

Summary Minutes

Emergency Medical Services Regulatory Board

Executive Committee Meeting
Friday, April 30, 2010
2829 University Avenue SE
Minneapolis, Minnesota

Members Present

James Rieber, Chair (by phone)
Pat Lee
Kevin Miller
Gary Pearson

Members Absent

Paula Fink Kocken, M.D.

Guests

Ron Robinson

Staff Present

Katherine Burke Moore
Melody Nagy (open session only)

I. Call to Order

Ms. Burke Moore said that the minutes from the meeting will need to be provided in good detail because this is an emergency meeting. Per statute very little notice of an emergency meeting is given and detailed minutes are expected. She commented that Ms. Nagy consistently provides good minutes.

Ms. Burke Moore said that the bill (HF 1993) will be heard by Ways and Means in the House on Monday and the Board needs to decide how and if we are going to respond to the current language in the bill. Mr. Rieber said that Ways and Means does not take testimony. However, we can discuss this issue with legislative members before or after the hearing.

Ms. Burke Moore handed out a chart that represents how the \$450,000 error affected the EMSRB budget lines. She explained that cuts could not be taken from the Longevity fund during in the first cuts. She said that the Executive Committee chose not to take cuts from regional program funding for the FY 10 budget. She explained the proposed cuts for FY 10 and FY 11. Mr. Lee said that the regional programs were cut by 5% in FY 10. Ms. Burke Moore agreed that there was a cut from the original budget \$39,552 or \$4,944 per region. Those are base budget reductions. But the regions did not experience a cut from the \$450,000 drafting error amount. This was an Executive Committee decision.

Mr. Rieber said that the adjusted budget amount became the base budget. The governor's proposed budget is what we still need to cut this year. The 6% and 3% cuts.

Mr. Rieber asked if the grants have been amended. Ms. Burke Moore said that an email was sent in April regarding the cuts. She was told not to amend the contract yet and amend them again after the session. We do not have final amounts from the session. Mr. Miller said that the Executive Committee was clear at the last meeting that an amendment was to be made right away. Mr. Rieber said that we cannot amend the regional programs with the reductions. Ms. Burke Moore said that she understood that we were not to amend the contracts yet. We know the reduction formula but we do not know the final outcome. Mr. Miller said that the comment that Ms. Burke Moore made was that "this will be amended today".

Mr. Rieber said that he asked for an answer from the AG's office on an effective date for the reductions; when was the official notice. (From the date of the proposed reduction or from the date of the amendment, once the amended contract is signed).

Mr. Rieber said that the regional programs are still eligible to receive funds since no contract amendment has been made.

Mr. Lee said that some of the regional programs that have used up all their funds will not be affected; only the Regional Programs that have not used up all their funds will be affected by the reductions.

Mr. Rieber said that there are expenses that we have no control over that must be paid. He asked at the last meeting if we need to call a special Board meeting. He asked if the Executive Director has the authority to sign the amendments to the contract. Mr. Rieber said that he thinks the Executive Director does not have the authority to amend a contract without Board approval. Mr. Rieber said that the Executive Committee can authorize this once we have a document to review. We need to provide proper notice to the regional programs. Mr. Rieber asked if there is a 30 day rule in order to modify a contract. Ms. Burke Moore said that this is the policy for reimbursement of expenses not notification. Mr. Rieber said that changes or modifications must have a 30 day notice. Mr. Lee agreed. Ms. Burke Moore said she would have to check the grant language.

Mr. Miller asked why that did not happen. Ms. Burke Moore said that it did happen. She had sent an email to the Regional Programs and CALS in early April. Mr. Rieber said that notice needs to happen today. This notice would go to the Regional Programs and CALS. Mr. Rieber said that there could be a \$40,000 cut to the operations because we did not follow the process. Mr. Rieber said that the 6% and 3% cuts are not finalized. Mr. Rieber asked about an additional reduction column for these in the chart.

Mr. Rieber said that the legislature is suggesting returning money to the Regional Programs and CALS program to make them whole (back to their original budget amount).

Ms. Burke Moore read the amendment language. Ms. Burke Moore said that volunteer training reimbursement (VTR) should be restored as well because we took a significant amount from the fund. Mr. Rieber said that VTR is not a grant program and should be restored.

Mr. Rieber asked about the -\$1900 [base budget reduction] reflected on the chart for longevity. Ms. Burke Moore said that she thinks this is an error. Mr. Rieber asked what the correct number is. Ms. Burke Moore said that if you take the 361,000 and add the two amounts for the Regional Programs and CALS they would receive the restored amount. Mr. Lee thought that it was \$408,000.

Mr. Lee said that the committee asked for the line item budget. Mr. Pearson said that he and Ms. Burke Moore are going to meet to discuss this.

Mr. Rieber said that the goal of this is to get these programs back to whole. Then the rest of the money would come to the EMSRB budget to restore the loss. Mr. Pearson said that if you look at CALS they would receive \$100,000 to make them whole.

Mr. Rieber said that the amendment should include language for \$100,000 to CALS. We need to know the number for the Regional Programs. The money that is left that Senator Berglin is trying to shift is \$245,000. The remaining money should go to the EMSRB budget; part to EMS operations and part to VTR. Mr. Rieber said that all the programs will still need to take the 3% and 6% reductions. We must take this out of operations because we must reduce the grants but cannot amend the contracts for money that has already been spent.

Mr. Rieber said that we should explain to the legislature that we must be able to reduce the CALS program contract by 6%, but if we cannot reduce the contract then we should not have to take the budget reduction.

Mr. Rieber said that the remaining funds after the Regional Programs and CALS are restored would be approximately \$116,000. He said that the Regional Program original budget was \$729,500. Ms. Burke Moore said that \$624,144 was the original grant amount to the Regional Programs. Mr. Lee said that the \$624,144 divided by eight for a two year contract.

Mr. Rieber said that we must ask if we must take the reductions on the program dollars or only take reductions on where they can amend the contracts. Their goal is to make the Regional Programs and CALS whole. Mr. Miller stated that CALS should have been at \$503,000 before the cut that is why they are asking to be moved from the EMSRB. Mr. Rieber said that would only leave \$55,000 for EMSRB operations.

Ms. Burke Moore clarified that following MMB direction there would be a 6% reduction for CALS, Regional Programs and VTR.

Mr. Rieber asked for a clarification of the Regional Program amount of \$624,144. Ms. Burke Moore said that Ms. Vangness made the chart and she asked her to participate in this meeting by phone. Mr. Lee suggested that Mr. Doyle should be included in this conversation.

Mr. Rieber said that he wants to discuss the option of an 11% reduction across the board. We need to meet with the MAA and Regional Programs to understand their position.

Ms. Burke Moore asked Mr. Rieber if he means that the EMSRB and the MAA should agree on the budget. Mr. Rieber said that we need to discuss this together and understand each groups position. We can work through some of these things so that we do not battle in front of a legislative committee. Ms. Burke Moore said that we can respectfully disagree and reach some compromises. Mr. Rieber said that the EMSRB should be meeting regularly with the MAA. (weekly or every other week)

Mr. Miller said that there are two targeted numbers. These are pre-set numbers. Mr. Lee said that CALS should be at \$403,000. Mr. Rieber said that the money coming back is out of the \$450,000 drafting error. That is what this money was for. He suggested that we start at \$503,000 and CALS would take a reduction of 11%. That would leave some money being restored to the EMSRB budget. Mr. Miller said that the difference is \$239,546. He said he took the Regional Programs original budget amount of \$361,144 and subtracted \$239,000 (this is without an 11% reduction). Our liability is \$123,985 which is the 11%. If the EMSRB has to absorb the cuts this would be \$123,985. Mr. Rieber said that we can make a strong case for this approach.

Ms. Burke Moore said that she was looking to restore funding proportionally to how each program was cut after last session. We cannot restore the base cuts. Mr. Rieber said that the amendment language proposes that the grant programs become whole. Mr. Rieber said that if you take the language as it is written then the Regional Programs and CALS would receive the \$361,000.

Mr. Pearson said that we cannot go against MAA and Mr. Doyle because they have relationships at the legislature and we would fail. We need a common understanding of what we are fighting for. The Regional Programs are paying Mr. Doyle to protect and lobby for them. We need to have a discussion with Mr. Doyle or we will look foolish. Ms. Burke Moore said that she disagreed; we

may not have the same approach as MAA. Ms. Burke Moore said that MAA and EMSRB do not have the same roles and her role is to protect the agency and assure the public is served. Mr. Pearson said that we are meeting here today to protect the Board. Ms. Burke Moore questioned is the goal of MAA to restore full funding to the Regional Programs and CALs and then anything left goes to the EMSRB budget and VTR?

Mr. Rieber said that it is possible that we will get no money back. He asked Ms. Burke Moore to explain what can't we do in our programs? Ms. Burke Moore said that investigations will be delayed and VTR will not be paid. Ms. Nagy said that all VTR payments are exhausted until July 2010. Volunteer services will be affected. Mr. Rieber asked what else will not be performed. Mr. Rieber said that not paying VTR will not devastate the EMS community. Ms. Burke Moore said that inspections will be delayed. Ms. Thon's position will not be filled and the other EMS Specialists will be taking on additional duties.

Mr. Miller said that to be "frank" we do not have a good understanding of the current budget to go to the legislature to explain our situation. Mr. Lee said that we will have extra money because we have agreed not to fill Ms. Thon's position.

Mr. Rieber said that this conversation goes back to the core goals and the Board needs to make decisions on what should be accomplished in the core goals. Ms. Burke Moore said that she did not say that we will not do inspections; we should inspect a service every two years or more frequently if needed. Ms. Burke Moore commented that investigations can be time consuming. Mr. Rieber said that we must redirect staff time appropriately so as to not impact public safety.

Mr. Miller said that we need to look at our bottom line but do not have accurate budget information. Ms. Burke Moore said that we need to address the amendment. Mr. Miller asked how this affects the agency.

Ms. Burke Moore said that she is already down two staff. Mr. Miller asked what the liability is. What is the bottom line of the budget? He said that we need more information before we can provide information to the legislature. Ms. Burke Moore said that she has not prepared separately for a legislative hearing, but for this committee. Mr. Miller said that we need to give the legislature alternatives.

Mr. Rieber repeated that if we get no money back – what can we not perform? Ms. Burke Moore said that we have been under that assumption. Mr. Miller asked if staff will be laid off. Ms. Burke Moore said she has a different approach to reduce staff costs. It is not that tasks will not be performed – it is that things will be delayed.

Mr. Rieber asked how Ms. Burke Moore has redistributed staff to fulfill the duties. Ms. Burke Moore said that she can provide that information. Mr. Rieber asked what duties have been decreased for the other EMS Specialists to give them these additional duties. Ms. Burke Moore said that she is having this discussion with Mr. Norlen.

Mr. Pearson said that we will not receive funding if we say things will be delayed. This is not a good enough reason. He asked for very specific dollar amounts to report to the legislature and how duties were redistributed. Ms. Burke Moore said that she sees it differently – the legislature does not want that type of detail. They do not want to see each line item. Mr. Miller said that you have not provided line item information to the Executive Committee.

Mr. Rieber said that he could not give an adequate explanation at the legislature with the information he has right now. Mr. Rieber said that this is not ongoing revenue – we are entitled to some of this back. We need to know how much VTR is due that is not being paid.

Ms. Burke Moore referred to the memo that she provided to the committee early this year that explains the 3% and 6% cuts and how the agency has adjusted. The language in the House version would be additional cuts above those already taken.

Mr. Miller said that you need to understand that we need more information. We want to make the Regional Programs and CALS whole and restore money to the EMSRB budget. We need to understand how this will be allocated. Then the 11% reduction would be shared across the budget.

Mr. Rieber said that after the Regional Programs are restored then we can consider the reductions. We need to meet with MAA and Mr. Doyle and agree on a plan. We do not want to have misrepresentations at the legislature.

Mr. Rieber suggested using the amount of \$361,000 to restore the Regional Programs and CALS back to their original budget base from 2010. Then restore the 5% reduction by the Regional Programs. Any further reductions to the grants must be reduced by amending their contracts.

Ms. Burke Moore said that the whole picture does not include seat belt funding and that has increased exponentially. She said that this process does not have anything to do with this budget but has to do with the EMS system as a whole. Ms. Burke Moore said that this pass through money is used in the EMS regions to enhance the EMS system in the regions.

Mr. Lee asked how much money should be included in the budget for the medical director's contract. That is not provided on these budget charts.

Mr. Rieber said if we do what Ms. Burke Moore suggested with the seat belt funds then when in four or five years the seat belt revenues are reduced we would need to use EMSRB budget funds to restore their budgets. Ms. Burke Moore said that if the Regional Programs are restored above the 5% cut; this is unfair because that is the base cut. They also did not experience a cut due to the \$450,000 drafting error. The money should go back to the programs affected by the drafting error cut.

Mr. Rieber said that if we try to toss this amendment out we would have a higher risk of losing everything. If we show that we can live without this money.

Mr. Rieber commented that Senator Berglin's amendment would not cut any funding. Ms. Burke Moore said that she has a question in to them asking for an explanation of how this funding would be restored. She said that this would bring us back to \$450,000 with no reductions.

Mr. Rieber said that we need to sit down and work cooperatively with MAA and then we can reach an agreement to bring to the legislature. He suggested that some of this money be restored to EMS operations.

Ms. Burke Moore commented that when this amendment was offered did they understand what was proposed and what this would affect?

Mr. Pearson asked for the budget report now. Mr. Miller said that he feels we need to receive the whole report. Ms. Burke Moore said that she would like Mr. Pearson to see this as the Finance Committee chair. We have been planning a brief meeting to go through the monthly reports to determine what is useful to the Finance Committee. Mr. Lee suggested a five minute recess to review the budget report.

Mr. Rieber said that he thinks we do not need to be at the Legislature on Monday. Ms. Burke Moore said that if we are there we can answer a question if asked. Ms. Burke Moore said that if we do not show up it appears that we do not care. Then our funding could be cut. Mr. Rieber said that he is concerned that we would not have the information to answer the question. Ms. Burke Moore said she would reply that she does not have the information and will get back to them if there is a question that cannot be answered, but she does not anticipate it will.

Mr. Miller said that the last two times Ms. Burke Moore presented at the Legislature the performance was not stellar. Mr. McAlpin was asked to speak on an issue. Ms. Burke Moore disagreed and said that a senator asked who the board members worked for and how many worked for North Memorial. She replied that she did not have that information on hand but said she would get back to the senator and committee. Mr. Miller said that there was a question of how many board members. Ms. Burke Moore said that she answered the question appropriately but the committee chair's list only had 17 members. Without seeing the list she did not know what was missing from his list. We finally realized the ex-officio members (the senator and representative) were not on the committee's list.

Mr. Rieber said that he is concerned about what information will be given if they ask about the appropriation at the hearing on Monday. How are we going to answer? Ms. Burke Moore said that she will respond that we will provide the information when it is available. She said that it is important to hear what they are presenting as the direction for the EMSRB budget. I do not expect to testify unless they ask. You provide information to the legislators as requested.

Mr. Rieber asked for a meeting with the MAA and Regional Programs ASAP.

Mr. Pearson asked to see the budget pages.

Mr. Rieber said that the senate bill could be released at any time.

Mr. Miller suggested inviting MAA to the regularly scheduled Executive Committee meeting on Wednesday morning. Mr. Robinson said that this meeting would have to occur at the Capitol because of the number of hearings he must also attend. Mr. Rieber suggested that he would have to come to Minneapolis on Wednesday. Mr. Rieber said that this should be a conference call with MAA.

Mr. Robinson said that he would like to see the EMSRB line item budget. Ms. Burke Moore said that this is public information.

Mr. Miller said that he wanted to clarify the Executive Director's response for the hearing on Monday. He said that Ms. Burke Moore would not present information because the Board does not have a Board position on this. Ms. Burke Moore agreed not to provide a position, but information on answers to questions. Mr. Miller said that Ms. Burke Moore would not represent the Board. Ms. Burke Moore said that if a senator asks to speak to her how should she respond. Mr. Miller said that we are investigating this as a Board and the Board will reply.

Mr. Rieber said that we need to develop an impact statement and the impact statement needs to be prepared before the hearing.

Mr. Rieber said that we need information on inspections that will not be completed and investigations that are pending. He suggested that Ms. Burke Moore not use the word “delayed”. The impact statement needs to be factual based. The thing that makes this hard to be a crisis is that this only affects four months of the budget. We need to have a written plan as to how this affects the agency.

Mr. Rieber said we need to have information to provide to a conference committee which could be meeting as early as next week. They do not care about next year yet they want information on how this would affect the agency now.

Mr. Pearson asked if the \$361,000 is not received how would this affect the agency.

Mr. Rieber said that this is a lot of work that boils down to a couple of basic statements. Mr. Pearson said that we are not hiring Ms. Thon’s position and this will affect how staff performs their duties.

Mr. Rieber said that when we look at the next two year budget proposal – we need to discuss which positions are filled and if we continue data collection. Based on the budget reductions we face today how should we reallocate staff to handle the core functions. How do we maintain the system – if we could not attend bio-terrorism meetings how would this impact the system.

Mr. Pearson asked about the funding for the Medical Director’s position. Ms. Burke Moore said she believes that the trauma system requires that we have a Medical Director. Ms. Burke Moore said that we can review how many hours are necessary for a Medical Director. We need to explore our options, but a state Medical Director is a benefit to EMS. Mr. Rieber said that he is looking for a statutory explanation of what a Medical Director accomplishes in the system. Ms. Burke Moore said the duties are not set out in statutes. The duties will change from what we had Dr. Wesley do and this can be delayed until July 1. Ms. Burke Moore said that she would research this. Mr. Rieber asked if Dr. Wesley’s contract has ended. Ms. Burke Moore said that she has a call into Dr. Wesley asking if there are unpaid expenses. She said she will be asking for the contract to end June 1.

Mr. Miller said that the reinstatement would not include the 11% reduction. Mr. Miller said that he will provide a spreadsheet to the committee.

Mr. Robinson said that he will confirm that MAA can meet at 8:30 on Wednesday. Mr. Doyle should also be invited to this meeting.

Mr. Rieber asked for a motion to adjourn the meeting. Mr. Pearson moved to adjourn. Mr. Lee seconded. Motion carried.