

Summary Minutes

Meeting of the
Emergency Medical Services Regulatory Board
10:00 a.m., March 19, 2009
2829 University Avenue Southeast
4th Floor, Conference Room A
Minneapolis, Minnesota

Members Present

James Rieber, Chair
Dawn Bidwell
Brenda Brown
Lisa Consie
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

Bonnie Engen
Rep. Jeremy Kalin
Sen. Gary Kubly

Guests

Stacy Brewers
Suzanne Gaines
Tim Gilsrud
John Huot
Frank Langer
Pat Lee
Nancy Loberg
Buck McAlpin
Candice McComb
Kristi Moline
Mark Seaton
Matt Simpson
Tom Vanderwal
Stuart Williams
Gary Wingrove

Staff

Katherine Burke Moore
Executive Director
Talia Landucci
Melody Nagy
Rose Olson
Debby Teske

Keith Wesley, M.D.
Karen Andrews, AGO
Nathan, Hart, AGO

I. Call to Order

Mr. Rieber called the meeting to order at 10:00 a.m.

II. Introductions

Mr. Rieber asked members and guests to introduce themselves.

III. Approval of Agenda

Mr. Rieber asked to moved items seven and eight to after item number three. Mr. Rieber asked for a motion to approve the revised agenda. Mr. Stelter moved approval of the revised agenda. Ms. Tanner seconded. Motion carried.

IV. Regional Grant Extensions

Ms. Burke Moore said that when the Board approved the regional program grants they approved two grant cycles including an extension in that motion. Although no vote is needed, Ms. Burke Moore asked Ms. Landucci to provide information on task changes being proposed for the regional program grant extensions. Ms. Landucci said that the regional programs will not need to complete the board to board meeting requirement but should budget to attend one EMSRB meeting with a board member where each regional program will be asked to present information on activities in their region. In addition, the regional program medical directors should plan to consult with the state medical director on local medical direction issues.

Ms. Burke Moore asked if any regional program director or member had any comments on these suggested changes. No concerns were expressed.

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Ms. Hill asked if a regional program is failing in an activity does this need to come before the Board. Ms. Burke Moore responded that staff monitors this activity and it would be reported to the Board if it was significant.

Mr. Stelter asked about audit requirements and site visits for regional programs. Ms. Burke Moore said that staff discussed documentation requirements with the grants management office and EMSRB staff will be visiting each regional program office to provide training on documentation needed. Joint powers boards are required to have annual audits per statute. Mr. Stelter asked that this be referred to legislative committee for possible change. Ms. Burke Moore said that she will send it to the legislative committee.

V. Federal Air Legislation Discussion and Comments

Mr. Rieber said that he received a letter asking if Minnesota wanted to provide a position on federal air ambulance legislation. He said that he wanted to provide information on both sides of the issue so he invited interested parties to come to the Board meeting. Gary Wingrove has been working on the issue at the national level and is prepared to inform the Board of the issues.

Mr. Wingrove provided several handouts pertaining to this legislation. Mr. Wingrove said that there were changes in regulations and fees for air medical transport. He said that there were court challenges to air medical transport regulations. Mr. Wingrove said that these regulations are not clear. Mr. Wingrove said that last year the federal court made a ruling that affected North Carolina and other regional providers. This ruling resulted in proposed legislation which included broad language but did not pass. The bill being discussed today is HF 978. Mr. Wingrove provided a summary of the bill. Mr. Wingrove said that this is not a Minnesota problem. Our helicopters are integrated into the health care system. Mr. Wingrove said it does affect other states like Pennsylvania (they have 67 helicopter services serving Pennsylvania). Minnesota has 11 helicopters that serve our medical needs this would only be a problem if there was a significant increase in the number of helicopter services. If the federal legislation passed it could help states with problems resolve them

Dr. Wesley said he was involved with this issue at the National Association of State EMS Officials conference where the physicians in attendance signed a letter of support. He said that that ACEP and the National Association of EMS Physicians are also supporting this bill. It is not a perfect bill, but this legislation empowers states to address the issue. He stated concern about air ambulance safety and also ground ambulance safety. If Minnesota has a problem do we have the authority to address it? Dr. Wesley thinks there could be significant court cases and costs. Dr. Wesley offered to answer questions on the issue and stated that the Board does not have to take a position on this legislation.

Mr. McAlpin said that the Minnesota Ambulance Association will have no position on this bill. He said that he has discussed this related to patient care issues and safety issues. North Memorial has concerns about this bill. He agreed that Minnesota does not have significant air ambulance issues. He suggested that in the future state legislation could be proposed to provide protection in Minnesota.

Mr. John Huot of Life Link III said that we need information/data on air ambulance issues. There may be future marketing issues. He said Life Link III will not support the federal bill. This bill is very broad. Dr. Satterlee asked about issues for interstate transport when an air ambulance crosses state borders. Mr. Wingrove said that the issues are managed on a case by

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case basis. This bill does not affect interstate transport requirements. Dr. Wesley said that the ambulance must comply with regulations at the base location.

Ms. Bidwell asked when a decision must be reached on this issue. Mr. Wingrove responded that the Board does not need to act on this today. He said that the bill language may change. The FAA also requested language changes. Ms. Hill asked what the budget impact would be for the State of Minnesota. Mr. Rieber said that would be a discussion at the state level. Ms. Burke Moore said that we have authority to regulate air ambulances in Minnesota

Mr. Huot said that helicopters are moved based on volume of service needed. His agency discussed that if this bill passes it would require a hearing to move helicopters.

Ms. Hill said that the language of the bill states that state will be responsible to regulate air ambulances. The FAA requirements would still apply. Mr. Rieber quoted the bill language and provided clarification to Ms. Hill's question. Mr. Rieber said that he would have concerns about out-of-state air ambulances providing care for Minnesota citizens. He said that he has discussed these concerns with Mr. Wingrove. Dr. Wesley said that this is addressed in current Minnesota statute.

Mr. Rieber said the Board has several options on this issue: we can take no action; we can sign the letter of support or table this issue for future consideration. We can also oppose it.

Ms. Hill moved that the Board take no position on this issue with further review. Mr. Stelter seconded. Ms. Hill amended her motion to table the issue. Mr. Stelter seconded. Mr. Schoenbaum said that this cannot be put on the agenda after it is tabled. There must be a motion to remove this from being tabled. Mr. Schoenbaum said that the trauma system policy committee will be discussing this in the future. Mr. Rieber asked for a vote. Motion defeated. Mr. Miller and Dr. Satterlee abstained. Mr. Rieber said that this will be on the agenda for the next meeting.

VI. Approval of January 15, 2009 Minutes

Mr. Rieber asked for approval of the minutes. Ms. Brown moved approval of the January 15, 2009 minutes. Dr. Thomas seconded. Mr. Rieber clarified that the "firefighter position" is not being replaced. It is the fire chief position. Motion carried.

VII. Chair's Remarks

Board member Appointments

The Governor's office has received two applications for the fire chief position. The public member position is open until March 24th. Ms. Burke Moore said we are seeking diversity on the Board would like Board members to encourage diverse applicants to apply.

VIII. Executive Director's Report

Ms. Burke Moore said that information is being gathered on potential flooding in Northwest Minnesota. Staff will be attending planning meetings and further information will be provided when it is received. Mr. Stelter said that North Dakota has declared a state of emergency and there may be a request for resources. Ms. Olson said the strike teams are not state resources under Minnesota statutes. At this time only state resources are being called upon. Mr. Miller said that as a state agency we provided a grant for the strike team how can they not be a state resource. Mr. Schoenbaum asked if this could be amended to another bill at the legislature. Ms. Burke Moore said that this can be discussed at the planning meeting tomorrow. Mr. Rieber said that strike teams could be activated by governor's executive order. HSEM will pay for state

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resources. Federal reimbursement would only occur when a federal disaster is declared. Mr. Miller said that this is a significant problem. Ms. Hill asked that this be discussed by the legislative committee for the future changes. Ms. Burke Moore said that she will provide an update to Board members on the result of the flood planning meeting. Mr. Stelter asked if a certain number of ambulances are requested can we also request the strike team to respond. Mr. Rieber said that this would depend on the incident command structure.

Budget Report

Ms. Burke Moore said that the EMRSB proposed budget remains at the same level as the current biennium in the Governor's budget. Although the budget remains the same, costs continue to rise. She said it is unlikely that we will be able to fill the metro specialist position at this time. The funding situation is not a good one. If budget issues continue to worsen the EMSRB may have a couple of options. In addition, as the EMSRB operations change we must take on more and more new tasks. A number of those tasks are public safety related. Should we explore requesting funding from public safety resources? Ms. Burke Moore and staff will identify cost saving opportunities in our operations.

Legislative Update

Ms. Burke Moore said that since the last Board meeting the Executive Committee chose to change the Board's position on the MRU bill. Instead of oppose, the position is "neutral with reservations." When the EMSRB opposed this bill it set up a barrier to discussion with legislators. Many thought that the Board also opposed the programs listed in the bill. So she was repeatedly ensuring others that the opposition was not aimed at the programs, but at the use of the longevity funds.

With a neutral position, Ms. Burke Moore was able to explain that the longevity fund is not a savings account. It is an investment account for the volunteers in Minnesota. She explained Minnesota reliance on volunteer personnel and explained the issue as a quality of life issue in Minnesota. She and Mr. Reiber spoke with individual legislators regarding the need to retain the longevity funding. Money has been removed from the fund to make the payouts this year and the number of awards has increased each year. If there is a move to take more funding from the Cooper Sams account, it is important that at least a million is retained so there is enough funding for future awards and to rebuild the fund.

Mr. Rieber said that there is not enough money to pay this long term. He said that reserving some funds would give us time to propose legislation for additional funding in the future. Mr. Stelter asked if there are any other proposals to take this money. Ms. Burke Moore said none except for the MRU bill. Ms. Burke Moore said we will want to watch if a transfer of funds is proposed in other legislation.

Ms. Burke Moore said that she said that she will request meetings with Representative Huntley and Senator Berglin to discuss the Board's position on this issue. Ms. Brown asked if this is a one time payout. Ms. Burke Moore said that the statute does not limit it to a one time payout. A person must reach age 50 and earn the five credits to receive a payout. Ms. Hill asked if this is an issue we cannot win. Ms. Burke Moore said we cannot give up on this issue; we have commitment from the authors of the MRU bill to try to reserve funding for volunteers. She will continue to remind them and other legislators of that need. Ms. Burke Moore also stated that she was criticized for going to the legislature and expressing opposition to or concerns with bills. She wanted the Board to be aware that a state agency does not lobby but can, and should, provide information and facts on the issues before the legislature. She encouraged Board

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members, if they heard criticism regarding her work with the legislature, to inform her so she could address it appropriately.

Ms. Burke Moore said that the EMSRB housekeeping bill is being heard today in the House. A handout is available for Board members with talking points about the housekeeping bill. The information has been provided to Senator Kubly and Rep. Olin. I will provide more information to Board members after these hearings.

Mr. Miller said that if the MRU bill is not passed. The money could be gone and EMS would receive have no funding from this bill.

MNSTAR Report

Ms. Burke Moore said that 11 services have received correction orders or fines for MNSTAR noncompliance. EMSRB staff monitors compliance and will continue to assist services to come into compliance.

IX. Medical Director Contract

Ms. Burke Moore said that the Board discussed a medical director contract extension at an earlier meeting but did not act to extend the contract. Staff needs authority from the Board to extend this contract. A handout is being provided with one suggested change to the medical director's duties. The current agreement is a two-year contract funded at \$100,000. Reviewing the amount expended in the first two-year contract, Staff proposes to reduce the contract amount to \$80,000. In addition, a new task for the state medical director to consult and interact with the medical directors in each region will be added to the contract duties. She discussed this change with Dr. Wesley who is eager to serve as a resource to the regional medical directors.

Ms. Hill said that this is a \$40,000 per year commitment at time when there are budget issues. She is concerned that this money should be used for staff. Ms. Burke Moore said that this was appropriated by the legislature for this purpose and it includes state medical direction on the MDH trauma committee.

Dr. Thomas said that the chair of the Medical Direction Standing Advisory Committee previously handled these duties as a volunteer. A great number of things are being accomplished by having Dr. Wesley fill the state medical director role. We will be rolling out a medical director education course at the fall conference. Ms. Bidwell said that his role on the CRP panel is very much appreciated. Mr. Schoenbaum said that the EMSRB previously did not have a paid medical director but we may want to consider future action to have this be an employee position within the EMSRB.

Ms. Bidwell moved to accept the contract extension as proposed. Ms. Brown seconded.

Mr. Rieber thanked Dr. Wesley for his willingness to help with this budget issue. He said that there will be additional duties in the future with trauma system development. Motion carried.

X. Longevity Awards for 2008

Ms. Teske provided a handout regarding history of payouts. Ms. Teske said that a graph is provided that shows how the appropriation has been reduced. Each year a service credit is added per applicant and the payment amount per credit is now fixed and the number of payouts requested has increased.

XI. Medical Direction Standing Advisory Committee Report

Dr. Thomas said that the committee has had two meetings where the committee did not have a quorum. She said that there was a conflict with another meeting for the Duluth meeting date. There is a question of how to determine a quorum for this group and I would like clarification. The eight regional programs have a medical director that should be involved in this group and there are three physicians on the Board that means a quorum would be six members. We only have nine persons filling these positions.

Dr. Thomas said that she would propose that the eight regional medical directors and three Board members would be the voting members for the MDSAC. Mr. Rieber said that the regional directors are to appoint a member and an alternate. Dr. Wilcox is the medical director for two regions. Mr. Rieber said that the vote should be by region and a region would have to provide a member for each vote. Dr. Wilcox would vote for one region and an alternate would have to vote for the other region. Ms. Burke Moore said that an individual cannot vote twice. Ms. Burke Moore said that the IOP states each region has a vote and an alternate could have a vote for that region. If you review Roberts Rules it does not give a person filling more than one role extra votes. Ms. Bidwell said that this must be clarified for the physicians who have more than one region. This impacts the number of persons for a quorum. Ms. Hill said that previously the committee had non-physician members who were Board members on this committee. The chair could consider changing the membership of the committee.

Dr. Thomas said that the regions need to be informed that the regional medical director must attend these meetings. Mr. Stelter asked if the designated alternate can be someone other than a physician. Ms. Burke Moore read the membership from the IOP which states that a vote is for each member. It appears that we do not need a change. Each two-year cycle may change the number of "bodies" in total. Dr. Thomas said that everyone is wearing more and more hats and it is harder to get physicians to the meetings. Mr. Rieber said that the members and the alternates were appointed at a Board meeting. He asked that the minutes be reviewed.

Dr. Thomas said that some medical directors rubber stamp policies. EMS needs more involved medical directors. Dr. Thomas said the medical direction course is being developed as an online course. The course will be presented at the Alexandria meeting as an MD update. Dr. Wesley is seeking comments from medical directors. Dr. Wesley said he would like to provide a preview of this to the Board at the next meeting.

Dr. Thomas said that DNR/DNI was discussed and the form being proposed is a good form and would also include physicians' orders. The top portion of the form would be for EMS usage. Dr. Wesley said that he continues to meet on the development of the form. He is seeking endorsement by the Minnesota Medical Association. This is an effort to coordinate and have one statewide form. Dr. Wesley said that he would report his progress at the next Board meeting. Dr. Thomas said that this may be a vote for a future Board meeting.

Dr. Thomas said that clarification was sought for intraosseous and use of the Easy IO. The Medical Direction Standing Advisory Committee provided a letter of clarification in 2006 that IO is allowed at the BLS level and is IV. The Easy IO was mentioned in the letter but it was not intended to endorse a product. There are other methods of delivery available now and another letter of clarification could be sent. Mr. Norlen ran a MNSTAR report that said that IO was provided four times at the BLS service level. The consensus of the physicians present at the committee meeting is that IO is IV and the EMSRB will not promote a specific product. The medical director must provide the appropriate training for their personnel. Dr. Thomas said that

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we are seeking Board approval for a letter of clarification. Dr. Satterlee moved approval for this letter. Ms. Bidwell seconded. Motion carried.

Dr. Thomas said that there was a discussion of data collection for MNSTAR optional items for trauma documentation. Dr. Thomas and Dr. Wesley will provide a letter to ambulance service medical directors encouraging them to have ambulance crews collect the optional data items in MNSTAR for trauma documentation. Dr. Thomas said this would not be a requirement but an encouragement and I would also like to encourage medical directors to use MNSTAR data for QI/QA.

Mr. Stelter left at 12:20 p.m.

Ms. Bidwell moved approval of the letter. Dr. Satterlee seconded. Motion carried.

Mr. Rieber said that we need to change the agenda and go into closed session now to accommodate a change in schedule by one of the attorney generals staff.

XII. Closed Session

Mr. Rieber declared the meeting in closed session.

XIII. Complaint Review Panel Report

Ms. Bidwell reported that the Complaint Review Panel met on February 23, and March 16. The panel has the following report:

- 114 disclosure files were reviewed (109 passed with no further action, more information was requested for 2 cases, 2 conference invitations were issued, and registration/certification was denied for one individual.)
- 13 complaints/mandatory reports were reviewed and 8 were closed with no further action needed, the Attorney General's Office will be requested to prepare a Notice of Conference for 2 cases, and 3 were child support/revenue suspensions.
- 9 conferences were held (the Attorney General's Office will be requested to prepare a Stipulation and Order for 2 cases) one case was referred to HPSP, 5 cases were dismissed, and one person did not appear for their conference.

XIV. Other Business

Ms. Bidwell asked if anyone needs a room for the Medical Directors conference in Alexandria. She said that she will be reserving a block of rooms for a reduced rate at the Hampton Inn. Mr. Rieber reminded members that the Board meeting is on Friday, September 11, 2009 at 11 a.m. The Medical Direction Standing Advisory Committee will be meeting at 9 a.m. Mr. Rieber said that the Board voted and approved that member's hotel rooms for this meeting will not be reimbursed. If individuals need rooms they should contact Ms. Bidwell.

XV. Public Comment

None.

XVI. Prevention of Discrimination Training

Ms. Greenlaw Benton provided training to the Board. The presentation started at 1:25 p.m. Board members present: Ms. Bidwell, Ms. Brown, Ms. Consie, Ms. Haney, Ms. Hill, Mr. Jensen, Dr. Fink Kocken, Mr. Miller, Mr. Rieber, Dr. Satterlee, Dr. Thomas, and Ms. Tanner. Staff present: Ms. Everett, Mr. Granger, Ms. Landucci, Ms. Burke Moore, Ms. Nagy, Ms. Olson, and Ms. Teske.

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XVII. Adjourn

Ms. Brown moved to adjourn. Dr. Fink Kocken seconded. Motion carried. Meeting adjourned at 2:35 p.m.

Reviewed and Approved by:



5/18/2009

Robert Jensen, Secretary

Date

Jim Rieber, Chair

Date