided
- Blue fields are calculated and related to the scoring

- Base point values are listed in the tool, but there are modifiers related to dates.

Discussion may want to address:

- Applicability
- Weights on scoring.
- Standardizing fine amounts and usage of a fine vs. suspension.
- Consideration of future delegation of the use of this tool to the Executive Director (with a report provided to the Investigations Committee and/or Board of each use).

### **FINANCING**

Usage of this tool will have no fiscal effect upon the Board.

### **ALTERNATIVES**

The Committee has the following alternatives concerning the matter at hand. The Committee may:

1. Proceed with utilization of the SRP as provided for Service and Ambulance Inspections.
2. Modify the SRP and proceed with its utilization for Service and Ambulance Inspections.
3. Reject the SRP.
4. Table the item.

Enclosures:

1. SRP – Service Inspections
2. Operator Fine Schedule
3. Graduated Sanctions for Operators (dated: April 10, 2013)

<b>Case Number</b>			
Type of Ambulance Service (Air, Ground)			
<b>Ambulance Deficiencies</b>			
Number of licensed ambulances			
Number of licensed ambulances inspected			
Number of inspected ambulances with a deficiency noted			
Number of inspected ambulances found with external dirt/debris			
Outdated/Expired			<b>SCORE</b>
Number of medications found outdated/expired (100 per item base)		0	<u>0</u>
<3 months	x 0.75	12-24 months	x 3.0
3-6 months	x 1.0	24-36 months	x 5.0
6-9 months	x 1.5	36+ months	x 10.0
9-12 months	x 2		
Number of supply/equipment used for an invasive procedure found outdated/expired (50 per item base)		0	<u>0</u>
<3 months	x 0.75	12-24 months	x 3.0
3-6 months	x 1.0	24-36 months	x 5.0
6-9 months	x 1.5	36+ months	x 10.0
9-12 months	x 2		
Number of supply/equipment used for a non-invasive procedure found outdated/expired (10 per item base)		0	<u>0</u>
<3 months	x 0.75	12-24 months	x 3.0
3-6 months	x 1.0	24-36 months	x 5.0
6-9 months	x 1.5	36+ months	x 10.0
9-12 months	x 2		
Damaged			
Number of units with potential contamination within unit (blood, dirt, debris) (100 per item)		0	<u>0</u>
Number of supply/equipment/medications with damaged, altered, or covered manufacturer markings (50 per item)		0	<u>0</u>
Number of sterile patient use supply/equipment found damaged (50 per item)		0	<u>0</u>
Number of non-sterile patient use supply/equipment found damaged (30 per item)		0	<u>0</u>
Number of non-patient use ambulance equipment items found damaged (10 per item)		0	<u>0</u>
Inoperable			
Number of patient care equipment/supplies found inoperable (100 per item; 500 if critical)		0	<u>0</u>
Number which are critical - advanced airway, cardiac monitor/AED, suction			
Number of crew safety equipment/supplies found inoperable (30 per item)		0	<u>0</u>
Number of ambulance equipment/supplies found inoperable (10 per item)		0	<u>0</u>
Missing			
Number of patient care equipment/supplies missing (100 per item; 500 if critical)		0	<u>0</u>
Number which are critical - advanced airway, cardiac monitor/AED, suction		0	
Number of crew safety equipment/supplies missing (30 per item)		0	<u>0</u>
Number of ambulance equipment/supplies missing (10 per item)		0	<u>0</u>
Unsecured			
Number of items unsecured with points or non-rounded corners (100 per item)		0	<u>0</u>
Number of items unsecured with rounded corners/edges only estimated at 5 pounds or more (50 per item)		0	<u>0</u>
Number of items unsecured with rounded corners/edges only estimated at less than 5 pounds (30 per item)		0	<u>0</u>
<b>Ambulance SUBTOTAL</b>			<b><u>0</u></b>

<b>Service Deficiencies</b>			
Number of buildings utilized to park ambulances			
Annual call volume			
Annual average response time (911 calls)			
Technical Violation			<b>SCORE</b>
Number of missing policies (100 per item)		0	<u>0</u>
Number of missing protocols (100 per item)		0	<u>0</u>
Are the protocols beyond the level of service offered? (No=0; Yes=100)			<u>0</u>
Were all protocols reviewed within the last 12 months? (Yes=0; No=100)			<u>0</u>
Were all policies reviewed within the last 12 months? (Yes=0; No=100)			<u>0</u>
Did the service miss any regulatory deadlines? (No=0; Yes=100)			
If Line 59 is "Yes", how many?			<u>0</u>
Did the service fail to notify the Board when required? (No=0; Yes=100)			
If Line 61 is "Yes", how many?			<u>0</u>
Were the service's lists and records accurate? (equipment and supplies, providers) (Yes=0; No=100)			
If Line 63 is "No", how many lists were inaccurate? (100 per list)			<u>0</u>

Public Expectation			
Can the service demonstrate having 24/7 staffing every day of the year?	(Yes=0; No=500)		<u>0</u>
If Line 67 is "No", does the service provide 911 response?			
Annual average response time for 911 calls over 5 minutes	(25 per 0.1 hour)		<u>0</u>
Is the service maintaining a log of all requests for service and submitting to KEMSIS?	(Yes=0; No=500)		<u>0</u>
Number of patient care documentation not complete, accurate, and submitted to KEMSIS?	(100 per report)	0	<u>0</u>
Number of buildings utilized to park an ambulance not in regulatory compliance		0	<u>0</u>
Quality Assurance and Quality Improvement			
Number of quarters the service has not performed a review of patient care documentation and activities	(500 per qtr)	0	<u>0</u>
Is the service adhering to their quality assurance plan?	(Yes=0; No=100)		<u>0</u>
Number of ambulances not equipped to match approved list of equipment and supplies	(500 per vehicle)	0	<u>0</u>
Number of quarters the service cannot validate quarterly medical director involvement/oversight	(500 per qtr)	0	<u>0</u>
		<b>Service SUBTOTAL</b>	<b><u>0</u></b>

v1.3

**TOTAL 0**

**Operator Fine Schedule**

						Level	First Violation	Second Violation	Third Violation
Level	Violation #	Minimum	Maximum	Aggravating	Total	1	\$250.00	\$450.00	\$950.00
						2	\$350.00	\$550.00	\$1,050.00
1-3	1	\$250.00	\$450.00	\$100.00	<b>\$250.00 - \$450.00</b>	3	\$450.00	\$650.00	\$1,150.00
1-4	1	\$250.00	\$1,000.00	\$100.00	<b>\$250.00 - \$1,000.00</b>	4	\$1,000.00	\$1,200.00	\$1,700.00
1-6	1	\$250.00	\$2,500.00	\$100.00	<b>\$250.00 - \$2,500.00</b>	5	\$2,000.00	\$2,200.00	\$2,500.00
2-6	1	\$350.00	\$2,500.00	\$100.00	<b>\$350.00 - \$2,500.00</b>	6	\$2,500.00	\$2,500.00	\$2,500.00
3-6	1	\$450.00	\$2,500.00	\$100.00	<b>\$450.00 - \$2,500.00</b>				
4-6	1	\$1,000.00	\$2,500.00	\$100.00	<b>\$1,000.00 - \$2,500.00</b>				
1-6	2	\$450.00	\$2,500.00	\$250.00	<b>\$450.00 - \$2,500.00</b>				
2-4	2	\$550.00	\$1,200.00	\$250.00	<b>\$550.00 - \$1,200.00</b>				
3-4	2	\$650.00	\$1,200.00	\$250.00	<b>\$650.00 - \$1,200.00</b>				
3-5	2	\$650.00	\$2,200.00	\$250.00	<b>\$650.00 - \$2,200.00</b>				
3-6	2	\$650.00	\$2,500.00	\$250.00	<b>\$650.00 - \$2,500.00</b>				
4-5	2	\$1,200.00	\$2,200.00	\$250.00	<b>\$1,200.00 - \$2,200.00</b>				
4-6	2	\$1,200.00	\$2,500.00	\$250.00	<b>\$1,200.00 - \$2,500.00</b>				
5-6	2	\$2,200.00	\$2,500.00	\$250.00	<b>\$2,200.00 - \$2,500.00</b>				
1-6	3	\$950.00	\$2,500.00	\$500.00	<b>\$950.00 - \$2,500.00</b>				
3-5	3	\$1,150.00	\$2,500.00	\$500.00	<b>\$1,150.00 - \$2,500.00</b>				
4-5	3	\$1,700.00	\$2,500.00	\$500.00	<b>\$1,700.00 - \$2,500.00</b>				
4-6	3	\$1,700.00	\$2,500.00	\$500.00	<b>\$1,700.00 - \$2,500.00</b>				
5-6	3	\$2,500.00	\$2,500.00	\$500.00	<b>\$2,500.00 - \$2,500.00</b>				

**Levels 2 and 3 the fines increases \$100.00 at each level. Level four, and with a possible suspension up to 90 days, the fine doubles + \$100.00. Levels five and six, with a possible suspension of not less than 90 days, the fine doubles at each level up to the maximum allowed. Maximum fine per violation is \$2,500.00.**

**Second violation fine will increase \$200.00 at each level up to maximum fine.**

**Third violation fine will increase \$500.00 at each level up to maximum fine.**

**The Aggravating Factor Fine is suggested when circumstances are appropriate.**

**Graduated Sanctions for Operators Kansas Board of EMS April 10, 2013**

<b>Violation pursuant to K.S.A. 65-6132</b>	<b>Number and severity of violation</b>	<b>Sanction level range</b>
(a)(1) misrepresentation in obtaining permit	1 <sup>st</sup> violation 2 <sup>nd</sup> violation 3 <sup>rd</sup> + violation	1 to 6 or deny 1 to 6 or deny 1 to 6 or deny
(a)(1) misrepresentation in operation of ambulance service	1 <sup>st</sup> violation: no likelihood of harm to patient 1 <sup>st</sup> violation: potential harm to patient 1 <sup>st</sup> violation: harm to patient  2 <sup>nd</sup> violation: no likelihood of harm to patient 2 <sup>nd</sup> violation: potential harm to patient 2 <sup>nd</sup> violation: harm to patient  3 <sup>rd</sup> + violation: no likelihood of harm to patient 3 <sup>rd</sup> + violation: potential harm to patient 3 <sup>rd</sup> + violation: harm to patient	1 to 3 1 to 4 1 to 6  2 to 4 3 to 5 5 or 6  3 to 5 4 or 5 5 or 6
(a)(2) engaged in an ambulance service not authorized in permit  (a)(2) attempted to engage in ambulance service not authorized in permit  (a)(2) represented as entitled to perform ambulance service not authorized in permit	1 <sup>st</sup> violation: no likelihood of harm to patient 1 <sup>st</sup> violation: potential harm to patient 1 <sup>st</sup> violation: harm to patient  2 <sup>nd</sup> violation: no likelihood of harm to patient 2 <sup>nd</sup> violation: potential harm to patient 2 <sup>nd</sup> violation: harm to patient  3 <sup>rd</sup> + violation: no likelihood of harm to patient 3 <sup>rd</sup> + violation: potential harm to patient 3 <sup>rd</sup> + violation: harm to patient	1 to 3 1 to 4 1 to 6  2 to 4 3 to 5 5 or 6  3 to 5 4 or 5 5 or 6
(a)(3) incompetence: inability to provide level of services required for class of permit held as defined in K.A.R. 109-1-1.	1 <sup>st</sup> violation: no likelihood of harm to patient 1 <sup>st</sup> violation: potential harm to patient 1 <sup>st</sup> violation: harm to patient  2 <sup>nd</sup> violation: no likelihood of harm to patient 2 <sup>nd</sup> violation: potential harm to patient 2 <sup>nd</sup> violation: harm to patient  3 <sup>rd</sup> + violation: no likelihood of harm to patient 3 <sup>rd</sup> + violation: potential harm to patient 3 <sup>rd</sup> + violation: harm to patient	1 to 3 1 to 4 1 to 6  3 or 4 4 or 5 5 or 6  3 to 5 4 or 5 5 or 6

(a)(3) unable to provide adequate ambulance service	1 <sup>st</sup> violation: no likelihood of harm to patient	1 to 3
	1 <sup>st</sup> violation: potential harm to patient	1 to 4
	1 <sup>st</sup> violation: harm to patient	1 to 6
	2 <sup>nd</sup> violation: no likelihood of harm to patient	3 or 4
	2 <sup>nd</sup> violation: potential harm to patient	4 or 5
	2 <sup>nd</sup> violation: harm to patient	5 or 6
	3 <sup>rd</sup> + violation: no likelihood harm to patient	3 to 5
	3 <sup>rd</sup> + violation: potential harm to patient	4 or 5
	3 <sup>rd</sup> + violation: harm to patient	5 or 6
(a)(4) failed to keep and maintain required records	1 <sup>st</sup> violation	1 to 6
	2 <sup>nd</sup> violation	3 to 5
	3 <sup>rd</sup> + violation	4 to 6
(a)(4) failed to make required reports	1 <sup>st</sup> violation	1 to 6
	2 <sup>nd</sup> violation	3 to 5
	3 <sup>rd</sup> + violation	4 to 6
(a)(5) knowingly operated faulty equipment	1 <sup>st</sup> violation: no likelihood of harm to patient	1 to 6
	1 <sup>st</sup> violation: potential harm to patient	3 to 6
	1 <sup>st</sup> violation: harm to patient	4 to 6
	2 <sup>nd</sup> violation: no likelihood of harm to patient	3 to 6
	2 <sup>nd</sup> violation: potential harm to patient	4 to 6
	2 <sup>nd</sup> violation: harm to patient	6
	3 <sup>rd</sup> + violation: no likelihood of harm to patient	4 to 6
	3 <sup>rd</sup> + violation: potential harm to patient	5 or 6
	3 <sup>rd</sup> + violation: harm to patient	6
(a)(5) knowingly operated unsafe equipment	1 <sup>st</sup> violation: no likelihood of harm to patient	1 to 6
	1 <sup>st</sup> violation: potential harm to patient	2 to 6
	1 <sup>st</sup> violation: harm to patient	3 to 6
	2 <sup>nd</sup> violation: no likelihood of harm to patient	3 to 6
	2 <sup>nd</sup> violation: potential harm to patient	4 to 6
	2 <sup>nd</sup> violation: harm to patient	6
	3 <sup>rd</sup> + violation: no likelihood harm to patient	4 to 6
	3 <sup>rd</sup> + violation: potential harm to patient	5 to 6
	3 <sup>rd</sup> + violation: harm to patient	6

(a)(6) violated any provision of act	1 <sup>st</sup> violation: no likelihood of harm to patient 1 <sup>st</sup> violation: potential harm to patient 1 <sup>st</sup> violation: harm to patient  2 <sup>nd</sup> violation: no likelihood of harm to patient 2 <sup>nd</sup> violation: potential harm to patient 2 <sup>nd</sup> violation: harm to patient  3 <sup>rd</sup> + violation: no likelihood of harm to patient 3 <sup>rd</sup> + violation: potential harm to patient 3 <sup>rd</sup> + violation: harm to patient	1 to 3 1 to 4 1 to 6  3 or 4 4 or 5 5 or 6  3 to 5 4 or 5 5 or 6
(a)(6) violated any regulation of this act	1 <sup>st</sup> violation: no likelihood of harm to patient 1 <sup>st</sup> violation: potential harm to patient 1 <sup>st</sup> violation: harm to patient  2 <sup>nd</sup> violation: no likelihood of harm to patient 2 <sup>nd</sup> violation: potential harm to patient 2 <sup>nd</sup> violation: harm to patient  3 <sup>rd</sup> + violation: no likelihood harm to patient 3 <sup>rd</sup> + violation: potential harm to patient 3 <sup>rd</sup> + violation: harm to patient	1 to 3 1 to 4 1 to 6  3 or 4 4 or 5 5 or 6  3 to 5 4 or 5 5 or 6
(a)(6) aided and abetted in violation of any provision of act	1 <sup>st</sup> violation: no likelihood of harm to patient 1 <sup>st</sup> violation: potential harm to patient 1 <sup>st</sup> violation: harm to patient  2 <sup>nd</sup> violation: no likelihood of harm to patient 2 <sup>nd</sup> violation: potential harm to patient 2 <sup>nd</sup> violation: harm to patient  3 <sup>rd</sup> + violation: no likelihood harm to patient 3 <sup>rd</sup> + violation: potential harm to patient 3 <sup>rd</sup> + violation: harm to patient	1 to 3 1 to 4 1 to 6  3 or 4 4 or 5 5 or 6  3 to 5 4 or 5 5 or 6