

Agenda Item: New Business – Adoption of Permanent Regulations

BACKGROUND

Sponsoring Organization Regulations – 109-1-1; 109-5-1; 109-5-3; 109-5-6; 109-10-3; 109-10-6; 109-10-7; 109-11-1a; 109-11-3a; 109-11-4a; 109-11-6a; 109-11-7; 109-11-8; 109-11-9; 109-17-1; 109-17-2; 109-17-3; and 109-17-4

Spawning from an April 2019 discussion and Board decision to institute a quality component for sponsoring organizations and their initial course offerings (discussion relevant to K.A.R. 109-11-1a), it was determined that there is little regulatory language that provides sponsoring organizations clear guidance on their functions, responsibilities, and oversight.

In June 2019, a draft set of regulations was developed with the following intent:

- 1) Clearly identify the role and responsibilities of the sponsoring organization;
- 2) Revise existing regulations to move all sponsoring organization requirements into a smaller grouping of regulations in an effort to not scatter responsibilities across all regulations;
- 3) Incorporate the requested changes to K.A.R. 109-11-1a; and
- 4) To ease the process upon sponsoring organizations by which courses (initial and continuing education) could receive approval while still requiring all necessary components.

A public meeting was held in Junction City on November 19, 2019, regarding these regulations. Comments/questions/suggestions were compiled and the EETC reviewed and discussed at their December meeting. The next revision based upon that meeting was made available for comment in December. Comments were submitted by the EDTF and reviewed at the February 2020 EETC Committee meeting with revisions made to address those comments. A 2nd public meeting was held in Wichita on February 28, 2020, with very slight modifications requested and a consensus thought that the regulations were ready for entering the process.

Since the April 2019 decision to look at a 70% pass rate following all attempts in initial courses over a rolling 3 year average, the EETC committee opted to modify that to a 70% pass rate over all attempts made during the previous calendar year (February 2020 decision).

These regulations do provide an operational deviation in practice for initial course submission, reducing the amount of paperwork being submitted for a course approval and relying heavily upon an audit method of ensuring that policies/procedures exist and are available to the students.

Roster Notification – 109-2-1

The EMS Compact requires the Board to notify the Compact of a change in an individual's privilege to practice status within an extremely short time frame. The EMS Compact also requires an individual to have active medical oversight in order for the privilege to practice to exist. The only method the Board has of verifying active medical oversight is through the appearance of an individual on an operator's roster.

With the operator having instant access to add and remove personnel from their roster through the Board's Licensure system, it is being proposed to adjust the time for notification from 90 days to 7 days.

Certification Regulations – 109-3-1; 109-15-1; 109-15-2; and 109-15-3

K.S.A. 65-6129 provides the Board with the authority to grant certification in 3 scenarios – initial certification, recognition of an out-of-state credential, and reinstating an expired certificate. The same statute continues on to allow the Board to require an original applicant for certification to submit to fingerprinting and a state and national criminal history record check.

Regulations currently address 2 of the 3 scenarios – recognition of a non-Kansas credential (K.A.R. 109-15-2) and reinstatement of an expired certificate (K.A.R. 109-15-1).

K.S.A. 65-6158, the EMS Compact, requires the Board to perform a criminal history record check of all applicants for initial licensure in order for our providers to be able to utilize their privilege to practice.

Through review of the regulations associated with this topic, it was also noted that the requirements for reinstatement seem to be overly burdensome for someone that has had an expired certificate for more than 2 years – requiring both a specified number of hours of continuing education and successful completion of a cognitive and psychomotor examination.

To address these items, Board staff is recommending the creation of a new regulation – 109-15-3 – that places the requirements for gaining initial certification into a single regulation. We also recommend revising 109-15-2 to address the criminal history record check as these individuals may be gaining initial licensure in Kansas and revising 109-15-1 to eliminate a specified number of hours of continuing education to be completed for reinstatement, but keeping the current requirements of successful completion of a cognitive and psychomotor examination and demonstration of a valid CPR certification.

E-file renewal – 109-6-2

With moving towards all online applications and the ability for our current system to apply audit rules, the Board requested changes in regulation to remove submission of a paper application as a mechanism for renewal of EMS Provider and Instructor-Coordinator certificates. Currently, individuals are required to request a paper application from the Board office if they desire to submit on paper. More than 92% of our providers renew via the electronic system and in 2021, there have been 0 requests for a paper application.

Inactive Status Regulations – 109-6-4 and 109-7-1

An item appearing multiple times through the Board’s annual legislative meetings was the creation of an inactive certificate. On June 6, 2019, the Kansas Legislature granted the Board the authority to issue and renew an inactive certificate.

Pursuant to discussion at the October 2018 meeting, it was the desire that the inactive certificate would have no change in renewal fee; no continuing education requirement for renewal while inactive; and cannot engage in direct patient care (but may remain in an administrative role that has oversight of patient care). A pathway to convert from inactive to active was also created.

That pathway to convert involves making an application; demonstrating completed training for any scope of practice changes that occurred since last active; and challenging the certification examinations or demonstrating completion of continuing education hours in sufficient quantity to reinstate an expired certificate of similar duration.

DISCUSSION

On September 2, 2021, the public hearing notice was published and public comment period opened. On September 10th, the Joint Committee on Administrative Rules and Regulations reviewed all of these regulations and had no comments.

At 10:00am on November 9th, 2021, a public hearing was held in Room 560 of the Landon State Office Building and virtual attendance was available through GoToMeeting. Executive Director House presided over the hearing and no other individuals were in attendance in Room 560. There were 2 attending via GoToMeeting – Richard Sigle, representing Topeka Fire, and Angela Hamilton, representing Sedgwick County EMS. There were no comments upon the regulations provided during the hearing. There were a few questions related to operationalizing the regulations that were answered.

*****There was one post-hearing change to the regulations made on K.A.R. 109-11-8 and that was to change the word “interosseous” to “intraosseous”.** EMS providers are trained to administer medications and fluid into and through the bone, not in between the bones.

FINANCING

Economic Impact Statements for all regulations are provided.

ALTERNATIVES

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

1. Adopt the permanent regulations.
2. Adopt a portion of the permanent regulations.
3. Table the item.

RECOMMENDATION

To adopt the permanent regulations.

POSSIBLE MOTION(S)

I would make a motion to adopt the permanent regulations listed on the Board’s December agenda.

Note: Adoption of a permanent regulation must be done through a Roll Call Vote for each individual regulation, but the motion to adopt can be done as a group.

Enclosures:

1. JCARR Comments
2. Hearing Certification Statement
3. Economic Impact Statements
4. Triple-Stamped Regulations