

**EMS ALRT & PLRT Combined Licensure Rules Task Force –  
Investigations/Discipline Meeting Minutes  
March 10, 2010  
Oxford Suites, 1426 S. Entertainment Ave, Boise, Idaho**

**TASK FORCE MEMBER ATTENDEES:** Scott Tucker, Harry Eccard, Karl Malott, Bill Arsenault, Ron Anderson, Jan Hyslop, Mark Gilbert, Janna Nicholson, Dave Reynolds, Mark Niemeyer, Lan Smith, Bill Spencer, Travis Crystal, Brian Brokop, Val Navo, Nanette Hiller, Aaron Hummel

**EMS Bureau Staff:** Wayne Denny, Tawni Newton, Dean Neufeld, Season Woods, Marc Essary, Diana Hone

**Visitors:** Mark Fleisher, Michael McCary, Katie Wood, Brian Cresto

TOPIC	
DISCUSSION	OUTCOME
<b>Introductions / Review Minutes</b>	
<p>Wayne Denny opened the meeting at 9:05.</p> <p>The January 14<sup>th</sup> PLRT minutes were reviewed. <b>Ron Anderson moved to accept the PLRT minutes as submitted for the January meeting. Jan Hyslop seconded.</b></p> <p>The January 20<sup>th</sup> ALRT minutes were reviewed. Bill Spencer wanted some clarification on the response time discussion.</p>	<p>January PLRT minutes accepted.</p> <p>Bill Spencer will submit minute concerns to Diana for distribution to the group for approval.</p>
<b>Brainstorming for Rule Content</b>	
<p>Tawni Newton, the EMS Bureau investigator, led the discussion regarding the EMS Bureau's current investigation processes and disciplinary actions allowed under law. She explained that there are several other agencies and boards that the EMS Bureau has an interdependent relationship with because their code and rules already cover parts of the investigation or disciplinary process such as the Criminal History Unit and Medicaid. These other rules must be kept in mind when developing EMS rules.</p> <p>Tawni explained that the Bureau feels there are parts of their investigation policy and process which have been successfully implemented that might be better moved into rule. Putting some aspects in rule will give more weight to the process and help make everyone aware of what is expected.</p> <p>Tawni reviewed the various avenues of potential rule violation or complaint discovery, what might prompt an investigation and the interdependence with other agencies. Jurisdiction was discussed. For example, if something appears to be a criminal act the Bureau notifies the appropriate county for investigation and possible prosecution. She reviewed various categories of rule violations and explained the practices and policies of the peer review committees and their interaction with the EMS Physician Commission (EMSPC).</p> <p>Currently the EMS Bureau accepts complaints in any format including anonymous complaints over the phone. Callers are asked to submit something in writing with enough detail to begin the investigation, but it is not required. Other rules, such as the Board of Medicine's, are quite specific about the format complaints must be filed in. Some task force members felt complaints should not be allowed if they are anonymous because this can lead to frivolous complaints over personality conflicts or agency loyalties. Others were concerned about the need to protect the complainant from harassment or job loss. The possibility of redacting</p>	

the complainant's name would need to be checked into if the ability to file an anonymous complaint were to be eliminated. Tawni explained that the complaint, investigation and peer review information are all strictly confidential until license action is taken. If and when license action is taken, the entire file becomes public information. EMS agencies and the EMS medical directors may not be notified of complaints or investigations until license action is taken against an individual. However, if the complaint/investigation concerns aspects involving the agency such as scope of practice or fraudulent patient care application documents, the agency will be asked to provide information and participate in the investigation.

Agency hearings will be similar to the process already set up and used for personnel. (Peer review of three people, to include one EMS agency medical director instead of an EMSPC physician.) All personnel or agency administrative license actions are reviewed by the Bureau's attorney general to make sure they are appropriate before the sanction or action is taken.

When discussing the "Unprofessional Conduct" list it was suggested that something about sexual misconduct be added. Tawni will look into other states rules to see what would be appropriate.

Taking action against an agency administrator that is not a licensed provider was discussed since they don't hold a license the Bureau can suspend or terminate for misconduct. Action could be taken against the agency's license or a fine imposed. The Bureau's goal is not to leave a community without needed EMS service but to help that agency and its administrator understand and do their job properly. This is accomplished through education but may require some type of penalty in some cases.

The group was asked what actions the Bureau should take in situations where an agency has received a 911 vehicle through the EMS Bureau grant process and then does not respond to 911 calls because they are not in service and may be at a standby event such as a rodeo. There was resistance to fining such an agency because they are probably already struggling with a very limited budget and this would not help the situation. Receiving a QRU waiver was already discussed in the agency rule writing meetings and this will be included in the new rules. However, the Bureau is concerned about 911 services that have received a vehicle through the grant process and have declared that they can and will respond to 911 calls on a 24/7 basis but don't. Task force members want there to be a clear distinction in the rule between the inability to respond (unplanned, lack of personnel) versus no intent to respond because the agency is out making money at another function.

Summary Reporting – The group was presented with options for making disciplinary and investigative related cases and sanctions routinely available in newsletter or on the website but the final suggestion, which appeared to be agreed upon, was to make it available only upon request.

Wayne informed the task force members that the bureau is in the process of developing a new database that eventually will have external user interface abilities. This will give agencies the ability to check personnel license status on-line without having to ask a bureau employee for the information. He asked task force members if the ability to access or see license action or discipline issues should be available this way. Some were concerned about actions against a young person's license remaining on their record and being visible indefinitely. Others felt it should be a transparent business and administrators should be able to see everything.

**Set agenda/assignments for next meeting**

A rough draft of the proposed rules will be distributed sometime in April and discussed at the next meeting. Town hall meetings will commence around the state after that.

- Next meeting scheduled:
  - May 6<sup>th</sup> – SpringHill Suites, 424 East ParkCenter Blvd., Boise

Meeting adjourned at 2:30 p.m.