

Summary Minutes

Meeting of the
Emergency Medical Services Regulatory Board
10:00 a.m., May 20, 2010
2829 University Avenue Southeast
4th Floor, Conference Room A
Minneapolis, Minnesota

Members Present

James Rieber, Chair
Brenda Brown
Kathleen Haney
Michael Jordan
Paula Fink Kocken, M.D.
Sen. Gary Kubly
Kevin Miller
Gary Pearson
Mark Schoenbaum
Matt Simpson
Marlys Tanner
Mari Thomas, M.D.

Members Absent

Dawn Bidwell
Lisa Consie
Bonnie Engen
Michael Gormley
Rep. Jeremy Kalin
Pat Lee
Paul Satterlee, M.D.

Guests

O.J. Doyle
Suzanne Gaines
Tim Held
Curt Ireland
Kjelsey Kluge
Kristi Moline
Scott Reiten
Ron Robinson
Bill Snoke
Imo Sunderland
Tom Vanderwal

Staff

Katherine Burke Moore
Talia Landucci
Melody Nagy
Robert Norlen
Rose Olson
Mary Zappetillo

Geoff Karls (AG)

I. Call to Order

Mr. Rieber called the meeting to order at 10:09 a.m.

II. Introductions

Mr. Rieber asked members and guests to introduce themselves.

III. Approval of Agenda

Mr. Rieber asked for approval of the agenda and said that he was adding appointment of a replacement chair for the Data Policy Standing Advisory Committee. Ms. Brown moved approval. Ms. Tanner seconded. Motion carried.

IV. Approval of March Minutes

Mr. Jordan moved approval of the March 18, 2010 minutes. Mr. Simpson seconded. Motion carried.

V. Chair's Remarks

Volunteers for MD RFP Process

Mr. Rieber said that information was provided today regarding the duties of the state medical director. We are asking for volunteers to review the proposals received for a new state medical director.

Mr. Rieber said that he wants a committee to review the contract process and duties for a state medical director. Mr. Rieber said that he has been asked if the contract can be split between persons. Mr. Rieber said that the Board physicians can act as state medical director until this contract is completed. The following Board members volunteered: Dr. Fink Kocken, Mr. Rieber, Mr. Schoenbaum, and Ms. Tanner (a phone conference meeting).

Mr. Schoenbaum asked if there could be an exit interview with Dr. Wesley. Ms. Burke Moore said that there is a report due at the end of his contract that he will provide. Dr. Wesley also said he would be willing to visit with the Board. Mr. Rieber said that this committee will review what will be in the RFP and may also continue with the review of the proposals received.

Appointment of Data Policy Standing Advisory Committee Chair

Mr. Rieber said that he discussed with Ms. Brown having another Board member chair the Data Policy Standing Advisory Committee. He said that he will be asking Dr. Satterlee to fill this position.

Mr. Rieber said that he also wanted to discuss other Board operations and he noted that the Finance Committee is becoming more involved. We are referring more to the Finance Committee. The next biennium will also have a huge budget deficit. The Finance Committee needs to continue to be involved in these discussions. The Finance Committee will review open positions to assure planning for continued operations. The Executive Committee discussed these issues during the legislative session. Mr. Rieber said that we are also trying to have legislative issues handled by the Legislative Committee and have handouts reviewed by the Legislative Committee. This will provide an organized response.

VI. Executive Director's Report

Medical Director's Request for Proposal

Ms. Burke Moore said that there will be a draft of the proposal for the committee to review. Dr. Wesley will be submitting a written report.

Trauma Triage Guidelines Submission Report

Mr. Norlen provided a handout listing ambulance services that have submitted trauma triage guidelines. He said that staff continues to work with ambulance services to meet the guideline submission date. The Board made a decision that hospitals did not have to be named. The review process has been more difficult when hospitals are not specified. Mr. Jordan moved approval of recommended guidelines submitted. Dr. Thomas seconded.

Mr. Schoenbaum asked what the challenges were for review. Mr. Norlen replied if the ambulance service did not provide a destination hospital and availability of resources – it is hard to determine if the patient is being transported to an appropriate facility within the 30 minute timeframe. Mr. Schoenbaum asked if that will be a monitoring responsibility of the Board. Mr. Norlen said that we may need to leave this up to the regional trauma advisory council. Mr. Norlen said that this will be an ongoing responsibility.

Mr. Rieber asked what our enforcement is. Would we respond to complaints? Mr. Norlen agreed that we would respond to complaints. Mr. Norlen provided an example scenario: “there is an undesignated hospital 10 minutes away from the based of operation. There is another hospital 20 minutes away” the ambulance needs to designate which hospital to transport to the closest hospital or the designated hospital. Mr. Rieber asked if that is the EMSRB's responsibility – to assure compliance or to follow up on non compliance. Mr. Norlen said that it is our obligation to follow up on non compliance and we also work to assure compliance. Mr. Norlen said that the services' medical director makes the decision on transport.

Mr. Norlen said that we have received some applications and we feel some services should apply for a deviation but they have not requested a deviation.

Mr. Schoenbaum said that this is a requirement of licensure and the Board has the enforcement authority. The Board has the same responsibility.

Mr. Jordan quoted the minutes from a previous Board meeting and said that Mr. Schoenbaum said: “the value of the MNSTAR data would be to assure that ambulances are within the guidelines”. Mr. Jordan said we have the ability to enforce on complaints and MNSTAR data would provide information on compliance. He asked Mr. Norlen if the MNSTAR data will provide this information. Mr. Norlen said that the MNSTAR data will be valuable for compliance, decisions on transport, and for patient outcome information. This is more than paperwork – it is about saving lives. Mr. Norlen said that we are working with Mr. Held and MDH in how we are going to use MNSTAR data and trauma data. Mr. Jordan asked if the EMSRB has an obligation to enforce the 30 minute guideline. Mr. Norlen replied yes, that is in the EMSRB responsibilities.

Mr. Miller asked how many services have not submitted information. Mr. Norlen said that 20 services have not submitted guidelines. Ms. Brown asked why we are approving services that have not provided the requested information. Mr. Rieber said that it is not required that the hospital be named.

Mr. Ireland asked if staff will be providing feedback to services. Mr. Ireland said that he submitted information but does not see his name on the list. Mr. Norlen said that there was also a list approved at the Board meeting on March 18.

Mr. Rieber asked for a vote on the motion to approve the guidelines submitted today. Motion carried.

Mr. Norlen said that there are 20 services that have not submitted guidelines and one service that we are still having discussions with.

Trauma Deviation Applications

Mr. Norlen said that eight services have submitted deviation requests that need to be reviewed by the panel and approved by the Board. Mr. Rieber suggested that the panel will meet in early June. He said that the Board does not meet before the deadline but has several options:

- the Board can act on this in July
- or have a special Board meeting
- or designate this authority to the Executive Committee

Mr. Rieber said that these 20 ambulance services cannot become compliant without Board action. Mr. Schoenbaum asked if the Executive Committee is willing to take on this task. Mr. Rieber said that the Executive Committee can meet on June 30 to make this decision. This could be a conference call meeting or we could have a full Board meeting by conference call with proper notice. Mr. Schoenbaum said that the Board should see this information.

Mr. Schoenbaum moved that the Executive Committee could have provisional authority to approve the trauma deviations and outstanding applications with approval by the Board at the next scheduled meeting. Ms. Brown seconded. Motion carried. Mr. Miller abstained from this vote.

Mr. Rieber said that the following Board members volunteer to review the trauma deviation applications: Ms. Consie, Mr. Pearson, Mr. Rieber, Dr. Satterlee, Mr. Schoenbaum, and Dr. Thomas. He suggested two conference call meetings in June. Mr. Norlen and Mr. Held will staff the committee. Ms. Burke Moore said that we need one Board member at the EMSRB office to hold a telephone meeting. Mr. Schoenbaum volunteered. Mr. Rieber asked that proposed dates be provided to committee members.

VII. Complaint Review Panel Report

Mr. Miller reported on the complaint review panel activities as follows:

- 142 Disclosure files were reviewed (134 passed with no further action required, more information was requested for three cases, one conference invitation will be issued, one registrations/certifications was denied and three cases were referred to HPSP.
- 1 complaints/mandatory reports were reviewed and closed.

VIII. Legislative Committee Report

Mr. Miller said that the Legislative Committee attempted to meet but did not have a quorum. The Executive Committee has taken action on behalf of the Board.

Mr. Miller said that the chair of each committee is on the Legislative Committee and this makes it difficult to attain a quorum. He said that this could be changed in the IOP. Dr. Thomas said that if you have advance scheduling of meetings then she would be able to attend. Mr. Miller said that these meetings were called in regard to pending legislation. Ms. Burke Moore said that the point of having the chair of each committee on the committee is to get good and broad input for proposed legislation or strategy. She said that the Executive Committee could be designated to make decisions during legislative session. Mr. Rieber said that the Executive Committee met every Wednesday during legislative session and the Legislative Committee members could provide input at those meetings. Mr. Rieber suggested leaving the committee as is. Mr. Miller said that we will need emergency meetings again.

Mr. Miller said that the big issue at the legislature this year was the restoration of the \$450,000 dollars. The MAA put forth legislation regarding the distribution of these funds. The figures changed often. The EMSRB will receive \$247,000 and we will not have budget cuts (3% or 6%). Mr. Miller said that \$125,000 will go to volunteer training reimbursement (VTR) and CALS will receive \$74,462 and the EMSRB will receive \$47,538 and will report to the Board on the distribution of these amounts. Mr. Rieber said that the Finance Committee will review this further to see if there are additional funds that need to be moved without negatively affecting agency operations.

Mr. Rieber said that the Finance Committee will review the budget and will be making recommendations to the Board.

Mr. Rieber thanked Mr. Doyle and Mr. McAlpin for their efforts in tracking this money and having the money restored with no additional cuts to the EMSRB. Thank you for your time and efforts.

Mr. Doyle commented on how he worked well with the Executive Committee during the development of the budget issues. He said the court case would have complicated the budget and said that there will be more details in his newsletter.

Mr. Doyle reported on several legislative issues:

- Birthing standards – there was no consideration of ambulance services or hospitals in an early version of the bill. The bill was revised to meet national criteria. We are pleased with the final product and there will be an advisory committee overseeing this.
- A proposal to reduce seat belt revenue– this did not happen – we were concerned about setting precedence.
- There was an agreement to not remove money from the Cooper/Sams Longevity Program and we stopped this action.
- A proposal to cut \$14 million to state agency budgets and we got that removed
- We worked with MDH to get the trauma legislation passed (There were legislators that thought collection of data was bad. Without data there would not be an efficient trauma system.)
- We received national attention for an attempt by the national rifle association to block data collection relating to gun ownership. There were national alerts on this proposal.

Mr. Doyle said that considering what was going on this year we came out well with only a couple of cuts.

Mr. Rieber asked about ambulance reporting. Mr. Doyle said that there was a study of recruitment of volunteer ambulance attendants and firefighters. Recruitment and retention continues to be a challenge. Before the Cooper/Sams Longevity Program was unfunded we had hoped to increase the fund. Mr. Doyle said that we talked to senators and representatives about volunteerism. He thanked several senators and representatives for their efforts. In 2011 volunteers on fire departments and ambulance services will be eligible for MNCARE Health Insurance. This will be the only program of its kind in the nation.

IX. Finance committee Report

Mr. Pearson said that Mr. Miller reported on the restored funding. The Finance Committee will be more involved and provide input but we will not be involved in day to day operations. We plan to be more transparent. Ms. Burke Moore said that there is nothing else to report. Getting a portion of the \$450,000 back is a good result.

Mr. Rieber said that we currently have two open positions. (The Data Specialist and the central region EMSRB Specialist.) Mr. Rieber said that the Finance Committee will discuss the funding of these positions. Mr. Rieber said that we will also make contingency plans for any future reductions.

Ms. Burke Moore reminded Board members that budget lines experienced a 5% base budget reduction that will not be restored at the end of the fiscal year. The restoration will go to specific lines in the budget that were impacted by the drafting error.

X. Executive Committee Report

Mr. Rieber said that at some of the recent Executive Committee meetings we discussed proposed reductions to regional programs. We had discussions about amending contracts and the issue of recovering funds. We are seeking clarification from the Attorney General's office for any future questions on this subject. The state system can adjust funds. We received a letter

from MMB that requested agencies take steps to make reductions. An email was sent to regional programs to prepare them for this. The Executive Committee discussed making these amendments. There was a lot of discussion on how to handle this. The regional programs need to know how this will be handled if this happens in the future. If the grantee has spent all the money how can you make them pay back the funds?

Mr. Rieber said that the Executive Committee discussed various budget proposals and we discussed the amendment and how the money would be restored. Mr. Rieber said that Mr. King and Ms. Vangsness attended a meeting to provide information on budgets and grant applications. We are still unclear of the position and are seeking an AG opinion. We want a written answer. Ms. Burke Moore said that process will happen. But she reminded the group that there are no reductions being taken from the EMSRB budget at this time. The money restored will be split among the programs that experienced a cut due to the \$450,000 error. Mr. Rieber said that we need to be prepared if this happens again. Mr. Rieber said that we want to have a unified message at the legislature and good relationships with our partner organizations.

Mr. Rieber said that Mr. Lee's son had an emergency appendectomy and that is why he is not at the meeting today. Mr. Rieber said that the Executive Committee met this morning to discuss issues and will have quarterly meetings to discuss issues and communications. We have defined goals and objectives. Mr. Lee will report on the Executive Director's performance review at next meeting.

**XI. Data Policy Standing Advisory Committee Report
MNSTAR Compliance Report**

Mr. Norlen said that the Data Policy Standing Advisory Committee met on May 10. This is an active committee. The committee reviewed data requests and reviewed the MNSTAR compliance report. The committee discussed the NEMESIS Version 3.0 data set in preparation of the opening of the MNSTAR data set in September 2010. The workgroup will provide recommendations for changes to the data set. Ms. Gaines is the chair of the workgroup. The workgroup has been meeting monthly to discuss a 600 page document from NEMESIS that includes recommendations for provider changes. The committee also discussed a request for trauma data and how those data elements relate to MNSTAR.

Mr. Norlen said that at the end of March we did a system update for web access and this has enhanced features for services.

Mr. Miller said that there is a notation on the MNSTAR compliance report for 10 corrective actions/fines pending. Mr. Norlen said that it is only corrective actions - no fines at this time. Mr. Rieber said that he only wants to see non-compliant services on the report. Mr. Schoenbaum said that it is useful to have a full report as an overview on a regular basis. Mr. Schoenbaum said that there are also focused reports available. Mr. Norlen said that he will provide reports as requested.

XII. Other Business
None.

XIII. Public Comment
None.

XIV. Adjourn

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Mr. Pearson moved to adjourn. Dr. Fink Kocken seconded. Motion carried. Meeting adjourned 11:25 a.m.

Reviewed and Approved by:

James Rieber, Chair

Date