

Summary Minutes

Meeting of the
Emergency Medical Services Regulatory Board
10:00 a.m., January 26, 2012
2829 University Avenue SE
Minneapolis, Minnesota

Members Present

Kelly Spratt, Chair
Brenda Brown
Lisa Consie
Jennifer Deschaine
Paula Fink Kocken, M.D.
Michael Jordan
Pat Lee
Gary Pearson
Paul Satterlee, M.D.
Mark Schoenbaum
Jill Ryan Schultz
Marlys Tanner

Members Absent

Michael Gormley
Kathleen Haney
Sen. Gretchen Hoffman
Kevin Miller
Rep. Duane Quam
Matt Simpson
Mari Thomas, M.D.

Guests

Suzanne Gaines
Lynda Goerisch
Tim Held
Edward Ratner, M.D.
Aarron Reinert
Ron Robinson
Bill Snoke
Imo Sunderland
Michael West

Staff

Pam Biladeau, Executive Director
William Granger
Melody Nagy
Robert Norlen
Debby Teske

Karen Andrews, AAG

I. Call to Order

Mr. Spratt called the meeting to order and asked for introductions from the Board members and audience.

II. Approval of Agenda

Mr. Spratt suggested moving two agenda items. Mr. Schoenbaum moved approval of the revised agenda. Mr. Pearson seconded. Motion carried.

III. Approval of Minutes

November 17, 2011

Ms. Deschaine moved approval of the November 17, 2011 minutes. Ms. Tanner seconded. Motion carried.

December 8, 2011

Ms. Brown moved approval of the December 8, 2011 minutes. Mr. Lee seconded. Motion carried.

IV. Chair's Remarks

Mr. Spratt said that the Board is scheduled to review the Internal Operating Procedures (IOP) on even years. Due to the pending Board orientations and strategic planning sessions scheduled in May we will delay review of the IOP.

Mr. Spratt said that the JPC meeting is rescheduled for February 14, 2012 at the EMSRB office.

V. Executive Director's Report

Ms. Biladeau said that it has been a very busy two months. She referred to the monthly reports and said that this is approximately one-third of the office activities and includes information that would be of the most interest to the Board. Ms. Biladeau described some of her activities as follows:

- The EMSRB housekeeping bill will be jacketed and there is no fiscal note.

- Representative Fischbach from Paynesville and I had a discussion regarding proposed changes to the Cooper/Sams Longevity Program regarding the Board's position.

Dr. Satterlee arrived at 10:17 a.m.

- The Sunset Commission requested information from the EMSRB and testified in December. The EMSRB is not recommended to be sunset. The other Health-Related Licensing Boards are being reviewed this year and have testified to the Commission. The Commission's report is due to be released on February 1. Mr. Schoenbaum asked about the legislative reaction. Ms. Biladeau said that they asked why we are not fee based. (We are general fund because we do not collect enough fees to fully support the agency.) The Commission appreciated the efficiencies of shared services of ASU. There was a suggestion to move the Health Related Licensing boards to the Department of Administration for efficiencies. The EMSRB report was well received.
- Mr. Glaccum and I met to discuss radio communications plan development and I will report as our work progresses.
- Mr. Norlen and I conducted interviews for the data analyst position. We will make an offer today or tomorrow.
- We are looking for efficiencies in the office and staff participated in a strategic planning session that focused on communication with internal and external customers. Staff will also be attending Lean and Kaizen training which focuses on tasks and efficiencies in processes. We are focusing on improving the E-Licensing Third Party Confirmation process. This process will save time, because we will not have a staff person spend numerous hours filling data entry forms.
- Mr. Paulson from the Office of Enterprise Technology and I met to discuss e-licensing issues such as passwords when applying for certification or recertification.
- Ms. Biladeau said that she had a discussion about a website development pilot project.
- Ms. Andrews will be making a presentation to the Board today as part of our on-going Board orientation.
- Ms. Landucci has resigned to accept a promotion with the Department of Administration. We will be seeking a temporary staff person to fill in until the position can be posted.
- We are looking at grant opportunities for funding a grant writer position.
- There was an event at Prairie Island Nuclear Plant that you may have heard about. The EMS pagers went off at 4:30 a.m. and staff responded to the SEOC and local county site. This turned out to be a hazmat event. There were no injuries or threat to the public. Staff responded quickly and appropriately. We will be completing an after action report.
 - We will be doing a presentation at a future board meeting about emergency preparedness.
 - Staff attended a Joint Force Staff Training session with the National Guard for emergency preparedness.
 - Ms. Biladeau said that she attended the three echo event during the Arrowhead EMS Conference

Mr. Robinson explained that this is a multi-discipline event that includes tactical, EMS medical, and Fire. An exercise was conducted within this event. Mr. Robinson said that he would report on the event if asked for another meeting. Mr. Robinson thanked Mr. Lee for including this in his conference.

- Staff is reviewing data privacy issues with the Attorney General's office as part of this discussion of the Prehospital Care Emergency Preparedness Workgroup.

Mr. Lee asked about seat belt payments. Other regional programs are asking about payments. Mr. Lee said that invoices are not being paid in full. There are also SWIFT payment issues that are problematic for regional program accountants. He asked for assistance and a report to the Board. Ms. Biladeau said

that she wants to hear about these concerns. Ms. Biladeau asked for quarterly meetings with the regional programs, including Ms. Vangness of ASU and the Office of Grants Management to answer their questions. Ms. Sunderland commented on a late payment of invoices. Ms. Biladeau said that the invoices are not paid by EMSRB staff. The state requirement is that invoices are to be paid within 30 days. Ms. Biladeau offered to discuss this further with Ms. Sunderland after the meeting. Ms. Sunderland has additional questions. Ms. Biladeau explained that Ms. Sunderland's payments were actually paid within two weeks. Ms. Sunderland said that grant funds and seat belt funds are separate accounts and they are being deposited to the same account. Mr. Spratt suggested that quarterly meetings will help facilitate this discussion. Mr. Schoenbaum said that this is not only an EMSRB problem – SWIFT has many issues and complaints. This is a statewide accounting issue.

VI. Pre-Hospital Care Data Workgroup Report

Mr. Reinert introduced himself and said that this workgroup has been meeting in response to legislation. He provided the membership of the workgroup and said that all six members are passionate about EMS. The workgroup will be reporting to the Board. Mr. Reinert said that the conversation regarding data is also a national conversation. He said he is sitting on a national committee that is having these same discussions. Mr. Reinert said that we are receiving great support from Executive Director Biladeau and with the minutes of meetings provided by Ms. Nagy. Mr. Reinert said that the workgroup discussed the charge with the Board Chair.

Mr. Reinert said that at a previous meeting we discussed the following:

- the strengths and challenges of data collection and sorted this into categories
- customer service issues
- system issues
- upload processes and problems including website issues
- HIPPA questions also continue to be discussed. (There was a suggestion of education to providers on HIPPA issues.)
- cost and time for collecting data
- duplication of efforts
- Is the system an EPRC or is the system a data collection system (these are drastically different things).
- How do we use the data (if we are not using the data – why).
- What reports can be provided
- What is the quality and integrity of the data
- There are administrative issues regarding treatment of providers collecting and reporting data (is there punishment for non-compliance).
- What is the requested data being used for (competitive use of data/does that hamper data collection.) We are asking for an Attorney General's opinion on data release for business data.
- Fear that the Board would not act on the work of the workgroup or act differently than the recommendations of the workgroup.

Mr. Reinert said that we want this effort to advance EMS in Minnesota. "The EMSRB should use data for measurable meaningful use in Minnesota."

Mr. Spratt thanked Mr. Reinert for chairing the workgroup and thanked the members for their participation. Mr. Spratt said that there are lots of questions regarding data. This is a short time frame for a report and he said that he appreciated this report from the workgroup.

Mr. Schoenbaum said that he has learned more about use of the data for business purposes. The number of requests is small and they stand out because we have not been making other uses of the data. One of the

goals of this work is to have a plan to have a high value use of the data. We are looking forward to the arrival of the data analyst.

Mr. Spratt said that this will also involve education to ambulance services on use of the data. Larger systems have quality assurance policies in place. Smaller services may be able to use the data better. He said that he has heard that people have issues on data validity.

Dr. Satterlee said that the Data Policy Standing Advisory Committee is not meeting until the recommendations come forward from this workgroup.

Mr. Reinert said that the timeline is aggressive but reasonable. He said that his comments today are his perspective on this work of the group.

VII. POLST

Dr. Satterlee said that this is a national program introduced in the State in the last three years and the Medical Direction Standing Advisory Committee (MDSAC) reviewed this form for endorsement when it was initially discussed. He said that he feels this form gives clear direction. The changes that have been suggested to the form provide clarification. Dr. Satterlee asked Dr. Ratner to provide further information to the Board.

Dr. Ratner described the changes to the form and said that a steering committee discussed these changes. Section B is the area of the form that involves EMS. He said that we are seeking re-endorsement from the Board and will be providing statewide training on the use of the form.

Dr. Satterlee asked about the discrepancies that were discussed. Dr. Ratner said that these were discussed and the endorsement is being sought. This is implemented in a health care directive. We will not be seeking legislation because that is more problematic. Health care providers have immunity when following a health care directive and also keeping the patient alive until further medical evaluation.

Mr. Spratt asked if this is a significant change and should be provided to all medical directors in the state. Dr. Satterlee said that it is the emphasis on the communication of leaving a patient in the home. Dr. Ratner offered to communicate with medical directors on the use of the form with the endorsement of the Board.

Mr. Jordan moved to re-endorse the revised POLST form dated October 2011 with the changes recommend by the MAA and Dr. Ratner. Mr. Lee seconded the motion.

Mr. Lee asked about out-of-state use. Dr. Ratner said that that would be evaluated at the hospital where the patient is taken.

Ms. Deschaine asked about the education that will be provided. Dr. Ratner said that they received a grant for training. There will be information on the website in a video format. He asked what is needed by providers. He said that a slide set can be provided. Ms. Deschaine asked that the education materials also be provided on the EMSRB website. She suggested an implementation date is needed. Dr. Ratner said that the revised form and education will be available by April 1. Mr. Lee asked that this information be emailed to the EMSRB so it can be distributed to regional programs, ambulance services, etc. The old form should be removed from the EMSRB website.

Dr. Ratner said that he is interested in the data trend that will be influenced by this form. We want to maximize use of EMS resources.

Ms. Deschaine said that she can also see use of this for day programs.

Dr. Ratner said that this movement can lead to better reimbursement policies for EMS. EMS is part of the medical system.

Dr. Kocken said that the MDSAC will be meeting on March 9 at the Long Hot Summer Conference. Dr. Ratner said that he would come to this meeting if invited. Dr. Satterlee said that this is not new information to the committee. This is not a form that is used directly by ambulances it is part of the conversation with the physician. Dr. Ratner asked that this be endorsed as a policy in the ambulance service manual and then the medical director of the service can educate staff on use of the form.

Mr. Spratt asked that the motion be repeated and acted upon. Motion carried.

VIII. Education Standards Workgroup Report

Ms. Goerisch reported that the workgroup met January 5 to prepare for the rollout session at the Arrowhead EMS Conference. This presentation was the trial run to provide information on the new education standards. There were six presenters. The morning session included information on the history and changes to the standards. There were 46 participants at this session. The reaction from the participants was that there was not a great concern about the changes. The evaluations from the meeting were very positive. Ms. Consie said that the presentation was very well done and a lot of hard work was done by this workgroup. She said that the questions asked during the session were appropriate.

Ms. Goerisch said that the EMSRB website provides additional information on the transition. The session was videotaped and it will be placed on the EMSRB website. We hope to also have future face to face rollout sessions. Ms. Biladeau thanked Mr. Lee for hosting this session.

Ms. Goerisch said that the action plan of the workgroup is to:

- allow coordinators to have time to make the transition
- have more rollouts in each region of the state and another session in the metro area

Ms. Goerisch said we need to cover the costs of providing these presentations. We are seeking volunteers to host the rollouts and that will involve certain costs. We are looking for approval of the Board to host rollouts. We are also looking for endorsement from the Board to have coordinators or a designee attend the rollouts as additional education for the transition. This would be a train the trainer model to provide information to instructors and each education program in the state.

Dr. Satterlee asked if this can be required. Ms. Biladeau said that this can be included in the criteria for approval of the education program when this legislation is approved. We are seeking information from the workgroup on the evaluation of competency. We want to ensure good quality care. We verify that the certified personnel have gone through the process to provide the baseline competency at their level of certification. We want to provide this information in the rollout and inform persons of these legislative requirements.

Ms. Deschaine said that my understanding is that you are going to require the rollout before the legislation is in place. She asked if this could this be a recommendation for completion by a certain date and then it becomes a requirement when the legislation is passed. Ms. Biladeau said that this was discussed by the workgroup. There are providers who are already teaching at this level but some providers are not ready to transition. We also will need to make changes in the e-licensing system. It would be costly to change programming numerous times (8 to 10 thousand dollars). It was suggested to conduct a survey to determine a date for implementation with a suggestion of January 2013.

Ms. Ryan Schultz said that there are questions before a rollout should occur. Ms. Goerisch said that the books are changed and National Registry questions are being piloted at the new standards. The education programs are developing their curriculums and teaching the new standards. The students will receive the current certification cards until the legislation is passed. Ms. Ryan Schultz said that this is confusing for the students.

Mr. Jordan asked for information at the next Board meeting including a timeline and costs involved in providing the rollouts. Mr. Jordan asked for a recommendation from the workgroup to eliminate the duplicate certification standards. We need information to make a decision. Is 2015 too far away and is 2013 a more reasonable date. The EMSRB needs to balance the needs of several disciplines.

Ms. Goerisch said that the recommendations that were approved by the Board went forward as legislation but did not pass last year. When this legislation is passed that will provide clarity in much of our discussion. Much of this is wording changes. The educators are ready to go with the new standards.

Ms. Biladeau said that we will be able to provide a report to the Board on the costs for the rollout but there are no extra funds within the agency. She said that we will be seeking volunteers to host these events and will gather information.

Mr. Lee suggested having discussions with the other regional programs to provide grant funds to conduct the rollout sessions. He said that we should ask for endorsement of the Board. He said that requiring attendance may be strong wording. Can the participants view the video as their compliance?

Mr. Jordan agreed with Mr. Lee's comments. Mr. Jordan asked for a formal recommendation from the workgroup for action of the Board. We need to see the figures provided by the workgroup. If this includes requirements for certification that becomes the leverage for attendance. The Board will make a decision when the appropriate information is provided.

Ms. Brown said that we are teaching at the new standards. Why would this be mandatory when the teaching is at the new requirements? Ms. Biladeau said that it is the responsibility of the regulatory board to assure that when they approve an education program to teach at a certain level that the Board can show a program is ready to teach and ready to be approved. The idea behind requiring an education coordinator or their designee to attend the rollout is so that they are aware of what is in the new standards and can then share this with their instructors.

Ms. Deschaine asked if interactive video conferencing can be provided at regional sites. This would lower the cost of travel for instructors. Ms. Goerisch said that the colleges provided ITV and a presentation site was also available for in person participation during the last session. We are seeking ways to provide this information.

Mr. Lee said that there are statewide conferences available for presentation of this material but it may not yet be this year.

Mr. Spratt asked if there is consensus on this topic. Mr. Jordan asked for more information for the March Board meeting. Ms. Biladeau asked about continuing to provide information on rollouts when asked and then provide additional information to the Board at the next meeting. Mr. Jordan asked if there are any rollouts scheduled before March. Ms. Goerisch said that we would continue to schedule rollouts with Board approval. Mr. Lee suggested having a conversation with the other regions regarding costs. Mr. Jordan said that the Board does not have funds available to conduct rollouts. He said that he is looking for the schedule of sessions, costs, and report in March.

IX. Attorney General's Office Presentation

Mr. Spratt introduced Ms. Andrews and said that this is an education session for the Board. Ms. Andrews introduced herself and said that there are three things that she was asked to speak on. Ms. Andrews provided a power point presentation. Ms. Andrews said that the role of the Attorney General's office is to provide advice to boards. The other boards use the investigation team provided by the Attorney General's office. The EMSRB has investigators but the Attorney General's office is available for assistance as requested.

Ms. Andrews discussed the types of meetings and meeting requirements.

Dr. Kocken asked about notice of meetings for committees. Ms. Andrews said that the three day notice requirement is appropriate for most committee meetings for this Board. Ms. Gaines said that she tries to comply with open meeting law requirements for workgroup meetings that she hosts as part of the data policy committee. Ms. Andrews said that this is not clear in the open meeting law. Ad hoc and workgroups need to be analyzed on a case by case basis depending on the facts of the committee membership, delegation of authority and involvement of a quorum. Ms. Andrews said that you should always error on the side of full disclosure.

Ms. Gaines asked about participation by electronic means. Ms. Andrews said that is in her presentation next. For ITV participation all members must be able to see and hear and you must have one member at the site and must have a public available site. Telephone meetings are allowed and have the same requirements and all voting must be by roll call. There is a 10 day notice for posting of meetings. Mr. Schoenbaum asked about an ITV and telephone meeting. Ms. Andrews said that this would be a hybrid and would require following the rules of a telephone meeting. Ms. Andrews discussed the criteria for a closed meeting.

Ms. Biladeau asked Ms. Andrews to provide information on the discussion with staff regarding discussion of issues before the Board. Ms. Andrews said that this would be covered in conflict of interest. Ms. Andrews said that she provides advice to staff and the Board.

Mr. Snoke said that he was looking for the difference between advice and the Attorney General's opinion. Ms. Andrews said that the only person who can give an Attorney General's opinion is Lori Swanson. The assistant Attorney Generals provide advice unusually verbally as the opinion of the attorney not as the position of the Attorney General's office.

Ms. Andrews said that there are certain issues with Data Practices Act and limited circumstances to discuss non-public data in an open meeting. She commented that it is alright to distribute information by e-mail but Board members should not reply to all to discuss and ask questions.

Ms. Andrews commented that there are penalties for violation of the open meeting law and the Board cannot pay these penalties.

Ms. Andrews said that the EMSRB statute has a definition of conflict of interest and it is also addressed in the IOP. This is a position of trust to the public and you must represent the interest of the public.

Mr. Lee asked about the proposed regional program workgroup and stated that most Board members would have a conflict of interest in participating in this workgroup. Ms. Andrews responded that a Board member must analyze their level of conflict of interest. This must pass the test of the public questioning a conflict of interest.

Ms. Andrews provided the information on how to declare a conflict of interest and said that financial conflicts have additional requirements.

Mr. Spratt asked that Ms. Biladeau and Ms. Andrews discuss the intent of the proposed regional program workgroup and bring more information to the Board.

X. Complaint Review Panel Report

Dr. Fink Kocken reported that the committee met twice and conducted the following business:

- 57 disclosures were reviewed; 50 passed, more information was requested in one case, two conference invitations were issued, three certifications were denied, one case was referred to HPSP.
- Six mandatory report/complaint were reviewed and 4 were closed, one stipulation and Orders was requested, and more information was requested for one case.

XI. Other Business

Mr. Spratt said that we have several open Board positions for the EMSRB. We have applications for all the positions. We have members who are interested in being re-appointed and several persons interested in the metro EMS representative position.

Mr. Jordan asked to send a card to senator Kubly. He is having physical difficulties. Ms. Biladeau said that she will take care of it.

XII. Public Comment

None.

XIII. Adjourn

Mr. Lee moved to adjourn. Dr. Satterlee seconded. Motion carried. Meeting adjourned at 1:05 p.m.

Reviewed and Approved by:

Pat Lee

3/9/12

Pat Lee, Secretary

Date

Kelly Spratt, Chair

Date