

**BOARD OF EMERGENCY MEDICAL SERVICES  
DECEMBER 14, 2007**

The meeting of the Board of Emergency Medical Services was called to order by Bruce Beins, Chairperson, at 12:10 p.m. The meeting was held at the New World Inn, 265 33<sup>rd</sup> Ave, Drake Room, Columbus, Nebraska, 68601. Copies of the agenda had been sent to board members and other interested parties at least ten days prior to the meeting.

Roll was taken and the following members were present:

Shawn Baumgartner	Bruce Beins
Joel Cerny	Bob Dunn
Ann Fiala	Dan HakeI
Linda Jensen	Bob Olson
Clint Rasmussen	Jim Smith, MD
Val Snyder	Jeffrey Strawn
Tom Surber, MD	Leon Sykes MD
Scott Wiebe	

Members absent: Ron Balthazor, Mike Buscher.

Credentialing Staff present were:

Diane Hansmeyer, Administrator  
Patty Pierson, Health Licensing Coordinator  
Pam Harris, Health Licensing Specialist

Jim Smith left meeting at 12:13 p.m. Returned to meeting at 12:19 p.m.

**AGENDA**

Baumgartner moved to approve the agenda as presented. Snyder seconded.

Discussion: none.

Voting aye: Baumgartner, Beins, Cerny, Dunn, Fiala, HakeI, Jensen, Olson, Rasmussen, Snyder, Strawn, Surber, Sykes, Wiebe. Voting nay: none. Absent: Balthazor, Buscher, Smith. Motion carried.

**APPROVAL OF MINUTES – SEPTEMBER 28, 2007**

Sykes moved to approve the amended September 28, 2007, Board of Emergency Medical Services Minutes. Dunn Seconded.

Discussion: Linda Jensen pointed out that on page four of the September 28, 2007, Board of Emergency Medical Services Minutes the word “felted” should be changed to “felt”.

Voting aye: Wiebe, Sykes, Surber, Strawn, Snyder, Rasmussen, Olson, Jensen, HakeI, Fiala, Dunn, Cerny, Beins, Baumgartner. Voting nay: none. Absent: Balthazor, Buscher, Smith. Motion carried.

Bruce Beins, Chairperson, stated that since the board meeting started later some of the agenda items may be tabled so that the meeting could end by 5:00 p.m.

## **APPLICATIONS FOR LICENSURE / CERIFITCATIONS**

### SERVICES

Hakel moved to approve Arcadia Volunteer Fire and Rescue as a Transport Advanced Life Support Ambulance Service. Baumgartner seconded.

Discussion: Bob Olson, Chairperson of the Site Committee, stated that this application was tabled from the September's board meeting. Olson has completed their initial site inspection and everything was in order. They meet the current Advance Life Support Ambulance Service rules and regulations.

Voting aye: Olson, Jensen, Hakel, Fiala, Dunn, Cerny, Beins, Baumgartner, Wiebe, Sykes, Surber, Strawn, Snyder, Rasmussen. Voting nay: none. Abstain: Smith. Absent: Balthazor, Buscher. Motion carried.

Olson moved to approve the CJ Systems Aviation Group/Black Hills Life Flight as a Transport Advance Life Support Ambulance Service pending completing and passing their initial site inspection. Hakel seconded.

Discussion: Shawn Baumgartner stated that he had scheduled their site visit; however, it was canceled due to weather. Baumgartner stated that the paperwork is in order. They do not hold a CAMS certificate; however, at this time that is not a current requirement in the current Advance Life Support Ambulance Service rules and regulations.

Voting aye: Olson, Jensen, Hakel Fiala, Dunn, Cerny, Beins, Baumgartner, Wiebe, Sykes, Surber, Strawn, Snyder, Smith, Rasmussen. Voting nay: none. Absent: Balthazor, Buscher. Motion carried.

The Department received an application from Doniphan Quick Response Team as a Non-Transport Basic Life Support Ambulance Service. A copy of their application was sent to the Site Committee. Bob Olson, Chairperson of the Site Committee, stated that he has not set up their initial site visit at this time due to time conflicts. Olson stated that he will contact them to see if there is a need for their Nebraska Non-Transport Basic Life Support Ambulance Service Licensure before the February 8, 2007, Board of Emergency Medical Services Meeting. If there is a need for the Doniphan Quick Response Team licensure, the Department will do a mail ballot after Bob Olson does their site visit and they meet the current rules and regulations. Otherwise, their application will be tabled until the February board meeting.

## **INVESTIGATIONS REPORTS**

Olson moved to go into closed session at 12:20 p.m. for the purpose of protecting the reputation on individuals and reviewing investigation reports. Jansen seconded.

Discussion: none.

Voting aye: Olson, Jensen, Hakel, Fiala, Dunn, Cerny, Beins, Baumgartner, Wiebe, Sykes, Surber, Strawn, Snyder, Smith, Rasmussen. Voting nay: none. Absent: Balthazor, Buscher. Motion carried.

Scott Wiebe left the meeting at 12:50 p.m. Returned to closed session at 1:20 p.m.

Bruce Beins left the meeting at 1:20 p.m. Returned to closed session at 1:27 p.m.

Val Snyder left the meeting at 1:55 p.m. Returned to closed session at 2:00 p.m.

Scott Wiebe left the meeting at 2:00 p.m. Returned to closed session at 2:08 p.m.

The Board returned to open session at 2:30 p.m.

The Board took a short break at 2:40 p.m. to 2:50 p.m.

## **APPLICATION FOR LICENSURE/CERTIFICATIONS**

### INDIVIDUAL CERTIFICATIONS

Olson moved to approve Trista Cress, Nathan Storms, Dustin Wonder, Donald Jacobsen, and Thomas Kirkpatrick to practice as certified emergency medical technicians. Strawn seconded.

Discussion: none.

Voting aye: Olson, Wiebe, Sykes, Surber, Strawn, Snyder, Smith Rasmussen, Jensen, Hakel, Fiala, Dunn, Cerny, Beins, Baumgartner. Voting nay: none. Absent: Balthazor, Buscher. Motion carried.

Baumgartner moved to issue Bradley Palu a probationary certification for three years to practice as a certified emergency medical service technician with the following conditions: 1. Abstain from consumption of alcohol and/or drugs; 2. Attend an AA meeting at least twice per month; 3. Submit to random body fluid alcohol and/or drug testing; 4. Submit quarterly reports to the Department from his EMS service. The reason for this probationary certification is based on his diagnosis of chemical dependency and previous convictions. Snyder seconded.

Discussion: none.

Voting aye: Baumgartner, Beins, Cerny, Dunn, Fiala, Hakel, Jensen, Olson, Rasmussen, Smith, Snyder, Strawn, Surber, Sykes, Wiebe. Voting nay: none. Absent: Balthazor, Buscher. Motion carried.

Baumgartner moved to issue Christopher J Bauer a probationary certification until October 27, 2008, to practice as a certified emergency medical service technician paramedic with the following conditions: 1. Provide notice of the probation requirements to any emergency medical service for which you provide emergency services; 2. Refrain from conduct, which would constitute a misdemeanor or felony; 3. Provide written notification within seven (7) days of its occurrence, any change in your service affiliations; 4. Provide written notification to the State, within seven (7) days of change in residence; 5. Provide all reports, notices and other documentation, as directed by the Department; 6. Obey all state and federal laws and the rules and regulations regarding the practice of Emergency Medical Services; 7. Report any personnel action regarding your services taken by your chief officer or service affiliation, while providing services as an emergency medical technician paramedic 8; Pay any cost associated with insuring compliance with this probation. The reason for these probationary conditions was based on current probationary emergency medical technician certification and convictions. Sykes seconded.

Discussion: none.

Voting aye: Baumgartner, Rasmussen, Smith, Snyder, Strawn, Surber, Sykes, Jensen, Hakel, Fiala, Dunn, Cerny, Beins. Voting nay: none. Abstain: Olson, Wiebe. Absent: Balthazor, Buscher. Motion carried.

Dr Leo Sykes left the meeting at 2:50 p.m.

## **MISCELLANEOUS BUSINESS**

SET MEETING DATES FOR 2008'

The Board set the meeting dates for 2008'. The Board will hold a board meeting every other month due to increased board business. The meeting dates for 2008' are as follows:

1. February 8<sup>th</sup>, 2008
2. April 25, 2008
3. June 27, 2008
4. August 22, 2008
5. October 16, 2008
6. December 19, 2008

The October 16, 2008, Board of Emergency Medical Services Meeting will be held in conjunction with the Nebraska Volunteer Firefighters Association Annual Conference at North Platte, Nebraska.

### ELECTION OF OFFICERS

Bruce Beins, Chairperson, appointed Bob Olson as Chairperson Protem for election of officers.

Bob Olson opened nominations for Chairperson.

Dunn moved to cease nominations and cast a unanimous ballot for Bruce Beins as Chairperson. Smith seconded.

Discussion: none.

Voting aye: Baumgartner, Cerny, Dunn, Fiala, Hakel, Jensen, Olson, Rasmussen, Smith, Snyder, Strawn, Surber, Wiebe. Voting nay: none. Abstain: Beins. Absent: Balthazor, Buscher, Sykes. Motion carried.

Bob Olson opened nominations for Vice Chairperson.

Snyder moved to cease nominations and cast a unanimous ballot for Shawn Baumgartner as Vice Chairperson. Jensen seconded.

Discussion: none.

Voting aye: Wiebe, Surber, Strawn, Snyder, Smith, Rasmussen, Olson, Jensen, Hakel, Fiala, Dunn, Cerny, Beins. Voting nay: none. Abstain: Baumgartner. Absent: Balthazor, Buscher, Sykes. Motion carried.

Bob Olson opened nominations for Secretary

Beins moved to cease nominations and cast a unanimous ballot for Joel Cerny as Secretary. Snyder seconded.

Discussion: none.

Voting aye: Baumgartner, Beins, Dunn, Fiala, Hakel, Jensen, Olson, Rasmussen, Smith, Snyder, Strawn, Surber, Wiebe. Voting: nay. Abstain: Cerny. Absent: Balthazor, Buscher, Sykes. Motion carried.

### **REAFFIRMATION OF MAIL BALLOTS**

Strawn moved to reaffirm the mail ballots to approve Jason Bauer, Matthew McDonnell, Brian Nielsen, to practice as certified emergency medical technicians; Roger Danielski, Tricia Eaton to practice as certified first responders; Darci Jeffres, Ryan Malcom, Tracy Tyrrell to practice as certified emergency medical technicians-paramedics; and to approve Sign Language Courses for Continuing Education Hours requested by Annette Bruns. Fiala seconded.

Discussion: none.

Voting aye: Baumgartner, Beins, Dunn, Fiala, Hakel, Jensen, Olson, Rasmussen, Smith Snyder, Strawn, Surber, Wiebe. Voting nay: none. Abstain: Cerny. Absent: Balthazor, Buscher, Sykes. Motion carried.

Dan Hakel left the meeting at 3:00 p.m.

Bob Olson left the meeting at 3:15 p.m.

## **PROPOSED RULES AND REGULATIONS**

### EMS PROGRAMS DATA PROPOSAL

Strawn moved to table EMS Programs Proposals of reporting patient data within a twenty-four hour period, requiring additional data points, and mandating electronic reporting of patient data until the February 8, 2008, Board of Emergency Medical Services Meeting. Wiebe seconded.

Discussion: The Department and board members received emails and letters expressing concerns on reporting patient data within a twenty-four hour period, the need of additional data points, and mandating electronic reporting. The general consensus has been that there may be services that would not be able to finish patient data until they are back at the service or if there is a change in shifts to meet the twenty-four hour reporting requirement; the need of additional data points; the difficulty of receiving the required data points from all services quarterly; and the hardship financially on some of smaller rural services in acquiring the equipment needed to meet the requirement of mandating electronic reporting. A question was asked has EMS Programs contacted other States regarding electronic reporting and how many States require electronic reporting. The Board felt that Dean Cole, EMS Programs Administrator and/or Carla Becker, Health Data Manager, could address these issues at the next board meeting. Diane Hansmeyer will invite them to the February board meeting.

Voting aye: Wiebe, Surber, Strawn, Snyder, Smith, Rasmussen, Jensen, Fiala, Dunn, Cerny, Beins, Baumgartner. Voting nay: none. Absent: Balthazor, Buscher, Hakel, Olson, Sykes. Motion carried.

### UNPROFESSIONAL CONDUCT OF EMS INSTRUCTORS

Diane Hansmeyer, Office Administrator, reported that we have found some EMS Instructors, who teach outside the course curriculum, is causing students to believe they can perform a skill that was not in the scope of practice. Hansmeyer explained that the issue of teaching outside the curriculum could be placed under the unprofessional conduct regulation for instructors. Bruce Beins, Chairperson, assigned this issue to the Training Agency Subcommittee to bring a recommendation to the Board.

Jeffrey Strawn left the meeting at 3:35 p.m.

## **CONVICTION GUIDELINES**

Fiala moved to add to the approved Conviction Guidelines the wording "Issue non-restricted license if no current probation for the following: Urinating in Public; Maintaining a Disorderly

House; Disturbing the Peace; Hunting and Fishing Violations; No Park Sticker; and In Park after Hours". Smith seconded.

Discussion: Diane Hansmeyer, Office Administrator, stated that the Board has already approved the Conviction Guidelines that are used by the Department staff. Hansmeyer asked the Board if they would like to consider adding some items to the approved Conviction Guidelines. She presented the Board copies of the Conviction Guidelines used by the Board of Physical Therapy and the Board of Alcohol and Drug Counselors. (Attachment A and Attachment B) Hansmeyer pointed out on the back page of the Board of Physical Therapy the issuing of a non-restricted license if no current probation for the following: urinating in Public, maintaining a Disorderly House, disturbing the Peace, Hunting and Fishing Violations, no park sticker, and in park after hours.

Voting aye: Jensen, Fiala, Dunn, Cerny, Beins, Baumgartner, Wiebe, Surber, Snyder, Smith, Rasmussen. Voting nay: none. Absent: Balthazor, Buscher, Hakel, Olson, Strawn, Sykes. Motion carried.

Fiala moved to change the wording under the "Terms and Conditions" of the approved Conviction Review Guidelines from "Licensing" to "Consider Licensing". Smith seconded.

Discussion: It was pointed out that under "Terms and Conditions" a license that was referred to the License Assistance Program (LAP) should be considered before a candidate is licensed.

Voting aye: Baumgartner, Beins, Cerny, Dunn, Fiala, Jensen, Rasmussen, Smith, Snyder, Surber, Wiebe. Voting nay: none. Absent: Balthazor, Buscher, Hakel, Olson, Strawn, Sykes. Motion carried.

Hansmeyer stated that she will make these corrections and bring them back to the next board meeting. She also pointed out that the Board may want to review further the Conviction Review Guidelines used by Alcohol and Drug Counselors to see if the Board wants to make any additional changes.

## **TASK FORCE COMMITTEE (FOCUS GROUP)**

Baumgartner moved that the Board of Emergency Medical Services continue to study using only the "Skills Competency Test" for emergency medical technicians and first responders. Snyder seconded.

Discussion: Members of the EMS Focus Group met with Senator Flood on Wednesday, November 21, 2007 at the State Capital. Shawn Baumgartner, Chairperson of the Task Force Committee, stated that not all members of the Focus Group were able to attend this meeting. The reason Senator Flood rescheduled was because he was scheduled for surgery and would not have an opportunity to meet with the Focus Group prior to the legislation session.

The Focus Group's intent was to restate the group's position that an EMT-Basic was the minimum standard in transporting patients and the group supported the concept of a provisional license of a student in an EMT-Basic Course.

Baumgartner stated that he briefed Senator Flood on the Board of Emergency Medical Service's discussion at the September board meeting on eliminating the written examination or having only the practical examination at the EMT-Basic level. The Board would not adopt the National EMS Education Standards for the EMT level and would have to develop a "Skills Competency Test" without a written test. The "Skills Competency Test" would be administered by state approved testers and include an oral scenario type test station.

Senator Flood proposed that if the EMS Community would consider this concept and work with his office he would not introduce the First Responder Transport Bill. He would introduce a bill to make the changes needed to the EMS Act to accomplish the concept.

The Board has received letters and emails in support of keeping the National Registry at the 1<sup>st</sup> responder and emergency medical technician levels. During the Board of Emergency Medical Services Question and Answer period at the Leadership Conference, the public consensus was to keep the National Registry Examination at the basic level. It is felt by the public that National Registry tests the basic competency of the 1<sup>st</sup> responders and emergency medical technicians across the State and from individuals coming from other States into Nebraska.

A question was asked if a new requirement for certified 1<sup>st</sup> responders and emergency medical technician would have an effect on reimbursement from Medicaid/Medicare. Baumgartner answered that as long as a service is licensed and has certified out-of-hospital emergency care providers the service would be reimbursed from Medicaid/Medicare.

Voting aye: Baumgartner, Beins, Cerny, Dunn Fiala, Jensen, Rasmussen, Smith, Snyder, Surber. Voting nay: Wiebe. Absent: Balthazor, Buscher, Hakel, Olson, Strawn, Sykes. Motion carried.

## **SCOPE OF PRACTICE COMMITTEE**

### NURSE'S SCOPE OF PRACTICE MODEL

There is nothing new at this time.

Val Snyder left the meeting at 4:30 p.m. Returned to the meeting at 4:45 p.m.

## **OUT-OF-HOSPITAL PERSONNEL COMMITTEE**

### REVIEW CONTINUING EDUCATION HOURS FOR THE TWO YEAR RENEWAL REQUIREMENT

Cerny moved to approve the following number of continuing education hours for the two-year renewal. Wiebe seconded.

Discussion: Joel Cerny, Chairperson of the Out-of-Hospital Personnel Committee, recommended the continuing education hours for the new two year renewal requirement as follows:

1. 1<sup>st</sup> Responder – would be 15 continuing education hours.
2. EMT-Basic – would be 20 continuing education hours.
3. EMT-Intermediate – would be 20 continuing education hours at the basic level and 10 continuing education hours at the advanced level for a total of 30 hours.
4. EMT-Paramedic – would be 30 continuing education hours at the basic level and 15 continuing education hours at the advanced level for a total of 45 hours.

Voting aye: Wiebe, Surber, Smith, Rasmussen, Jensen, Fiala, Dunn, Cerny, Beins, Baumgartner. Voting nay: none. Absent: Balthazor, Buscher, Hakel, Olson, Snyder, Strawn, Sykes. Motion carried.

## **TRAINING AGENCY COMMITTEE**

There is nothing new at this time.

## **SERVICE PROGRAMS COMMITTEE**

### EMS SERVICE SELF-INSPECTION FORM & REG

Baumgartner moved to approve "The EMS Service Self-Inspection Form and the amendment to TITLE 12, Emergency Medical Services, Section 12-007, Inspection of Emergency Medical Services. Rasmussen seconded.

Discussion: The EMS Service Self-Inspection Form would be used to assist with assuring compliance with the current rule and regulations. Services would be required to use the Emergency Medical Services Self Inspection Form at the time of their license renewal unless the services are chosen for audit. The EMS Service Self-Inspection Form would not replace the renewal audit.

Voting aye: Baumgartner, Beins, Cerny, Dunn, Fiala, Jensen, Rasmussen, Smith, Snyder, Surber, Wiebe. Voting nay: none. Absent: Balthazor, Buscher, Hakel, Olson, Strawn, Sykes. Motion carried.

#### SERVICE'S BACK UP RESPONSE PLAN

TITLE 172 NAC 12, Section 12-003.04L and Section 12-004.04I states basic/advanced life support services must have a written back up response plan in the event of their inability to respond to requests for their services. The Services Programs Committee added the wording "The plan must list how many times the activation mode is sounded and time period between each if no response. The back up service must be requested no more than ten (10) minutes after there has been no response to the original call activation. The plan must be approved by the Physician Medical Director of the service". The Board had discussion of time frame, how many times the service is paged before mutual aid is called, and then approval of their Physician Medical Director. This item was tabled until the next board meeting.

#### AIR AMBULANCE REGULATIONS

A draft copy of 172 NAC 12, Section 12-005, Additional Standards for Aircraft, was given at the September 28, 2007, Board of Emergency Medical Services Meeting. Scott Wiebe contacted several surrounding States regarding rules and regulations for air ambulances. Many of the States require the Commission on Accreditation of Medical Transportations Systems (CAMTS) Certification. The Board discussed listing the criteria of CAMTS Certification instead of requiring CAMTS certification; training of someone to do air ambulance inspections; and if CAMTS would eliminate air ambulance services from other areas coming into Nebraska to take patients out of state. No decisions made. A service would have a period of up to four years to become CAMTS certified. The Service Committee will work with the Department on a final draft. This item was tabled until the February 8, 2008, Board of Emergency Medical Services Meeting.

#### **NON-STATE REGULATORY COMMITTEE**

There is nothing new at this time.

#### **LEGISLATIVE COMMITTEE**

Bruce Beins, Chairperson of the Legislative Committee, reminded the Board about a few bills that may have an effect on EMS. Those bills are as follows: 1. Senator Flood's legislation regarding patient transportation; 2. "Do Not Resuscitate" legislation; 3. Trains blocking traffic. This is a short legislative session. Beins stated that he will keep the Board informed on Senator Flood's legislation in case there is a public hearing before the next board meeting.

#### **PROTOCOLS/NARSIS COMMITTEE**

DESIGNATE A PRIMARY CARE GIVER

There is nothing new at this time.

**MISCELLANEOUS BUSINESS**

TRAUMA BOARD LIAISON REPORT

There is nothing new at this time.

NATIONAL ACCREDITATION FOR PARAMEDIC PROGRAMS

Diane Hansmeyer reported to the Board that after the year 2012 National Registry will require all advanced training agencies to be accredited by the Community of Credential of Educational Program for the EMS Professional. This accreditation will be required for paramedic programs.

There being no further business, Bruce Beins, Chairperson, adjourned the meeting at 5:15 p.m.

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Joel Cerny, Secretary