

Summary Minutes

Emergency Medical Services Regulatory Board

Executive Committee Meeting
Wednesday, June 30, 2010, 9:00 a.m.
2829 University Avenue SE
Minneapolis, Minnesota

Members Present

James Rieber (by phone)
Paula Fink-Kocken, M.D.
Pat Lee (by phone)
Gary Pearson (by phone)

Guests

Tim Held (by phone)
Ron Robinson (by phone)

Staff Present

Melody Nagy
Robert Norlen (by phone)
Debby Teske

Other Members Present

Mark Schoenbaum (by phone)

Member Absent

Kevin Miller

I. Call to Order

Mr. Rieber called the meeting to order at 9:05 a.m.

II. Approval of Agenda

Mr. Rieber said that he wanted to add to the agenda a discussion of the use of MCI buses for emergencies. Mr. Lee moved approval of the revised agenda. Mr. Pearson seconded. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

III. Approval of Minutes

Dr. Fink-Kocken moved approval of the May 20, 2010 minutes. Mr. Pearson seconded. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

Mr. Rieber clarified the minutes from June 23 -- he said Melody was to ask for a price from the state printing service. He added that services could also use a private printer to print MNSTAR forms, as well as the template on the website.

Mr. Lee asked for information on the medical director's contract. Ms. Teske said that, in Katherine's absence, she sent documents to the Board members assigned to the task at the May meeting. The documents were also sent to Dr. Satterlee and Dr. Thomas. Ms. Teske said that she is sure Ms. Burke Moore would like to be present for this discussion. Mr. Rieber said that Dr. Thomas, Dr. Fink-Kocken and Dr. Satterlee will be having a meeting to discuss what they can do and then we can find out what we need to contract for.

Mr. Rieber said that the Boards' medical director should oversee the contract medical director duties. The Board will manage the contract. Ms. Teske said that if we pay a medical director that is on the Board that will be difficult for contracting purposes. Mr. Rieber said that Ms. Burke Moore needs to discuss how to pay a stipend to the Board physician. Ms. Teske asked for clarification, in that a stipend is contractual. Mr. Rieber said that they would be paid by per diem - not a contract. His thought is to provide payment more closely to what is done with members of the CRP Panel regarding their preparation time for meeting. Mr. Rieber said that he does not want to burden the physician Board members. Mr. Rieber said that Ms. Burke Moore needs to develop a list of essential duties after she has had a conversation with staff.

Mr. Lee moved approval of the June 23, 2010, minutes with the correction to seek a price quote for MNSTAR forms. Dr. Fink-Kocken seconded. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

IV. Approve Trauma Triage Guidelines and Deviations

Mr. Norlen said that we have one addition to the guidelines received. Red Lake Ambulance Service should be added to the list. Their information was received this morning and the list is ready for approval. Mr. Pearson moved approval of the list. Dr. Fink-Kocken seconded. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

Mr. Rieber asked about services that have not submitted guidelines and asked if we have contacted the services. Mr. Norlen said that we have had multiple communications with these services. Mr. Rieber suggested issuing a correction order. Mr. Norlen said that a correction order will be issued and the service could be fined. He suggested giving them 15 days to comply, following a correction order. (before the July 15 Board meeting) A fine would be issued after the Board meeting if they are still not in compliance. Mr. Pearson asked why the services have not complied with the requirement. Mr. Norlen said that the services have said that they will provide information but have not done so.

Mr. Rieber said that this is a task for staff. No motion is needed to have staff take these actions. Mr. Rieber said that a correction order will be issued and if no action has occurred by the July 15 Board meeting a fine will be issued.

Mr. Schoenbaum said that this is a major accomplishment and staff deserves recognition for the completion of this task. We want to share our thanks to the staff and the industry.

Lakes Region EMS

Mr. Rieber said that staff contacted Lakes Region and they responded. There may need to be another meeting. Mr. Norlen said that he spoke to them again yesterday to see if they have had a discussion with Pine Medical Center and the hospital at Cambridge. Mr. Reinert asked for a meeting and Mr. Norlen said that Lakes Region is arranging it. He said that the staff at Pine Medical Center needed to have further internal discussions before they have a meeting

Mr. Rieber said that in looking at the area they serve this is a reasonable accommodation. Mr. Pearson said that if they are closer to one of the other locations – they need to look at the situation on a case by case basis especially in bad weather. Mr. Rieber agreed. Mr. Norlen said that he thought they would use reasonable care for the patient. Mr. Norlen said that the deviation request is to bypass a closer facility to reach a level 1 facility.

Mr. Rieber said that we must take action on this today. There is value in allowing this deviation in certain circumstances.

Mr. Lee moved approval of the deviation request. Dr. Fink-Kocken seconded. Mr. Schoenbaum agreed with the action of the Executive Committee and said that it is good to have these conversations. He said that the letter to Lakes Region EMS should include a request that they continue to have their discussions with the other hospitals on this issue. Mr. Rieber asked for a vote on the motion. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

Mr. Held suggested a cc of the letter be sent to the hospitals so they are informed. Mr. Rieber said that a follow up letter would be appropriate, explaining that the majority of the patients would be well served by the deviation. Mr. Pearson said that the hospital may see a designation of level 4 as less valuable. We need to be aware of why the hospitals are doing the hospital designation. Ms. Teske said that we need to stress that this is only major trauma patients. Mr. Held and Mr. Norlen

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will develop the letter. Ms. Teske said that the letter should emphasize that we are working together.

Rushford

Mr. Rieber said that Rushford's request is to bypass Winona. Mr. Norlen referred to the summary document prepared by staff and the letter from the hospital. Mr. Norlen said that they had a conversation with the director of Rushford and Dr. White at Winona Hospital indicated that they may drop the deviation. Rushford indicated that they want to move forward with the deviation because it is in the best interest of the patient. Mr. Norlen said that this is similar to Lakes Region EMS. Mr. Pearson asked how far Rushford is from Winona. Mr. Norlen responded that it is 25 miles but in the opposite direction of definitive care. Mr. Pearson moved approval of the deviation. Dr. Fink-Kocken seconded. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

Mr. Schoenbaum said that Mr. Norlen and Mr. Held should work together to have this discussion at the Regional Trauma Advisory Committee level and send a letter to Winona Hospital.

Albert Lea

Mr. Rieber asked the status of the application for hospital designation. Mr. Held said that the application was reviewed yesterday but they have not met all the criteria yet. Mr. Held said that they are near approval. Mr. Rieber suggested the deviation should include an end date of September 30. Mr. Lee moved approval with an end date of September 30. Dr. Fink-Kocken seconded. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

Mr. Norlen said in the future there may be additional deviation requests.

Mr. Schoenbaum asked if the Virginia letter was sent. Mr. Norlen said yes. Mr. Schoenbaum said that it should have included language regarding pending STAC approval but this may be a moot point.

V. Medical Directors Contract

Mr. Rieber said that we are waiting for information from Ms. Burke Moore on essential tasks and other duties for an RFP to contract for a medical director. Dr. Thomas will be meeting with the other physicians on the Board. Mr. Rieber suggested that the Medical Direction Standing Advisory Committee take a more active role. He said that this will be discussed at the Board meeting. We will have a more defined idea for the September meeting. The Medical Direction Standing Advisory Committee can have a more defined purpose. We need to develop the compensation package for medical direction activities provided by the doctors currently on the Board.

Mr. Schoenbaum and Mr. Held left the meeting.

Dr. Fink-Kocken said that we may have an issue with conflict of interest that would interfere with having MDSAC provide answers to questions. It may be difficult to have a committee make decisions because they are busy people. Mr. Rieber said that Dr. Thomas would be the appointed medical director for the Board, the other physicians would have their roles, and the MDSAC would be the recommending body since they do not have decision making authority. Dr. Fink-Kocken asked to consider the time involved in having the MDSAC committee respond. Mr. Rieber said the Board must have a physician with decision making ability.

Dr. Fink-Kocken referred to the letter of duties of that was sent to Dr. Wesley. Mr. Rieber said that this is a good reference for discussion. Mr. Rieber said that trauma is the only statutorily required duty of a medical director. Ms. Teske said that Ms. Burke Moore had a conversation with Dr. Wesley regarding these duties. Mr. Rieber said that he wants a clarification of what is essential.

Mr. Lee asked what statute requires the EMSRB to have a medical director. Mr. Rieber said that it is in the trauma statute. Mr. Rieber said that if the Board chair must take emergency action it is in conjunction with the state medical director. Mr. Norlen said that he agrees that this is not in the statutes in any other place. He said that the duties of the medical director have included: reviewing variance requests and protocols for drug administration and applications for upgrades from BLS to ALS. Mr. Norlen said that if there is a Board medical director we would not have to contract with someone. Mr. Norlen said that in working with other states there is an article on why a state should have an active medical director. Some states have a full time medical director on staff. We do not have the same situation in Minnesota. He offered to provide information from the National Association of State EMS Officials.

Mr. Rieber repeated that he is seeking information from staff and Ms. Burke Moore on what is needed for a medical director.

Dr. Fink-Kocken said that an article was published on medical direction in states – it depends on how the state uses a medical director and how big a state. The amount of work the medical director does is dictated by the state's needs.

Dr. Fink-Kocken asked if STAC has a physician representative from the Board. Dr. Fink-Kocken asked if someone should attend STAC meetings in the interim. Mr. Rieber said that will be discussed. Mr. Norlen said that the next STAC meeting is in September.

Ms. Teske said that when we originally developed the contract we did not know what to include as tasks and that there is leeway in determining what is necessary. We need to be cautious in having the physicians on the Board volunteer for extra duties– they are already contributing on various committees and work groups. Mr. Rieber said that we will ask them what they want to be involved with. We do not want to burden them. We are not sure what we need to contract for.

Mr. Rieber said that Dr. Thomas can appoint physicians to fulfill duties as needed.

VI. Other Business

Mr. Rieber brought forward a question asking if the Metro MCI Buses could be used as a resource in an emergency. He asked Mr. Norlen if a variance is needed to use the MCI buses. Mr. Norlen indicated the variances can only be granted in accordance with requirements in Minnesota Rule, chapter 4690.8200. Since the ambulance requirements are in both Minnesota Statute and Minnesota Rule, a variance for use of the MCI buses is probably not an option.

Mr. Norlen said in a disaster situation where there are multiple patients or there is need for an evacuation of a facility in most cases there is a disaster declaration either at the state or local level. In those situations the EMSRB has statutory authority to suspend specific statutes and rules. The use of the MCI buses would be appropriate in those situations.

Mr. Rieber asked if a bus can be licensed as an ambulance. Mr. Norlen indicated if the buses were to be licensed they would have to be licensed to a specific ambulance service. The EMSRB has no provisions to license vehicles not attached to a license. Mr. Norlen asked that, since the use of the MCI buses outside of declared disasters would be very rare occurrence, would it be possible

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to have an EMSRB policy allowing the use of the MCI buses for patient transport if necessary. Mr. Rieber agreed with Mr. Norlen's comments and asked that a written policy statement be developed.

Dr. Fink-Kocken asked if this was used during the RNC. Mr. Robinson said that they were available but not used.

Mr. Robinson said that they are attached to a fire service and can be requested through mutual aid. He said that there are standards that these buses comply with. There are advantages in using the buses for transport of multiple patients from the scene of an emergency or planned movement of multiple patients from one facility to another. The equipment meets the requirements for an ambulance for equipment and staffing, with the capability to handle vents and oxygen.

Mr. Robinson said that the buses are not owned by an ambulance or licensed by an ambulance. They do not meet all regulatory requirements that a licensed ambulance must meet. The personnel are EMTs and paramedics can be on board if needed. A variance to use the buses is being sought. Information would be added to the file for the license holder to make this in compliance with statute. This would not be a frequent occurrence but the EMSRB would be notified of the use and an after action report would be provided.

Mr. Rieber provided Mr. Norlen the variance request document that Mr. Robinson prepared. Mr. Rieber said that he thinks this is a good option. Mr. Pearson said that this is a good asset but who controls it? Mr. Rieber said that this would need to be under local EMS control. Mr. Norlen indicated it would have to be under the control of the licensed ambulance service where the buses may be used.

Mr. Robinson said that a license is not being sought, since the use of the bus would be on standby. The ambulance services would have a variance in place to use the vehicle.

Mr. Norlen said that a local disaster can be declared for up to three days. Mr. Robinson said that approval for a variance is being asked for in the metro area. Mr. Rieber said that any ambulance may request use of the MCI bus. We do not want to have every ambulance in the state apply for a variance. This should be a statewide policy. Mr. Rieber asked for a policy statement and the Executive Committee should support this for approval at the July 15 Board meeting. Mr. Rieber asked staff to develop a policy statement approving buses for use and reporting requirements to the Board.

Mr. Rieber moved that staff draft a policy statement to allow licensed EMS agencies to utilize the MCI buses to transport patients. EMS agencies using the MCI bus must notify the EMSRB within 48 hours and submit a written report within 30 days. Mr. Pearson seconded. Mr. Rieber said this should be approved by the Executive Committee and brought to the Board for approval at the July 15 meeting. He suggested taking action today so that we are prepared if something happens. Mr. Norlen asked if the Executive Committee can take this action. Mr. Rieber said that the Board empowered the Executive Committee to take action on behalf of the Board and bring it back to the full Board. Mr. Rieber asked for a vote on the motion. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

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Mr. Rieber said that we need a formal policy statement. Mr. Norlen said this will be our first attempt at doing something like this. Ms. Teske said that this should be discussed again at the Board meeting. Mr. Rieber said that the Board will ratify this and staff will then disseminate the information statewide.

Mr. Robinson offered to help Mr. Norlen develop the policy statement. Mr. Robinson thanked the Executive Committee for their action.

VII. Next Meeting

Ms. Teske asked if there will be a quorum for the next meeting which is scheduled for July 7. She asked if the Executive Committee is meeting July 14 or 15. Mr. Rieber said that there may be a meeting the morning of July 15.

Mr. Rieber said that he is out of town on July 21 but a meeting should be scheduled for July 28. Ms. Teske asked Mr. Rieber to provide an agenda.

Mr. Rieber said that Mr. Miller should be contacted to make sure he can attend the meeting on July 7. We can cancel if we do not have a quorum. He asked that Ms. Burke Moore have information ready regarding the medical director's contract for the July 7 meeting. The information should be ready for the September meeting of the Medical Direction Standing Advisory Committee.

VIII. Additional Trauma Guideline

Mr. Norlen said that he just received a guideline from Bertha Ambulance. Mr. Norlen asked that the Bertha guideline be approved. Mr. Lee moved approval. Dr. Fink-Kocken seconded. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

Ms. Teske again thanked Mr. Norlen for his efforts.

IX. Adjourn

Mr. Pearson moved to adjourn the meeting. Dr. Fink-Kocken seconded. Voting yes: Paula Fink Kocken, M.D., Pat Lee, Gary Pearson, Jim Rieber. Motion carried.

Meeting adjourned at 10:35 a.m.

Tasks:

Melody was to ask for a price from the state printing service for MNSTAR forms and report back.

Ms. Burke Moore needs to develop a list of essential duties for the medical director after she has had a conversation with staff.

Mr. Norlen said that a correction order will be issued and the service could be fined. A fine would be issued after the Board meeting if they are still not in compliance

letter to Lakes Region EMS -- cc of the letter be sent to the hospitals

Mr. Norlen and Mr. Held should work together to have this discussion at the Regional Trauma Advisory Committee level and send a letter to Winona Hospital

Mr. Norlen will provide information from the National Association of State EMS Officials on medical director duties

a written policy statement be developed for the use of MCI busses.

MCI bus policy should be brought to the Board for approval at the July 15 meeting

Schedule Executive Committee for July 28

Ms. Burke Moore should have information ready regarding the medical director's contract for the July 7 meeting