

**July 17, 2014, 10 a.m.  
 MEETING MINUTES**

**Emergency Medical Services Regulatory Board  
 University Park Plaza, Conference Room A  
 (See address above.)**

Prepared by Melody Nagy on July 25, 2014  
 Approved by Kelly Spratt on August 13, 2014  
 Presented to and approved by Board on September 5, 2014

**Attended:**

Kelly Spratt, Chair	Steve DuChien	Jeffrey Ho, M.D.
Aaron Burnett, M.D.	J.B. Guiton	Michael Jordan
Lisa Consie	Scott Hable	Rep. Dan Schoen
Patrick Coyne	Kathleen Haney	
Jennifer Deschaine	Megan Hartigan	

**Ex Officio:** Pamela Biladeau, Executive Director; Greg Schaefer, AGO

**Absent:** Paula Fink-Kocken, M.D., Mark Schoenbaum, Jill Ryan Schultz, Senator Kathy Sheran, Matthew Simpson, Mari Thomas, M.D.

Agenda Item No.	Attachment	Topic	Information Discussion Decision	Person Responsible
1.		<b>Call to Order</b> Mr. Spratt called the meeting to order at 10:09 a.m.  Mr. Spratt welcomed the new Board members and asked for introductions from all members.	Information	Kelly Spratt
2.		<b>Public Comment</b> None.	Information	Kelly Spratt
3.		<b>Approve Agenda</b> Mr. Spratt asked for approval of the agenda.  Mr. Guiton said that item seven should read as a request to consider adoption of the letter from the Minnesota Ambulance Association regarding Critical Care Definition. It is not a request for legislative action.  Motion: To approve the agenda with the correction as noted by Mr. Guiton. <u>Motion: Consie</u> <u>Second: Burnett</u>		

*"To protect the public's health and safety through regulation and support of the EMS system."*

		<p><u>Motion carried.</u>  <u>Decision: 11 members voting yes; 0 members voting no.</u></p>		
4.		<p><b>Chair Report</b>  <b>Welcome New Members</b>  Mr. Spratt said that he wanted to acknowledge the work of the previous Board members and thank them for their many years of service.</p> <p><b>Extend Interstate Data Use Agreement Sunset Date</b>  Mr. Spratt said that the desire to move MNSTAR to the Minnesota Department of Health (MDH) was not fulfilled during the past legislative session. That is our intention and we will have further discussion for legislative action.</p> <p>Executive Director Biladeau will be retiring May 9, 2015. We have developed a transition work group to discuss the hiring process. The anticipated start date for a new Executive Director is mid-March to allow for transition time and reduce vacation hours for Ms. Biladeau. The search team will be reviewing the job description; we will work with the Health Licensing Board's Human Resources director for guidance on the state hiring process.</p> <p>Mr. Spratt said that Dr. Fink-Kocken has expressed her desire to leave the Executive Committee but will remain on the Board and the CRP.</p> <p>Ms. Consie asked if we have filled the treasurer position. Mr. Spratt replied that we will be considering this soon.</p>		
5.	H	<p><b>Consent Agenda</b>  Mr. Spratt asked for a motion to approve the consent agenda.</p> <p><u>Motion: To approved the consent agenda.</u>  <u>Motion: Jordan .</u>  <u>Second: Guiton.</u>  <u>Motion carried.</u>  <u>Decision: 11 members voting yes; 0 members voting no.</u></p>	Decision	Kelly Spratt
6.	H	<p><b>Executive Director's Report</b>  Ms. Biladeau said that the May 15, 2014, Consent Agenda listed the priorities set by the Board which included not taking on new work unless critical. Ms. Biladeau reported on the status of the May 15, 2014, Board priorities (handout provided in the Executive Director's Report).</p> <p>Ms. Biladeau introduced James Denzer, Operations Officer (Assistant Executive Director).</p> <p>Ms. Biladeau said that she received applications to rehire for the health licensing position from Minnesota Management and Budget yesterday (July 16, 2014). We anticipate a September hiring date. We do not have sustainable funding to re-hire any</p>	Information	Pamela Biladeau

		<p>other positions.</p> <p>Ms. Biladeau announced that will be having new Board member orientation the third week of August. All Board members are welcome to attend and Ms. Nagy will be contacting you shortly and will also send an introductory packet of information to the new Board members.</p> <p>We anticipate the final closeout report from Minnesota Management and Budget and Health Licensing Board, Administrative Services Unit (ASU) will be available in September. Final budget close outs for Fiscal Year 2014 will be completed late August. Ms. Biladeau said that volunteer training reimbursement program may have unspent funds.</p> <p>The fees charged by the Administrative Services Unit (ASU) are \$135,000 per year. A large portion of ASU fees cover processing approximately \$4 million in disbursements to the EMS Community and it is unlikely ASU can reduce this cost.</p> <p>Ms. Biladeau said that the Office of the Minnesota Secretary of State (SOS) requires each person appointed to a Board sign and return an Oath of Office form. If you have not received this form from the SOS we have one in your packet and ask that you sign it and return to the SOS; or for your convenience, you may give them to Mr. Denzer and he will send them in for you.</p> <p>Mr. Schaefer, Assistant Attorney General, provided information on conflict of interest and the open meeting law. Board members were reminded that only the Board chair and Executive Director are authorized to respond on behalf of the Board.</p> <p>Mr. Jordan said that the metrics is a very good example of the hard work of the staff and offered congratulations for their work in protecting the public especially the CRP activities. Mr. Jordan said that even though we had to postpone the recommendations of the ad hoc committee this is especially impressive recognizing our limited resources. This document provides a measure of the activities that are being accomplished by the agency. We want to provide the services that are required by statute for the citizens of the state.</p> <p><i>Rep Schoen arrived. 10:20 a.m.</i>  <i>Jennifer Deschaine arrived 10:29 a.m.</i></p>		
7.	H	<p><b>Critical Care Definition for 2015 Consider Adoption</b>  Mr. Guiton said that we can respond to this question because we are not changing any law today. We are putting together a definition and the medical directors provide the direct supervision of the personnel.</p>	N/A	N/A

Motion: To adopt the Minnesota Ambulance Association letter.

Motion: Guiton

Mr. Schaefer asked if we are creating unpromulgated rule. Mr. Guiton responded that the EMSRB already has this definition. The Board is taking a position.

Mr. Spratt said that we do not want to define SCT in regards to licensure or certification of an individual.

Mr. Jordan asked about the necessity of adopting this letter if our statute already allows a medical director to provide this type of care.

Board Members discussed the motion.

Ms. Biladeau said that her role is to implement the “ends”. She informed the Board that when a federal agency (Center for Medicare/Medicaid Services (CMS) leave definitions up to a state to determine that it is expected that the state will define specific standards. Ms. Biladeau said that she is unsure what this may mean in terms regulation and if this obligates the Board as having defined SCT. She asked for a clarification from legal counsel as to whether or not adopting a letter without a specific standard could create liability for the Board.

Mr. Schaefer asked if CMS is requiring a definition. Would CMS reimburse ambulance services for additional patient care if the EMSRB were to agree on a definition of SCT in its Board minutes?

If it is in the minutes that is a delegation. If it requires a state definition then it is required to be in law. Creating a definition of SCT for purposes of the EMSRB would require a legislative change to the statutes within Chapter 144E or rulemaking to make a change within Chapter 4690. Adoption of a definition at a Board meeting without legislation or rulemaking does not grant EMSRB the power to enforce the meaning the EMSRB has given to “Specialty Care Transport”.

Permitting a paramedic who receives additional training to subsequently provide patient care beyond the scope of a paramedic, may result in unofficially recognizing another category of prehospital care. It may also create difficulties for the Complaint Review Panel (CRP) in determining exactly which patient care a paramedic has been adequately trained on. Would the CRP be expected to contact the medical director to determine the extent of prehospital patient care the paramedic has been trained to provide?

Mr. Guiton explained that without state recognition CMS does not reimburse for SCT. Mr. Jordan asked how many services had been denied payment by CMS for SCT. Mr. Kevin Miller, Director of Operations, Allina Medical Transportation stated that two (2) had been denied.

Mr. Jordan asked does the Board need to get involved in creating a definition if Minn. Stat. 144.265 already permits Medical Directors the discretion to determine the definition of “Specialty Care Transport”?

Ms. Haney referred to the Board decision to limit new Board activity to the nine Board approved priorities and asked why we are adding and not following the agreed upon priorities?

Ms. Biladeau advised the Board that CMS does not require that a state define SCT in their statutes in order for ambulance services to be reimbursed. Ms. Biladeau offered to project related language on the screen for Board members.

Mr. Guiton said we are not going to define SCT. We do not have the authority to create a definition. This is not different than the current level of service that is provided by paramedics in Minnesota. Minnesota provides service far above the national standard. We do not want to lower the level of service provided. We are allowing the medical directors this discretion.

Mr. Spratt asked that the motion be repeated and called for a vote.

In response to the letter from the MAA the EMSRB offers the following motion:

Specialty Care Transport (SCT)

According to CMS (Center for Medicare and Medicaid Services,) to be eligible to provide Specialty Care Transport, the paramedic of the Minnesota licensed ambulance service shall be certified as an EMT-Paramedic, and have completed education beyond the training of the EMT-Paramedic.

The Minnesota EMSRB recognizes that the Ambulance Medical Director under Minnesota Statutes 144E.265, subdivision 2, will approve the additional education and training necessary in furnishing higher level medical services required by critically ill or critically injured patients.

Motion: Guiton.

Seconded: Deschaine.

Motion carried.

		<u>Decision: 10 members voting yes; 1 member voting no (Mr. Jordan).</u>		
8.		<p><b>Committee Reports</b></p> <ul style="list-style-type: none"> <li>• Legislative Mr. Guiton said that we are working with the Minnesota Department of Health and the Minnesota Ambulance Association to discuss data and EMS Regional Programs.</li> </ul> <p>The Legislative Committee will be working on a recommendation for budget requests (this may be presented at the September meeting)</p> <ul style="list-style-type: none"> <li>• Finance (see Consent Agenda) Mr. Spratt said that staff is working on the budget process and it is due October 15. We may need to have a special meeting to approve the budget in early October.</li> </ul> <p>The state fiscal year is closing shortly – everything is on target.</p> <p>The “ask” of the Finance Committee from the 2013 EMSRB Legislative funding increase request is to discuss fees--raising fees as solutions for funding. Our fees do not cover operational costs. This will require further discussion in the future.</p> <ul style="list-style-type: none"> <li>• Complaint Review Panel (CRP) Dr. Burnett reported that the committee is very active. Mr. Guiton said that we are seeking additional members and you should let Mr. Simpson know if you are interested.</li> </ul> <p>Ms. Biladeau said that there is information in your packet describing the duties and meeting schedules.</p> <ul style="list-style-type: none"> <li>• Medical Direction Standing Advisory Committee (MDSAC) No report</li> <li>• Health Professionals Services Programs (HPSP) Ms. Deschaine reported that the committee has not met since the last Board meeting. The next meeting is August 19. <ul style="list-style-type: none"> <li>• HPSP is working on strategic planning and;</li> <li>• technology improvements for tracking client progress.</li> <li>• The percent of completed enrollees for EMS has <del>increased</del> decreased.</li> </ul> </li> </ul>	Information	Committee Chairs
9.		<b>New Board Business</b>	Information	Kelly Spratt

	<p>Ms. Biladeau gave the date, time and location of the <u>September Board meeting</u>:  Friday, September 5, 2014, 9 a.m.  Arrowwood Resort, Lake Nokomis Room  2100 Arrowwood Lane  Alexandria, MN 56308</p> <p><u>MDSAC Meeting</u>:  Thursday, September 4, 2014, 7 p.m.  (Same location as Board meeting.)</p> <p>Ms. Nagy will be contacting you to make arrangements.</p> <p>Mr. Spratt said that the Board will take a five minute break and then go into closed session. Closed per Minnesota Statutes 144E.28, subd. 5 and Minnesota Statute 13D.05, Subd. 2(b) (Complaint Reviews)</p>		
10.	<p><b>Closed session</b>  Information was presented to Board members for a decision on disciplinary matters. Issues were discussed and voted on.</p>	Decision	Kelly Spratt
11.	<p><b>Adjourn</b>  Mr. Spratt opened the meeting.</p> <p>Mr. Spratt again welcomed the new members. We have done considerable work to streamline the Board processes including a consent agenda for non-controversial issues.</p> <p><u>Motion: To adjourn.</u>  <u>Motion: Deschaine.</u>  <u>Second: Ho.</u>  <u>Motion carried.</u>  <u>Decision: 11 members voting yes; 0 members voting no.</u></p>	Decision	Kelly Spratt

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