

**MINUTES OF THE MEETING**  
**of the NEBRASKA**  
**BOARD OF Emergency**  
**Medical Services**  
**February 10, 2023**

**CALL TO ORDER**

The meeting of the Nebraska Board of Emergency Medical Services was called to order by Dr. James Smith, Board Chairperson, at 9:05 a.m., February 10, 2023, at the DHHS SE Area Office 5220 S. 16<sup>th</sup> Street, Lincoln NE 68508. Copies of the agenda were emailed in advance to the Board members, emailed to interested parties, and posted on the Department of Health and Human Services website on 02/06/2023. Smith announced the location of an available copy of the Open Meetings Act within the room.

**ROLL CALL**

The following board members were present to answer roll call:

- Michael Bailey
- Ryan Batenhorst
- Noah Bernhardson
- Randy Boldt
- Karen Bowlin
- Joel Cerny
- Ann Fiala
- Prince Harrison
- Todd Hovey
- Linda Jensen
- Jonathan Kilstrom
- Brent Lottman
- Dion Neumiller
- Carolyn Petersen-Moore
- Michael Sheridan
- Dr. James Smith
- Leslie Vaughn

The following Board members were absent: None

The following staff members from the Department and the Attorney General's Office were also present during all or part of the meeting:

- Tonja Bohling
- Christy Duryea
- Michelle Eutsler
- Alex Hartzell
- Mason Holmes
- Carol Jorgensen
- Diane Schoch
- Wendy Snodgrass
- Sharon Steele
- Edith Titamoh
- Tim Wilson
- Sherri Wren
- Mindy Lester, Assistant Attorney General
- Jeanne Burke, Assistant Attorney General

A quorum was present, and the meeting convened.

**ADOPTION OF THE AGENDA**

**MOTION:** Boldt made the motion, seconded by Sheridan, to adopt the agenda for the February 10, 2023, Board of Emergency Medical Services meeting.

Voting Yes: Bailey, Batenhorst, Bernhardson, Boldt, Bowlin, Cerny, Fiala, Harrison, Hovey, Jensen, Kilstrom, Lottman, Neumiller, Petersen-Moore, Sheridan, Smith, and Vaughn. Voting No: None. Abstain: None. Absent: None. Motion carried.

These minutes have been approved by the  
Board of EMS May 15, 2023.

**APPROVAL OF THE MINUTES**

**MOTION:** Sheridan made the motion, seconded by Bailey, to approve the minutes of the December 9, 2022 meeting with the following amendments: page 4, line 6 psychomotor is misspelled, page 5, line 18 Coffey is misspelled, page 5 IV Certificate EMT states they will be able to give D10. The comment about D50 should be struck as there was no intent for them to give D50 and the motion clearly describes only D10.

Voting Yes: Bailey, Batenhorst, Boldt, Cerny, Fiala, Harrison, Hovey, Jensen, Sheridan, Smith, and Vaughn. Voting No: None. Abstain: Bernhardson, Bowlin, Kilstrom, Lottman, Neumiller, and Petersen-Moore. Absent: None. Motion carried.

**CLOSED SESSION**

**MOTION:** Bailey made the motion, seconded by Vaughn, for the Board to go into closed session for the purpose of reviewing and discussing investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals.

Voting Yes: Bailey, Batenhorst, Bernhardson, Boldt, Bowlin, Cerny, Fiala, Harrison, Hovey, Jensen, Kilstrom, Lottman, Neumiller, Petersen-Moore, Sheridan, Smith, and Vaughn. Voting No: None. Abstain: None. Absent: None. Motion carried.

9:13 am Meeting went into closed session.  
 9:13 am Linda Jensen left  
 9:13 am Tim Wilson left  
 9:25 am Linda Jensen returned  
 9:25 am Tim Wilson returned  
 10:07 am Meeting returned to Open Session.

**OPEN SESSION**

**MOTION:** Fiala made the motion, seconded by Bailey, for the Board to go into open session.

Voting Yes: Bailey, Batenhorst, Bernhardson, Boldt, Bowlin, Cerny, Fiala, Harrison, Hovey, Jensen, Kilstrom, Lottman, Neumiller, Petersen-Moore, Sheridan, Smith, and Vaughn. Voting No: None. Abstain: None. Absent: None. Motion carried.

**LICENSURE RECOMMENDATIONS****ALEXANDER WITT – REINSTATEMENT APPLICATION**

**MOTION:** Bowlin made the motion, seconded by Jensen, to table the Alexander Witt application for reinstatement to obtain more information.

Voting Yes Bailey, Batenhorst, Bernhardson, Boldt, Bowlin, Cerny, Fiala, Harrison, Hovey, Jensen, Kilstrom, Lottman, Neumiller, Petersen-Moore, Sheridan, Smith, and Vaughn. Voting No: None. Abstain: None. Absent: None. Motion carried.

**SHAYLYNN REICHERT– REINSTATEMENT BY BALLOT VOTE**

**MOTION:** Bernhardson made the motion, seconded by Bailey, to approve the ballot vote for reinstatement for Shaylynn Reichert.

Voting Yes: Bailey, Batenhorst, Bernhardson, Boldt, Cerny, Fiala, Harrison, Jensen, Kilstrom, Sheridan, Smith, and Vaughn. Voting No: None. Abstain: Bowlin, Hovey, Lottman, Neumiller, and Petersen-Moore. Absent: None. Motion carried.

### **OFFICE OF EMERGENCY HEALTH SYSTEMS UPDATES**

Program reports were submitted for Board review prior to the meeting and were in the portal.

- a. Licensing: Tim Wilson gave an additional update on the Licensing Program report. He emphasized that all measures were taken to communicate to those eight or nine services on the list of expired EMS Services that did not get their renewals in by the deadline. Executive orders that directly impact EMS have expired so continuing education is now required. 2023 is the renewal year for EMTs so the 20 hours of continuing education needs to be completed prior to license renewal. For initial licensure applicants, the fingerprint background check is required. Applicants can submit an early application to start the background check process. Jensen suggested to send out a message stating there is a shorter time frame to get the continuing education hours done (one year instead of two years). Wilson will work with the department to get information out to EMTs and send out reminders throughout the year as well as make announcements during the March and July Conferences. Wilson addressed licensing audits. The recommendation for this year is not to do any audits due to continuing education being waived last year. The only ones that could be audited would be instructors and Wilson did not see any reason for them to be audited if providers are not being audited.

**MOTION:** Boldt made the motion, seconded by Fiala, to waive the percentage of audits performed by DHHS for this renewal cycle for both instructors and providers.

Voting Yes: Bailey, Batenhorst, Bernhardson, Boldt, Bowlin, Cerny, Fiala, Harrison, Hovey, Jensen, Kilstrom, Lottman, Neumiller, Petersen-Moore, Sheridan, Smith, and Vaughn. Voting No: None. Abstain: None. Absent: None. Motion carried.

- b. EMS Program: Carol Jorgensen had one additional update from the EMS Program Report submitted. Tim Wilson and Brad Harm attended a meeting of the State Opioid Response Division. More information will be coming from this meeting. The information will consist of a way to receive Naloxone nasal spray for Emergency Responders, Law Enforcement and Peace Officers. This is offered through the Opioid Substance Grant. Tim commented it is a no-charge Naloxone. It is a nasal spray and is open to all EMS, Fire and Law Enforcement. The shelf life has been extended to three years. There is some reporting required because it is tied to a grant. When ordered, it is ordered and shipped by the case (12) and the case will need to be retained by whoever ordered it. Wilson also mentioned the possibility and feasibility of getting the injectable Naloxone 4mg for the ALS services as well. EMS Specialists will be sending out the information to all the EMS contacts via email. Becka Neumiller will send information out to the law enforcement agencies. The form/information will be sent to the Board and be put in the newsletter. Tim Wilson added information regarding Medicaid ground ambulance reporting. If a service has been selected to do the Medicaid ground ambulance reporting and they do not report, they will be subject to a 10% administrative penalty with their Medicare funds, which could impact the reimbursement the services are getting.
- c. Education & Training Agency Compliance: Wendy Snodgrass had one additional update on education data being collected on student retention. She announced this data will be used for informational content in the pre-course video. Dr. Smith brought up language barriers being reported as one reason students are leaving. Fiala commented on these barriers asking if classes were offered in other languages. The issue is the National Registry cognitive exam is only in English. Another item was the Nebraska cognitive pass rate exceeds the national pass rate. Complaints brought up to board members relative to training agencies should be directed to the forms on the website to file a formal complaint. It was brought up nursing industry veterans who they let into their programs and maybe EMS should also. Snodgrass also added proposed regulations are changing the two-year pass rate to 75%. Training agencies need to look at their data to make sure they are going to hit the new regulatory requirement.

- d. Emergency Medical Services for Children: Tim Wilson reported the EMSC program is finishing up the grant cycle and carryover funding from last year and waiting for the new grant to be awarded. Debbie Kuhn commented 45% of services responded to the Ambulance Assessment. Edith Titamoh will call people if need be. 191 services have not responded to the survey. Tonja ran a list of services that have not responded. Contact Debbie for that list so these services can be encouraged to get the survey completed. Health Resources and Services Administration (HRSA) requires an 85% response rate. Services are encouraged to complete the questionnaire. Pediatric transport devices are also being looked at to determine which one will be purchased with grant money. Grant funding may be increased from \$130,000 to \$205,000 (an increase of \$75,000). Information on this increase will be announced on April 1, 2023. The concern is the current grant ends March 31, 2023.
- e. Critical Incident Stress Management: Tim Wilson recapped the written report. There continues to be a lack of participation at trainings from mental health providers. Mindy Lester with the Attorney General's office suggested going to board of mental health and asking for professionals willing to present at trainings.
- f. Trauma System: Tim Wilson recapped the written report. Trauma forms and regulations are getting updated. Statute changes have been proposed. Wilson will address this later. Diane Schoch commented the location of the Trauma Nurse Coordinator's Conference in June has been changed to Bryan East Campus in Lincoln. She also added trauma center designations are up to 53 as of this date. Dr. Smith asked about the implications of a hospital not reapplying for designation as a trauma center. Wilson answered the Trauma System is currently voluntary. The advantages of designation are: 1) Trauma education opportunities for hospital staff (specifically nursing). 2) Financially, each trauma center can charge a trauma activation fee. 3) Designated hospitals have access to level one trauma center providers for consultations regarding process improvement, training, and educating providers. Dr. Smith also asked, is there a trauma requirement for hospitals to get certified? Wilson answered, no, there is no trauma requirement. Schoch commented she is working with Sidney, Cozad, and Grand Island Regional. She sees this support as a tremendous benefit to hospitals compared to those that are not designated. Smith reminded everyone about the repeal of the helmet law before the Legislature.
- g. Stroke/STEMI System: Tim Wilson highlighted work done in this program (see written report submitted). The Helmsley grant is close to the end of the second year. Number of law enforcement AED uses are in the written report. Advertising regarding Law Enforcement Officers and AEDs will be sent out this month. The Stroke Advisory Task Force is back up and running.
- h. EHS Data Systems: Sharon Steele gave an update. In addition to her written report, she is still working on preliminary work for the transition to the newest version of NEMSIS. Nothing has been done with this transition as it is still not sure which reporting software will be chosen. She has attended ImageTrend meetings. Tim Wilson spoke on the new reporting software Request for Proposal (RFP). It was officially posted on Monday with a contract sign date of May 1, 2023. Submissions have been made for both the EMS Data System and Trauma Registry System, two RFPs in one. Once scoring is complete, there will be an open demonstration with OEHS staff and IT staff as well as a small crosscut of users from EMS and Trauma programs and get their feedback. The current contract will be extended to allow for the transition time. Whether or not a new system is chosen, there will be training offered due to the transition/update. Wilson also announced Doug Fuller, who works with eNARSIS, has officially submitted his retirement. His last day will be April 28, 2023. This position will be open for hire and Wilson hopes to have it filled in time for the new hire to work with Doug and Sharon during the month of April.
- i. Update on Zoom Options for Meetings: Wilson emphasized to the board members and attendees that it is hard for remote attendees to hear what is said at Board meetings, so please speak up. He also addressed options DHHS IT is working on to get this issue fixed and added he is hopeful, by the next Board meeting, we will have solutions and better coverage for the audio. Currently there are two video conference rooms being developed in the basement of the Nebraska State Office Building (NSOB) that will be available for future meetings. One room would accommodate 100 attendees and the other would accommodate 50 attendees. Parking is available in the garages

and the Cornhusker works with the Department for those needing an overnight stay for meetings. Wilson will keep the Board updated on the progress of these options.

- j. Statewide Physician Medical Director Update: Dr. Ernest discussed the state model protocols are now soft-published and close to being rolled out. He will send out a copy to the Board. He brought forward to the Board a question discussed at the National Conference for EMS Physicians in Tampa, FL regarding the use of Droperidol that can be used with patients exhibiting delirium or agitation. Droperidol is not currently on the state formulary and Dr. Ernest offered to submit a proposal to Tim Wilson that Droperidol be added to the state protocols. Trauma protocols were discussed regarding regional opinions. Another question Dr. Ernest posed to the board regarding the different designations and skill levels for certifications for EMTs, AEMTs, etc. was, how does the Board want that to look in the State protocols? It was suggested to have a cohesive Scope of Practice document for the State. Dr. Ernest brought up the topic of diversion as it relates to rural hospitals as well as cities and again asked the Board what protocols should look like to address this issue. The topic of prehospital intubation for pediatrics was brought up for consideration of protocol modification. Dr. Ernest gave an update on the development of the protocols application. There will be meetings coming up with the application developer regarding cost, publication, etc. and more updates coming at the next Board meeting. The Foundation Medical Director course is out, and Dr. Ernest is working on this with more to come. The EMS Board should consider looking at rules and regulations regarding the use of paramedics who are doing in-hospital work only. There is no guidance document telling what they can and cannot do. He suggested the board look at how to regulate these positions in a hospital setting.

## **EMS COMMITTEE REPORTS**

The following committee reports were given:

- a. Assignments & Liaisons: Dr. Smith explained committee assignments (see handout) and a brief of the new committee structure. These committees will need to update the Board on committee activity at board meetings.

**MOTION:** Bowlin made the motion, seconded by Hovey, to approve the committee assignments and liaisons including the Nominating Committee and the Board Consultants.

Voting Yes: Bailey, Batenhorst, Bernhardson, Boldt, Bowlin, Cerny, Fiala, Harrison, Hovey, Jensen, Kilstrom, Lottman, Neumiller, Petersen-Moore, Sheridan, Smith, and Vaughn. Voting No: None. Abstain: None. Absent: None. Motion carried.

- b. Legislation and Rules and Regulations: Tim Wilson reported on the status of EMS Rules and Regulations, and on the Legislature's process of Statutes.
  - i. Rules and Regulations Status – Have been approved by Board of Health and sent to Attorney General's office for review. Once they come back, they will go to the Governor's Office.
  - ii. Introduced Legislative Bills – Tim Wilson gave an update of the following bills in the Legislature affecting EMS: LB5, LB16, LB47, LB91, LB200, LB271, LB291, LB315, LB415, LB431, LB460, LB464, LB480, LB490, LB501, LB503, LB511, LB513, LB549, LB615, LB619, LB646, LB668, LB765, and LB810.
- c. Scope of Practice: Ann Fiala thanked Dr. Ernest's input on Model Protocol Revisions.
  - i. Model Protocol Revision – The Scope of Practice Committee is continuing to work on this. Dr. Smith provided feedback to run the document through a verbiage editor. Hovey commented and discussion was had on having an editable document.
  - iii. Proposed Changes/Additions/Deletions – No new changes, additions, or deletions.

The Board took a lunch break at 11:43 am and resumed the meeting at 12:20 pm.

## **PRIVACY PROTECTION FOR QA/QI INVESTIGATIONS**

Alice Dalton brought up for clarification on discoverability asking, having the burden of proof, how does a healthcare provider or individual claiming privileges under the Healthcare Quality Improvement Act subsection 2 under 71-7913 prove that the communication of documents is protected? Tim requested Dalton to provide her questions in writing and he will get it to Teresa for her to investigate and come up with an answer.

## **LB 1014 ARPA FUNDING**

Tim Wilson gave an update of ARPA funding. This is the award for \$20 million for ambulances and \$5 million for EMS equipment. All the applications have been reviewed and scored. This week, several services have received notification of the intent to fund. This is not the actual award. Services that are notified and would like to receive this award, need to send a letter stating they accept this award as well as send in the required documentation. Once the intents are all in, work will start on getting the agreements in place. There has been \$33-34 million requested for ambulances and \$13 million requested for EMS equipment. This shows the great need for ambulances and equipment. Also, if other departments do not use all their funds, the remaining funds will be reallocated to those departments where there is a need. Notifications will go out this week. Final notifications will start next week. Agreements will be put together after that. Press releases are being worked on for this along with visuals that show where this funding went across the state.

## **NSVFA UPDATE**

Joel Cerny reported on Nebraska State Volunteer Fire Association (NSVFA). May 19, 2023 is the Annual Fire School for the Association. The 21<sup>st</sup> Fire School Book will come out mid-March. There are about 25 classes. One class is a recruitment and retention class. One of the classes will be a twelve-hour segmented EMS class. National Fire Meeting in Washington, DC is the same weekend. The Safer Grant 3 for \$1.3 million is closed out. All but \$378 of that grant was spent. Safe Grant 4 is going strong. This grant includes sending people to National Recruitment and Retention Symposiums; the next one is in June in Oklahoma City. The Senator's breakfast was held January 17, 2023. This was well attended. In attendance as well was Governor Pillen. Senator Bostleman was presented a plaque for his hard work over the last several years for getting several EMS bills passed or at least introduced. The Legislative Stance Meeting was held on January 28, 2023, where 60 bills were reviewed. LB14 and LB460 are the main EMS bills being watched as well as the cancer bill although it is not as EMS related.

## **Nebraska Emergency Medical Services Association (NEMSA)**

Marlene Bomar reported April 6, 2023 is the Legislative Breakfast. Lobbyists were met with, and Legislative bills were discussed. Bills impacting EMS will be watched and representatives of NEMSA will sit in on the Legislative Session. The NEMSA Board along with lobbyists will continue to help and support EMS. March 9-12, 2023 is the Super Conference at the Younes Center in Kearney.

## **EXECUTIVE COMMITTEE ELECTIONS**

Dr. Smith opened the floor for nominations for Chair, Vice Chair, and Secretary/Treasurer. Nominations included Dr. James Smith as Chair, Ann Fiala as Vice Chair, and Mike Bailey as Secretary/Treasurer.

**MOTION:** Jensen made the motion, seconded by Boldt, to keep the current officers in their current positions for the upcoming year.

Voting Yes: Batenhorst, Bernhardson, Boldt, Bowlin, Cerny, Harrison, Hovey, Jensen, Kilstrom, Lottman, Neumiller, Petersen-Moore, Sheridan, and Vaughn. Voting No: None. Abstain: Bailey, Fiala, Smith. Absent: None. Motion carried.

**PUBLIC COMMENT**

Michael Dwyer addressed EMS as an essential service from the December meeting. Also addressed was the topic of EMS in Nebraska being pay-based versus volunteer-based. Smith also spoke of a “What If Day” during EMS week. Sharon Steele could be a resource for this.

**CONCLUSION AND ADJOURNMENT**

There being no further business, the meeting adjourned at 12:45 p.m.

Respectfully submitted,

Tonja Bohling  
OEHS Administrative Technician