

Summary Minutes

Meeting of the
Emergency Medical Services Regulatory Board
10:00 a.m., January 15, 2009
2829 University Avenue Southeast
4th Floor, Conference Room A
Minneapolis, Minnesota

Members Present

James Rieber, Chair
Dawn Bidwell
Brenda Brown
Kathleen Haney
Laurie Hill
Robert Jensen
Paula Fink Kocken, M.D.
Kevin Miller
Paul Satterlee, M.D.
Mark Schoenbaum
Paul Stelter
Mari Thomas, M.D.
Maryls Tanner

Members Absent

Lisa Consie
Bonnie Engen
Rep. Frank Moe
Sen. Gary Kubly

Guests

Rachel Callanan
Jennifer Piccolo-Fisher
Suzanne Gaines
Tim Held
Curt Ireland
Guy Johnston
Pat Lee
Buck McAlpin
Kristi Moline
Ron Robinson
Lance Ross
Josh Salzman
Mark Scalon
Bill Snoke
Pete Tanghe, M.D.
Tom Vanderwal

Staff

Katherine Burke Moore
Executive Director
Melinda Buss
Talia Landucci
Melody Nagy
Robert Norlen
Rose Olson
Debby Teske

Keith Wesley, M.D.

I. Call to Order

Mr. Rieber called the meeting to order at 10:22 a.m.

II. Approval of Agenda

Mr. Rieber said he would like to add to the agenda a discussion of empowering the Executive Director on legislative business and the Executive Committee to act on behalf of the Board in between meetings. Ms. Tanner moved approval of the revised agenda. Dr. Thomas seconded. Motion carried.

III. Approval of Minutes

Mr. Stelter moved approval of the November 20, 2008 minutes. Ms. Tanner seconded. Motion carried.

IV. Chair's Remarks

• **Introduction of New Board Member**

Mr. Rieber introduced Kathleen Haney. Ms. Haney said that she is the new Department of Public Safety designee on the Board. She is the Traffic Records Coordinator.

Mr. Rieber said that the full time chief position will be open on the Board.

V. Executive Director's Report

• **Budget**

Ms. Burke Moore said that the governor's office has asked small agencies to propose a 10% budget cut. In the EMSRB proposal she described the Board role not only as regulatory but also with an important public safety role. The proposed 10% cut would be

across all programs. We will hope that they do not take 10%. Due to this situation, the hiring of the Metro EMS Specialist position will be postponed. The data specialist position will remain half time. Mr. Rieber asked when we will have information on the budget. Ms. Burke Moore said we will have some idea when the governor's budget is released, but nothing is final until the legislature adjourns.

- **Board Meeting Dates**

Ms. Burke Moore referred members to the cost comparison for Board meetings. Opportunities to save costs have been identified. The Board packets will not be mailed in the future. All Board members will receive an email containing the agenda and attached items.

There will be no state funded out of state travel and we will try to reduce our in state travel. With the potential 10% cut, Ms Burke Moore asked that we revisit the decision made at the November meeting to meet in Alexandria. Mr. Rieber said that we choose to move the Alexandria meeting from 6 p.m. to 11 a.m. to avoid hotel costs. Dr. Thomas said that the meeting would be after the Medical Directors Standing Advisory Committee. Mr. Rieber suggested that people not stay in hotels but drive up the day of the meeting. Ms. Burke Moore said that if these are added costs that the Board still wants to incur then we will not change the schedule. Dr. Thomas said we have greater public attendance at the Arrowwood meeting. Ms. Bidwell suggested that she can secure rooms at a hotel other than the resort for a lower cost. Mr. Rieber said that he wants to emphasize that we will not be paying hotel costs for this meeting.

- **Teleconferencing Options**

Ms. Burke Moore said that staff is exploring the option of teleconferencing. Mr. Schoenbaum offered to sponsor the Minnesota Department of Health location for the metro location. Mr. Rieber said that the sites must be open to the public and posted. A Board member must be present at each site. Mr. Rieber suggested that the Executive Committee also meet by teleconference.

- **E-licensing Update**

Ms. Burke Moore said that the Board has to set a fee for electronic payments using the e-licensing system. We will keep you informed regarding this fee. Ms. Teske said that e-licensing is a Governor's initiative. The development of the system is no cost to EMSRB as a pilot agency. The development of the new system has been slow; and conversion will be scheduled when it is ready. We are hoping by mid February that we can test the system with the paramedic renewals. Ms. Burke Moore said that the EMSRB website will have information on what is available in the new system.

- **MNSTAR Report**

Mr. Norlen referred to the two handouts that were distributed. The MNSTAR Compliance Report has information current as of November 2008. There are 10 services that have corrective action or fines pending.

Mr. Norlen referred to the handout regarding compliance with the EMSRB 2.2.1 dataset. He said that the services that were granted variances are currently testing the new updates. The services noted in green have completed testing and we are expecting these services will be compliant. The services noted in yellow are waiting for final information from the software vendor. We will have further information by January 16. The vendor is

ensuring the test cases are passing. The services noted in red have submitted test files. It takes 8 to 12 hours to review the test cases. The services noted in red are still having difficulty passing the test cases and are working with staff to correct this. Corrective action will be taken after January 22 – only if appropriate. Mr. Rieber said that the services could do direct data entry and be compliant. Mr. Norlen said that he is confident that the yellows will be in compliance by the deadline.

Mr. Rieber said that when we discussed budget savings it was suggested that the *EMSRB Bulletin* will be sent by email. If a person must receive the *EMSRB Bulletin* by paper they must request it. Mr. Rieber said that we will distribute as much information as possible by email. Ms. Burke Moore said that the complaint review panel packets will be distributed by disk instead of photocopies. Ms. Teske said that if members of the public want handouts from the Board meeting they should request information from Ms. Nagy. Mr. Rieber asked that the MNSTAR reports be attached to the agenda.

VI. EMSC Resource Center Contract

Ms. Landucci said that the current grant ends February 28 and the new grant proposal has been submitted for approval. She referred to the handout in the Board packet. She asked for approval from the Board for entering into this contract. This also depends on federal approval of the proposal for the next grant cycle.

Ms. Bidwell moved approval for staff to enter into this contract. Mr. Schoenbaum seconded the motion. Motion carried. Ms. Hill and Dr. Fink Kocken abstained from the vote. Mr. Miller was absent from the meeting during this vote.

VII. Regional Grants

Ms. Burke Moore said that Ms. Landucci attended grant training and learned that additional documentation should be required of grantees, along with an annual site visit. Ms. Burke Moore said that we want to set up a meeting with grantees to discuss these requirements. Staff will be developing the training and will contact grantees. Mr. Rieber said that this will also impact CALS and EMSC.

Mr. Stelter said that as the regional representative for the Board he wanted to ask what the plan is for the regional program contracts. He asked if the contracts will be extended or will there be a new proposal to write. The timeframe would be very short to have documentation ready for the May meeting. Mr. Stelter asked if there will be changes in the requirements for auditing and how the budget is written.

Ms. Burke Moore said that the plan is to continue with the extensions. Mr. Stelter asked if the Board to Board meetings requirement can be changed. Ms. Burke Moore said that the Board chair and I are discussing this and will provide information to the regional programs when a decision is made. Mr. Miller said that any changes to regional contracts will be an action item for the March meeting. Mr. Miller said that any expenses that can be saved should be considered. Mr. Schoenbaum said that the audit requirements are in statute. Mr. Rieber said that we will report when we have further information.

VIII. Proposed 2009 Legislation

Mr. Miller said that the Legislative Committee has not met since the last meeting. Mr. Miller said that Ms. Burke Moore and I met to discuss legislative issues. The hardship variance clarification will go forward in a housekeeping bill. Mr. Miller said that the longevity program

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is still open for discussion. Ms. Burke Moore asked Ms. Vangsness to provide an explanation of the longevity funding. Ms. Vangsness said that the State Board of Investments has this money invested on the behalf of the EMSRB. She said that this fund lost money due to the current stock market losses and there have been two transfers to the general fund. She said that there will be \$6.2 million in the account this year. The longevity program receives a general fund appropriation of \$700,000 of which \$89,000 is transferred to the operations account to cover staff, administration, and mailing costs. We are anticipating the payout for fiscal year 2008 to exceed the remaining \$611,000. A request for funds from the Board of Investment will be necessary to cover the payouts. Ms. Vangsness provided several scenarios for payouts and continued funding for the program. She said that this is the first year that the appropriation will be short and investment funds will be used to cover payouts. Ms. Vangsness said (worse case scenario) if the legislature decides to take the longevity funding payouts can be discontinued. Ms. Hill said that legislation passed setting the payout at \$447.19 per credit. Ms. Vangsness said that there will still be \$6.2 million available for payments. Ms. Hill said that she thinks there will be increased requests for payouts because the money is in danger of removal.

Mr. Rieber said that if the legislature takes the \$6.2 million, the EMSRB can still make payouts if we receive the \$700,000 per year. Mr. Rieber said that the legislature has informed him that the state cannot have a savings account. Ms. Hill said that there is no guarantee that the EMSRB will continue to receive the \$700,000. Ms. Burke Moore said that there are no guarantees in any account at the legislature.

Ms. Bidwell asked if the account information can be provided by email. Ms. Teske said that the information must be submitted with a signed affidavit of receipt and it is paper now. Ms. Teske said we hope to change this in the future.

Mr. Miller said that the legislature may take both parts of the fund. Mr. Miller said that the recipients think that the \$447.19 per credit is guaranteed. Ms. Burke Moore said that the legislature needs to understand what the longevity fund is intended for and used for and why it was set up. We have data to provide information to the legislators to help them see the benefits of this fund. Mr. Rieber said that the legislature may take the cash reserves but will not likely end the program.

Mr. Miller said that information needs to be provided to the enrollees that this payout is not guaranteed. He suggested providing this information in the *EMSRB Bulletin*. Mr. Rieber said that when the letter is sent to all the participants this information will be provided.

Mr. Rieber said that the Boards position is to do everything we can to protect the fund.

Mr. Stelter asked if the administrative fees could be changed. Ms. Burke Moore said the costs include staff time and mailing costs. Mr. Rieber said that there are costs in maintaining the system.

Mr. Ireland asked for clarification of the payout requirements. Ms. Teske said that the person must be 50, retire from the squad and have 5 credits. Ms. Teske said that the person can retire and then come back after they have received their payout. Mr. Rieber said that they come back after the check clears the system.

Mr. Rieber suggested the Board support a proposal that Ms. Burke Moore be allowed to speak to the legislature on behalf of the Board. Ms. Brown asked if the Minnesota Ambulance

Association has a proposal that is similar. Mr. Rieber said that the Board and MAA should work together when possible. Ms. Burke Moore said that there is not a bill, but I would provide information and education to legislators that the Board would like to continue to retain the fund. Ms. Hill moved to oppose the bill and to support Ms. Burke Moore in providing education to the legislature to support and retain the program. Mr. Jensen seconded. Motion carried.

Mr. Jensen said that in 2010 there will be additional funding available in the excess police reserve fund and the Board should seek this additional funding. Ms. Burke Moore said this should be a separate motion.

Mr. Rieber said that there will be issues that come up during the legislative session that require more immediate attention. He asked the Board to authorize the Executive Committee to meet in conjunction with Executive Director to make decisions on behalf of the Board. Mr. Shoenbaum moved to authorize the Executive Committee to meet in conjunction with Executive Director to make decisions on behalf of the Board. Dr. Kocken seconded. Mr. Shoenbaum asked if this will impact the board's internal operating procedures. Mr. Rieber said that they will stay as is for now but could change when the IOP revisions occur in January 2011.

Ms. Burke Moore said that but there may be some times when she will be asked for the Board's position on a bill; she would bring these issues to the Executive Committee for a timely response.

Mr. Rieber called for a vote on the motion. Motion carried.

Ms. Teske said that a discussion occurred at the legislative committee meeting regarding removal of the practical exam from the EMT refresher requirements. Staff researched this topic and a handout is provided that gives responses from the educators. Ms. Hill asked if the practical requirements were removed would there still be a check and balance for assurance of skills. Mr. Rieber said that a requirement would need to be added for non ambulance personnel to have an annual skills testing. Mr. Rieber said that this will be discussed further.

IX. Complaint Review Panel Report

Ms. Bidwell reported on the complaint review panel activities.

- 69 disclosure files were reviewed (55 passed with no further action, more information was requested for 10 cases, three certifications were denied and one conference invitation was issued)
- 8 complaints/mandatory reports were reviewed and 1 was closed with no further action needed, the Attorney General's Office will be requested to prepare a Notice of Conference for 2 cases, there was one fine, and one Department of Revenue reinstatement.
- 4 conferences were held.

Mr. Rieber asked Dr. Wesley to report on his activities. Dr. Wesley said that he is still working on the Medical Director's Course information. The next Medical Direction Standing Advisory Committee meeting will be during the Long Hot Summer Conference in March.

X. Other Business

The State Trauma Advisory Committee will be meeting at North Memorial following this meeting.

XI. Public Comment

None.

XII. Pending Investigation

Mr. Rieber announced that the Board will go into closed session to discuss a pending investigation. Mr. Rieber adjourned the meeting for a five minute break at 11:55 a.m.

The Board discussed an issue in closed session.

Ms. Hill moved the Board end the closed session. Dr. Satterlee seconded. Motion carried.
Meeting opened at 12:09 p.m.

XIII. Adjourn

Dr. Thomas moved to adjourn the meeting. Mr. Miller seconded. Motion carried. Meeting adjourned at 12:10 p.m.

Reviewed and Approved by:



3/5/09

Robert Jensen, Secretary

Date

Jim Rieber, Chair

Date