

Summary Minutes

Emergency Medical Services Regulatory Board

Executive Committee Meetings
Wednesday, May 12, 2010, 8:30 a.m.
2829 University Avenue SE
Minneapolis, Minnesota

Members Present

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

Guests

Linda Horth (by phone)
Mark McCabe (by phone)
Scott Reiten (by phone)
Imo Sunderland (by phone)

Staff Present

Katherine Burke Moore
Melody Nagy
Mary Zappetillo

I. Call to Order

Mr. Rieber called the meeting to order at 8:34 a.m. Introductions were completed of the members and guests who participated by phone.

II. Legislative Issues

Mr. Rieber referred to the bill which would restore part of the \$450,000 drafting error. He said that some of the grant programs received a reduction in funding. The amendment in the House says that all the money goes to the grant programs and all reductions go to EMSRB. Ms. Burke Moore said that this language has been removed from the bill.

Mr. Miller said that the money will come back to the Board to be disbursed as seen fit by the Board since the amendment was removed. Ms. Burke Moore said that the amount currently in the bill to be returned to the EMSRB is \$247,000 – not the full \$450,000. There are no reductions to the EMSRB budget (3% to EMSRB Operations or the 6% reductions to grants and contracts). That was passed by the conference committee late last night.

Ms. Burke Moore said that this bill is in danger of being vetoed. Mr. Miller said that he heard that it was vetoed. Mr. Rieber said that if this included the tax increase it would be vetoed. Ms. Burke Moore said that the bill as it stands is fairly favorable for the EMSRB. Mr. Rieber said that we are in a wait and see mode.

Ms. Burke Moore reminded everyone that the 5% cut that all programs took will not be restored. That was the base budget reductions for all programs in almost all agencies. Mr. Rieber said that this was enacted in 2009. Ms. Burke Moore said that the only way to have this restored would be to ask for a legislative appropriation in a future legislative session. Dr. Fink Kocken said that the cut brought the Regional Program base to \$584,000 and the proposed cut would reduce it to \$524,000. Ms. Burke Moore said that with the language in the Health and Human Services bill this cut will not be taken. We just have to wait until they adjourn.

Mr. Rieber said that the Attorney General's office was asked to give us an opinion on the legal notification by email. Mr. Miller asked if the proposed letter went out. Ms. Burke Moore said that the Executive Committee indicated that the letter was to include legal language from the Attorney General and I am waiting to hear back from Mr. Karls. I thought I had communicated that information to you by email. Ms. Burke Moore said that

the part of the letter that includes language on reductions may be changed if the *current* bill stands and no reductions are taken.

Mr. Miller said that he does not agree. The budget may change. The Regional Programs need to be informed of the proposed cuts. The governor may veto the bill.

Mr. Rieber said that if the state shortfall reduces the grant dollars he needs to see the Attorney General's language that says that the state can recoup the funds from the grantees. This information needs to be communicated to the Regional Programs. Ms. Burke Moore said that she has asked this question and is waiting for an answer – she will contact the Attorney General again.

Mr. Rieber said that the letter that the Executive Committee requested needs to go out today and then you should send a follow up opinion from the Attorney General when it is available in writing. Ms. Burke Moore confirmed that the letter is ready and will go out today via email. Then she would send another message when she is able to consult with the AG.

Mr. Miller said that he is disappointed that we have not followed up with the Attorney General. Ms. Burke Moore said that she has followed up with the AG; she has emailed and called numerous times and is waiting for a response. Mr. Karls has other agencies besides the EMSRB. Mr. Rieber said that he understands that; but we need to inform the Regional Programs of what is being proposed.

Dr. Fink Kocken said we do not know how much will be recouped. Ms. Burke Moore said that we will not know that amount until the end of session.

Mr. Miller said that he wanted to bring up concerns about Ms. Burke Moore's involvement at the Capitol. Mr. Rieber said that this needs to be discussed at an Executive Committee meeting in closed session. Mr. Miller said that if Ms. Burke Moore is going to be at the Capitol he was to be informed and any direct lobbying needed to be addressed.

Mr. Rieber said that this was made clear to Ms. Burke Moore regarding her involvement at the Capitol. Mr. Rieber said that the Legislative Chair and Chair of the Board needs to be informed of Ms. Burke Moore's actions at the Capitol and any handouts should be approved. We must have factual based documents.

Mr. Rieber asked if a weekly meeting with MAA has happened. Ms. Burke Moore said no. Mr. Miller said that there was terse communication with MAA and MAA is responsible for having the amendment removed. Ms. Burke Moore said that this conversation needs to happen at Legislative Committee and Executive Committee. Mr. Rieber agreed but repeated that it is important that Ms. Burke Moore maintain communication with MAA representatives while at the Capitol. Mr. Rieber said that we need to work with MAA. We may have different perspectives but we need to work together. We may disagree but we do not want the appearance of back door handling.

Mr. Rieber said that we need a clear understanding between the groups but we may take different directions. Ms. Burke Moore said that it is ok that we are not always on the same page with MAA. At times we may communicate the two views and let the legislature decide.

Mr. Miller said that historically MAA and EMSRB have been on the same page. We have more in common than our disagreements.

Mr. Rieber said that if we had better dialog then the amendment would not have come out as written. Mr. Rieber said that MAA did not receive the information that they asked for. We must communicate openly with MAA. He said - lets figure out how we can agree – the attitude that goes in affects the position. Ms. Burke Moore said that she was not unwilling to meet with MAA, but we won't always agree nor always have the same view on a number of things.

Mr. Rieber asked Ms. Burke Moore if she met with Mr. Ross. Ms. Burke Moore said that Mr. Ross and Mr. Norlen met and resolved the outstanding issue on the emergency/disaster response diagram. Ms. Burke Moore said that she did not meet with Mr. Ross and did not receive a call from him.

Mr. Rieber said that if we do not get it together we may not have a Board next year. We need to show the value of what is done and save the EMS system that has a lot of value.

Mr. Miller said that the MAA is lobbying with legislators and Ms. Burke Moore is lobbying against that. Ms. Burke Moore asked for clarification about that statement. Talking to legislators is not lobbying, but providing information. Mr. Rieber said that Ms. Burke Moore should not talk to legislators until the Board has a position. Ms. Burke Moore said that you cannot be at the Capitol without talking to legislators.

Mr. Rieber asked if we have a clear understanding of our legislative position. Ms. Burke Moore said that we will set up another conference call with grantees when the budget is settled.

Mr. Lee asked if the Regional Program invoices will be paid. Ms. Landucci said that she is holding invoices that are over the amount of the proposed cut. Mr. Rieber said that this was based on the Attorney General's opinion and what MMB and Ms. Vangness directed staff to do.

Mr. Reiten said that there needs to be a contract amendment to do that. Mr. Rieber said that this question has been asked and there was a response that said that there was no requirement for a 30 day notice and the state could recoup the funds. Ms. Burke Moore said that we are looking for clear legal advice. Mr. Rieber said that the advice must be in writing. Mr. Reiten said that his board is looking for information. Mr. Rieber said that a letter will be sent today. Mr. Miller said that this is over a month for a response from an Attorney General.

Mr. Lee said that funds are going to be withheld and regions that have spent funds all their funds will not have funds withheld. Mr. McCabe asked if a partial payment would be made if the invoice was over the proposed amount. Ms. Landucci said that a partial payment can be made. Mr. Rieber agreed. Ms. Burke Moore said that we are seeking clarification of the next step.

Mr. Rieber asked about EMSC funding. Ms. Burke Moore said that EMSC is not impacted because this grant is funded with federal not state money. Mr. McCabe asked if the EMSRB receives money from the EMSC grant. Dr. Fink Kocken said that the EMSC

grant pays part of the salary for Ms. Landucci for grant management and Mr. Norlen for data research.

Mr. Rieber said that we will provide information to the Regional Programs as soon as it becomes available. Ms. Burke Moore said that we will provide the legal advice when it becomes available.

Mr. Miller moved that the dollar amounts that come back be reviewed by the Finance Committee and the Executive Committee and then the Executive Committee will decide where the money goes. Dr. Fink Kocken seconded. The members voted as follows: Dr. Fink Kocken, Mr. Lee, Mr. Miller, Mr. Pearson, Mr. Rieber voting yes. Motion carried.

Mr. Rieber said that he and Mr. Miller are available for consultation with Ms. Burke Moore for legislative issues.

Mr. Miller asked about the process for approval of a deviation for Allina's trauma protocols. He asked if there is a variance for bringing trauma patients to a level two facility. Mr. Rieber said that this would be a deviation application and would be submitted to EMSRB staff. Ms. Zappetillo said that she discussed this with Dr. Lick and Dr. Lick will be submitting the deviation application. She said that a Board Panel will be meeting to review deviations. She asked if they will be reviewed before the July 1 deadline. Mr. Rieber said that this application would need to be submitted before the next Board meeting. Mr. Rieber asked if the panel was appointed and said this panel needs to meet. Ms. Zappetillo said that the trauma protocols will be reviewed by staff. Those guidelines that meet the requirements would be approved by the Board and requests for deviations would be reviewed by the panel. Ms. Zappetillo said that all ambulance services are aware of the deadline and everything should be submitted by next week. She asked if the panel has approval authority. Mr. Rieber said that the panel makes recommendations to the Board. Mr. Miller asked if there are other deviation requests. Ms. Zappetillo said that there are none in the metro, at this time, but there are in other areas in the state. Mr. Rieber said that this needs to be discussed at the May Board meeting. He suggested that the Executive Committee could be authorized to approve the deviations or the deviations would be held until July and then they do not meet the deadline. Mr. Rieber asked Ms. Burke Moore to discuss this with Mr. Norlen.

III. Adjourn

Mr. Lee moved to adjourn. Mr. Miller seconded. Motion carried.