

Summary Minutes

Meeting of the
Emergency Medical Services Regulatory Board
10:00 a.m., November 18, 2010
2829 University Avenue SE
Minneapolis, Minnesota

Members Present

James Rieber, Chair
Dawn Bidwell
Brenda Brown
Lisa Consie
Bonnie Engen
Michael Gormley
Kathleen Haney
Michael Jordan
Paula Fink Kocken, M.D.
Sen. Gary Kubly
Pat Lee
Kevin Miller
Gary Pearson
Mark Schoenbaum
Matt Simpson
Marlys Tanner
Mari Thomas, M.D.

Members Absent

Rep. Jeremy Kalin
Paul Satterlee, M.D.

Guests

John Doidge
Tim Held
Kjelsey Kluge
Earl Miller
Kristi Moline
Joe Newton
Cheryl Pasquarella
Rob Pearson
Victoria Peckman
Darel Radde
Scott Reiten
Bill Snoke
Kelly Spratt
Imo Sunderland
Scott Waible

Staff

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

I. Call to Order

Mr. Rieber called the meeting to order at 10:13 a.m.

II. Complaint Review Panel (closed session)

Mr. Rieber said that we are now going into closed session to discuss disciplinary matters.

III. Introductions

Mr. Rieber asked members and guests to introduce themselves.

IV. Approval of Agenda

Mr. Rieber said that he will ask for a paramedic appointment under public comment.

Dr. Fink Kocken moved approval of the agenda. Ms. Bidwell seconded. Motion carried.

V. Approval of Minutes

Ms. Brown moved approval of the September 10 minutes. Dr. Thomas seconded. Motion carried.

VI. Chair's Remarks

Appoint Member to DPSAC

Mr. Rieber said that he has a letter expressing interest from Marty Forseth of Dakota County and since no one else expressed interest I will appoint him.

Appoint Committee to Review Radio Plan

Mr. Rieber said that we have a statewide EMS radio plan and a governor's order. I want to appoint a committee from the Board and ask other members to participate in reviewing and updating the plan. Ms. Consie, Mr. Gormley and Mr. Miller volunteered.

Mr. Norlen said that this is a technical plan and persons interested need technical expertise on radios. Mr. Norlen said that we also need input from MNDOT and the state radio board.

Mr. Rieber asked that the public email him if they are interested in participating.

Ambulance Inspections

Mr. Rieber said that staff conducts ambulance inspections. There are ambulance services that go through national accreditation and this is a thorough process. As we look at our workload we need to review how we conduct business. Mr. Rieber said that if an ambulance service goes through the national accreditation do they need an additional inspection by EMSRB staff.

Ms. Burke Moore asked how the accreditation is funded. Mr. Pearson said that we are CAS accredited and it costs \$15,000 for accreditation.

Mr. Schoenbaum said that MDH accepts Medicare accreditation for hospital inspections. He asked for input from staff on what happens in other states and how often inspections happen in other states and best practices for inspections.

Mr. Rieber said that the Board determines the frequency of inspections. It could be two years three years or four years.

Ms. Teske said that information on other states can be obtained by asking for a survey from the National Association of State EMS Officials.

Mr. Rieber said that this will be discussed again in January.

Board Vacancies

Mr. Rieber said that the Board vacancies are posted. To apply you must go to the secretary of state website. If you are on the Board you may re-apply. If you are not on the Board this is an opportunity to participate.

Senator Kubly said that he would likely be replaced by a member of the majority.

Board Review of Delegated Processes and Procedures

Mr. Rieber said that he discussed this with Mr. Hart. The Boards' authority has been delegated to staff and he thinks that there are some problems. He said that issuing licenses and fines may need to be reviewed by a Board Committee.

Mr. Rieber said that we need to discuss issuing of licenses for ambulance services and training programs. Mr. Hart said that if it is a discretionary decision then it should be Board action. Mr. Rieber asked for authority for the Executive Committee to take action on behalf of the Board. Mr. Rieber said that the Executive Committee meets every other Wednesday to discuss issues.

Mr. Rieber suggested that a new committee be formed when the new Board members are named.

Mr. Schoenbaum asked what the procedure would be. What is handled by staff before a license is issued. Mr. Rieber said that this needs to be reviewed and then presented to the Board for a decision.

Ms. Buss asked if this would be for correction orders or for repeated violations. Mr. Hart said that it can be appropriately delegated to staff but if there is a judgment call that would need to be authorized by the Board. Mr. Hart said that most of these functions were delegated before current staff. This needs to be periodically reviewed.

Mr. Rieber said that there needs to be an ambulance inspection checklist. We need rules to follow for inspections. If the question is outside the rules then it should be reviewed by the committee.

Ms. Buss asked that a staff member be included in this discussion.

Mr. Miller moved that the Executive Committee review tasks associated with issuing correction orders, licensing and other discretionary tasks as outlined by the Attorney Generals representative. Mr. Simpson seconded. Motion carried.

VII. Executive Director's Report

Report on Costs for Goal Setting Session

Ms. Burke Moore said that the Department of Administration has facilitators available for goal setting sessions. A goal setting meeting would be at least two hours for review and development of goals. She asked if the Board wants to do this at the next meeting which is in Duluth. The cost would be \$875 to 1,000 plus travel costs.

Mr. Rieber said that it is important for this to occur. Mr. Jordan said that it may be wise to wait until the new Board members are appointed.

Mr. Rieber said that he will not be attending the Duluth meeting. Mr. Rieber said that the May meeting could be better timing. Mr. Schoenbaum asked what time frame the goal setting would be for. That will determine our urgency to meet.

Mr. Rieber said that we need annual goals and a three to five year plan. Mr. Jordan said that we will have a two year time frame at the end of legislative session. We need budget goals that have a three year plan with three one year plans.

Mr. Rieber said that at some point we will have a new Board chair. Mr. Lee suggested the planning occur in March and the session occur in May. Mr. Rieber said that when they have done this in Perham there was homework and then the plan was developed. Mr. Jordan said that there are different models. Mr. Rieber suggested that the staff from Department of Administration attend the meeting in March for an overview and conduct the session in May.

Budget Report

Ms. Burke Moore said that the Finance Committee meeting met today. Ms. Burke Moore said that we are on track with our current budget. We will have to wait and see what happens with the legislature. Mr. Pearson said that Ms. Burke Moore and staff are managing the budget well.

Education Standards Update

Ms. Teske said that we are having public meetings throughout the state. The presentation is available on our website.

Ms. Teske said that she and Dr. Satterlee developed this presentation. Ms. Teske provided handouts on the comments submitted at the community meetings.

Ms. Teske said that she is preparing a list of gaps in skills for EMT-I. With the new standards they have the option of dropping to EMT or taking the additional training. They would need to take additional training and the national exam. We want to be encouraging to these persons.

Mr. Rieber asked if there will be additional emphasize on skills provision. Ms. Teske said that there is more depth and breath in the anatomy and physiology. There is additional information on geriatric patients and pediatric patients in the standards.

Mr. Rieber asked about the recertification dates. Ms. Teske said that we are proposing one set time for renewal. They can take training any time but they will have a set expiration date. Ms. Teske said that we want to stay with the national standard for EMT and paramedic. We want to move to a standard date for First Responder. Ms. Bidwell said that this topic was discussed five years ago and the firefighters union opposed this.

Mr. Radde asked about variances authorized by ambulance services. Ms. Teske said that there will be no differences in licensing. Ms. Teske said that much of this is under the direct control of the medical director and the level of training for their staff.

Department of Public Safety Grant

Ms. Burke Moore said that we have been informed that we will receive a \$100,000 grant from the Department of Public Safety, Office of Traffic Safety. It will include funding for MNSTAR upgrades. (\$5,000 for staff overtime for MNSTAR development, \$5,000 for webinar software, \$40,000 for a data mining tool and \$40,000 for grants to services for upgrades) Ms. Burke Moore thanked public safety.

Ms. Burke Moore asked for a motion to accept the grant. Ms. Engen moved approval. Dr. Thomas seconded. Motion carried.

VIII. Schedule of Meetings for 2011

Mr. Rieber said that the proposed schedule was provided by email. Mr. Rieber asked what the Board would like to do. He said that he sees value in the out of town meetings. Board members discussed their options.

Mr. Schoenbaum moved to accept the schedule including a meeting in Duluth and Alexandria. Ms. Brown seconded. Motion carried.

IX. Legislative Committee Report

Mr. Miller said that the Legislative Committee met and discussed several options for legislative proposals. Mr. Miller said that the Board approved the curriculum for education standards but has not approved the language for statutes.

Mr. Miller said that staff reviewed language for a housekeeping bill and proposed language to the Committee. We are proposing to strike outdated language. MAA participated in the

discussion of this bill. We want this to be a non controversial bill. Mr. Miller explained the proposed language.

Mr. Rieber asked for an explanation of maintenance of equipment. Mr. Norlen said that we are moving outdated rule to statute. The Board felt that it was better to have this subjectiveness in statute. Mr. Rieber suggested adding according to “manufactures guidelines”. He wants something that is measurable. Mr. Norlen said that from an inspection standpoint if the equipment is maintained and in working order it will pass the inspection. Mr. Norlen said that manufactures guidelines is mentioned. Mr. Miller said that he has not seen this as an issue.

Mr. Miller said that the radio plan needs updated. Not all areas of the state will have ARMER.

Mr. Schoenbaum asked about subdivision 14. The logic of the cleanup is obvious. He said that data collection became controversial last year. The Department of Health wants things to calm down and not propose any legislation that includes the word “trauma” for a couple of years. We will ignore the outdated language. He asked that this provision be deleted.

Mr. Rieber asked about signage on ambulances. He said that technically an ambulance could be lettered wrong if vehicles are moved around and the company would be in violation of the license. He asked about re-lettering of vehicles. He suggested that this needs to be changed in law. Mr. Norlen said that current law says that the vehicle must reflect what the license says. He suggested that the company change what is on the license. You can make a name change on the license on file at the EMSRB office. Mr. Norlen said that there are fees for replacement vehicles.

Mr. Pearson said that has been a concern for North Memorial. We have used the name of the town as an identifier so changed the name of the license. Mr. Miller said that this was discussed and from an enforcement issue it has not been an issue.

Mr. Norlen said that the main corrective action has been regarding the size of the lettering and the placement on three sides of the vehicle.

Mr. Miller said that the Complaint Review Panel is not in sync with the scope of authority as the other health licensing boards. Mr. Miller said that Mr. Hart provided recommendations for changes to statute. Mr. Miller said that there has been some discussion about the mental health evaluation portion of the document. Mr. Miller said that this is necessary language. Mr. Miller said that monitoring is done by the individual the assessment is covered by the Board.

Mr. Miller said that the Board has approved the curriculum change for education. He said that it will be a large task to change the statute. This will be a separate bill from the others. Mr. Miller said that Ms. Teske and the committee met to discuss this. Mr. Miller said that Ms. Teske has done an excellent job in preparing for this change. We are receiving comments during the public meetings. Ms. Burke Moore said that this sample is not the final legislative language. Ms. Teske said that the language is being developed.

Mr. Rieber suggested approval of the legislative proposals. Mr. Jordan moved approval of the legislative package with the trauma language removed. Dr. Fink Kocken seconded. Motion carried.

X. Executive Committee Report

Mr. Rieber said that the Executive Committee meets every other Wednesday. We are discussing budget and legislative issues. Any Board member is welcome to attend.

XI. Finance Committee Report

Mr. Pearson said that the Finance Committee met this morning and discussed budget issues. Mr. Pearson said that Ms. Burke Moore and staff have done an excellent job in managing the budget especially considering that we are down some positions.

Mr. Pearson said that we discussed budget initiatives for reinstatement of funds. We may be questioned why we are asking for additional funds. The Committee agreed that three initiatives will be moved forward.

Mr. Pearson said that there is a \$6 billion dollar budget deficit. But the advice of the Senator is that "we need to ask or we will not receive anything". We are also preparing documents regarding potential budget cuts and the Finance Committee discussed this document. This document is not available to the public at this time. Mr. Pearson said that staff needs to realize we will be sensitive to them. It is not our intent to cut staff. We need to defend the Board and staff to the legislature. Mr. Rieber said that we need a document to provide information on the impact of a 10 percent cut. We need a consistent message.

XII. Complaint Review Panel Report

Ms. Bidwell reported that the panel met three times.

- 170 disclosures were reviewed; 155 passed, more information was requested in two cases, one conference invitation was issued, 12 cases were referred to HPSP.
- 39 mandatory reports/complaints were reviewed; nine were closed with no further action needed, a Notice of Conference was requested for three cases, a Stipulation and Consent Order was requested for eight cases, 18 Minnesota Department of Revenue Suspensions, and one Minnesota Department of Revenue Reinstatement
- One Stipulation and Order was signed
- Four conferences were scheduled, and three were attended.

Mr. Miller said that the CRP was asked to review an appeal of a fine. The CRP reversed the order of a fine. He asked if this is a role for CRP. Mr. Rieber said that we will discuss regarding Board and staff roles. Mr. Hart said that this should not come before the Board. The fine should be issued by CRP and then reviewed by CRP. If the full Board were to hear this then it could become a contested case and then the Board would be tainted for the contested case.

XIII. Approval of Application and License for Glencoe Regional Health Services Ambulance

Mr. Rieber said that a handout was provided. We rescinded a license for procedural issues and that has been resolved and now it is before the Board for approval.

Ms. Bidwell moved approval of the license. Ms. Consie seconded. Motion carried.

XIV. Other Business

Mr. Rieber said that he received a request from the U of M to appoint a paramedic for a paramedic level advisory board. Mr. Rieber suggested referring this to MAA unless a Board member wants to volunteer. Ms. Bidwell offered to participate on the advisory panel.

XV. Public Comment
Glencoe Remarks

Mr. Doidge said thank you for granting the licensure. The process for granting the part time ALS license started in 2009. We discussed this with EMSRB staff. We discussed this in our company internally then we hired Mr. Wiebel. We completed our application and then had the issue of paperwork problems. We learned much in the process.

XVI. Closed Session (Executive Director's Performance Review)

Mr. Rieber asked for a five minute recess and then the Board will reconvene in closed session.

[Ms. Burke Moore tendered her resignation effective January 5, 2011.]

XVII. Adjourn

Mr. Miller moved to adjourn. Ms. Heaney seconded. Meeting adjourned at 12:40 p.m.

Reviewed and Approved by:



12/20/2010

Pat Lee, Secretary

Date

James Rieber, Chair

Date