

**State of Minnesota**  
**Emergency Medical Services Regulatory Board**  
**Board Meeting Agenda**  
**May 20, 2021, 10:00 a.m.**

**Note:** Minnesota Statutes section 13D.021 requires a public body to determine that an in-person meeting is "not practical or prudent because of a health pandemic or an emergency declared under chapter 12." At this time, the Board Chair has determined that an in-person meeting is not practical or prudent because of the COVID health pandemic. This meeting therefore will not be held in-person. It will only be held by Microsoft Teams and telephone.

[Join Teams Meeting](#)  
Call-in option: (651) 395-7448  
Conference ID: 669 984 164#

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1. **Call to Order and Introductions – 10:00 a.m.** Attachments
  
  2. **Review and Approve Agenda – 10:05 a.m.**
  
  3. **Review and Approve Meeting Minutes – 10:10 a.m.** M 1
  
  4. **Public Comment – 10:15 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 email [donna.emsrbodegaard@state.mn.us](mailto:donna.emsrbodegaard@state.mn.us). Please limit remarks to three minutes.
  
  5. **Board Chair Report – 10:20 a.m.**
    - Governor’s Proclamation – EMS Week
    - Jason Amborn stepping down from the Board
    - IOP Review – Update
    - Legislative Workgroup – Update
  
  6. **Executive Director Report – 10:35 a.m.**
    - Mental Health Patient Transport Concerns
    - Hospital Hub – Update
    - Primary Service Area Mapping Project – Update
  
  7. **State Medical Director Report – 10:50 a.m.**
  
  8. **Closed Session – 11:00 a.m.**  
Closed pursuant to Minn. Stat. §13D.05, subd. 2(b) (A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority) and Minn. Stat. §13D.01, subd. 2(2) (meetings must be open to the public

except to a state agency, board, or commission when it is exercising quasi-judicial functions involving disciplinary proceedings).

**9. Re-Open meeting – 11:15 a.m.**

**10. Adjourn – 11:20 a.m.**

In accordance with the Minnesota Open Meeting Law and the Internal Operating Procedures of the Emergency Medical Services Regulatory Board, this agenda is posted at:

<https://mn.gov/emsrb>

**Next Board Meeting:  
July 15, 2021  
Location: Microsoft Teams**

Attachment Key:

M1 – Board Minutes

## Meeting Minutes

### **Emergency Medical Services Regulatory Board Board Meeting March 18, 2021, 10:00 a.m. Microsoft Teams Meeting**

Due to the COVID-19 pandemic, the Minnesota Emergency Medical Services Regulatory Board met via Microsoft Teams on March 18, 2021. The public was able to access this meeting via the Microsoft Teams link and the call-in option.

**Board members present:** Kevin Miller, Vice Chair; Aaron Burnett, M.D.; Brian Edwards; Scott Hable; Megan Hartigan, Board Secretary; Tim Held; Representative John Huot; Michael Jordan; Paula Fink-Kocken, M.D.; Amber Lage; Senator Andrew Lang; Tim Malchow; John Pate, M.D.; Scott Saehr; Matthew Simpson.

**Board members absent:** J.B. Guiton; Jason Amborn; Jeffrey Ho, M.D.

**Staff members present:** Tony Spector, Executive Director; Holly Jacobs; Melody Nagy; Donna Odegaard; Dave Rogers; Charlie Soucheray; Greg Schaefer, Assistant Attorney General.

#### **1. Call to Order and Introductions – 10:13 a.m.**

Mr. Miller called the meeting to order at 10:13 a.m.

Mr. Miller gave an update on Board Chair J.B. Guiton.

Roll call was taken.

#### **2. Review and Approve Agenda – 10:15 a.m.**

Motion: Tim Malchow moved to approve the agenda. Dr. Burnett seconded. A roll call vote was taken. Motion carried.

#### **3. Review and Approve Board Minutes – 10:20 a.m.**

Motion: Michael Jordan moved for approval of the January 21, 2021 minutes Dr. Pate seconded. A roll call vote was taken. Motion carried.

#### **4. Public Comment – 10:21 a.m.**

Mr. Miller opened the floor for public comment.

There were no public comments.

**5. Board Chair Report – 10:25 a.m.**

Internal Operating Procedures (IOP) Update

Mr. Miller said there were two items:

(1) The Executive Committee had raised concerns that when a Board member's appointment ends but the Governor's office does not re-appoint or appoint before June 30th of the year of expiration, that Board position becomes vacant; and (2) Board member Tim Malchow has agreed to work with the Executive Director to begin to work on edits to the IOP.

2021 Workplan

Mr. Miller is looking to create a document compiling Board activity, capturing inventories of the different components. A three-year plan to prioritize strategic planning and better understand the needs of the Board going forward. He said the Executive Director would create a memo and schedule a couple of short meetings to review.

Summary of February 18, 2021, Executive Committee Meeting

Mr. Miller asked Board Secretary Megan Hartigan to give a review of the Executive Committee Meeting. She said Representative Huot gave an update on the mental health legislation, and there was a discussion of the IOP and EMSRB Workplan.

**6. Executive Director Report 11:00 a.m.**

EMS Personnel Metrics

Mr. Spector referred to documents in the Board packet. He said the EMSRB was in the midst of a certification cycle, and things were going smoothly.

Agency Update

Mr. Spector said that as of March 1, 2021, the statute authorizing the use of deadly force by a peace officer had changed in Minnesota.

Mr. Miller said that some law enforcement agencies across Minnesota are saying they will not respond to certain mental health calls for service. He asked Assistant Attorney General Greg Schaefer to explore whether there would be a regulatory violation if an ambulance agency refuses to enter a scene due to safety concerns, and if so, what that ramification would be. Senator Lang said if the Board wanted to draft a letter, he would take it to the legislature. Mr. Miller said he and Dr. Burnett may explore drafting a letter.

Representative Huot referred to a pending bill that says if a call involves a mental health issue, the 911 dispatcher would be required first to call a social worker. He said he would like to see the EMSRB regulate this area.

There was discussion.

Legislative Update

Mr. Spector referred to documents in the Board packet which summarize the EMS-related bills introduced at the legislature this session and provide a status report.

Mr. Miller said he wanted to respond to a comment made by Representative Huot at the March 2021 MDSAC meeting regarding how the Board receives legislative updates and the assertion and that the EMSRB does not monitor legislation. Mr. Miller said the Board is aware of the ability to sign up for notices on bills already introduced. Mr. Miller said that both he and Mr. Spector do sign up for such notices. He said he and Mr. Spector recently spoke with the Revisor's Office, and there is no process

by which the Revisor's Office can flag and notify the EMSRB regarding any bill introduced regarding the topic of EMS. Mr. Miller assured that the Board does its best to keep up with legislation as much as possible and will continue to do so.

Mr. Spector said that Mr. Jordan asked to have documents he wrote to be included in the Board Packet and would like to speak on them. Mr. Jordan said he wrote the documents to drive a fact-driven analysis of what it is that confronts this industry and thereby confronts the EMSRB as the regulatory authority. He had three points of reference:

- (1) To get beyond some of the emotions that are driving decisions being made on a legislative front.
- (2) To offer factually based arguments about why they are having the problems they are having and what kind of performance metrics should be looked at in order to hold ambulance services accountable.
- (3) To demonstrate how the Board's composition is inappropriate for the regulatory job they have in front of them and offer recommendations of how that might be changed.

Mr. Miller responded that there does need to be better communication.

There was discussion.

Mr. Miller asked that the EMSRB set some legislative committee meetings over the remainder of this year to move things forward.

#### Hospital Hub Update (EMSRB Data Manager Dave Rogers)

Mr. Rogers gave an update of the Hospital Hub and explained its interface with hospitals. Questions arose regarding privacy data.

There was discussion on how to protect the integrity of the classification of the data as private.

Mr. Spector said that he wanted to respond to a comment made by Representative Huot regarding Mr. Spector calling a legislative committee chair. Mr. Spector explained that he speaks on behalf of the Board and cannot act and does not act in his individual capacity, and prior to communicating substantively with any member of the House or Senate, he would need authority from the Board and possibly the Governor's office to ensure any communication is not a contravention of the Board or the Governor's office's position. It is not as simple as just picking up the phone.

Mr. Spector informed the Board that there will be a closed session coming up in May. He deferred to Mr. Schaefer, who gave a review of the process.

Mr. Jordan asked to have a brief explanation of the closed session instructions added to the minutes.

Below is what was provided by Mr. Schaefer:

#### Prior to the board hearing at the May 2021 meeting:

The Administrative Law Judge ("ALJ") issues Findings of Fact, Conclusions of Law, and a Recommendation ("Report") on whether at least one violation occurred.

The entire administrative record is accepted into the contested case hearing, and the ALJ's Report is provided to Board members prior to the hearing. Board members must review the record and in particular the ALJ's Report prior to the hearing.

The EMS provider ("Respondent") and the Complaint Review Panel (CRP) may submit written arguments, exceptions to the ALJ's report, and a proposed Final Order prior to the hearing for the Board to consider.

The Board hearing at the May 2021 meeting:

An Assistant Attorney General (different from Greg Schaefer) will be present as the Board's advising attorney and will be present to provide instructions to the Board.

The burden of proof is on the CRP to demonstrate that grounds for discipline exist by a "preponderance of the evidence" (means more likely than not).

The CRP and the Respondent are provided 15-20 minutes to present an oral argument to the Board. Arguments must be confined to what is contained in the administrative record. Board members may ask questions of each party.

The CRP members, Executive Director, and the Respondent leave the meeting for the remaining Board members to deliberate. If any other Board members have a conflict of interest with the Respondent, they too must recuse themselves from deliberations.

The Board may accept or override any of the ALJ's Findings of Fact, Conclusions of Law, and Recommendation. If the board deviates from any of the ALJ's Report, they must explain why.

If the Board does not identify any violations, it should dismiss the case. If the Board identifies a violation, it may issue discipline. The Board considers but does not have to issue the discipline proposed by the CRP.

Possible discipline options include: Reprimand; training; assessments; conditional certification; limited certification; stay of suspension; suspension; and revocation.

To avoid a successful appeal of a Final Board Order, the Board must ensure the Final Order is not: (1) affected by an error of law; (2) unsupported by substantial evidence; or (3) arbitrary or capricious.

The Board's advising attorney will draft the Final Order to be executed. It becomes public after it is executed.

**7. Medical Direction Standing Advisory Committee – Dr. Aaron Burnett – 11:45 a.m.**

Dr. Burnett gave a review of the March 2021 MDSAC meeting. He said Bailey's Law, which allows EMS to give intramuscular injections of a patient's medication for adrenal insufficiency and other rare disorders, was discussed. He said Dr. Wilcox and Dr. Lyng offered to take the lead on developing an educational model designed around administering intramuscular injections that would be optional for medical directors throughout the state to use for training. Dr. Burnett asked if any Board members would like to participate. Dr. Pate volunteered. He said the next steps would be to get together with EMSRB staff and identify a vendor or someone with technology to help put together the content for the training video. Dr. Burnett said he would like to see something within six months.

Dr. Burnett said the MDSAC discussed EMS providers administering COVID-19 vaccinations. He

said that EMS across the state are administering vaccines, and it shows how well the EMSRB was able

to work with their partners at the Department of Health to get operational frontline change. Dr. Burnett said a motion was made at the MDSAC meeting regarding MDH. He said the motion was made in the spirit of collaboration, working together, and moving forward. The motion stated that MDSAC recommends that any changes to pre-hospital medical practice advocated by the MDH should be in consultation with the EMSRB and the MDSAC. Dr. Burnett asked MDH representative Tim Held to carry the motion back to MDH.

**8. Old Business – 12:10 p.m.**

There was none.

**9. New Business – 12:11 p.m.**

There was none.

**10. Regional Program/EMSC Updates – 12:12 p.m.**

Caitlin Korpi – Northeast Region

- Working on training for Narcan
- Working with area agencies on aging to develop an EMT Community Program
- Putting on a Scrubs Camp to recruit young adults interested in healthcare
- Vaccine distribution

Marion Larson – Central Region

- Narcan and opiate work
- Monthly meetings to discuss COVID-19
- Looking at upcoming events for potential unrest and how to communicate with each other

Cathy Anderson – Southeast Region

- Continue to meet with services providing COVID-19 updates
- Continue to distribute PPV to providers in the region
- Seeing an uptick in overdoses and usage of Narcan
- The conference has been canceled again due to COVID-19
- Continue to see an increase in requests for critical incident stress management

Paula Fink-Kocken, M.D. – Emergency Medical Services for Children (EMSC)

- Revising ALS and BLS guidelines regarding the American Heart Association
- WebEx training
- Workgroup for children and youth with special healthcare needs
- EMSC Survey

**11. Adjourn – 12:36 p.m.**

**Motion:** Tim Malchow moved to adjourn the meeting. Brian Edwards seconded. Motion Carried.

Meeting was adjourned at 12:36 p.m.

**Next Board Meeting:**  
**May 20, 2021, 10:00 a.m.**  
**Location: Microsoft Teams**

Reviewed and Approved By:

/s/ Megan Hartigan

4/23/2021

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Megan Hartigan, Board Secretary

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Date