

Meeting Minutes

Emergency Medical Services Regulatory Board

Thursday May 19, 2016, 10:00 a.m.

Minneapolis, Minnesota

Attendance: J.B. Guiton, Board Chair; Jason Amborn; Lisa Brodsky; Aaron Burnett, M.D.; Lisa Consie; Steve DuChien; Scott Hable; Megan Hartigan; Jeffrey Ho, M.D.; Michael Jordan; Paula Fink-Kocken, M.D.; Kevin Miller; John Pate, M.D.; Mark Schoenbaum; Jill Ryan Schultz; Matt Simpson; Tony Spector, Executive Director; Melody Nagy, Office Coordinator; Robert Norlen, Field Services Supervisor; Rose Olson, Licensing Administrator; Chris Popp, Compliance Supervisor; Mary Zappetillo, EMS Specialist; Greg Schaefer, Assistant Attorney General.

Absent: Rep. Jeff Backer; Patrick Coyne; Senator Kathy Sheran

1. Call to Order – 10:00 a.m.

Mr. Guiton welcomed everyone to the meeting. He asked for introductions from Board members and guests.

2. Public Comment – 10:05 a.m.

The public comment portion of the Board meeting is where the public may address the Board on subjects which are not part of the meeting agenda. Persons wishing to speak must complete the participation form provided at the meeting room door prior to the start of the meeting. Please limit remarks to 3 minutes. The Board will listen attentively to comments but, in most instances, will not respond at the meeting. Typically, replies to issues or concerns expressed will be made via letter or phone call within a week.

None.

3. Review and Approve Board Meeting Agenda – 10:10 a.m.

Motion: Dr. Fink Kocken moved to approve the agenda for the May 19, 2016, Board meeting with the changes requested. Ms. Brodsky seconded. Motion carried.

4. Consent Agenda – 10:15 a.m.

Approval of Board Meeting Minutes from March 17, 2016

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All items listed under the consent agenda are considered to be routine by the EMSRB and will be enacted by one motion and an affirmative vote by a majority of the members present. There will be no separate discussion of these items unless a Board member requests to remove an item from the consent agenda and then the item will be considered a separate subject of discussion.

Motion: Mr. Miller moved to approve the minutes from the March 17, 2016, Board meeting. Mr. Simpson seconded. Motion carried.

5. Board Chair Report – 10:20 a.m.

University of Minnesota Cardiac Care Consortium – Lucinda Hodgson and Kim Harkins
Ms. Harkins and Ms. Hodgson presented information about the Cardiac Care Consortium.
Dr. Burnett asked if they would be willing to provide a presentation at the Medical Direction Standing Advisory Committee meeting in September in Alexandria.

Mr. Spector thanked them for their presentation. He said that a master student from the University of Minnesota will be working on a project with the EMSRB validating MNSTAR data with Cardiac Arrest Registry to Enhance Survival (CARES) data.

Executive Director Performance Review Process

Dr. Burnett said an annual performance evaluation of the Executive Director is being conducted by the Executive Director Search Committee. A survey was distributed seeking input from Board members, staff, EMS stakeholders, and peers on the performance of the Executive Director.

Mr. Jordan asked that the Executive Director's job description be distributed to everyone receiving the survey so they can use this to assist with their responses. Mr. Jordan shared several other concerns about the review process. Mr. Guiton said he seeks to improve evaluation process from previous years. The performance review will be finalized at the Board meeting in July.

Mr. Jordan expressed concern about who received the survey. While a 360 view is sought, it nonetheless may not be appropriate that the identical survey is used for peers and staff. He referenced a comment received from another HLB Executive Director. Mr. Guiton suggested this topic be discussed at a future Board meeting.

EMS Week Celebration

Mr. Guiton announced that it is EMS Week and Law Enforcement Week. Mr. Spector read the Governor's Proclamation.

6. Executive Director Report – 10:35 a.m. – Tony Spector

Employee Introductions

Mr. Spector said that all the EMSRB employees attended a staff meeting yesterday and are present at the Board meeting. Each staff provided a brief introduction.

Mr. Spector provided an achievement award to Holly Hammann-Jacobs for delivering lifesaving care. She recently went to Hayfield Minnesota for an ambulance inspection and found herself asked to be part of the crew for a critical patient.

Board Metrics

Mr. Spector said the Board metrics will be changed to provide information for a calendar year. Some of the metrics are being provided in more detail. Ms. Olson provided more detail in her staff report.

Offline System Certification for Initial and Renewal Applications

Mr. Spector said the EMSRB will not have its online e-licensing system available after September. An offline system is being finalized and will be implemented the first part of July.

Note: Happy Birthday Jeff Ho, M.D.

7. Data Policy Standing Advisory Committee Report and Recommendations – 10:45 a.m. -

Megan Hartigan

Ms. Hartigan said there was discussion at the last meeting regarding the timeline for transition. She said that there were questions on why we collect data. She referenced a JEMS article on data. (The link to the article is being distributed.) The EMSRB collects data to improve patient's

survival rates. Ms. Hartigan said we need to advance as a profession. With every record we prove our worth. At the last DPSAC meeting, there was a “healthy” discussion regarding the two separate dates for transition. The goal is to have the transition completed by 2017. One of the questions discussed at the last meeting was “What does it mean to be NEMSIS compliant.”

Motion: Ms. Hartigan moved that Minnesota will start accepting and collecting MNSTAR version 3.3.4 or 3.4.0 NEMSIS dataset Patient Care Records (PCRs) on April 4, 2016. Group 1 - Direct Data Entry system users will submit MNSTAR 3.4.0 NEMSIS compliant PCRs on or before 12/31/2017 with the goal to have these services transitioned by 12/31/2016. Group 2 - Third Party Software Import system users will submit MNSTAR 3.4.0. NEMSIS compliant dataset on or before 12/31/2017. Ms. Consie seconded. *Additional discussion by Board members.*
Motion tabled.

Ms. Hartigan asked if the Board wants an explanation of compliant versus submitting. Ms. Hartigan said the DPSAC is recommending that data in other versions be accepted, but if it is not compliant the problem is referred to the ambulance service. The state cannot do troubleshooting.

Mr. Miller asked what the committee discussed for this transition. Ms. Hartigan said that some vendors are ready to submit data in other versions and the state will accept it. The DPSAC motion specified 3.4.0. There are minor differences in the two versions.

Dr. Ho asked about using specific vendors to be compliant. Mr. Guiton said that is not the intent. Mr. Spector said compliance is determined by NEMSIS. Mr. Spector said it was recently brought to his attention that MNSTAR data has not been submitted to NEMSIS for the last six quarters. This was not made public and should have been, and he apologized on behalf of the agency. Mr. Spector explained that he is determining why data has not been submitted to NEMSIS.

Ms. Hartigan said the definition of compliant is: “that the third party software is run through the NEMSIS to make sure it acceptable (by 2017)”. Mr. Guiton said we are discussing two issues. Ms. Consie asked what the consequence is for someone not meeting this deadline. Ms. Hartigan referenced statute and said that in the past there were correction orders issued. Dr. Ho said that this is still confusing. Ms. Hartigan offered to table her motion to discuss the other issue.

Mr. Guiton said the previous Executive Director informed the Board that there was not enough staff and money to submit data. When Robert Norlen became the Interim Executive Director he brought information forward to the Board to ask that data be submitted. Mr. Guiton said the submission of data was temporarily paused due to a Board action that was based on inaccurate information. Mr. Spector said that the vendor submitted data for 2014 but there has been no data submitted for 2015 or 2016. Mr. Spector will determine why the data has not been submitted.

Mr. Guiton said that the EMSRB is researching to see if ImageTrend is obligated to submit this data under current contract. Mr. Guiton asked the Board to table the issue of NEMSIS submission compliance/problems until the July Board meeting, and he asked that staff rescind any correction orders issued to ambulance services for failing to timely submit MNSTAR data (during the period when the EMSRB was not submitting MNSTAR data to NEMSIS).

Mr. Schoenbaum asked what the Board standard is for being NEMSIS compliant. He said that the EMSRB should not require an agency to use a particular vendor. Mr. Guiton said there is a set of vendors that are NEMSIS compliant. Dr. Ho said that from Hennepin County Medical Center’s standpoint they have a vendor in place that was NEMSIS compliant but does not currently meet the requirements for the upgrade. Mr. Schoenbaum wanted to know if the services will be held to the standard of being NEMSIS compliant. Ms. Hartigan responded that the EMSRB does not have the IT ability to troubleshoot compliance so it is recommended that the EMSRB seek

vendors who have obtained NEMESIS compliant certification. Mr. Guiton said that Hennepin feels that they will be compliant before 2017.

Motion: Mr. DuChien moved to table the issue. Mr. Miller seconded. Motion carried.

Ms. Hartigan said that earlier data collection versions include collection of social security numbers. She explored whether there is a need for the EMSRB to collect this information? Mr. Spector said he discussed this with Mr. Schaefer, Assistant Attorney General, and the Department of Administration, and they agree that the EMSRB should not collect social security numbers. Mr. Schoenbaum said this does not cause problems for the Minnesota Department of Health data collection efforts.

Motion: Ms. Hartigan moved that the EMSRB no longer accept and store Social Security Number (SSN) data elements [E_06.10 in v2] and/or [e. patient.12 in v3] in the MNSTAR systems. System modifications would need to be made to eliminate the SSN in each of these systems. Dr. Pate seconded. Motion carried.

Dr. Ho asked if there are social security numbers stored in the system now. Mr. Guiton said yes and there are record retention requirements that must be considered. Mr. Spector will report to the Board when more information is available.

Mr. Miller asked if there will be a communication to ambulance services regarding this change. Mr. Spector said yes. Services may collect this information for billing purposes but the State will not be collecting this information.

Mr. DuChien left meeting at 11:35 a.m.

**8. Post Transition Education Work Group – 11:35 a.m. – Lisa Consie
Recommendation No. 5**

Ms. Consie said the work group met for a day-long meeting on April 25, 2016 to discuss education programs, instructors and a recommendation to bring to the Board (note: two handouts were provided to the Board at the meeting).

Mr. Guiton said he wanted to provide clarification of the term “Minnesota-approved Education Program.” There was concern that the term meant that EMS refresher education would be only thought to be MNSCU education sites. The answer is that Minnesota-approved means EMSRB-approved.

Mr. Guiton asked that the motion be made and then he would seek discussion from the public and the Board.

Motion: Ms. Consie moved that all National Continued Competency Requirement (NCCR) components taught in Minnesota are administered by Minnesota-approved education programs. Ms. Hartigan seconded. *Additional discussion by Board members.*

Mr. Spector thanked the work group for their work and to Lisa Consie for her leadership. Mr. Spector expressed the concern of his staff, specifically the question of how someone who is not affiliated with an approved education program teach components of the NCCR. There may be situations where an instructor cannot affiliate with an education program due to perceived or actual conflicts of interest. Mr. Spector also said some rural services have expressed concern about being able to teach classes without having the entire crew drive 60 miles to an approved education program or bring in a specific instructor. What if the ambulance service director or

medical director wants to teach part of a course? Mr. Spector explained that staff wants to be responsive to the EMS community, and this topic was discussed in detail by staff. Staff proposes that all NCCR components must be approved by the EMSRB. The EMSRB would not be approving education programs at EMT and above refresher level but would approve the NCCR components taught in Minnesota. Staff said it is able to this. Other states are doing this. Such a model would provide greater education program inclusion in Minnesota and may facilitate rural sustainability.

Ms. Consie commented that this option was discussed by the work group and the group struggled to find consensus in our recommendations. The recommendation brought to the Board had a majority vote with one-member voting against.

Mr. Lawler said this does not change significantly from what has happened in the past. Education programs were hired to provide the refresher. Affiliation does not mean that the person is an employee. They can be a guest speaker monitored by the education program. He said he would be concerned about the process of obtaining approval for all the classes he teaches. (40 classes multiple times per year). That would be a significant change to statute; to not approve education programs, but approve each class. Audits need to happen by staff. The recommendation provided by the work group was the best we could offer to utilize staff appropriately and manage the education programs and put the responsibility on the education programs.

Mr. Spector said he respectfully disagrees; it is not easy to affiliate with a program. Staff discussed an approval process, and staff has the bandwidth to approve a course, and once approved it can be taught numerous times in the two year or four-year period without seeking re-approval. A lot of other states are approving courses for continuing education credits.

Mr. Lawler explained the education approval process for North Dakota. Mr. Spector said the EMSRB looked at the Minnesota POST Board approval process and they have a sponsoring agency and the class is approved subject to audit.

Mr. Miller said he was concerned said that we sold this to the EMS community and medical directors saying this was easier. Changing the process in the State to approve half of the training provided may be met with significant opposition. That is a very strong bureaucratic oversight that was not part of the original plan. He asked Mr. Schaefer what is in statute regarding EMS education approval by medical directors. Mr. Spector said staff had robust discussion yesterday, and he was assured that staff could accomplish this task.

Ms. Hartigan said she would be concerned about how much time this would take for individual services and how it would impact her ability to teach classes.

Dr. Burnett said that the State approves Community Paramedic Programs. There were delays in this process because of staffing concerns and the program approval was delayed. Bandwidth may not exist in the future.

Mr. Guiton said the staff and Executive Director have stated they are able to do this and past problems of staffing must be set aside. Mr. Guiton believes that staff does a great job. Options include voting on the motion as it is, creating a workshop for further discussion, or change the wording of the motion. There also should be a review of this Board action again in two years at a future Board meeting.

Motion: Mr. Miller moved to table. Dr. Ho seconded. A roll call vote was conducted. Motion to table failed.

Mr. Guiton said since this motion failed, he called for a vote on the original motion. Mr. Miller again asked for clarification of the statute. Mr. Schaefer read the statutes. Mr. Guiton asked for clarification that this change would only affect the NCCR hours taught. Ms. Consie agreed this is for the classes required by the National Registry (similar to the old refresher).

Mr. Jordan called the question.

Repeated Motion: Ms. Consie moved that all National Continued Competency Requirement (NCCR) components taught in Minnesota are administered by Minnesota-approved education programs. Ms. Hartigan seconded. Dr. Ho voted no. Motion carried.

Mr. Guiton said the Board would now recess for lunch.

9. Closed Session – 12:15 p.m. (must have a quorum of members to vote)

Closed per Minn. Stat. § 144E.28, subdivision 5 and Minn. Stat. § 13D.05, Subd. 2(b) (*Complaint Reviews*) and Minn. Stat. § 13D.05, Subd. 3(2) (*Personnel Matters*)

Mr. Guiton moved the meeting to a closed session. Disciplinary actions were discussed and voted on by Board members. Personnel matters were discussed.

10. Re-Open Meeting – 12:35 p.m.

Mr. Guiton reopened the meeting.

11. Committee Reports – Committee Chairs – 12:45 p.m.

Ambulance Standards Ad-Hoc Work Group – Robert Norlen

Mr. Norlen said the work group met five times since May and has been reviewing the standards. We will be making recommendations to the Board in September.

Complaint Review Panel – Rose Olson

Ms. Olson said there were two meetings in March. The panel has been extremely busy. We have a number of conferences coming up. I appreciate the Board member's efforts.

Health Professional Services Program – Tony Spector

Mr. Spector referred to the handouts provided. He said referrals are increasing.

Legislative Ad-Hoc Work Group – Kevin Miller

Mr. Miller said the work group has not met. The technical bill was approved and signed into law. There is a proposal pending for funding that is being discussed in conference committee. The other committees that have met may suggest some legislative changes that we will need to discuss. We will need to schedule a meeting after close of session.

Medical Direction Standing Advisory Committee – Aaron Burnett, M.D.

Dr. Burnett said the Medical Director Operational Guidance Course is scheduled for Friday, September 9 during the Annual EMS Medical Directors Conference in Alexandria. He thanked the Medical Directors Association for their sponsorship.

Dr. Burnett said that he has been attending meetings of the Crisis of Care Work Group. This is a partnership with the Minnesota Department of Health. The work group will have recommendations for the Board to endorse.

12. New Board Business – 1:00 p.m.

None.

13. Adjourn – 1:05 p.m.

Motion: Dr. Ho moved to adjourn the meeting. Mr. Hable seconded. Motion carried.

Meeting adjourned 1:05 p.m.

Next Board Meeting: Thursday July 21, 2016, at 10:00 a.m.