

Summary Minutes

Meeting of the **Emergency Medical Services Regulatory Board**

9:00 a.m., September 9, 2011
Arrowwood Conference Center
Alexandria, Minnesota

Members Present

Kelly Spratt, Chair
Brenda Brown
Lisa Consie
Jennifer Deschaine
Paula Fink Kocken, M.D.
Michael Gormley
Sen. Gretchen Hoffman
Pat Lee
Kevin Miller
Gary Pearson
Paul Satterlee, M.D.
Matt Simpson
Mari Thomas, M.D.

Members Absent

Kathleen Haney
Michael Jordan
Jill Ryan Schultz
Rep. Duane Quam
Mark Schoenbaum
Marlys Tanner

Guests

Terry Anderson
Dan DeSmet
O.J. Doyle
Tom Fennell
Josh Fischer
Randy Fischer
Todd Fisk
Suzanne Gaines
Lynda Goerisch
Mark Griffith
Brad Hanson
Tim Heap

Guests (cont)

Tim Held
Curt Ireland
Mark Jones
Gwen Kleven Olson
Ken Larson
John Lyng, M.D.
Buck McAlpin
Ralph Morris, M.D.
Cheryl Pasquarella
Karie Pearce
Darrel Rade
Scott Reiten
Ron Robinson
Kevin Sipprell
Imo Sunderland
Tom Vanderwal
Dave Waltz
Mike Wilcox, M.D.
Brad Wright

Staff

Pam Biladeau, Executive Director
Melody Nagy
Robert Norlen
Rose Olson
Debby Teske

I. Call to Order

Mr. Spratt called the meeting to order at 9:09 a.m.

II. Introductions

Mr. Spratt asked for introductions from members and guests

III. Recognition of Former Board Members

Mr. Spratt thanked Mr. Rieber for his years of service in chairing the Board. A plaque was presented to Mr. Rieber. Mr. Rieber said that the Board went through a lot of changes. Minnesota has a fantastic EMS system.

IV. Introduction of New Board Member

Mr. Spratt said that Senator Gretchen Hoffman was appointed to the Board and will be joining us today.

V. Approval of Agenda

Mr. Spratt said that he will be appointing three members to the state trauma joint policy committee (STAC) and a member to HPSP.

Ms. Deschaine moved approval of the agenda. Mr. Miller seconded. Motion carried.

VI. Approval of Minutes

Three sets of minutes need to be approved since the last Board meeting. Mr. Gormley moved to approve the May 19, 2011, minutes. Mr. Simpson seconded. Motion carried. Ms. Brown moved approval of the June 9, 2011, minutes. Dr. Thomas seconded. Motion carried. Dr. Satterlee moved approval of the June 29, 2011, minutes. Ms. Brown seconded. Motion carried.

VII. Chair's Remarks

Mr. Spratt said that it will be our goal to provide meeting materials and the agenda two weeks before the meeting. Mr. Spratt said that he wanted to recognize staff for hanging in there with the difficulties of the shutdown.

Mr. Spratt said that one of his goals is to look at "why are we here". The Board continues to evolve. We want to move to an oversight Board. Mr. Spratt said that survey information was collected at the May 19 meeting. Ms. Biladeau is researching facilitation for the goal setting process. Mr. Miller suggested that the Attorney General's office would need to be involved in this process. Mr. Spratt said that he appreciates that remark.

Mr. Spratt said that we have had three representatives on the State Trauma Advisory Committee and we need to fill these positions. He asked that Dr. Thomas continue to participate. Mr. Miller said that he would remove himself from participation because his time on the Board is ending soon. Mr. Held said that there are three or four meetings per year and we are conducting phone meetings. Mr. Spratt said that he would fill one spot. Mr. Pearson offered to take the third position.

Mr. Spratt said that we will have a Finance Committee meeting in December and a Legislative Committee meeting in November. The Executive Committee will be meeting in October to discuss radio issues.

Mr. Spratt said that we want to have a presentation at each Board meeting regarding activities in EMS throughout the State.

VIII. Executive Director's Report

Ms. Biladeau said that in support of the goal setting initiative Chairman Spratt mentioned we intend to have a schedule of presentations by the staff and others in a briefing format at each Board meeting.

Ms. Biladeau provided a monthly report for June, July, and August (all data has not been reported for August). This gives a sense of the scope and quantity of work completed by staff. This will be a standard report and I invite the Board to request any other information that they would like to see.

Ms. Biladeau said that the open meeting law requires that we have at least one copy of handouts for audience members to review. We have provided five complete sets of meeting handouts in the red folders. Please be sure these folders are circulated.

Ms. Biladeau gave an update on grant activities. We are in the process of completing the grant contracts and we expect that they will be mailed to the regional systems next week. There are problems with the new accounting system (SWIFT) and we appreciate your patience during this transition. Ms. Biladeau referred to the grant handout and said that we have estimated amounts for some fields until the grants are finalized.

Ms. Biladeau said that there have been changes in staffing needs and the IT position was no longer needed after the e-licensing implementation. The IT position within the EMSRB was eliminated as of July 23.

IX. HealthCare System Preparedness Program

Ms. Biladeau said that the preparedness grant was cut and MDH will no longer be funding the \$40,000 grant to the EMSRB. Due to the recent layoff we did not have to layoff additional staff. Ms. Biladeau referred to the handout that describes the tasks that staff completes relating to HSPP activities. Ms. Biladeau said that the duties accomplished and tasks completed will be reviewed at the next meeting.

Senator Hoffman arrived. Mr. Spratt asked her to introduce herself. Senator Hoffman said that she is a registered nurse and is a business owner.

Ms. Biladeau said that we may have a contested case hearing. This could cost \$6,000 to \$20,000 but we cannot discuss the details at this time.

X. Community Paramedic Implementation

Dr. Thomas said that a workgroup is meeting to discuss the opportunities and problems with this new program. The legislation was provided for your information. We are discussing certification issues for these individuals.

Dr. Wilcox said that the program continues to move ahead and we are training five additional candidates. The national curriculum is being used for teaching this program. It is housed in the MNSCU system. This is an opportunity to professionalize EMS and offer a degree.

Mr. Spratt asked if the first graduates are being utilized in the community. Dr. Wilcox said that they are volunteering at a free clinic in Scott County. We are exploring the fees for this service. Minnesota was a leader in implementing this program.

XI. Education Standards Workgroup

Mr. Wright thanked the members for allowing us to speak today. Ms. Goerisch and I are co-chairs of the workgroup. Mr. Wright said that a handout was provided that listed the accomplishments of the first workgroup. At the May Board meeting it was recommended that this workgroup re-convene. The legislation that was proposed did not pass during the last session. We have a wide representation of members on the workgroup. We are evaluating our process to provide information to the educators.

Ms. Goerisch said that we have developed a timeline that we will provide to Board members. We have determined a gap analysis. We discussed our approach on how to reach educators in Minnesota. We hope to have a four hour presentation developed for the Arrowhead Conference in January. We are developing a survey to ask for input from instructors on what is needed for the rollout course.

Mr. Wright said that we are not yet ready to provide a recommendation to the Board. This will be sometime in 2012. Our goals are to get all instructors prepared to teach to the new standards. We want to put the foundation in place for a quality assurance program. We look forward to working with EMSRB staff to develop these tools for educators.

Ms. Teske said that the first workgroup was fun and we have carryover to the current workgroup. We have wonderful co-chairs to guide this process.

XII. Pre-Hospital Care Data Committee Appointments

Mr. Spratt said that he wanted to provide the background for this issue. He said that this is a hot topic. This is a concern for the industry. During the last legislative session legislation was passed that included forming a workgroup with three members from MAA and three members from the EMSRB. There is a reporting deadline of July 1, 2012 to report findings to the Board. The outcomes are vague in the legislation. The scope is to identify user friendly reporting, improve the accuracy and minimize the financial impact. This is a manual process for some services but some services have a CAD system and many changes will be needed. This is a large task for this workgroup. This will guide how we move forward.

Mr. Spratt asked for comments from the members and audience. We asked three individuals to participate. Mr. Spratt said that Dr. Satterlee, Mark Schoenbaum and Suzanne Gaines will be appointed to the workgroup representing the Board.

XIII. Medical Direction Standing Advisory Committee Report

Dr. Thomas said that the Medical Direction Standing Advisory Committee met at 7 p.m. last night. We had a good discussion on BLS and ALS guidelines. The committee suggested some updates based on American Heart Association recommendations. We intend to align the language for medications to the variances. The MDSAC recommends the Board acceptance of these changes. Ms. Deschaine moved approval of the MDSAC recommendations. Mr. Pearson seconded. Motion carried. Dr. Thomas offered to share the documents that were discussed.

Dr. Thomas said that we discussed the difficulty in receiving information regarding ambulance runs. Dr. Thomas said that there is a statute that requires information be shared with hospitals but no timeline or requirements of what information will be shared. The Medical Direction Standing Advisory Committee recommends that the EMSRB Legislative Committee examine regulatory and other opportunities to improve patient follow-up communications from hospitals to the transporting EMS Services. Mr. Lee moved that this be forwarded to the Legislative Committee. Dr. Fink-Kocken seconded.

Mr. Miller asked for clarification of what you are asking the Legislative Committee to do. Dr. Satterlee said that there is precedence in other states. We want to facilitate this communication. We discussed asking for an Attorney General's opinion and the benefit of having this in statutes. We need to look at current language and look at how useful or successful this could be. Mr. Miller asked if this involves the data practices act. Mr. Norlen said that this would be HIPAA requirements and this is interpreted differently by services. If you examine Minnesota Statutes and the peer review statute this can be accomplished under peer review. We need an official opinion. Mr. Spratt said that this discussion may not require a legislative change but clarification. Dr. Satterlee said that he would like the EMSRB to facilitate the communication channels. Mr. Spratt asked for a vote on the motion. Motion carried.

XIV. Data Policy Standing Advisory Committee Report MNSTAR Compliance Report

Mr. Norlen provided a MNSTAR compliance report. Staff is following up with services that have outstanding issues. MNSTAR was not available during the shutdown. Services were given additional time to comply with the July requirements due to the shutdown.

Mr. Norlen provided a report on data releases and said that no patient identifiable information is released. Mr. Norlen said that he is available to provide more information to any Board member upon request.

Ms. Biladeau said that a bill is being discussed regarding air ambulances and it may be important to the EMSRB in the future. Mr. Norlen commented that this deals with air ambulance regulation, FAA regulations, pilot qualifications and state mandates. This is a discussion between the FAA and the air

ambulance association at the national level. This would give states more autonomy for regulation. In Minnesota we do not need additional regulation for air ambulances. We will monitor the progress of this situation.

Data Policy Standing Advisory Committee Report

Mr. Norlen thanked the members of the committee for their participation. We are discussing revisions to the committee workplan. Many of the initiatives have been completed. We want to move forward with development and distribution of reports to ambulance services. A workgroup is discussing the parameters of the report.

Mr. Fischer asked about the Board utilizing the data -- Is this an inclusive report regarding data releases. Medical directors may utilize the data for their service. Mr. Norlen said that the data released to MDH is not included because that is statutorily authorized. This is data released to outside groups. Ms. Biladeau said that we are still working on the development of a grant for an analyst to review data.

XV. Complaint Review Panel Report

Mr. Simpson reported that the CRP met and conducted the following business:

- 96 disclosures were reviewed; 94 passed, more information was requested in one case, one case was referred to HPSP.
- 7 mandatory reports/complaints were reviewed; three were closed with no further action needed, a Stipulation and Consent order was requested for two cases, on Minnesota Department of Revenue suspension was requested, one request for the Attorney General's Office to prepare a Notice of Removal of Stayed Suspension.
- 5 Conferences were scheduled; One request for Notice of Hearing will be requested from the Attorney General's office, 1 case was dismissed, 2 persons did not attend conferences as requested, 1 case will receive renewal when enrolled in HPSP.

Mr. Simpson said that we are discussing a resolution so that there would not be a contested case hearing. Mr. Simpson thanked Ms. Olson for her efforts in providing him what he needs to facilitate the committee.

Notice of Removal of Stayed Suspension

Mr. Simpson asked members to review the handout provided. He said that we are asking Board approval for authorized persons to sign these orders. He commented that these are time sensitive issues.

Ms. Olson said that this would only affect a stayed suspension and when that if violated the staff would have authority to take action. We are asking for authority to sign the Notice of Hearing and/or the Notice of Suspension to take appropriate action in a timely fashion.

Dr. Satterlee moved to accept the NOROS recommendation. Dr. Fink Kocken seconded. Ms. Olson said that the Board approved Stipulation and Consent Order would have been previously presented to the Board. The Notice of Hearing is signed by the Complaint Review Panel chair or Ms. Olson. The Removal of Stay would be signed by Ms. Biladeau or the Board chair.

Mr. Miller asked if both persons should sign. Ms. Biladeau said that the purpose is to authorize someone to sign in the absence of other members who are authorized. This was advice of the Attorney General's office. Mr. Miller said that we want clarification if it should be two signatures for consensus. Mr. Simpson said that there would not be action without discussion by the Complaint Review Panel, Board chair and Executive Director as appropriate. Ms. Biladeau said we want checks and balances. Mr. Spratt asked for a vote on the motion. Motion carried.

Notice of Hearing for Alleged Noncompliance with Stipulation and Consent Order

Mr. Simpson said that we are asking that the Executive Director or Board chair to have the authority to take action for the Board.

Ms. Olson said that this is when there is a signed Stipulation and Consent Order and they failed to comply with the order. We do not have a template yet for this process but this will be a boiler plate template.

Mr. Miller moved approval. Dr. Satterlee seconded. Motion carried.

XVI. HPSP Program Committee Appointment

Mr. Simpson said that we have a request from the Health Professional Services Program to have a Board member attend their Program Committee meetings. Ms. Deschaine expressed her interest to serve. Mr. Spratt thanked her and said that she would be appointed.

XVII. Other Business

Ms. Biladeau referred to the handout titled "EMSRB Bulletin". She said that there is not a clear understanding by those we serve as to what the role of the EMSRB is in comparison with other EMS system partners. Ms. Biladeau asked for assistance from Board members in making this connection. She asked for information from Board members on how the EMSRB supports leadership and partnering with those we serve. This would be an educational opportunity. This is an opportunity to provide an article that is shared in the *EMSRB Bulletin*.

XVIII. Public Comment

None.

Mr. Spratt mentioned that this is the 10th anniversary of 9/11 and is a good reminder to observe a moment of remembrance for those who responded.

XIX. Adjourn

Dr. Satterlee moved to adjourn. Mr. Lee seconded. Motion carried. Meeting adjourned at 11 a.m.

Reviewed and Approved by:



11/15/11

Pat Lee, Secretary

Date

Kelly Spratt, Chair

Date

