Meeting Minutes

Emergency Medical Services Regulatory Board
Special Board Meeting
Thursday, June 18, 2020, 10:00 a.m.
WebEx Meeting

Attendance: J.B. Guiton, Board Chair; Aaron Burnett, M.D.; Brian Edwards; Scott Hable; Megan Hartigan; Tim Held; Jeffrey Ho, M.D.; Representative John Huot; Michael Jordan; Paula Fink-Kocken, M.D.; Amber Lage; Kevin Miller; John Pate, M.D.; Scott Saehr; Matthew Simpson; Tony Spector, Executive Director; Holly Jacobs, EMSRB Staff; Melody Nagy, EMSRB Staff; Dave Rogers, EMSRB Staff; Brian Shorten, EMSRB Staff; Charlie Soucheray, EMSRB Staff; Greg Schaefer, Assistant Attorney General.

Absent: Jason Amborn; Senator Andrew Lang

1. Call to Order – 10:00 a.m.
Mr. Guiton called the meeting to order and asked Ms. Hartigan to conduct a roll call of Board members.

Mr. Guiton announced that the agenda would need to be modified to administer the oath of office to Board members.

2. Approval of Amended Agenda
Mr. Guiton asked for a motion to approve the amended agenda.

Motion: Dr. Pate moved to approve the amended agenda. Dr. Ho seconded. A roll call vote was taken. Motion carried.

3. Administration of Oath of Office
Mr. Guiton administered the oath of office to:

- Aaron Burnett, M.D.
- Paula Fink-Kocken, M.D.
- Amber Lage
- Scott Saehr

4. Public Comment – 10:10 a.m.
The public comment portion of the Board meeting is where the public is invited to address the Board on subjects which are not part of the meeting agenda. Persons wishing to speak are asked to complete the participation form located at the meeting room door prior to the start of the meeting. Please limit remarks to three minutes.

Mr. Guiton invited the public to comment on anything not on the agenda. He said persons requesting to comment on the HealthEast Transfer of Ownership will be able to do so.

None.
5. **HealthEast Ambulance License Transfer of Ownership – 10:15 a.m.**

Mr. Spector referred to the staff memorandum attached to the Board agenda. He said staff are seeking answers to the questions outlined in the memorandum regarding the transfer of ownership from HealthEast Care System to Fairview Health Services. He also summarized portions of the memorandum to provide highlights of the issues being.

Assistant Attorney General Schaeffer provided the Board with his analysis and then framed the issues and questions to be answered.

Mr. Guiton invited Tom Edminson, HealthEast EMS Chief, to provide information to the Board. Mr. Guiton also provided the opportunity for public comment from several individuals. Mr. Guiton invited Board members to ask questions of staff, Mr. Schaefer, and Mr. Edminson. There was a lengthy discussion of the issue. There was discussion that legislative changes may be needed in the future to update statutes. Several motions were discussed, amended, and subsequently withdrawn. Ms. Hartigan offered the following motion:

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Motion: Ms. Hartigan moved to approve a temporary licensure for transfer of ownership with a six month time limit following the formation of a workgroup to discuss concerns. The approval requires a base of operations in the primary service area. Dr. Burnett seconded. A roll call vote was taken and the motion carried with three Board members recusing from the vote (Mr. Edwards, Ms. Hartigan, and Mr. Miller).
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6. **New Business**

Mr. Guiton asked Board members if there is new business they wanted to discuss.

None.

7. **Adjourn**

Mr. Guiton asked for a motion to adjourn. He said the Executive Committee scheduled for today would be cancelled due to time constraints.

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Motion: Dr. Pate moved to adjourn the meeting. Dr. Ho seconded. Motion carried unanimously with a roll call vote.
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The meeting adjourned at 1:34 p.m.

**Next Board Meeting:**

**July 16, 2020, 10:00 a.m.**

**Location:** WebEx

Reviewed and Approved By:

Megan Hartigan (by email) 7/9/20
Board Secretary Date
Good morning. My name is BJ Jungmann. I am the Fire Chief for the City of Burnsville. Thank you for the opportunity to speak to you this morning.

The city of Burnsville currently operates an ALS ambulance license within its municipal boundaries. The city has operated this license uninterrupted since 1984.

The city of Burnsville has a vested interest in this matter as HealthEast has an overlapping ambulance license with the city of Burnsville. It is also of interest as Burnsville has a mutual aid agreement with HealthEast along with other neighboring entities.

The city of Burnsville looks to the EMSRB board members to uphold the mission of the EMSRB to protect the public's health and safety through regulation and support of the EMS system. As the sole regulatory and oversight body of the EMS system we believe that the EMSRB has this landmark opportunity to ensure the health and safety of Dakota County residents are protected.

The city of Burnsville requests that the board not consider Inver Grove Heights Station 3 as a base of operations for ambulance license 0234. We request that a waiver or variance not be granted for the base of operations requirement. Lastly we request you consider this HealthEast matter a transfer of ownership and require a new ambulance license application be submitted.

Given there is no clear statutory or rule guidance on the definition of a base of operations it seems like common sense and reasonable standards should apply. The statute references a physical plant that houses ambulances (meaning multiple), personnel, and equipment. Applying a reasonable standard for a service that covers multiple municipalities, it seems like a base of operations for a EMS service that covers a population of 178,015 with a 2019 calls for service of at least 13,567 would be larger than one apparatus bay, a small office and dayroom with a few supplies. Ambulance license 0234 states they have 14 ambulances and the proposed base of operations has only one ambulance garage bay. Being an ambulance service provider with over 5,000 calls for service I know our supply room has to be much larger than those seen in Inver Grove Heights Station 3 to accommodate the level of supplies need to support our operation. It appears that the Inver Grove Heights fire station appears to be more of a sub-station than a base of operation. Looking at the evidence the Reaney Avenue appears to be their base operations since it has time clocks, multiple ambulance bays, administrative offices and other support functions for large scale EMS operation.

It is also concerning the misleading information that was provided to the regulatory board staff after being questioned about the location of the base of operations. With the last two ambulance licenses listing Reaney Ave as their base of operations, then stating the South Metro Fire Station and then the Inver Grove Heights Fire Station. If they are willing to mislead the regulatory board staff, what else is occurring? This concerns me and I want to ensure that this type of service and questionable ethics do not operate in the city of Burnsville.

If we do not require a realistic base of operations in the primary service areas, how are we ensuring that communities are actually served by ambulance services that are based/housed in their area with local communities best interest in mind. If we water down the current regulatory requirements we are at risk of degrading the life safety services our citizens count on.

I know some of my colleagues have examples of concerning situations with HealthEast. I would hope this board would
ensure that all of the stakeholders are notified and heard on this case which will likely set a past practice for the future matters.

Since Burnsville has provided uninterrupted service to its community and currently has an overlapping ambulance license with HealthEast we would like the opportunity to eliminate that overlap through this process.

Many of you may ask why we don’t just impose a local ordinance to ensure the quality of service in our community in accordance with statute 144E.16 subd 5. This statute allows local control ONLY if the EMSRB board approves the proposed regulation. I have not found any guidance or examples of the board approving any local oversight. The local control I am most familiar with Hennepin County Ordinance 9 which has local control requirements. My understanding is that Ordinance 9 pre-dates the EMS Regulatory Board’s formation. Therefore we look the regulatory board to uphold the EMS regulations in Minnesota to protect all of the citizens health and safety.

In summary, Burnsville requests that the board not consider Inver Grove Heights Station 3 a base of operations, we also request that you not grant a waiver or variance for the base of operations and lastly we would request that you require HealthEast to follow the ambulance license application process to ensure that all stakeholders are notified and heard on this matter. I would to thank you for your time and consideration as you deliberate this matter. I would be happy to answer any questions you may have now or in the future.

Sincerely,

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