

Summary Minutes

Meeting of the
Emergency Medical Services Regulatory Board
10:00 a.m., July 16, 2009
2829 University Avenue Southeast
4th Floor, Conference Room A
Minneapolis, Minnesota

Members Present

James Rieber, Chair
Brenda Brown
Lisa Consie
Robert Jensen
Michael Jordan
Rep. Jeremy Kalin
Paula Fink Kocken, M.D.
Sen. Gary Kubly
Kevin Miller
Paul Satterlee, M.D.
Mark Schoenbaum
Matt Simpson
Paul Stelter
Maryls Tanner
Mari Thomas, M.D.

Members Absent

Dawn Bidwell
Bonnie Engen
Kathleen Haney
Laurie Hill

Guests

O.J. Doyle
Suzanne Gaines
Tim Held
Brian LaCroix
Frank Langer
Pat Lee
Kristi Moline
Cheryl Pasquarella
Lance Ross
Bill Snoke
Imo Sunderland
Nancy Franke Wilson

Staff

Katherine Burke Moore
Melinda Buss
Talia Landucci
Melody Nagy
Robert Norlen
Rose Olson
Debby Teske
Keith Wesley, M.D.

I. Call to Order

Mr. Rieber called the meeting to order at 10:02 a.m.

II. Introductions

Mr. Rieber asked members and guests to introduce themselves.

III. Approval of Agenda

Mr. Stelter moved approval of the agenda. Mr. Miller seconded. Motion carried.

IV. Approval of March 19, 2009, Minutes

Dr. Fink Kocken moved approval of the May 21, 2009 minutes. Dr. Thomas seconded. Motion carried.

V. Chair's Remarks

EMS Education Standards Workgroup – Appoint Members

Mr. Rieber asked Dawn Bidwell, Brenda Brown, Dr. Satterlee, and an MAA representative to be named to participate on this workgroup. The proposed deadline is 2013 and the workgroup should start meeting to develop guidelines.

Dr. Satterlee and Ms. Tanner arrived at 10:05 a.m.

Statewide Trauma System Transport Requirements

Mr. Rieber referred to the guideline. Mr. Held said that the law goes into effect July 1, 2010, and guidelines need to be developed. Mr. Rieber said that a committee will be developed to

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discuss deviation requirements. We will also need a review committee to bring recommendations back to the Board.

Mr. Norlen said that the law requires the EMSRB approval all triage and transport requirements. The Board needs to decide the process to review the guidelines and deviation requests. Mr. Norlen said that his recommendation is that this committee be structured like the complaint review panel and bring recommendations back to the Board. The committee needs to be formed very soon.

Mr. Miller asked how this will be monitored and enforced. Mr. Rieber said that there is no requirement in the law for enforcement. Any complaints will be brought forward to the complaint review panel.

Mr. Schoenbaum said that ambulance services should be able to adopt the standard guidelines and the exceptions should be few. We need to inform ambulance services of these deadlines. Mr. Schoenbaum volunteered to be on the committee. Mr. Held will participate also. Mr. Rieber said that he will appoint a committee at the September meeting.

Senator Kubly arrived at 10:10 a.m.

Medical Director Contract

Mr. Rieber said that we have not renewed the medical director contract. We are reviewing the contract requirements and the funds available. We want to set up a contract for the specific services needed.

Ms. Burke Moore said that this is due to the large budget cut that affects the EMSRB. This cut of \$450,000 appears to have been a drafting error that occurred in the last hours of the legislative session. Many reductions have been taken and continue to be reviewed. Ms. Burke Moore said that she had already spoken with Dr. Thomas about having a discussion with the physicians on the Board regarding what roles they might be able to fill and what needs might be handled by contract. She recognized the sacrifices the MDs already make to be members of this Board and she does not want to jeopardize their continued participation on the Board and its committees.

Dr. Thomas said that the Board member who headed the Medical Direction Standing Advisory Committee was considered the state medical director in the past and volunteered the extra time required to fulfill the role of state medical director.

Ms. Burke Moore complimented Dr. Wesley's efforts and said that discussion on the continuation and amount of the contract was a budget decision. Dr. Thomas said that she was not pleased with this decision because rural ambulance service personnel need direction. Dr. Thomas said that the attendance at Medical Direction Standing Advisory Committee meetings has been difficult due to volunteerism issues. Dr. Thomas commented that it may be difficult to obtain future medical directors when the contract is limited.

Mr. Miller asked how the executive director cannot implement the contract that was voted on at the previous meeting. Ms. Burke Moore reminded the group that this issue was discussed at the June Executive Committee meeting. At the executive committee meeting the March decision was discussed and a decision was made that due to the drastic budget cut, the contract should be revisited as an action item at the next Board meeting. Mr. Rieber had instructed Ms. Burke

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Moore to have a discussion with the MDs on the Board regarding this contract and this would be an action item for the Board to discuss at its next meeting in July.

Ms. Burke Moore proposed that there be a contract, but it would be for a smaller amount. We hope the budget issue will be resolved by next year. (The \$450,000 cut is only in FY2010). A contract for a larger amount could be entered into in FY2011. Or if the \$450,000 is restored to the EMSRB budget the contract could be amended and the amount increased earlier.

Mr. Schoenbaum asked how much is being considered for the contract. Ms. Burke Moore said that the original contract was for \$50 thousand a contract is being considered for 10 to 20 thousand. Mr. Schoenbaum asked that the discussion skip to the budget item on the agenda. After that budget discussion the Board would be in a better place to determine how to proceed with this contract issue.

Representative Kalin arrived at 10:32 a.m.

VI. Executive Director's Report Budget Report

All members were reminded to review the hand out on the EMSRB budget. Ms. Burke Moore said this is a high-level look at the biennial budget. The first set of columns show the budget for FY2010 and the second set of columns show FY2011. A 5% budget cut was proposed for almost all small state agencies. But the EMSRB realizes a greater decrease (6.63%) because the longevity appropriation cannot be cut. Ms. Burke Moore explained that the Health and Human Services bill included an appropriation of \$450 thousand dollars from the general fund, but during the last hours of the session it appears an error was made that resulted in the \$450 thousand being funded from the EMSRB budget. Mr. Rieber said that this was identified as a mistake and we may be able to fix this during the next legislative session and then we will replace the money to the programs that were cut. The legislature also took funding from the longevity account. Ms. Burke Moore said that we explored ways to try to postpone these cuts but that is not possible. She has also met with Rep. Huntley and staff. He encouraged EMSRB to ask for an emergency appropriation, but there are no guarantees that this will be restored. Ms. Burke Moore said she is not aware of another state agency that took a 25% budget cut.

Mr. Rieber reviewed the lines of the biennial budget handout with the Board. The regional program will be cut by \$40 thousand dollars. The regions have also seen significant reductions in seat belt revenue. The volunteer training reimbursement fund was cut significantly and as their reimbursement can be delayed. The CALS program was cut by \$74,462 but they will receive an additional legislative appropriation of \$100 thousand so their budget retains its base amount.

Ms. Burke Moore said that the EMSRB operations budget will be reduced in many ways to deal with the large reduction. The Barbers Board will be subleasing space in the EMSRB office as a cost saving measure. Mailing costs have been reduced; much communication will be distributed by email. The data policy position will not be filled. We had salary savings from FY2009 and where possible used that funding to prepare for a sparse 2010; for example stocking up on critical office supplies to last for the year. We are considering other cuts if needed. We will be hiring the Metro EMS Specialist position. This is a critical position because the other EMS Specialists cannot absorb these duties.

Representative Kalin asked how this position can be filled with the current hiring freeze. Ms. Burke Moore said that this was an existing position. If we wanted a new position we would

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have to ask for permission. Ms. Teske stated that she went through the process for authorization to fill this position.

Mr. Stelter asked if it is wise to hire for this position now. Ms. Burke Moore said that we must cover our core duties as a regulatory agency. She feels strongly that this position needs to be filled. Continuing to leave it vacant results in the EMSRB not fulfilling its mission to maintain the public health and safety. Mr. Jordan asked for a summary document that provides information on the obligations and the budget ramifications. He asked for a ranking of budget reductions.

Representative Kalin said that the budget forecast is also short for the current biennium. He said that fiscal year 2011 also seeing a deficit. The Board should not assume it will get an emergency appropriation. Senator Kubly said that he agrees with the representative's comments. He said that the state has more employees than six months ago. We need to be cautious when hiring. Ms. Burke Moore said that that the data position, a position at a higher pay level, will not be filled.

Mr. Miller said that the Board has several options including supporting the Executive Director and reducing or suspending the medical director's contract. Mr. Schoenbaum asked what budget decisions fall to the Board and what budget decisions fall to the Executive Director. Ms. Burke Moore said that she discussed the medical director contract at the last Executive Committee meeting. Mr. Miller disagreed that this was fully discussed at the Executive Committee meeting. Mr. Jensen recalled the contract being discussed at the executive committee meeting. Mr. Rieber said that the reason it is on the Board agenda today, was to share the executive committee discussion with the Board.

Mr. Jensen said that he would support the Executive Director's position. She is the person that reviews the budget fully. Mr. Rieber suggested this be discussed again in other business.

EMSRB Role in MEOP

Ms. Burke Moore said that this has been an eventful year for the emergency operations center. Due to questions regarding the EMSRB role, Ms. Burke Moore referred the member to the executive order hand out and asked Mr. Norlen to provide information to the Board.

Mr. Norlen said the EMSRB has specific requirements in the Governor's order. The EMSRB has a coordination role. We have three staff that is on-call on a rotating basis. 24/7. They receive pages from the Minnesota state duty officer and if an issue requires they report to the emergency operations center. EMSRB staff attends homeland security and emergency preparedness committee meetings. These are required committees for state agencies identified in the MEOP. Staff also attends drills and exercises and any required training hosted by HSEM. (Homeland Security & Emergency Management). All EMSRB staff has met the NMIS training requirements and will continue to receive additional training as time permits.

Mr. Stelter asked if the Board has seen the MEOP. Ms. Burke Moore said that she thought this was a confidential document. Mr. Norlen commented that the executive order summarizes the requirements. Representative Kalin suggested that the PDF version be provided to Board members.

Mr. Miller asked if staff is qualified to provide hazardous materials response under section 601. Mr. Norlen said that the EMSRB is responsible is to coordinate resources and provide

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guidance. Mr. Norlen said that staff may call on other persons to assist in fulfilling these requirements.

MNSTAR Report

Mr. Norlen said the monthly MNSTAR report is provided in the Board packet. The footnotes show all corrective action taken.

E-licensing Update

Ms. Burke Moore said that the EMSRB is a pilot program for e-licensing and this has created a backlog of data entry. The new system has not resulted in fast turnaround of certification cards. We are tracking our progress and it is currently taking 11 days for EMT cards and 65 days for First Responders. Ms. Teske explained how on-line third party confirmation by training programs will streamline card production. We want to keep the Board members informed in case they would be questioned about the current turnaround time for cards.

Medical Director's Report

Dr. Wesley said that he has been uncomfortable being present during this discussion. Ms. Burke Moore said that Dr. Wesley's contract ended on June 30th so she had asked Dr. Wesley to not incur any costs until a new contract is decided on and in place. Statute requires that we have a medical director. Dr. Wesley said that he be happy to stay on as the state medical director. He said that he will leave after his report and ask for a report from the Executive Director on the Board's decision.

Dr. Wesley said that the core curriculum is completed for the online medical director's course. He will be presenting this information at the Medical Director's retreat in Alexandria. He is hosting this on his website. The Minnesota specific modules have not been completed and EMSRB staff will need to assist with this effort. Dr. Wesley said that he is developing a module on MNSTAR and CQI. He said that he is willing to share information that is provided under other contracts but there will be a time delay. He said that he is still willing to continue to answer questions on medical direction issues until the contract issue is resolved.

New Law: Meeting by Conference Call.

Ms. Burke Moore informed the Board that a law was passed that allows boards and committees to meet by conference call. The law goes into affect, August 1, 2009. She said that Mr. Rieber and I have been discussing how this can best be used by the EMSRB. This may not be a good option for Board meetings, but could be utilized for other committee meetings. There is a requirement for 10 days notice of the telephone meeting, so it may not work for emergency meetings. Mr. Rieber said that there will need to be some requirements for use of this at the Board level.

Dr. Thomas suggested that every other meeting could be posted as a telephone meeting. Ms. Burke Moore said that the public must be able to call in as well. The Board will incur a per-line cost for these phone meetings, but the law allows the agency to charge a reasonable fee for these calls. Mr. Rieber said that this can be discussed again at the September meeting. He suggested that the use of telephone meetings be discussed and incorporated in the Board's Internal Operating Procedures that will be revised in January.

VII. Trauma System Join Policy Committee Report

Mr. Schoenbaum said that the trauma system continues to develop. There are 68 designated hospitals and more are added daily. The joint trauma system advisory committee is meeting this

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afternoon. A letter is being developed to provide information to ambulance services. A work plan has been developed and is being followed by each agency.

VIII. Executive Committee Report

Mr. Rieber said that the Executive Committee met on June 18. The Executive Committee has the authority to act on behalf of the Board in between meetings. An important item discussed was the EMRSB budget for FY2010. Documents needed to be finalized and provided to Minnesota Management & Budget before July 1. Mr. Rieber said that the Executive Director has the authority to act on the budget. He said that the Finance Committee should also have met to discuss this. The Finance Committee should be meeting quarterly. The Executive Committee met and discussed the budget and provided Ms. Burke Moore with these recommendations. (Hand-out provided on recommended budget.)

IX. Complaint Review Panel Report

Mr. Miller said that the committee met on June 22. He reported as follows:

- 45 disclosure files were reviewed (38 passed with no further action, more information was requested for 4 cases, 1 conference invitations was issued, and two registration/certification were denied.)
- 8 complaints/mandatory reports were reviewed and 8 were closed with no further action needed.
- 2 Stipulation and Orders were signed.
- 4 conferences were held and the attorney general's office was represented to prepare a agreement for corrective action for one case, one case was referred to HPSP, one case was dismissed and there is a request for additional information for one case.

X. Other Business

Mr. Miller said that he would like to see resolution of the medical director's contract issue. Ms. Burke Moore said that she informed Dr. Wesley that until the Board acts, he is not to incur expenses as the contract ended June 30.

Mr. Miller moved that the Executive Director and Executive Committee meet to discuss and take action on the medical director contract. Mr. Miller moved that Dr. Wesley be named as the state medical director until the contract can be renegotiated. Dr. Thomas seconded.

Mr. Schoenbaum asked for explanation of the contract duties. Mr. Rieber said that he asked Ms. Burke Moore to identify the duties of the medical director and which of those duties could be fulfilled by the Board physicians. Mr. Schoenbaum asked if Board members would fill these roles on a volunteer basis but receive expenses. Ms. Burke Moore agreed that she would have this discussion with the physicians on the Board and had spoken with Dr. Thomas.

Mr. Jensen said that Mr. Miller's motion is to have a named state medical director for free and to have the Executive Committee meet to renegotiate this contract. Mr. Jensen said there is a state obligation he cannot provide work for free. Ms. Burke Moore said that she will look at the contract language to see if an extension is possible.

Mr. Stelter asked what the budget impact is if this contract is executed. Mr. Rieber said that this contract should be executed. We could consider a reduced contract amount.

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Mr. Rieber asked for a vote on the motion. Dr. Kocken said that if the budget cut were taken the same as other components the contract would be \$38 thousand. She said that is the negotiation point. Dr. Kocken suggested that other cuts be considered.

Ms. Burke Moore clarified for the Board members that renewal of this contract was discussed by the Executive Committee and she received direction not to proceed with the contract until this was discussed at the Board meeting. She did not unilaterally decide to not execute the contract.

Voting yes: Ms. Brown, Ms. Consie, Dr. Kocken, Mr. Miller, Mr. Schoenbaum, Mr. Simpson, Ms. Tanner, and Dr. Thomas. Voting No: Mr. Jensen, Mr. Jordan, Mr. Rieber, Dr. Satterlee, Mr. Stelter. Motion carried.

XI. Public Comment

None.

The Board adjourned for five minute break at 12:00

XII. Complaint Review Panel – Closed Session – (Minnesota Statutes 144E.28, subd 4 &5)

The Board reconvened in closed session at 12:10 p.m. to discuss disciplinary issues.

Mr. Stelter moved to adjourn the closed meeting. Dr. Kocken seconded. Closed meeting adjourned at 12:17 p.m.

XIII. Adjourn

Mr. Stelter moved to adjourn. Dr. Kocken seconded. Motion carried. The meeting adjourned at 12:20 p.m.

Reviewed and Approved by:



8/10/09

Robert Jensen, Secretary

Date

James Rieber, Chair

Date