

Meeting Minutes

Emergency Medical Services Regulatory Board

Friday, September 7, 2018, 9:00 a.m.

Arrowwood Conference Center

Alexandria, Minnesota

Attendance: J.B. Guiton, Board Chair; Aaron Burnett, M.D.; Lisa Consie; Patrick Coyne; Scott Hable; Megan Hartigan; Tim Held; Jeffrey Ho, M.D.; Paula Fink Kocken, M.D.; Kevin Miller; Tony Spector, Executive Director; Melody Nagy, EMSRB Staff; Greg Schaefer, Assistant Attorney General.

Absent: Jason Amborn; Rep. Jeff Backer; Lisa Brodsky; Steve DuChien; Michael Jordan; John Pate, M.D.; Jill Ryan Schultz; Matt Simpson

1. Call to Order – 9:01 a.m.

Mr. Guiton welcomed everyone to the Board meeting. He asked for introductions from members and guests.

2. Oath of Office – 9:05 a.m.

Mr. Guiton announced the members that were reappointed and invited them to the front of the room to take the Oath of Office. The Oath of Office was administered to:

Patrick Coyne, Ambulance Service Director
Scott Hable, Sheriff's Representative
Megan Hartigan – Registered Nurse
Jeffrey Ho, M.D., Regional EMS Program Representative

3. Public Comment – 9:15 a.m.

The public comment portion of the Board meeting is where the public is invited to address the Board on subjects which are not part of the meeting agenda. Persons wishing to speak are asked to complete the participation form located at the meeting room door prior to the start of the meeting. Please limit remarks to three minutes.

None.

4. Review and Approve Board Meeting Agenda – 9:17 a.m.

Motion: Dr. Burnett moved to approve the agenda. Dr. Ho seconded. Motion carried.

5. Review and Approve Board Meeting Minutes – 9:20 a.m.

Motion: Mr. Miller moved to approve the minutes from the July 19, 2018, meeting. Mr. Coyne seconded. Motion carried.

6. Board Chair Report – 9:25 a.m.Election of Officers

Mr. Guiton said the Board's Internal Operating Procedures require that an election of officers occur each even-numbered calendar year. The Board therefore will select by vote today the Vice Chair, Secretary/Treasurer, and At-Large Member.

Mr. Guiton asked for nominations for Secretary/Treasurer. Mr. Hable nominated Ms. Hartigan. Ms. Consie seconded the motion. Mr. Guiton asked if there were any other nominations. There were no other nominations. Ms. Hartigan was elected by unanimous vote. Ms. Hartigan abstained from the vote.

Mr. Guiton asked for nominations for At-Large Member. Mr. Hable nominated Dr. Ho. Dr. Burnett seconded the motion. Mr. Guiton asked if there were any other nominations. There were no other nominations. Dr. Ho was elected by unanimous vote.

Mr. Guiton asked for nominations for Vice Chair. Ms. Hartigan nominated Mr. Miller. Mr. Held seconded the motion. Mr. Guiton asked if there were any other nominations. There were no other nominations. Mr. Miller was elected by unanimous vote.

Community EMT Pilot Project Presentation

Mr. Guiton introduced Amber Lage, Deputy Chief for EMS at the Minneapolis Fire Department, Steve Koering, Saint Louis Park Fire Chief, and Dr. Michael Wilcox, who provided a presentation on the Community EMT Pilot Project. Mr. Guiton commented that one of the Board's requests is the curriculum needs to be shared.

Chief Koernig and Dr. Wilcox provided a PowerPoint presentation regarding the Community EMT Pilot Project.

Mr. Guiton offered his congratulations in the progress of Pilot Project One and Two. He said the emphasis of clinical simulation is very important. He asked Dr. Wilcox if he signs off on skills for these applicants. Dr. Wilcox said yes, but the medical director of the fire service they are working for still needs to approve their work as a Community EMT. Mr. Guiton said this is not an expansion of scope; it is duties assigned as a Community EMT in the home environment. Dr. Wilcox said the emphasis is chronic health management.

Deputy Chief Lage provided an overview of the two student performance evaluation tools that have been developed. She said four clinical simulation evaluations must be completed for the student and signed by the course instructor. A clinical performance assessment tool has been developed to monitor clinical progress. This document is signed by the preceptor and Dr. Wilcox.

Mr. Guiton said he is looking for a motion to approve the Community EMT Course.

Motion: Ms. Hartigan moved to approve the Community EMT course. Mr. Hable seconded. Motion carried.

Mr. Spector said that staff will process the licensure documents.

Children’s Minnesota Ambulance License Application – Status Update

Mr. Spector said this license application was a topic of discussion at the May Board meeting. The Board by motion voted to take no position on the application. The application is scheduled for a contested case hearing before an Administrative Law Judge beginning on Monday, September 24, 2018. Mr. Spector provided information on the deadlines established by the Administrative Law Judge regarding the parties – Children’s Minnesota and the EMSRB – as well as those individuals and entities who wish to participate in the hearing as interested persons. Mr. Spector said all relevant documents have been posted to the EMSRB website, have been distributed by email, and public notice was published in the newspapers as required by law. Mr. Spector said the Administrative Law Judge will provide written findings (recommendations) to the applicant and the Board. The Board will vote to approve or deny the application during the Board’s November meeting

Board Member Conflict of Interest Discussion

Mr. Schaefer said Board members received an email explaining how Board members may evaluate whether they may have a conflict of interest. Mr. Schaefer said the Board’s Internal Operating Procedures also addresses conflict of interest and declaration of conflict of interest. Mr. Spector said a goal at this Board meeting was for Board members in attendance to disclose whether they may have a conflict of interest. Board members not present would declare publicly at the November Board meeting whether they believe that they may have a conflict of interest.

Mr. Coyne asked why the Board members were being asked to disclose publicly at this Board meeting as opposed to disclosing at the November Board meeting. Now before the hearing? Mr. Coyne asked for the standards in getting a new license and the intent of an applicant in getting a new license. Mr. Guiton said this discussion will take place at the November meeting. Mr. Schaefer said statutes refer to direct conflict and “if your interest is no greater than any other member”. This is an individual decision by Board members. There could be a basis for appeal if this is questioned. Mr. Schaefer said if a person declares they have a conflict now that would allow time for consideration of the Board members recusal.

Dr. Fink Kocken asked how this affects a quorum. Mr. Schaefer said the quorum is established for the meeting. The recused members do not vote on this issue; this does not change the quorum.

Mr. Miller said a conflict of interest that is financial may be less challenging to determine than other conflicts of interest. Mr. Schaefer quoted Minnesota Statutes 10A.07.

Mr. Schaefer said if a Board member has been involved in presenting an objection to the Children’s Minnesota application and if the Board member cannot provide an objective vote then that Board member should declare a conflict of interest. Mr. Miller said this is an industry represented Board.

Motion: Mr. Miller moved to table this discussion until the November meeting. Dr. Ho seconded. Motion carried.

Mr. Guiton asked Mr. Schaefer why the persons/agencies that submitted a letter of opposition were not invited to the pre-hearing conference held before the Administrative Law Judge on July 27, 2018. Mr. Schaefer explained that the Board and the applicant are the parties to this hearing. This was a meeting scheduled by the Office of Administrative Hearings and the Administrative Law Judge to discuss process. Mr. Schaefer said there will be an opportunity at the pre-hearing conference for interested persons to present information at the contested case hearing. Interested persons are not parties to the hearing.

Mr. Randall Fischer, a member of the public in attendance, asked if there was an effort by Children's Minnesota to resolve the oppositions to the application. Mr. Schaefer said this was discussed but is not a settlement situation. Children's was aware of the opportunity to have discussions with those individuals and entities who submitted letter of opposition to the application. The Board being neutral in this case does not negotiate during this discussion. Mr. Schaefer said the applicant would be allowed to discuss the application with the persons/agencies that have objections. The applicant may withdraw their application. This was not the choice by Children's.

EMSRB Specialist Position

Mr. Guiton provided some brief history of the EMSRB as an agency as well as history of EMS regulation in Minnesota which pre-date the EMSRB. The legislation creating the EMSRB passed in 1994. He said the ambulance industry in the 1990s was significantly different than it is today. EMSRB has had essentially the same operational model since the 1990s.

Mr. Guiton said he discussed with Mr. Spector that he should "blow up" the agency and evaluate its organizational operational structure. Mr. Guiton expressed the goal of providing excellent service to the customers, stakeholders and citizens and improve relationships in greater Minnesota. Mr. Spector said it is the success of meetings these goals requires a positive culture for the agency.

7. Executive Director Report – 10:00 a.m. – Tony Spector

EMSRB eLicensing System Report

Mr. Spector said the eLicense system went live one year ago. He provided metrics regarding applications submitted through the eLicense portal as well as certification metrics. He thanked EMS Specialist Holly Jacobs and now-retired Field Services Supervisor Bob Norlen and the employees of ImageTrend that worked very hard to develop this product. Mr. Spector said ImageTrend has been showing the Minnesota website as a model for other states.

Agency Report

Mr. Spector explained his charge from the Board Chair was to evaluate and improve the organizational and operational structure of the agency. Mr. Spector sought advice from others in making changes to the agency, including other states' EMS regulatory offices. Mr. Spector said he is contracting with an industrial/organizational psychologist and consultant with the Minnesota Management and Budget's Management Analysis Division for services regarding organizational evaluation and change, position description evaluation, and position description creation and rewriting. Mr. Spector then provided the former and newly-created EMS organization charts consistent with current EMSRB funding.

Mr. Spector discussed what will be the focus of each position on the newly-created organization chart: Field Investigator, Compliance Coordinator, Certification Specialist, Grants & Financial Manager, Data Manager & Analyst, EMS Specialists (updated position descriptions) and Education Specialist/Coordinator. He said that currently there is not enough funding for an education coordinator.

Mr. Spector said this is the model that the budget allows. He said the new organization chart and operational structure will very likely have staff based in the Minneapolis office, thus creating a more centralized model.

Mr. Spector said the rumor about the EMSRB intending to defund the eight (8) EMS regions is absolutely not true.

Mr. Held commented that this is impressive work. He said he wants to support what Mr. Spector is trying to accomplish. Mr. Held asked if Mr. Spector has considered cross-training in an effort to avoid a single point of failure. Mr. Spector said that cross-training has been discussed and is planned as part of the operational structure.

Mr. Tim Fresonke, a member of the public in attendance, raised his hand with a question. Mr. Guiton invited Mr. Fresonke to address the Board. Mr. Fresonke asked about the reason for centralizing the position of EMS Specialist. Mr. Guiton said when other boards centralized staffing they were able to provide increased customer service. The use of technology will provide better customer service. Multiple inspections can be conducted in one trip.

8. Committee Reports – Committee Chairs – 10:30 a.m.

Legislative Work Group Report

Mr. Miller said reported the work group is on hold until the Revisor's Office can produce the documents needed for statute revision. Staff do not have that ability right now. Mr. Miller said we want to move forward this legislative session.

Mr. Spector said that with salary savings the EMSRB can contract for assistance in development of the legislative package.

Medical Direction Standing Advisory Committee

Dr. Burnett said MDSAC had 12 members present at the meeting last night. Dr. Albert Tsai provided a presentation on the stroke system. There was also a discussion about paramedics working outside their normal role. Medical director succession was discussed with the suggested of an assistant medical director or mentoring situations.

Mr. Guiton congratulated Dr. Burnett on the energy and content of the current MDSAC. MDSAC is doing incredible work.

9. New Board Business – 10:50 a.m.

None

10. Adjourn – 10:55 a.m.

Motion: Dr. Fink Kocken moved to adjourn the meeting. Mr. Held seconded. Motion carried.

**Next Board Meeting:
November 15, 2018, at 10:00 a.m.
Woodbury Public Safety
2100 Radio Drive
Woodbury, MN 55125**

Reviewed and Approved By:

Megan Hartigan (by email)
Board Secretary

10/1/18
Date