

**Summary Minutes**

**Emergency Medical Services Regulatory Board**

Executive Committee Meeting  
Thursday, January 7, 2010, 10:00 a.m.  
2829 University Avenue SE, Suite 310  
Minneapolis, MN

**Members Present**

James Rieber, Chair (by phone)  
Robert Jensen, Secretary (by phone)  
Paula Fink Kocken, At-Large (by phone)  
Kevin Miller, Vice Chair

**Members Absent**

Brenda Brown, Treasurer

**Staff Present**

Katherine Burke Moore  
Melody Nagy  
Robert Norlen (by phone)

**Guests**

Tim Held  
Lance Ross

**I. Call to Order**

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

**II. Approval of Agenda**

Mr. Miller moved approval of the agenda without approval of the minutes. Mr. Jensen seconded. Motion carried.

**III. Approval of Minutes**

This item is deferred to the next meeting.

**IV. Budget Reduction Process**

Ms. Burke Moore explained that all state agencies (except “core” public safety agencies) have been asked to complete a budget reduction process. This information is non-public data. However, agencies can share the process being used. For both fiscal year 2010 and 2011 we must take a 3% cut to all line items and a 6% cut for grants. In the 2010 budget, the EMSRB must reduce line items in the budget minus funds that are already encumbered by 3 %. [Example: Line item 1: \$100,000 budgeted. \$25,000 of that has been spent and another \$25,000 is encumbered in a contract. Three percent of the remaining \$50,000 or \$1,500 will be reduced from the budget. In fiscal year 2011 the fund reduction is greater because no funds have been encumbered. [Example: Line item 1: \$100,000 budgeted. No funding in 2011 is encumbered or spent. Three percent of the remaining \$100,000 or \$3,000 will be reduced from the budget. A preliminary document was due to the Department of Finance on January 6.

Mr. Rieber asked if the longevity fund is included. Ms. Burke Moore said that it is included in the reduction. Only federal funds are exempt. Mr. Miller asked how much is in statute for longevity. Ms. Burke Moore explained that appropriations are not in statute but are established by legislation. Mr. Rieber asked why it was exempt last time. Ms. Burke Moore said the process agencies are asked to follow is different than last year.

Dr. Fink Kocken asked if the \$450,000 has been restored. Ms. Burke Moore said that she prepared and submitted a budget initiative that requests the restoration of \$450,000 to Minnesota Management and Budget (MMB). We currently do not have a response on that initiative. However, she noted the 2009 budget reduction of \$450,000 in the preliminary

budget document submitted to MMB on January 6<sup>th</sup>. She also explained the impact of \$450,000 reduction and the 3% and 6% budget reductions on the agency operations and the programs funded through the EMSRB.

Ms. Burke Moore said that she will provide detailed information to the board and will make the budget documents available when they are public. Ms. Burke Moore said that she also explained that these cuts will affect all aspects of EMS programs statewide. Mr. Miller asked if staff reductions are anticipated or will there be cost shifting. Ms. Burke Moore said that she cannot share specific information but is identifying various options to reduce the budget as requested. The memo agencies received from MMB is public but the preliminary budget document is non-public. Mr. Miller said that you have submitted a budget and cannot share it with the Board and this is frustrating. The Board cannot see this document; we see other non- public documents. Ms. Burke Moore said that there are not a lot of budget decisions in this process; but a formula that must be followed to identify budget reductions. Mr. Miller said that this sets the Executive Director up for failure. If the board makes changes then the budget will look different than what was proposed. Mr. Rieber asked that this information be shared when it is available. Ms. Burke Moore said that she will ask for an email from MMB clarifying that this is a non-public document. The memorandum setting out the process does state the process as non-public.

Mr. Jensen said that he thought this could only be discussed in closed session and there is no statutory authority to close the meeting to discuss budget issues. Mr. Rieber asked what statute is being quoted. Mr. Rieber said that Ms. Burke Moore is following the information given but he is concerned as the governing board that we are not allowed this information. Mr. Rieber said that he agrees with Mr. Miller that it is frustrating to be asked to discuss policy without being given all the information needed to make these decisions. Ms. Burke Moore said that this budget process included a line by line budget reduction and next week another document is due with more budget information. The process was one that did not leave options for decisions – it was formulaic. Mr. Jensen complemented Ms. Burke Moore's efforts.

#### **V. Trauma Triage Guidance**

Mr. Rieber said that when the Board received information from the JPC it included a guidance to have a deviation process in place. Mr. Rieber said that the information given to the Board is that all services must have guidelines and if a deviation is needed that must also be submitted. Mr. Rieber said that we received legal advice from the Attorney General's office that he thinks is open to interpretation. He asked if the guidelines are already approved.

Ms. Burke Moore said that Minn. Statute states that by July 1, 2010 each licensee must have guidelines approved by the Board. Ms. Burke Moore said she asked Karen Andrews, who asked two additional attorneys from the Attorney General's office to review this statute. All three agreed that the clear meaning of the statute requires that each ambulance service must have guidelines submitted to and approved by the Board by July 1, 2010. Ms. Burke Moore said that this is legal advice we were given by the Attorney General's office.

Mr. Norlen joined the meeting at 10:30 a.m.

Mr. Rieber asked if the Board will need to approve each service's guidelines. Ms. Burke Moore said yes, but that the authority can be delegated to staff. Mr. Rieber said that he thinks this needs to be clarified. If the Board approves the guidelines then the guidelines are already approved by the Board. If there needs to be a deviation those must be approved by the Board. Mr. Norlen said that he discussed forming a guideline and deviation review panel at the July 2009 Board meeting. Mr. Rieber said that this should be on the Board agenda for the next meeting to clarify that the Board must approve guidelines for all ambulance services and this task can be delegated to staff. The deviation panel would review and approve the deviations.

Ms. Burke Moore referred to the July minutes that reflect that the guidelines and deviation requests will be reviewed by a panel appointed by the Board chair. Mr. Rieber said that he does not want to waste Board member time on this. Staff should review these guidelines and the Board should approve all the staff reviewed and recommended guidelines at each meeting. Mr. Miller said that the guidelines are reviewed by the Board and that has already occurred as he reads the statute. He asked Mr. Held to provide information on his interpretation of statute. Mr. Held said that you must determine which patients fall within these guidelines.

Mr. Rieber said that the Attorney General's legal advice is that the Board must approve the services' guidelines, but he does not necessarily agree with this. Ms. Burke Moore repeated that the Attorney General's office said that this can be delegated to staff. Dr. Fink Kocken said that if the guideline is identical to the template then it could be blanket approved but if there is a deviation then it must be reviewed.

Mr. Norlen said that he was looking for a process from the Board. All information that has been provided to ambulance services was approved by STAC and services may adopt or change the template if they wish. Mr. Norlen said that there is an education component at the service level.

Mr. Rieber said that this only affects a "major trauma patient" not other transports. Mr. Rieber said that he has advised services to adopt the template. Mr. Norlen said that the guidelines must be signed off by the medical director. Mr. Held said that is the same process that is being followed for hospital designation.

Mr. Miller said that this is a difficult plan to implement for any large service. Mr. Rieber said that we do not have to designate which hospital -- just that we comply with the guideline of 30 minutes. Mr. Rieber said that he has five hospitals that he could transport to. This is creating a lot of work to designate hospitals. Mr. Norlen repeated that this is a template for services to use. Mr. Norlen said that this is a tool for services to make the right decision.

Mr. Held said that in Mr. Rieber's area there is an active crew and medical director who are educated in what is needed. In other rural areas there needs to be more information/ education provided to ambulance services to make the correct decision. Mr. Rieber said that it must be clarified to ambulance services that this is only "critical trauma" patients. He clarified that this is a small number of the patients statewide.

Dr. Fink Kocken left the meeting at 10:54 a.m.

Mr. Rieber said that this will be discussed at the next Board meeting. Delegation of approval of guidelines to staff and to form a review panel for deviations.

**VI. Adjournment**

Mr. Jensen moved to adjourn. Mr. Miller seconded. Motion carried. Meeting adjourned at 10:56 a.m.

**NOTE:** Mr. Rieber asked for an Executive Committee meeting for 8:30 a.m. on January 21 to review the executive director's performance. He asked Ms. Burke Moore to ask staff for comments. This will be a closed meeting. He asked for board comments to be submitted to him or Mr. Jensen.