

Summary Minutes

Meeting of the Emergency Medical Services Regulatory Board

10:00 a.m., March 15, 2012
2829 University Avenue SE
Minneapolis, Minnesota

Members Present

Kelly Spratt, Chair
Brenda Brown
Lisa Consie
Jennifer Deschaine
Paula Fink Kocken, M.D.
Michael Gormley
Kathleen Haney
Michael Jordan
Pat Lee
Kevin Miller
Gary Pearson
Paul Satterlee, M.D.
Mark Schoenbaum
Jill Ryan Schultz
Matt Simpson
Marlys Tanner
Mari Thomas, M.D.

Members Absent

Sen. Gretchen Hoffman
Rep. Duane Quam

Guests

Suzanne Gaines
Cheryl Pasquarella
Scott Reiten
Brad Wright

Staff

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

Karen Andrews, AAG

I. Call to Order

Mr. Spratt called the meeting to order and announced that the Board will go into closed session to discuss disciplinary matters.

II. Closed Session

Ms. Andrews introduced the case to the Board. Ms. Brown moved to accept the Stipulation and Consent Order. Ms. Tanner seconded. Voting yes: Ms. Brown, Ms. Consie, Mr. Gormley, Ms. Haney, Mr. Jordan, Dr. Fink-Kocken, Mr. Lee, Mr. Miller, Mr. Pearson, Ms. Ryan Schultz, Dr. Satterlee, Mr. Simpson, Mr. Spratt, Ms. Tanner, and Dr. Thomas. Motion carried.

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

III. Approval of Agenda

Mr. Gormley moved approval of the agenda. Ms. Brown seconded. Motion carried.

IV. Approval of Minutes

Mr. Miller moved approval of the January 26, 2012 minutes. Dr. Thomas seconded. Motion carried.

V. Chairs Remark's

EMSRB Board Appointments

Mr. Spratt said that there are five open seats and we are waiting for the governor's office to make the appointments. This should happen mid-April. He thanked the members for their continued service.

Statewide Radio Board, EMS Radio Communications Committee Appointment

Mr. Spratt said that there is a seat on the state radio board communication committee. The meetings are every other month. This is an opportunity for a Board member to get involved. Ms. Biladeau is also attending the meetings. If a Board member does not wish to volunteer Ms. Biladeau can represent the Board. Mr. Miller said he will be representing MAA. Mr. Lee and Mr. Reiten have been appointed also.

Request for Authority for CRP Chair to Negotiate Settlements on Behalf of the Board

Ms. Olson said that we are requesting delegation of authority for the CRP chair to negotiate a settlement without going through the full hearing process. This would be a Stipulation and Consent Order that will be approved by the Board at their next meeting. Mr. Simpson said that this will help with scheduling so the full committee does not have to appear at these sessions.

Ms. Andrews said that the process that is followed is that a conference is requested to meet with the panel and negotiate a Stipulation and Consent Order. In cases where the person defaults or fails to appear during the complaint process, that is where we file a Notice of Hearing and the first step is to schedule a pre-hearing conference. Sometimes during this conference a settlement can be reached. An ALJ can issue a default if the client fails to appear.

Mark Schoenbaum arrived at 10:18.

Ms. Brown asked if this is a liability for the CRP chair. We will have Attorney General representation. Is there a perception of bias that could occur? Ms. Andrews said that this could be handled by the full panel or this would only be granted for pre-trial issues and the other steps would still be followed.

Mr. Lee moved to approve the authority for the CRP chair to negotiate settlements on behalf of the Board. Mr. Pearson seconded. Motion carried.

Request for Approval of Temporary Suspension Policy

Ms. Olson said that we would like a formal policy for the Board. We have only approved one temporary suspension. There are two options for the board. This would only be used if there is a clear violation of statute or rule and an imminent risk to the public health.

Ms. Andrews said that this is included in the Board's statutory authority. Option one would be for an imminent risk and you would immediately suspend the person and notify them of their right of hearing and then it goes through the usual process. In option two the person could appear before the Board before the suspension. The Attorney General's office supports option one for imminent risk. A policy will give the panel direction.

Mr. Jordan asked if there is case law to support option two. Do other boards use option two and do they have the same level of imminent risk. Ms. Andrews said that almost all the boards have the same level of authority for suspension. Suspension is supported in case law. Temporary suspensions are rare but are needed for specific situations. There can always be a challenge.

Mr. Jordan moved to adopt option one as the Board's policy. Mr. Miller seconded. Mr. Miller asked if this would be included the IOP. Ms. Andrews said that this is procedural for office operations. Motion carried.

2013 Public Safety 408 Grant Application

Ms. Biladeau said that she wanted to introduce Jennifer Ojiaku who joined our staff and was hired with funds from the Public Safety, 2012, 408 Grant. Ms. Biladeau provided background on Ms. Ojiaku's experience. Ms. Biladeau said we have developed a work plan for the 408 grant and she asked Ms. Ojiaku to provide information to the Board.

Ms. Ojiaku said that the completion date of this project is October 2013. We will be looking at the quality of MNSTAR data, identifying needs of MNSTAR users and providing training for MNSTAR users. A final report and recommendations will be completed and provided to public safety and the Board.

Ms. Biladeau said we need to submit a letter of intent to apply for the grant for 2013 funding. We want to build upon the work that Ms. Ojiaku is doing. This can help improve patient care in Minnesota. We are looking at three items for additional grant funding: cleaning data, contracting with Image Trend to develop reports for users, and a pilot project. Ms. Haney said that this application must focus on data quality improvement. Ms. Biladeau confirmed that these projects are related to MNSTAR data improvement. Ms. Biladeau said we are seeking approval from the Board to move forward. The letter of intent is due April 1, 2012.

Mr. Pearson approved moving forward with the letter of intent for the 2013 public safety 408 grant application. Mr. Jordan seconded. Motion carried.

Community Paramedic Criteria for Education Program and Certification Approval

Ms. Biladeau said that this is a new program and a workgroup has developed a form for approving the education program and certification criteria. As this was discussed the workgroup looked at what would be used to determine (field) staff approval of a program. There is only one college that has the program in place now. We are proposing to use Hennepin Technical College's model as a guideline for policy for staff approval of the education program. This needs to be looked at and then in a few years would be developed into rule.

Mr. Spratt said that Minnesota is leading the nation with our Community Paramedic program. There are paramedics currently enrolled in the program. There will be an expanded scope for these Community Paramedics.

Mr. Schoenbaum said he has heard that there are differences in the courses being taught and the curriculum developed. Ms. Biladeau said that she had a conversation with Kai Hjermsstad and we have not had another workgroup meeting at this point. This is the only curriculum available. She said that there is an updated version (3.0 curriculum) that will be rolled into Hennepin Technical College's program.

Mr. Miller said that as this moves forward do we want to have this in rule if it will have changes over time? We do not want to be tied into something that can change and experience the same problems as with the radio communication requirements. Ms. Biladeau said that she asked for advice from the Attorney General's office and it either needs to be in rule or it becomes unpromulgated rulemaking. If specifics are not spelled out in rule the Board could end up reviewing every curriculum/program request. We want to point to a standard. The Attorney General's office said that we need to make this a rule as it becomes a requirement. Ms. Biladeau said that it is similar to the US DOT standards where we point to the standards as a guide, develop operational criteria that is used to approve education programs and based on that criteria define some specific requirements in statute and/or rule. We will need to look at the new DOT standards as well, now that it is no longer hour-based. Mr. Miller said that we have something that points to a document in statute. Do we have to have a rule in addition to the statute?

Ms. Deschaine arrived at 10:48 a.m.

Dr. Satterlee said that the state will be issuing cards to Community Paramedics. He asked what the process is for issuing these cards? What is the process for continuing education? The first class of Community Paramedics has graduated. Ms. Biladeau said that there is some urgency to move forward but we could not obtain a copy of the curriculum until only very recently because it is copyrighted.

Mr. Lee said that Mr. Doyle just informed him that the Community Paramedic reimbursement legislation just passed.

Mr. Miller said if we approve a standard do we have the enforcement ability if it is not in statute. Ms. Biladeau said that the Board has the authority; however, it can be challenged if it is not in rule.

Mr. Jordan asked if there are two different curriculums. Mr. Schoenbaum said that there is a national curriculum that Hennepin Technical College is using.

Ms. Deschaine said that we are using the 3.0 version of the national curriculum. We are making it Minnesota specific and we are negotiating with them in how to change it. The 2.0 version is in use and 3.0 is being modified. This curriculum is approved at the national level. Mr. Spratt said that we would always refer to the most current curriculum. Mr. Jordan asked how can we issue cards for a curriculum that we have never seen. Mr. Schoenbaum suggested making our motion conditional in that we receive a courtesy copy of the curriculum. Mr. Miller asked what are the risks if the Board does not approve this. Mr. Spratt said that we are the agency that provides the Community Paramedic certification in statute. Ms. Deschaine said that Dr. Wilcox has seen and approved the curriculum. We have outlined the competencies for the clinical skills.

Mr. Pearson said what if we get the curriculum and don't like it. Mr. Lee asked if MDSAC can review this before Board approval. Dr. Satterlee agreed that a committee/workgroup should bring a recommendation to the Board for approval. Dr. Thomas said that we point to the US DOT curriculum as a standard. She said that this is adding extra duties for the license of a medical director. These persons are performing without current certification.

Ms. Deschaine said that the Community Paramedic workgroup has recommended this curriculum. Mr. Miller said that we do not want to delay this certification. Minnesota is leading the nation. Mr. Schoenbaum suggested adding a time period for approval by the Board with review in the future. [the motion was amended]

Mr. Jordan asked if the MDSAC has approved this. Dr. Thomas said that this was discussed at the MDSAC by Dr. Wilcox and Mr. Wingrove. The MDSAC did not approve the curriculum. Mr. Jordan said that he finds it strange that this document is not available. He suggested that this be delegated to MDSAC.

Mr. Schoenbaum moved that the Board adopts as its initial Community Paramedic education standard the most current version of the Community Paramedic curriculum of the North Central EMS Institute for a period of two years during which time the Board directs MDSAC to review the curriculum and report on its adequacy to the Board, dependent upon receiving a review copy of the curriculum at no cost. Mr. Miller seconded.

Mr. Spratt asked that the motion be repeated. He asked for a vote on the motion. Motion carried. Ms. Deschaine abstained from this vote.

Regional Boundaries Workgroup

Mr. Spratt said that several meetings ago there was a request from two counties to move to the metro region. There is nothing prohibiting this but the Board decided not to take formal action at that time. Mr. Pearson offered to chair a workgroup to discuss regional boundaries. Mr. Spratt said that he and Ms. Biladeau had a discussion with the Attorney General's office and there are very few Board members that do not have a conflict with the regional programs. The Board said that we would respond to the request from these counties by May. Mr. Spratt said that we will communicate that there is nothing prohibiting the regions from working with the metro region and there is no immediate concern to make a change. Mr. Spratt said that we will communicate that there is nothing prohibiting this and there is no immediate concern to make a change. We do not want to make a formal Board decision at this time and I want time to discuss this further with Attorney General's office.

Joint Policy Committee

The committee met on February 14 and the work plan that was developed was reviewed and is being updated. This committee will be meeting quarterly. The next meeting is following the May Board meeting.

EMS Week Information

EMS Week is the week of May 20 and the slogan is “EMS Not a Job, A Calling”. A number of events occur statewide. The EMSRB meeting is May 17. Mr. Spratt referred to the website: <http://www.acep.org/emsweek>.

Mr. Spratt said that in looking at the Board and our desire to look at our mission. We want the Board to pause and look at where we are at and see the role the Board plays. We want the Board to be quality and high function. We want to set strategic direction. We want to give boundaries and rules for the executive director to run the office. Because of that we have met with the Management Analysis Division (MAD) and we are contracting with them to provide a facilitation session with the Board in May. They will provide an analysis of the Board. We will be limiting the agenda in May to include this review session with MAD. The meeting will be from 10 a.m. to 2 p.m. with lunch included to allow time to facilitate this process. Mr. Spratt asked if Board members have conflicts with this scheduling, please let him know.

The Board adjourned for a 10 minute break. Mr. Spratt called the meeting to order.

Mr. Spratt said that the office is looking at internal procedures and is looking at the Lean process.

VI. LEAN/Kaizen Presentation

Ms. Biladeau introduced Tom Baumann the Director of Continuous Improvement at the Department of Administration. Ms. Biladeau said that she will provide an orientation/presentation of internal staffing activities and Mr. Baumann will provide an overview of LEAN/Kaizen.

Mr. Baumann said that he appreciated the opportunity to speak to the Board today. He provided a power point presentation. Ms. Biladeau thanked Mr. Baumann for his presentation. Ms. Biladeau provided a power point presentation.

Ms. Biladeau said that we conducted a strategic planning session for staff and she wanted to provide information to the Board on the operational work plan. Ms. Biladeau thanked Ms. Teske and Mr. Granger for pulling together the information and charting the data provided in the handouts. Ms. Biladeau explained the state of the agency showing staff reductions, functions per statute and added responsibilities, and a sample of the lean process charting time saved through eliminating duplications and/or inefficiencies in processes.

Ms. Biladeau said that she discussed a preliminary budget with Mr. Pearson. We will continue to work on gap analysis and with the Finance Committee regarding the next Biennial Budget. She thanked the Board members for their volunteer efforts on behalf of the Board and participation of members on the committees.

Ms. Biladeau referred to the state budget forecast.

Mr. Spratt commented this will tie into the process with MAD. We need to look at our future; I do not expect the forecast to significantly improve. Mr. Spratt thanked Ms. Biladeau for her efforts.

VII. Medical Direction Standing Advisory Committee Report

Dr. Thomas said that the committee met on March 8 and discussed a number of topics including POLST. The POLST form will be reviewed at future MDSAC meetings. We received updates on topics of interest (MNSTAR) and discussed drug shortages.

Dr. Thomas said that Dr. Fink-Kocken provided information on congenital hyperplasia. We had a discussion with the advocacy group and provided them information on protocols for treatment in Minnesota. We discussed adding information in the guidelines for treatment of shock. Dr. Thomas said that families with special needs patients need to inform local ambulance services of their special needs.

Dr. Thomas said that the CDC Guidelines are available on their web site.

Dr. Thomas said that ACEP has a new subspecialty for medical direction. The ACEP website provides additional information. If people have questions, contact me.

Dr. Thomas said that we also discussed the Medical Direction course and I will be discussing this with Dr. Satterlee for a presentation at MDSAC in September with possible online course development.

VIII. EMSRB National Education Standards Transition and Implementation Workgroup Report

Mr. Wright said that we have been moving forward with our workgroup efforts. A power point presentation was provided. Information is also provided on the EMSRB website. Our initial roll-out was at the Arrowhead EMS Conference. Our goal is to move forward with the US DOT education standards. A challenge of the workgroup is to define “competency-based”. We need to develop a process to verify education programs. We have developed a timetable for transition.

Mr. Wright said that we need to move forward and define quality assurance, define continuous improvement, explore developing a system that would support quality education. This will need to be regionally implemented and supported by the Board and at the local level.

Mr. Wright said we are seeking partners to move forward and the workgroup makes the following recommendations.

- Use the current certification and education program approval process until the workgroup can develop criteria for a verification and validation process for the new standards.
- Continue roll-outs in each of the eight regions (we want a public private partnership) we want community involvement. A handout is provided that requests information from hosts for roll-outs.

Mr. Wright said that we have done a lot of work but have a lot of work to do. The workgroup has additional work to complete with staff to bring recommendations to the Board for education program approvals. Mr. Spratt said that we are seeking Board support for roll-outs to continue. Mr. Lee asked if the hosting form has been distributed. Ms. Biladeau responded that it has not.

Ms. Biladeau said that at the MAA meeting we discussed partnerships. Mr. Spratt said that we desire to work with the industry and the education programs. Mr. Spratt said that there was an education track at the Arrowhead Conference. Other regional programs have made inquiries about providing information in their region. Ms. Biladeau provided a brochure from the MAA for an education conference.

Ms. Deschaine moved to support the continued EMSRB Workgroup National EMS Education Standards rollouts across the state, and to send the hosting form to the regional programs and other potential partners. Mr. Simpson seconded. Motion carried.

IX. Complaint Review Panel Report

Mr. Simpson provided the standard report. Mr. Simpson said that Ms. Andrews is a great asset to the Board /committee.

Dr. Satterlee said that he wanted to bring an issue to the Boards attention. He said that when people apply and complete their disclosure form and they are failing to report. He said that this is a concern and would like it to be considered for future discussion.

Ms. Deschaine said that at the HPSP meeting we discussed the role of the committee and the question of confidentiality about referrals. We need to maintain confidentiality unless an individual is noncompliant.

X. Executive Director's Report

Ms. Biladeau said that some of the statistical reports on numbers of functions processed are the same every meeting so she is suggesting they could occur twice a year. She provided a list of functional areas the Board is required to perform per statute and a 2012 schedule for providing orientation and education sessions at each Board meeting.

Ms. Biladeau said that there is a legislative update in the Board packet. This session is extremely fast paced and she is discussing issues with Mr. Spratt as they occur. Ms. Biladeau said that she is also discussing issues with partners, to identify concerns with bills. Ms. Biladeau said that she is tracking pending legislation and reporting daily.

Ms. Biladeau said that our housekeeping bill (SF 1876 and HF 2128) was recommended to pass on March 5 in the Senate and will be sent to the floor. Ms. Biladeau said that she wrote a letter regarding the Board's position about Cooper/Sams. The bill is moving forward. Ms. Biladeau said that she will be testifying in the House on March 20 regarding our bill.

Ms. Biladeau mentioned that Senator Kubly passed away and she and Mr. Miller attended the service. Mr. Miller commented that the Senator will be missed.

Ms. Biladeau said that the EMSRB will be added to the sunset review commission. The 15 boards that were reviewed this year are being recommended to continue for another 10 years. Ms. Biladeau said that if legislation passes the agency would also need to provide a report by September 2014 regarding rulemaking. Ms. Biladeau said that there is a bill stating that an administrative law judge makes the final decision in cases; versus the process where the ALJ makes a recommendation to the Board.

Ms. Biladeau said that you may have heard complaints about the e-licensing system; an upgrade was made and there were problems this week, however, we received notice this morning that it has been fixed.

Ms. Biladeau said that due to poor weather conditions the Finance Committee that was scheduled for February 21 has been rescheduled to April 12.

Ms. Biladeau said that she is meeting with Joe Glaccum and Paul McIntyre on March 28 regarding radio communications. I will provide information to the Board on this meeting.

Ms. Biladeau said that we are in the process of scheduling the quarterly regional programs meetings as discussed at the January 26, 2012 meeting and are tentatively looking at Mid-June.

Ms. Biladeau said that it takes a long time in the state system to hire to rehire. We were going to hire a temporary staff person to fill in for the grant position, but found out that a temporary staff person is eligible to receive unemployment. We are continuing to look at budget.

Ms. Biladeau said that she will be attending the NASEMSO National mid-year Conference and has been asked to be on a committee for discussing EMS recruitment/retention issues. This supports the Board discussions that this is an area that needs attention in Minnesota.

Mr. Spratt said that the Prehospital Care Data Workgroup is meeting on March 19. They are making progress in their discussion of issues.

XI. Pilot Project Interborder Certification

Gary Wingrove provided a presentation – via telephone. Mr. Wingrove thanked the Board for the opportunity to present this information. He said that this is an opportunity for interaction between

Minnesota and Canada. Mr. Wingrove described the standards for National Registry and that it is not required for continued certification. He said that we are proposing a demonstration project for three states. Mr. Wingrove suggested a demonstration project for Minnesota with three providences in Canada. Our request today is for EMS staff in Minnesota to continue this discussion.

Mr. Spratt said that this will require additional staff resources and asked if there are grant dollars available to fund this project. Mr. Wingrove responded that there is an interest to solve this issue and we are looking to identify funding. Mr. Spratt said that the agenda for the next several Board meetings are set and we do not have available staff to handle this. We may need to prioritize our discussions. Mr. Wingrove said that he can be reached by email for continued discussion. Mr. Spratt asked that Ms. Biladeau will continue to look at this issue.

XII. Other Business

None.

XIII. Public Comment

None.

Mr. Spratt reminded members that the meeting on May 17 will be a longer meeting (10:00 a.m. to 2:00 p.m.) and will include the MAD presentation.

XIV. Adjourn

Mr. Lee moved to adjourn. Dr. Fink-Kocken seconded. Motion carried. Meeting adjourned 1:14 p.m.

Reviewed and Approved by:



03/29/2012

Pat Lee, Secretary

Date

Kelly Spratt, Chair

Date

