

CENTRAL NEW YORK



REGIONAL EMERGENCY MEDICAL SERVICES COUNCIL
Serving, Cayuga, Cortland, Onondaga, Oswego & Tompkins Counties

Meeting Minutes of September 15, 2009

<i>Last Name</i>	<i>First Name</i>	<i>Status</i>	<i>County</i>	<i>Present</i>	<i>Proxy</i>	<i>Excused</i>	<i>Absent</i>
Addario	Mike	Member	Onondaga	X			
Bitner	Chris	Associate Member	Onondaga	X			
Butler	David J.	Member	Onondaga	X			
Calley	Brian	Member	Onondaga	X			
Cousins	Paul	Member	Onondaga	X			
Darby	Warren R.	Member	Onondaga	X			
Derbyshire	Susan	Member	Onondaga	X			
DiGregorio	Anthony	Member	Onondaga	X			
Duell	Robert	Member / County Coordinator	Cortland	X			
Eaton	Charles	Associate Member	Cortland	Voted In			
Eckstadt	Tamara	CNY REMSCo Staff		X			
Egan	Pat	Member / County Coordinator	Oswego	X			
Emmons	Jerry	Member	Onondaga	X			
Flynn	Susan	Member	Tompkins	X			
Foster	Linda	Member	Onondaga	X			
Fricano	Lon A.	Member	Cayuga	X			
Gleeson	Tim	Associate Member	Onondaga			X	
Green	Jason	Associate Member	Cayuga	X			
Hansen	Patricia	Member	Cortland	X			
Harrington	Beth	Member	Tompkins		X	X	
Hogue	Troy D.	Member	Onondaga	X			
Jones	Jeff	CNY REMSCo Staff					
Kehoe	Eric	Associate Member	Cayuga	X			
Loomis	Robert	Member	Oswego		X	X	
Lynn	Harry	Member	Cayuga				X
Markham	Joseph	Asst Med Director					X
Marko	John	Member	Onondaga	X			
Martin Reed	Laura	Member	Cayuga	X			
Menter	Zachary	Associate Member	Oswego	X			

Last Name	First Name	Status	County	Present	Proxy	Excused	Absent
Merrill	Peggy	Member	Tompkins	X			
Morrissey	John	NYS DOH				X	
Murray	Mark	Member	Oswego		X	X	
Olsson	Daniel	Medical Director		X			
Paolini	Roger	Member	Onondaga	X			
Pinsky	Brad	Associate Member	Onondaga				X
Potter	David	Associate Member	Oswego	X			
Price	Colleen	CNY REMSCo Staff				X	
Price	S. Lee	Associate Member	Cortland	X			
Procopio	Greg	Member	Onondaga	X			
Rotko	Roman	Member	Cayuga	X			
Shurtleff	Lee	Member	Tompkins	X			
Shutts	J. Penny	Member	Oswego				X
Suriani	Sammy F.	Member	Onondaga	X			
Surprenant	Susie	Associate Member/ CNY REMSCo Staff	Oswego	X			
Wallis	Norman	Associate Member	Oswego	X			
VanEtten	Doug	Associate Member	Cortland	X			

Darby: Okay, we'll call the meeting to order. We're going by _____ Upstate Medical time. We're going to be on the net so we need to speak our name before we speak whatever you are bringing to the issue. Please remember that. I will be reminding you, I'm sure, several times throughout the meeting. There are several microphones around. We'll move the mic to you as soon as you indicate that you would like to say something so that we can get a good recording for the web cast and also for the person who is going to be doing the captioning which becomes our minutes. Okay. Welcome to the September meeting of the Central New York Regional EMS Council, and we are just checking to make sure that everybody including guests have signed in. If we have guests here, please be sure to sign in with your affiliation on the second sheet and that will become part of the record. Under the agenda that you have in front of you, we have the minutes of the July 21st meeting which was also the awards ceremony out in Arrow Head. The minutes were

sent out. Is there are any corrections to the minutes or amendments that need to be made? Hearing none I look for a motion. Roger Paolini moves it.

Fricano: Second.

Darby: Lon Fricano seconds the motion to accept the minutes as written. All in favor signify by saying aye.

(Ayes)

Darby: Any opposed? Carried.

Darby: The treasurer's report is coming around in the blue books, and we will act on them under new business, item 11 on the agenda. Correspondence. A couple of things, we've seen some correspondence that have been sent out to many of the members around the State for the Vital Signs Conference coming up next month. It's the weekend of October 16th, 17th, and 18th over in

Rochester, our city to the west, and we encourage you to attend if you can. We have at that particular conference at the awards banquet, one of our Central New York awardees was elected to a distinct award, and that's leadership EMS, it was Chris Bitner. Chris, congratulations. Also, we got word that the Council's contract has been approved for the year. It took a month longer than usual, but we do have the green light now to go forward with vouchering purposes for our quarterly reports and we will do that. The rest of the correspondence that we received is in the blue book. If there is any part of that that you want copied, make that indication on the sheet in front and we will copy that for you. Moving onto committee reports.

Butler: Mr. Darby.

Darby: Yes, Mr. Butler.

Butler: Can you answer whether or not the Commissioner approved you as the State delegate?

Darby: I can. I was imbedded at the June meeting of the State Council. We had nominated me for that position November of 2006. We went through three governors during that time and they went through several changes in the process. Never before have we gone through State Police fingerprinting and background checks to get bedded. But under the new governor that is exactly what occurred –

(_____)

Darby: It wasn't fun _____. I was bedded and we are now – we have a vote. We had the voting at the June meeting and again last week at the September meeting so we have full representation again.

Butler: Thank you.

Darby: Thanks for bringing that up. Moving onto the committee reports. Under item 5 on the

agenda, the EMS Program Agency. Mike Addario. Sue, because Mark is not here.

That got your attention. Eyes went wide open.

Surprenant: Mark Murray is not able to attend tonight. His mother is ill in the hospital and not doing well so I will be giving a combined program agency report along with the central office. The Council, as Warren said, the contract was approved. All the program agencies across the State are still waiting for their contracts to be approved. It looks like at the last meeting that we had of the directors they were still in the Comptroller's Office so we are eagerly awaiting that. Our audit was done. The field work for the audit for the Program Agency and the Council was done at the end of August. The auditors were in the office for 3 days looking at the books and then we will get a completed audit report as well as the 990 and we should have the results of that by the end of – prior to our November meeting. At the last REMAC meeting, Zoll was approved in the region for Rural Metro along with a signed regional MOU. We are still hosting the CIC class for December 5th, 6th and 8th. As everybody knows, the new protocols went live September 1st. Protocol books were distributed to all the agencies as well as to providers. The PDF file of the protocol book is on the web site along with the minimal equipment list. For anybody that opens up the PDF, it shows 150%. If you would like to print that for your ambulances or other use, just increase it to 200, and you will be able to see the full view and have a large version of the protocol book. We're also as everybody knows, Glow Golf, is coming up this Friday. We've got some fliers here if anybody wants to put in a team yet so that will be starting up at 6:30 with tee off at about quarter after 7, and we are still accepting raffle tickets for the quilt that's going to be raffled off that evening as well.

Darby: Questions for Susie on Program Agency? Onto legal affairs. Lee or Lon?

Fricano: Lon.

Lon.

All right, thank you.

Darby: Lon Fricano.

Fricano: We have 2 issues before legal affairs tonight and at the onset I just want to say that these may be a little sensitive to people so please don't knee jerk react to these. These are the results of several issues that were brought to the program committee which started out as a discussion about insurance. Copies of this correspondence that I'm going to be quoting have been made and should be in the blue books for you to look at. The first issue that we discussed or one of the two issues that we discussed had to do with proxy voting. Essentially we have county by county representation on the Council, and we tend to not regard that always when it comes to proxy votes. So, for example, I'm from Cayuga County, there are 4 people from Cayuga County. If there is an issue, I can't come to a meeting, and I want to give my proxy to someone I should be giving that to a Cayuga County person to represent that vote and that proxy should go to an officially constituted Council member who has a authority to vote on Council business. If we do that at each time a proxy is needed, it should stay within the county of that membership unless a certain circumstance exists. For example, let's say, Lee Shurtleff and I have been working on a project on behalf of the Council, he's from Tompkins County, I'm from Cayuga County, we've doing this project, I can't make the meeting so I go to Chairman Darby and I say, hey, Warren, I'm not going to be able to make the meeting, but I would like to assign my proxy to Lee because he's the only other person who can speak knowledgeably on this project that we've been working on, and then by permission of the chair, my vote would go to someone who is not from my county. So we had that discussion and we were all in agreement that that is the way it should work. We don't have anything in our by-laws that specifically

orchestrate that so we have a motion from committee to ask the by-laws committee to implement that as a part of our by-laws to make it clear that proxies need to go to – stay within the county of origin unless there is a reason permitted by the chair to go to another council members, and then all the proxies are voted by duly constituted -- are committee members.

Darby: Okay, this comes as a seconded motion from the committee so I'll open the floor for discussion and motion. The motion is that proxies need to represent the county that that member is from so it should go to another member from that county unless there are cross county issues. Did I restate that correctly?

Fricano: That's accurate.

Darby: Discussion on the motion.

Price: I just have a question. Need it be, Lee Price from Cortland County, need it be another member to be designated as a proxy or it could be, and I know this is coming, but could it be an associate member or a member of the community?

Fricano: That's getting into our second issue, and I brought that part up first because it's the easiest to articulate.

Price: And I guess then to reiterate my question what is the necessity for being a member to be that proxy?

Fricano: Well, we received a legal opinion from the State Department of Health that a non-council member cannot vote on official – the exact wording is, associate members are not recognized under Article XXX, and they have no legal authority to participate in the Council's decision-making process or otherwise perform Council activities which are required or authorized by statute. So by delivering a vote on an official matter to a person who has no Article XXX protection from liability or is not a constituted

member of the Council, it appears to be not within the law.

Price: I understand your reasoning and it's very well – you know, it's well rounded, I see your perspective. I also see the possibility of a consolidation of one agency's interest for any particular issue and any particular agency, if proxies can be handled that way, that's why I asked the way I did.

Fricano: I suppose that is possible now. I mean what we're looking at from the legal affairs point of view and it gets to the second piece of business which is that we have created a class of membership that doesn't exist in the law. Now, that doesn't mean -- we don't want to lose those people so I'm going to get to that, but we have to –

Darby: Let's take care of this one first.

Fricano: We have to take care of this first and then we will get to the larger issue and then I think we will see where this is all coming from, but this is to task the by-laws committee to correct the structure the way we handle our proxy voting and so forth.

Darby: Which would be a by-law amendment. Further questions or discussions on the motion? Seeing none I call the question. All in favor signify by saying aye?

(Ayes)

Darby: Are there any opposed? Any abstentions? Carried. Item number 2.

Fricano: Okay. This concerns our associate members. For those of you who are associate members, please take a deep breath here because what we're trying to do is not lose the purpose of our associate membership, but still operate within the law and also provide you with some – help you avoid some potential legal liability. This discussion started in the Program Agency Committee some months ago. It started out as an insurance

discussion, and the first questions that come up, well what about any of us, I think Warren started this. I'm just the guy with the idiot stick _____ Warren started. What happens if, we, as Council members go to say a State function as part of our duties as an Article XXX committee member and you fell down the stairs at the State Capitol. Are you covered by New York State Workman's Comp. We didn't know. We approached our insurance company first. They didn't know. We have asked the State that question and they've come back and said flat out no, you're not covered by state insurance so go back to your Council and see what they have. Now we went to McNeil and our payroll employees, like Susie, Tamara, and anybody else who is an actual on-the-job official employee of the REMSCo is covered by Workman's Compensation by law. The question became, well, what about those of us who are volunteer employees. If we're here, if something happens, a ceiling falls on Lee, God forbid, is he covered by Workman's Comp if he was on official business. We don't know. We can't get an answer from our insurance company just yet and it may have to do with distancing us as employees, paying a premium based on the number of employees and so on. So that question remains unresolved, however, we know for sure that the State offers no kind of insurance protection to any of us, be we official Council members or, you know, a created category of Council members. We also asked whether associate members would have the same statutory protection under Article XXX for liability that we as regular Council members have. So here we are on the web cast, if as we are debating issues and some of the issues, I don't need to tell anybody, have some significant financial issues attached to them and political issues attached to them. If we decide something and we debate, and we say things in the course of our duties in good faith, we have legal protection under Article XXX, we're immune from being sued in a civil action and if somebody did try to sue us the State has to provide us with a defense. The same is not true of our associate member category which we created as a recruitment tool. Our goal was to identify

people who would be perspective members of the Council, get them to come to Council meetings, participate in the Council, us to get to know them, we get to know them, they get to know us and at some point they would apply for membership when there is an official opening. So we asked the question of whether they would have any protection under Article XXX and the answer is no because there is no such thing as an associate member of a regional council in New York State. We also asked the question can associate members, and this came as a result of some of the discussions on by-laws and amendments that were before the Council to try to give associate members a vote in committee. So we went from kind of a recruitment tool to, you know, beginning to expand the role of associate members into Council business and we asked the question, can we do that? And the answer came back no. As stated above, “these members are not recognized by Public Health Law and they, therefore, have no legal authority to participate in the Council’s decision-making process or to otherwise perform Council activities which are required or authorized by statute.” So here’s our quandary, which is we have created something which doesn’t meet Article XXX, all with good intention to find people interested to take our empty seats when the time comes. We don’t want to lose them. No one wants to lose them. And I make the analogy of a City Council meeting, if there is an issue before City Council and the elected officials have to debate an issue, they have a public comment section. Now, every meeting is open to the public. The public, we could have 500 people here tonight, that would be perfectly okay. Every committee meeting is open to the public. The public can come to our committee meetings if they’re interested. They can’t participate in the deliberations of the committee or the Council or vote on those issues, but they can certainly be given the opportunity to make themselves heard on those issues by virtue of a public comment portion of a committee meeting or our full REMSCo meeting. So we don’t want to lose the idea of attracting people to the Council as perspective members who could come to our

meetings or the committee meetings, have an opportunity to voice their opinion in a way which does not expose them to legal liability or the Council to legal liability or legal challenges which are becoming more and more frequent, and that’s the issue and that arose out of the possibility of having a by-laws amendment that would try to vest a vote in associate members which as far as the State is concerned really just don’t exist. So we have a motion from committee, a seconded motion from committee to ask the by-laws people to dissolve the category of associate membership of the REMSCo and create public comment portions for each committee and for the full REMSCo to allow perspective Council members to observe meetings and make comment on the issues before the committees or the REMSCo and then in a sense we would be mimicking the way government works in terms of giving people a chance to have input, we still get to know what they think, they still get to see us, we get to know each other, but we eliminate the possibility of someone swaying the Council who is not a member of the Council and then somebody comes back and says, you know, if that Mary Jones hadn’t been so – hadn’t poisoned the Council on this particular issue we would have gotten whatever it was we wanted, our CON or whatever the case may be. And then that Mary Jones winds up open to a lawsuit which would not happen to any one of us who are officially on the Council. On the other hand, if Mary Jones who is a perspective member of our Council speaks in the public comment portion of the meeting and makes her opinions known we get to take that into account and then do our official business so that’s essentially the issue in a nutshell, and it’s not – it’s just a question of following the law, following what the State is telling us to do, making sure we’re not creating legal liabilities for people who are here on the best of intention and making sure that the decisions and deliberations of the Council are not subject to challenge because we have allowed the intended mechanism for these deliberations in official Council actions to be driven by people who are not on the Council. So

you know feel free to chime in, that's the best way I can explain it.

Darby: Okay, seconded motion again from committee so it's open for discussion at this point. Mr. Butler. These are not microphones by the way as far as projecting so speak right up.

_____ : One of the issues that came up in the Program Agency was if an associate member happened to – say we have a public hearing and I'll use Cortland County, the associate member came to Cortland County on what he thought was Regional Council business as an associate member and he became disabled or injured the Regional Council would be responsible for the medical bills. That's the best that we can determine from the insurance company and from the State so, you know, it's not because we have to agree with Lon. It's not that we didn't want them, it's the liability for the associate member if we're blessing them, all the liability falls back onto the Regional Council. We, as Regional Council members, would have to share the costs. We don't have the protection for something like that.

Darby: Mr. Mike Addario.

Addario: Mike Addario. I guess number 1 I haven't seen the book yet so I haven't seen the documentation and I don't want to belabor it, but

_____ Sure I would be happy to.

Addario: I've got I guess 2 questions, number 1, does that mean if I get hurt Regional Council will take care of my bills as a member.

Fricano: We don't have an answer.

Addario: Okay, so we don't know that.

Fricano: Our insurance –

Addario: I guess we're using the State so I would assume that would be a State function.

Darby: From a legal perspective and we've already been through this once recently and that's the Mercy Flight Central law suit, the Attorney's General Office appointed legal counsel for REMSCo. They were in court with us representing us so that's there.

For the REMSCo proper, but not as individual members of REMSCo.

Darby: From an insurance perspective to help make you whole again, we have the insurance coverage and that is what was asked back in the original discussion at the Program Agency Committee was are we covered and if not, what we need to cover associate members. Let me just make 1 statement on associate members because I wasn't here when we as a Council decided we wanted to add associate members to the by-laws and that was to encourage more participation which it has and to have people who may down the road become members who are already up to speed on the issues that the Council is dealing with because they've been members of the committee and they've been here at the Council meetings, and that has worked to some extent in that regard, but they didn't say it was illegal to have associate membership. It states that Article XXX does not have associate members in it. It doesn't speak to that issue. There are other councils in the State of New York that have similar kinds of associate memberships, and they had the same issues that Lon is bringing up right now.

Addario: I have just one last point, _____ in New York State also not only allows, but encourages membership in their committees. The State Emergency Medical Services Council to which we essentially report, not only allows non-voting members to participate in their committees, but encourages it.

Darby: Right, they actually appoint members, people to those committees.

Addario: Exactly.

Darby: They do not, however, have voting rights in those committees nor do they have voting rights out in the Council quorum. _____ we received yesterday in that regards is something the by-law committee has already struggled with and I believe – and I know they’ve taken the voting rights out of the new proposed by-laws at the committee level. It was suggested by our counsel who was looking at the by-laws that was the appropriate move.

Addario: So I guess we have the New York State Department of Health which is saying that it is okay, not only okay to have non-voting participation, but encourages non-voting participation. We’re saying that’s not appropriate, and I guess I’m concerned about that. Maybe I can offer a friendly amendment which would be that we take away the voting rights of our associate members during committee meetings, but _____. This would essentially mirror what is happening with the State Emergency Medical Services Council.

Darby: Okay, in a friendly manner, it needs a second, it comes as a seconded motion.

Second.

Fricano: Let me read to you, the State Council and the Regional Council are two different entities, two different sets of responsibilities. The State Council is not deliberating on a local issue such as a CON issue.

Darby: That’s not correct.

Fricano: Unless it goes to appeal, in which case only voting members, the official members can act on it. You wanted to hear what the State said, all I can tell you is what we got that from the Department of Legal Affairs and the question was, can associate members have a legal vote in committee on official REMSCo business? The

answer is no. As stated above, these members are not recognized by Section 3003 PHLR Article XXX and they have no legal authority to participate in the Council’s decision-making process or to otherwise perform Council activities which are required or authorized by statute. So, you know, that’s certainly subject to some interpretation and we as Council members do have legal indemnity as individuals in the statute, not just the Council as that, but under section 3003, paragraph 9, no civil action shall be brought in any court or against any member, officer, employee of any designated regional council for any act done, failure to act or statement or opinion made while discharging his duties as a member, officer or employee of the regional council without leave from a justice of the Supreme Court, first had obtained, in any event such member, officer or employee shall not be liable for damages in any such action, official act if acted in good faith and reasonable care and upon probable cause. So that means I can express an opinion as a Council member, it might be an unpopular opinion, it might be the majority opinion, that may be sued. Nobody can get a judgment against Lon Fricano for acting in good faith and discharging my duties. If I were an associate member, and I made an impassioned statement at a Regional Council meeting, based on my work as a committee member or whatever, I could be sued, but then we would probably be faced with having to provide a legal defense for that person if we can afford to do so and providing a legal defense doesn’t mean you will win in a court of law so, you know, is it fair to ask an associate member that we’ve created this thing to potentially shoulder personally a judgment against them brought by some angry party who may feel that they have deluded the process and takes action against them on a personal basis, just like we as a Council have to provide a legal defense for TLC in the clearinghouse lawsuit because TLC as an entity is not a member of the Council and has no indemnity – indemnification I should say. So that has cost us thousands of dollars, and it doesn’t mean we’ll win. I mean that lawsuit – that defense and TLC could be facing a judgment and have to

pay damages to the petitioner for having acted on our behalf as the Air Medic clearinghouse. We have a glaring example of how real this can be. So it's not designed to disenfranchise anybody. We're trying to come up with a framework that allows them to pretty much do what they're doing now, but without a title that leads you to a legal liability and by creating a forum of public comment portion that allows them to comment on the issues and have their input in the decision-making process without crossing the line and in these days, it's not like the old days, folks, where it was the good ole guys and everybody's friends and what's the big deal. Even in the nonprofit world, there's big bucks changing hands, there's lawsuits going on, there's Article 78s flying all over the place, people are being sued and countersued and appeals all over the place and that's the reality of business at this point in time, and all we're trying to do as the Legal Affairs Committee is protect those people who have shown an interest in the Regional Council, give them the same opportunity essentially to participate and show their stuff and move as perspective members without facing the personal liabilities that we don't face and we're now opening the Council's actions to all kinds of challenges and lawsuits and all that stuff.

Darby: Susie Surprenant.

Surprenant: I recall at the July meeting when associate members were brought up that we were waiting to hear from 3 opinions, 1 was from the State, 1 was from our lawyer who is looking over the by-laws since associate members were being reviewed and also the insurance company. I know the insurance company has told us that both employees and independent contractors are covered by Worker's Comp, but they still have not given us a decision on the members or associate members, and my question to you, Lon, has that letter been given to Troy who is the chairman of the committee for by-laws to give to the lawyer to look at that for her opinion.

Darby: These two resolutions and one already, and this one as we act on it are to go to the lawyer as the next step.

Fricano: Correct.

Emmons: Jerry Emmons, Onondaga County. So it seems like the basis for this motion is both protecting the organization and the individual. You've made the arguments as far as protecting the organization. Is there anything to say that an individual acting in a public comment section wouldn't be subject to any kind of civil suit or liability?

Fricano: Well, by having it as a public comment portion, instead of being engaged in the interworkings of the decision-making process, if you go to a City Council meeting and you want to speak up about a new ordinance, you're given 3 minutes or whatever the case is and anybody can state their opinion, but then that's closed, and the legally authorized Council members then have to debate and make a motion and do the business of the committee. Can you imagine such a scenario where people from the general public were actively engaged in the City Council while this process was going on and what that could lead to, especially if it's a contentious issue. How come you let that person influence the City Council, why are they acting as if they, you know, were elected officials, you know, why did you let them into that process, you let them intimately into the process as opposed to being given the opportunity to speak in a public comment portion, where some people can speak for and some against or whatever, and it's an equal level playing ground. No, there's no liability for them. Unless we go past that line we then create the liability for them. We can do that if we want to. We're not going to suffer that liability, they are if they get sued, not us.

Darby: Lee Price.

Price: Based on the information we're given, it seems that the State definitely has its own very

clear opinion of the situation and with regard to liability and speaking for the associate membership that we currently have it's very unfortunate that it's likely the outcome will be to at least some degree - quell the voice of the nonmembers within this region, and it would seem that we should seek additional alternatives, including possibly if we retain the associate membership position, consider upon acceptance of that associate membership position, signing some sort of waiver or understanding of their liability upon accepting that position so that, hey, we're all adults here, folks, if we choose to participate as associate members, then they are aware that they could come under such issues rather than eliminating a slew of voices, some of whom are sometimes more active than our voting membership.

Darby: Let me just say this. The original discussions were maybe we should cover with an insurance rider the associate membership. When we asked our insurance agent who was at that original meeting to look into what it would cost to do that kind of thing. I don't think we got a response back from him yet, but that is one other alternative is to cover for some liability the associate member position and the Council would be responsible for that insurance coverage.

Price: Which I think would likely be a greater benefit to the Regional Council and the region as a whole to retain these energetic people who want to become part of this body.

Darby: Mr. Butler.

Butler: A little bit of history, how this is all started was the Program Agency was covered under Workmen's Comp, the contracted employees were not, we got them covered so if they're out doing CQI and they tripped and fell they would be covered under Workmen's Comp. _____ it expanded from there, how about the members of the Regional Council, are they covered? Everybody was scratching their head, nobody really knew so we got our insurance agent to pretty

much guarantee that we would be covered if the State didn't cover us, then we expanded it out, geez, what about the associate members. Now, they're not covered under Article XXX. I don't think you can buy a policy for the associate members based on my conversation with the insurance company about a week ago.

Darby: He was going to come back and let us know what the cost would be, but that's certainly - even if you can't buy it that's one issue, if you can, but it's costly it's another issue. We should probably have that piece of information before the by-laws be acted on with respect to this. We still can act on this motion.

VanEtten: Doug VanEtten, associate member from Cortland County, speaking without the advice of counsel, there are a couple of terms discussed it, it's interesting to hear that there are other regional entities doing similar types of things as the committee discussed or maybe consideration given for legislative review. Article XXX has defined members, and we're requesting that, associate members. Clearly it's not just a Central New York problem, it sounds like it is from _____.

Darby: The issue in Article XXX relief is for those that have been in EMS for a while, Article XXX, it takes a long time to change Article XXX, it is enacted _____. So it wouldn't happen quickly, and if there is in fact truly an issue of risk as is being indicated then we may want to act before the Legislature does.

Fricano: If I can clear up a few of the points that are raised. No one is trying to silence any one's voice. It was mentioned that we were doing that. What we're trying to do is find a channel for that voice to be heard without creating a problem for that person which insurance, if we can get it, would provide them with some protection up until the first issue comes along and then we probably won't be able to get it after that. But that's only half the issue. The other half of the issue is that the deliberations of the Council are being carried on by

non-Council members. So it's not just the liability, maybe nobody will ever sue an associate member, okay, I mean I would hope that nobody ever would. But the other part and we've seen this a lot lately is the decisions of the Council, findings of need, the conduct at public hearings and so on is being challenged. It is being challenged in court. It's being challenged all the time and so the other half of it is just protecting the associate member from liability, but it's protecting the process of the Council that when we send something up to the State that we've acted on that we've done it within the law and that it's not subject to challenges and delays and overturned and then huge legal expenses for everybody. Because we didn't do our job and handled within the legal framework that the Council is set for. So none of us want to silence anyone. We don't want to lose our associate members. We want to keep them involved as perspective members. We want to alleviate them from any liability and find a way – you know, something that prevents an associate member who's actively involved in the Council from calling up Lee Price, and saying, hey, Lee, let me give you my thoughts on that issue that we talked about in Council last month. Okay, call up Lon Fricano, say, hey, Lon, I'd like to tell you what I think about that issue you guys were talking about and then you come to the Council meeting, the committee meeting and make a formal statement of your position and to do so at the Council meeting. No one is being silenced. But we're attempting to recast it in a way that does not cause liability either for the associate member person or for the process of the Council and then holding up somebody's ambulance application or whatever it may be for 7 months or a year while it gets knocked around from pillar to post trying to correct the errors that we've made in the process so that's probably much more a part of the issue here than rather somebody would personally face liability, I would hope that would never happen, but.

Foster: it happens to be an open meeting and the public can attend, and I think that the public, anyone who is not a real member can give an

opinion, where this comes into play though is attending committee meetings. I do not know if there is a public open hearing regarding committee meetings _____ I don't know the answer to that. So if you _____. They can still talk. I know they come to this meeting. I don't know about committee meetings.

Can you move the microphone down.

Potter: David Potter, associate member, Oswego County. As you stated with the article in question, it does not specify at least at that point that it has to be a full voting member, it just says members. My question is, should we go ahead and possibly see if legal counsel can find out if somewhere else in that article it states that it has to be a voting member. I know I got voted into this Council spot, and that I actually had to put in a formal request and go before the committee. Therefore, in my eyes, even though I have no voting rights I am a member of this Council. Therefore, under that article, based on what it says, I should be covered under that as well and even though the State does not see it that way, just like any other legal document it's open to interpretation and that could be challenged. That's my ____ findings, maybe we need to seek our attorney's opinion on this and say go to the State and say I know you say they're not covered under this, but they had to put in their resume, they had to be acted on by the committee and they did get voted in the same way everyone else did, the only difference is that they don't vote, therefore, they can still have their say in the committee meetings because it's not necessarily just Joe Blow walking off the street that's putting his two cents in. It's somebody that has to go through the ringer to get in and put in their time to do it so that would just be something possibly asked.

Darby: And that is in keeping with our by-laws as they are right now.

Potter: Exactly.

Fricano: And that's the thing that's confusing this. Because we as a corporation have certain by-laws. The process you went through was the process of the corporation that we created, not every REMSCo has a corporation like this. What the State says is that the category does not exist in Article XXX. As far as Article XXX is concerned, there is no such a thing as a fabricated cop, it just doesn't exist. We can say it does in Cayuga County, but it doesn't exist. So it's – the membership of the Regional Council is made up in the law, it's determined, you know, how many votes can be had by each county, it's a population related thing. I mean there are specific elements in Article XXX that construct the Regional Council in relation to the State government and you are acting as an official of the State of New York as a member of a regional council which you are, and please don't take this wrong, you're a member of a club that we formed in our local committee with the best of intentions. We wanted to get people interested so that there are people who are up to speed and they know what's going on and they're, you know, giving us good input and all that stuff. We don't want to lose that. We don't want to lose that, but we're calling it something that doesn't exist in the law. We're visiting a liability on you and we're casting a shadow on the process of the committee because we're not doing it right, and so that's the issue, and they make no bones about it, and I'll read it again. We said, can associate members have a legal vote in committee, unofficial REMSCO business, and what he said was no. Listen to the words that he says, as stated above, "these members" are not recognized by Section 3003 PHLR Article XXX and they therefore have no legal authority to participate in the Council decision-making process or to otherwise perform Council activities which are required or authorized by statute. So it doesn't mean you can't _____, we don't want you to go away, we don't want you to get in trouble, and we don't want the vote that's taken by the Council to turn into a fertile field for people filing lawsuits and making claims and running amuck because we have diluted the process down in a way that we're really not

allowed to do. Now that doesn't mean you can't come to the review and comment committee meetings, sit there and listen to the whole thing and look at documents, and then we turn around and say, okay, does anybody from the public want to make a comment, you made your speech, you have your input and you know, it looks good on paper, and it's kind of the way that it's intended to be. Then we're not doing anything. We're not creating a false membership or giving – something you _____, say, well, I don't agree with that. I think you guys shouldn't vote on that and this is why.

Darby: Okay. Move the microphone. We will take Paul Cousins and Mrs. Derbyshire and then we will call the question and we will move on.

Cousins: Paul Cousins from Onondaga County. We talked earlier about the State Council and the Regional Council. They're quite the same in this. They're both covered under the statute, Article XXX. In the State Council there are more committee members that are not members of the Council that are on the committee. That's exactly what we have here. The voices of the members, the associate members are louder than ours many times, and he's right there's more of them than our voting members. We don't want to lose that. Some Council committees that I'm on in the State Council, we have more members than voting members. All we're talking about is a title. People should be allowed to sit in committee meetings, be assigned to committees, all we're talking about is the title of associate member, but we had it wrong, there is no such a member in State Council, yet everybody that goes to those meetings and people that are on committees have the right, and I've got to tell you, they're louder and they're more vocal and they're more opinionated than the voting members, and they yell and scream and fly the flag and the whole thing, they're just not called anything. I think we're messing this up with just the word associate members and we're hurting people's feelings by taking that away. Come to committee meetings, be on committees, get

assigned to committees. That's what we want to happen.

Darby: Sue Derbyshire. Do you have a microphone?

Derbyshire: Okay, Sue Derbyshire, Onondaga County. I think maybe we can simplify this a little bit. Whatever Lon said, those first 3 paragraphs that he quoted from the State when someone is brought in as an associate member there is kind of an agreement that states, Dear Mr. Potter, congratulations for being voted in as an associate member, per New York State, you are not allowed to vote, whatever he said in all those three paragraphs, with the last thing saying, unfortunately there is no insurance coverage for you for Workman's Comp, liability or whatever, it goes in the file and it's done, and then whatever time the State wakes up or we get some more clarification we can chop out all those little lines, you can get Workman's Comp when Lon or whoever figures it out, they can put that back in, and it's done. Then he's got a clear picture of what he can do, and we've got a clear picture and everybody's in agreement.

Darby: So from the insurance – now, there was a friendly amendment suggested during this discussion by Mr. Addario, which was the original amendment or the original resolution was, to dissolve the associate membership title and to create a public comment section, the friendly amendment which needs to be accepted so to leave the associate membership title but to not allow the associate membership to vote in committee.

Fricano: That's correct.

Darby: Do I have a second to that amendment before I ask if it can be accepted.

DiGregorio: Second.

Darby: Tony D.

Darby: Now, back to the committee. Would you accept that as a friendly amendment to your resolution?

Fricano: Well, how about we do this? How about we table it, which gives us more time to get -- maybe we can get the insurance information piece in, give us a friendly amendment, I wouldn't speak for the committee, it was a committee decision and you give it to us in writing and then we'll discuss it at the next meeting.

Darby: Are you making a motion to table your motion?

Fricano: Is that all right with you? Where's Roger? Bob? Are you guys all right with that?

Yes.

Fricano: We'll table it and then we'll try to get the insurance information piece together and then we'll look at this friendly amendment and then we will come back to you within a week and live with that based on what we know. Again, please, I knew when this discussion started people were going to try to get rid of the associate members, not try to get rid of the associate members –

Darby: Motion to table, is there a second to that motion?

I'll second it.

Darby: Okay, Ill call that question. All in favor of tabling until the November meeting signify by saying aye.

(Ayes)

Darby: Any opposed? Any abstentions? Carried. We will be bringing the first proxy vote approved resolution to the by-law committee and we will take up the associate membership in November. Any other Legal Affairs?

Fricano: Isn't that enough?

Darby: It was enough. I had to ask.

I told you.

Darby: Any questions for Legal Affairs? Moving onto membership.

Good.

Menter: Membership, Zach Menter. I would like to start out by welcoming, we have 3 new members here tonight that we recently voted on. Ric Kehoe, associate member for Cayuga County, Susan Flynn, voting member for Tompkins County, Jerry Emmons, voting member for Onondaga County. Tonight is their first night here. Oswego and Onondaga County are now full. We do have 2 openings in Cortland County. We have one resume _____, which I will discuss.. We have one opening in Cayuga County which we have no applicants for, and we have 3 openings for associate membership position in Tompkins County. The one applicant that we do have for Cortland County is a Charles Eaton. He is a paramedic, a member of Cincinnatus Fire Department. He's an RN. He is an RN educator it looks like at Cortland Regional Medical Facility. The membership committee did discuss him. We received positive feedback. We would like to send Charles Eaton to the Council as a seconded motion to be voted in for an associate membership position for Cortland County.

Darby: It comes as a seconded motion from the committee. Discussion on the motion? Charles Eaton, paramedic, RN. Mr. Butler.

Butler: Would it not be wise to table all these associate memberships in the event that we eliminate the associate membership from the by-laws, creating no hard feelings. I'm not against Charlie Eaton, he's a great guy and would make a great member for the Regional Council, but are we going to create some bad feelings if we decide at

the next meeting to eliminate the associate member? Would it not be wise just to table it for the next meeting?

Darby: Lee Price.

Price: Lee Price, Cortland County. You've got an excellent point, David, considering that the position is in jeopardy, in some jeopardy I guess at this point. However, just looking down the road it looks like it is going to be at least 6 months or longer before this process is completed, likely longer, just because we're willing – the motion was just discussed, going to be going to the by-laws committee which would take whatever time the by-laws committee would take to act on it and then going forward so I see several months, and I don't know which would be a greater benefit having Charlie participate and offer his ideas as an associate member or doing _____, just offering another opinion.

Darby: Point, counterpoint.

Exactly.

Butler: I just see that it's going to hurt feelings, you know. We have some other associate members that are going to be discussed here, there's going to be a lot of hard feelings.

Price: I understand what you're saying.

Butler: I don't think it will take 6 months. I think it will be resolved by the next meeting.

Darby: Dr. Olsson.

Olsson: Dan Olsson. I would just make a general comment, I would be leery or weary of making an action or an inaction on something that may or may not happen and I understand all the points and the associate members that are here have certainly heard all this discussion, and if that title goes away, then they're going to be aware of it. But having run into this in other venues, if you're

going to make a decision, go ahead and make it. Just be careful on what could or could not happen.

Darby: Any other discussion? Linda.

Foster: I just want to -- Linda Foster. I don't know if Zach mentioned this or not, but that resume was circulated _____.

Darby: Other discussion? Hearing none I call the question. The seconded motion from the committee to accept Charles Eaton as associate member from Cortland County. All in favor signify by saying aye.

(Ayes)

Darby: Opposed, nay? Abstentions.

I'll abstain.

Darby: Four abstentions of the directors. Passed. Membership, anything else?

Menter: That is all from the membership committee.

Darby: Any questions for membership? Okay. Policy did not meet. Review and Comment, Mike.

Addario: We have 3 items for Review and Comment. The first is the Upstate Medical University ALS FR and request from Dr. Olsson and that is on hold so we will not have anything to discuss with that. They're currently pursuing recommendation by Review and Comment at our last meeting last month to research going down the road _____ that discussion with the State, yesterday, it seems that is the likely road to follow.

Darby: It will be on hold then.

Addario: On hold, they are moving forward with that, should something happen I'm sure we will see you back, but hopefully we won't see it back.

Mike, can you speak up we can't hear you.

Addario: Sure. The other 2 items, we have a request for a transfer of a CON, a transfer from Aurora Volunteer Fire Department to the Aurora Ledyard Fire District. A little bit of information behind this one. The Fire District was actually created in 1995, if I understand correctly, please correct me I am wrong, for the application, they did not know that they had to transfer their CON with the creation of a fire district. It was brought to their attention I believe during their last CON renewal which ran 2007. Their CON was not renewed pending this transfer so they've been without a CON. The current CON, they've been operating continuously since then. There has been no interruption of service so they have presented us with an application to transfer and our job as review and comment is to either complete or not complete that section 8 at this point in time. We found one minor issue which was they listed the assistant medical director as Dr. Ciaccio. I'm not sure if there is something we need to know or that is just an error. But we're presuming it is by just an error. Other than we have a complete and recommend, make a seconded motion that it be forwarded to DOH.

Darby: This would be a seconded motion coming from committee to forward this recommendation to DOH. I talked with the DOH representative last week while we were at State Council and they said that they would move that forward so discussion on the motion? Hearing none I call the question. All in favor signify by saying aye.

(Ayes)

Darby: Any opposed? Carried.

Addario: Our last item, item number 3 is a BLS FR application from Moyers Corners Fire Department. The Review and Comment Committee has reviewed it and deems it complete and we recommend and make a seconded motion

that the Regional Council recommend BLS FR to the New York State Department of Health.

Darby: Okay, it comes as a seconded motion, Moyers Corners, is there any discussion on the motion? Hearing none, I call the question. All in favor signify by saying aye.

(Ayes)

Darby: Opposed? Abstentions. One abstention. Carried.

Addario: That is it.

Darby: Any questions for Review and Comment? For those that didn't hear the very first piece of that, the CON that we had presented by Upstate Medical with respect to a physician's response vehicle. The State came in and sat down with the medical director, your chairman here, and our EMS office, and the petitioners, and discussed how we could do this, and it was felt that there could be an emergency response under what section?

800.26.

Darby: Of the Public Health Law, and in keeping with that, would not need to go through the CON process so they're looking into that as the way to resolve that issue and to get this service available in Onondaga County as soon as possible. They have asked us to hold the CON application until further notice as Chairman Addario said we may not see it move any point further for no need to move and it will be out and functioning. Linda Foster.

Foster: Linda Foster, I have a question for the Review and Comment meeting. The last meeting was there was a lot of discussion about courses in Cayuga County, and what this Council could or could not do ____ what's the resolution on that?

Darby: That would be training and ed.

Foster: I thought it was review and comment.

Addario: We had a discussion on stopping the standards.

Foster: What's the resolution? Because we were talking about non-certified people treating patients.

Addario: The intent of Article XXX with the staffing standards was that there isn't going to be any staffing standards because it was at the CFR level so Regional Council to provide an exception to a volunteer ambulance service. Exception would allow them to operate at the CFR level and the issue that we had was that there were no CFR providers.

Darby: And I believe that we found as we went into the trial that there were opportunities to renew those certificates.

(_____)

So there was some offers I guess to make provisional opportunities.

Foster: _____ Is that agency operating or are they not operating?

Fricano: They're operating.

Foster: Who's taking care of the patients?

Fricano: EMTs.

Foster: Certified EMTs?

Fricano: Yes.

Darby: Any other questions for Review and Comment? Training and Ed? Lee.

Price: Lee Price, Training and Ed. We have 1 item requiring action and that's the continuation from the last meeting we had a long form renewal from Oswego County that was very nearly complete,

however, had a couple of items that needed to be updated and submitted which Oswego County has done and has now met their requirements and we would recommend via a seconded motion that their application, the long form renewal be passed onto the State for approval.

Darby: Again, coming from Training and Education Committee as a seconded motion to approve, recommend to State renewal of the sponsorship for Oswego County. Any discussion on that motion? All in favor signify by saying aye.

(Ayes)

Darby: Opposed? Any abstentions? Carried.

Price: We also have in our folder and also in the blue books a slew of course applications that – since they're in the blue books I won't read them all off to you, for your own reference, and that's all training and ed has.

Darby: Questions for training and ed? Ways and Means. The ways and means piece, Susie has already talked about. Glow Golf coming up this Friday at 6:30 is registration, bring teams, if you don't play real golf, we'll be out front with the miniature golf.

Fricano: That is the real golf.

Darby: Thank you very much for pointing that out.

Darby: It's a fair way to go. It is a fun night out. It is our ability to keep an account to allow us to keep things going when there is contract delays and we've had a few of those so it is important that we support our fund raising and this is the big one so we're encouraging you to come on out, get involved, have some fun. We have a good time Friday evening, and right now it looks like we may have fairly good weather. We've had good weather up to this point for 3 weeks so we'll watch to see. We've played this thing in rain, it doesn't matter. The golf doesn't improve either way. And there is

also, at that time we will be drawing the ticket for the raffle on the quilt. If you haven't seen the quilt, it's still in the office here, take a look at it. It's worth putting in a chance on that quilt.

Eckstadt: It's on the web, too.

Darby: It's on the web site, but we would ask you to help support this, get a team together and let's go out and have a fun night on a Friday night.

Foster: Linda Foster, Paul Cousins Chairman of the Ways & Means Committee.

Darby: By all means, Mr. Cousins.

Cousins: One added Glow Golf piece. As the chair of the ways and means committee, we had a meeting tonight, the first one that we've had in a while. It's a lot more fun than any other committee I've seen so far tonight so I encourage all non-voting members -- to make more money and fund raise for this organization. Our discussion tonight was how do we do that. Mike Addario had a great idea that I'll let him talk about, but if anybody has an idea how to fund raise that we haven't already come up with and beaten it into the ground and failed that, it would be more than welcome to hear that. We need to come up with other ideas. Mike, do you want talk about your deal? We discussed grant-wise and Mike suggested that we hire a professional grant writer whose agency would take a portion of our proceeds that we get.

That limits the risk.

Cousins: It eliminated the risk and if we get a grant for \$5,000, we end up paying them 10% of that and that's still \$4500 that we didn't – that we had never had. We thought it was a good idea. We'd like to make that a seconded motion.

Darby: Okay. Motion coming from committee is that we reach out to a professional grant writer to work for grants and help us with our fund raising

and a percentage would go back to the agency. Is there any discussion on that motion? Lon Fricano.

Fricano: Good luck with that. I mean I worked with a lot of non-profit organizations on a number of boards. Grant writers like to get paid for grant writing. They don't guarantee that you'll get the grant. You might be successful in finding one who might take kindly – all of the agencies that I worked with the United Way, Evergreen Heights, Neighborhood House, I could go on and on, the Tomato Fest Committee. All these non-profit boards that I sit on, we have tried to do that. A grant writer wants to get paid for writing the grant and whether you get it or you don't is your problem, but certainly if you know somebody who might be willing to take pity on the Regional Council you might have some luck with. I wouldn't put a lot of hope in getting a grant writer to work for free.

Cousins: It seems a lot better than –

Fricano: I'm not saying don't try.

Cousins: A pancake breakfast, _____ selling and selling lottery tickets. It seems like just another idea.

Darby: Any other discussion? Call the question. All in favor signify by saying aye.

(Ayes)

Darby: Any opposed? Any abstentions? 1 abstention. Carried. Anything for Ways and Means? Onto county reports, Cayuga, Roman.

Rotko: We've had a very good summer in Cayuga County. We've had 3 lakes 3 drownings, a lot of man power, and I'd just like to thank all the personnel that came from Onondaga County, we also had a diver from Madison County. Their help was much appreciated. There was no way to thank somebody from coming out, they had to be able to do, but we really wanted to say thank you to

everybody who participated. We've lost our medical director in the ER to Community General so Community is gaining a fine physician. We're not sure who is going to replace Dr. Chochil. That's pretty much it.

Darby: Questions for Cayuga? Onto Cortland, Bob.

Duell: Bob Duell, Cortland County. Just a couple of things. There is a paramedic pilot program starting this month in Cortland, in Auburn for their personnel, hosted by TLC. Anyone interested in attending the classes could sign up by email through TLC. There is currently no charge for this class, and the schedule for Cortland what we already have is already only until December, and the 2010 schedule will be coming up shortly. As I mentioned at the last meeting, it was right after the last meeting we had the New York Jets, Giants, whoever it was, came to Cortland County, the big green guys. TLC worked the entire event at the SUNY Cortland and I believe there was very little, if any, activity or problems there with the event. We're hoping that they come back next year and bring back some money into our community, and today I was out of the county this afternoon, but this afternoon we had an MCI in our county. Doug VanEtten was there he can comment on.

VanEtten: Doug VanEtten, Cortland County, we had a bus accident involving 8 people. For us that's a unique incident and taxes thing. We had 3 ambulances coordinating, TLC, Smith Ambulance, who was the primary response, and Tully Ambulance as well as a couple of fire departments working. Unfortunately with the bus on its side, we don't know what's going to happen. One of the principals of the district that the school bus was from _____, we had 3 students that were transported _____ parents. The responders did a very nice job in handling that. I just checked by Black Berry to see if I had – as far as a student outcome, the injuries looked of concern, but not of a critical concern. As far as from a emergency vehicle standpoint and school standpoint, we were

very pleased as to how the responders handled that today. I'm happy to share that.

Darby: Questions for Cortland? Onto Onondaga, Tony D?

DiGregorio: Tony DiGregorio, Onondaga County. We managed to have a successful full scale drill at the airport this past Saturday, and we also managed to have 2 other things that were tested, one was the physicians responding and onsite medical control done by our medical director. We will be having a meeting to see just what changes we have to make or improvements we need to make if any, but it was a successful drill. And good news coverage, too, and if you were able to see, they did have an actual scale of a plane there which was I believe from Michigan and it was quite a deal to have it there. We are going to be doing a drive-through flu shot for emergency medical services or other safety personnel on October 14th from 1300 to 1800 hours which is 1:00 pm to 6:00 pm for the non-military personnel and essentially it is for all public safety, fire, police, EMS. There is if you go on line to the health swine flu _____. Net. You can get a form, a 1 page form which we have tailored it down to make it simpler and it's called our Express Line, if you make that form out on line, bring it with you, you just walk right through the line, drive through it actually, and we anticipate 1,000 doses being given out this year as opposed to the 600 that were last year. We managed to do that in less than 4 hours so October 14th from 1:00 pm to 6:00 pm at the Regional Market. It is in your benefit to wear a uniform, if not a uniform, it is beneficial to have photo ID to show that you are indeed a public safety person in Onondaga County. The other thing that we have is, is we also have a PSCMI course that is going to be starting up in October. I know that has more or less been played out quite a bit in our county, but we do manage to have at least one every 6 months and this one is going to be October 6th, October 8th, October 13th and October 15th, which is Tuesday, Thursday, Tuesday, Thursday. It's 4 hours each evening, 6:00 pm to 10:00 pm and it's held at the public

safety training center of Central New York, the police academy as well so if you're interested that's already on line through OCC, register for it, it's a good deal. I'll entertain any questions.

Darby: Questions for Onondaga?

Cousins: Tony, about your drive-through, the agency that I am here for, Syracuse Fire Department, 1/3 of our members aren't signing up for this, and it's posted on the wall, it's just general information, it's one more thing you've got to read, cover it out in every agency that you promote this and you let people know that they should be getting the flu shot and they should be getting the swine flu shot when it becomes available. I would also remind you that if you have a student in any class in the hospital that they have to be vaccinated. It's not an option. We let this go by, and this is more thing that they were going to let go by. Your on-duty people can do it, your off-duty people can do it. I think we need to reiterate this in all of our agencies that you've gotta get the flu shot. You're the leaders in your organizations. Now, if you don't do it, nobody will.

DiGregorio: Thanks, Paul, I can't do a better advertisement than what you just did. But they are pushing it, I have had a call from the agency that you do belong to, and the Commissioner of Health to do something on line, our medical director maybe he can do something as well, but the idea is that you can't force people to take something that they don't want to. Even though the hospitals and the ERs are attempting to do that, someone above them is.

Cousins: Unfortunately we have a lot of uneducated people, some responses I've gotten from what I consider educated EMTs are, I'm not going to get because you don't know what the government puts in it, I'm not going to get it because I never got the flu before, and I'm not going to get it because the last time I got it I got the flu. Now, that was a long time ago and some of you are, like I am, and you might have got the flu

from it 10 years ago, but we have a lot of uneducated EMTs.

DiGregorio: One thing, thank you, Paul, one thing, our ambulance directors and our chair person was there and well representing Brewerton, did sit down and meet with the hospital executive council chair person, Ron Lagoe, at the Marley Center at Crouse to discuss something that is germane to all EMS personnel and that is being held in the hospitals for an extended period of time without any reprieve of leaving in a timely manner and what was decided that we would do a very short survey, a month of finding out how long it takes from the time you enter the facility until the time the patient is actually turned over to their staff, and that short data that they're going to collect, even though it is well documented by everybody that attended the meeting from Onondaga County, that it's really not going to show much proof, but by the same token at least it was a short term goal that we can achieve, and we also offered some long term information that will be supplied by one of the services that offered it up to show that this is an ongoing incident so hopefully when we meet again in October, in November I can report that maybe we may see the end to certain things that are happening by being kept hostage in these EDs so we have posed a number of questions to them, one, the legality of paramedics standing there with a patient they have no legal right to treat if something were to go wrong and that is something that we've asked them to answer for us, but right now we don't have any answers to that _____.

Wallis: Norm Wallis, Oswego County. One other piece of information that I think is important for them to see, Tony, is not just the time that we sit there in their hospital waiting to transfer patient care, but the time, the whole turn-around time for us to get that ambulance back to where it needs to be. Because like when you're closer to Syracuse it's easier to do that, but when you're setting up 20 minutes, half a hour, 40 minutes away from Syracuse, it's that much more time that that

community is without that ambulance, and I think that's much more detrimental to the outlying areas.

DiGregorio: Agreed. I would say back to you that each county within the 5 county region needs to be saying the same song. Right now it's just Onondaga because we requested our ambulance directors that they have gotten together to do that so hearing from the other 4 counties would be very helpful and I'm sure you would participate in whatever studies you may have or suggest studies in your own county as well.

Darby: Okay, questions for Onondaga, thank you, Tony. Oswego County, Pat?

Egan: Pat Egan, Oswego County. Just a brief update on an old business item if I may. I can cautiously be optimistic about reporting that Oswego County is actually making progress towards the establishment of a county EMS field coordinator. We have successfully gotten over some hurdles. One of them of course being with personnel. They have worked with me many hours in establishing a new job description for a field coordinator. I have the support of my oversight committee chairperson. John Morrissey did come and present some very good reasons and arguments to my county administrator regarding the establishment of this position. I've spoken to the county chairman and so far everything looks positive, knowing, however, that we are in the same budget process that all you are. This is a new position, it's not favorably looked upon. It could fall off the table at a moment's notice so we will continue to fight the good fight. We won't know until December 20th.

Darby: Questions for Oswego County? Tompkins County, Lee.

Price: You can usually hear me anyways. Nothing substantial, very important. Tony did open the door in that the office is spending an inordinate amount of time, I think, H1N1 swine flu and heightened a little bit with the death of a 20-some year old

Cornell college student, a fifth of our population is in that category so there is a number of agencies that are adequately trying to address that

_____.

Darby: That news coverage was up here. We saw in fact pictures and names of that. Our interested was piqued. Any questions for Tompkins County?

Moving onto Program Agency, Central Office, Susie gave part of the report.

Surprenant: Nothing else to add.

Darby: Okay. Medical Director, Dr. Olsson.

Olsson: Just a couple of notes from the last SEMAC, September 2nd. There are a couple of new drugs that have been added to the State formulary, one of the Gluco ____, hydrocortisone, that came out from, a push from the parents foundation that deals with sick kids, in particular adrenal insufficiency. There are as near as I can tell two such kids within our region. They both reside in Cayuga County some place. They both have the medication. They have the doses. They have the syringes. The parents are just too squeamish to give it when they need it, but without drawing into a lengthy dissertation of what happened at the SEMAC, suffice it to say it's part of the State Formulary, and if a CC or 4 were to arrive on the scene it's within your scope of practice to give them an IM shot. All you do is call medical control and very straight forward. The other drug is ketamine and the narcotics enforcement is working on that. There was State-wide ALS guidelines that were distributed. Basically it is a conglomeration of all 18 regional protocols. The intent is to come up with one State-wide document. I think it looks very promising in and of itself. There is a discussion that was deemed best suited for the regional or local issues and it has to do with taking a trauma arrest either to a trauma center or to the closest facility, and there was no discussion other than it needs to be discussed locally. The gist of it is, I'll use Onondaga County, would you bypass

Community with a traumatic arrest to go to the level 1 trauma center. I don't know. That's something for people to think about. Blood transport – EMS is still not allowed to transport blood or blood products. It is in the – whoever the people are that write the draft, write the protocols, to write the outlines, to figure out how to do it, they're doing it so. A representative from the H1N1 disaster committee went through a fairly lengthy dissertation on stuff. If you're sick, don't call EMS. They're encouraging 911 centers to set up an alternative hot line. If you're ____, press 1, if you've got fevers and chills, press 2.

If you're dying, stay on the line.

Trauma arrest, push 2, _____.

Did they suggest, Doctor, how to staff these alternate 911 lines?

Olsson: Yes, they did and nobody got an answer obviously. The local REMAC and the local 911 Center should come up with a plan for providing information to the patient, not to dispatch the ambulance, that's ____, there you go. Influenza immunizations oddly enough were a topic. If you are part of an Article XXVIII facility, in other words, a hospital, if you are employed by the hospital where you are inside the hospital as an employee or if you are an EMS service that is wholly owned and operated by an Article XXVIII facility, you are mandated to get that vaccine. If you are a student within said Article XXVIII, you are mandated to get the vaccine. Prehospital and healthcare workers are strongly encouraged to get the vaccine. There is something on the order of a couple of hundred thousand doses – they're producing 125,000,000 doses and several hundred thousand are being set aside specifically for EMS and health care workers. A discussion was EMTs giving the vaccine. There was also a discussion about dispensing Tamiflu. The problem, one of them, is that a vaccine is preventative medicine and that is what EMS does, and therefore, it's beyond the scope of practice. The people in the

know are drafting some policy, probably the same people that are doing the blood to figure out how to get EMS providers to be able to give the shots. The Fire Department of New York has introduced a study protocol for organ retrieval on out-of-hospital deaths in patients who do not get transported. I just report it. QA and QI, HHS is sending a letter to the hospital CEOs to encourage increased QI participation with EMS, and the State is continuing to evaluate how to receive and process electronic PCRs, still don't know how they are going to do it. Ed Wronski is retiring December 2009.

(_____)

Olsson: Educational committee, apparently there were not enough applicants for the EMS dispatcher of the year award and therefore it will either not be given or they will accept continued submissions. Two other non-SEMAC issues, equipment, the equipment at University is overflowing. I'm assuming that it's probably true for other hospitals. Notify the agencies if you ever want to see it again I suggest you get because it's not going to stay there forever. And I don't know if you want this under new business, but it has to do with realigning or restructuring part of the REMAC.

You've got the floor now, Doctor, if you want.

Olsson: Very simply, keeping in mind with trends and common sense, right now, the REMAC physicians are from each of the hospitals. We have no – technically no agency medical directors, although the current REMAC physicians represent 70, 80% of the agency so the intent would be to invite the agency medical directors to sit as REMAC physicians which I think makes a fair amount of sense.

Voting REMAC?

Olsson: Voting, yes.

Are they associate members, Doctor?

Olsson: They will be bona fide members.

Darby: Questions for Dr. Olsson?

Wallis: Dr. Olsson, just about the equipment at University Hospital, if there is something they can do to better organize it. When you go into the backboard room, it's very dangerous to try to get to the backboards in the back to try to find out if you have equipment there or not. If there is something that they could do to work with EMS to try to do better organizing that I guess.

Olsson: They did that once and you may remember that it was in the back hallway by the elevators. I understand. I can tell you that their response would be if they didn't have so many backboards there to begin with it wouldn't be a problem.

Wallis: I understand.

Norm, microphone.

_____: Dr. Olsson, have you had any problems with pediatric patients and hand sanitizers?

Olsson: Say that again.

_____: Pediatric patients and hand sanitizers, pediatric patients becoming ill because of the – this was brought up yesterday at one of our fire fighters at the support meetings by the fire coordinator. They read somewhere where young pediatric patients who use a lot of hand sanitizer, in a classroom setting or wherever, they found that the pediatric patient was taken to the hospital because he or she passed out, they didn't know why, but the child was using a lot of hand sanitizer, and when they tested the blood alcohol level it was 0.19.

(_____)

Olsson: I have not, but 2 comments. One is one of major ingredients is isopropyl alcohol, it's easily absorbed by the skin, hence it's rubbing alcohol and that's why it's used, and there is a general misconception that it is totally harmless, don't worry about it, it's no different than water is a mistake. The second comment is irrelevant so I won't get involved with it. It makes sense that parents use common sense.

Darby: Any other questions for Dr. Olsson? Moving to coordinators reports. Susie?

Surprenant: Susie Surprenant with the Coordinator's Report. Colleen Price is teaching this evening, out of presence here, and Jeff Jones is on vacation in Alaska so I'll be giving the report. Both coordinators and myself were busy this summer with training trainers for the new protocol roll-out so they were more in a teaching role this summer versus the QI function. There is a piece that's going on right now in Oswego and Onondaga County, and the other 3 counties are quiet. That's it.

Darby: Any questions for Susie? PAD Epi reports, Tammy?

Eckstadt: Tammy Eckstadt with PAD Epi report. We have currently 406 PAD agencies in Central New York. We have new in Cayuga County, City of Auburn and also in Cayuga County, Harriet Tubbs Residential Center. We have got 3 updates, one for Oswego County BOCES, one for Moyers Corners Fire Department, and one for Cicero Fire Department. We also have 2 removal of agencies, Syrocco and Syracuse China both went out of business and if anybody, and I just ran across these by accident, if anybody knows if anybody on these PAD reports that has gone out of business, defunct or otherwise, please let me know so we can get those taken care of. Current reports of use are on the last page. I have been working on correcting all of the mistakes with the problems that we've had with the sites in past. Back in May _____ report on problems we have with current

sites. Cayuga and Cortland are pretty well cleaned up. There are still some sites in both that need to be taken care of _____. I'm working currently on Onondaga. As you can see, there are still quite a few bold things on Onondaga County. I have out of 252 agencies I have sites number 1 through 119 currently sitting on my desk to be resolved hopefully before the end of this week, and that's about it for PAD. For Epi, we have 1 new epi site, City of Cortland Fire Department. We have a total of 75 epi sites in the region. Any questions?

Wallis: Is there something that we can do to help to facilitate some – I note that one of my fire departments is on here for not on the DOH list, is there something I can do to help facilitate that.

Eckstadt: Not for those particular ones. If they say they're not on the DOH list, it means that I have them in my file cabinet, but they just have not been sent to Albany. That's what I'm doing, there were 100 and whatever sitting on my desk, they're going to be sent to Albany so they'll be resolved.

Darby: Question asked by Norm Wallis. Any other questions? Moving onto number 8 on the agenda which is the New York State EMS Council. They had their meeting last week and most of that has been covered throughout this, with the exception of there is 2 appeals that are waiting for ALJ response and they suspect that it will be down by the December meeting which is listed, December 1 is committees, December 2 is the SEMSCO meeting, the last of the year, and they expect to have responses from the ALJ. The two that are waiting is NAVAC's which is from our region and the Utica Fire municipal CON appeal which is from the Midstate Regional EMS Council, and that it is again. Any of you that would like to come, this is an open meeting to the public and it's worth at least visiting and seeing that work at the State level to do with regional stuff here. Any questions about EMS State Council? The New York State Department of Health, I don't see any representatives here. We'll move onto old business. Mercy Flight Central lawsuit still waits

for a calendar date at the Federal level of the Northern District. That's for the 2 outstanding names that were on that particular lawsuit, that's the Sheriff's Office Onondaga County with the Air One program and the TLC Clearinghouse which is this Council's clearinghouse and so we're still waiting for the new Federal court judge to take that before him and dismiss hopefully those two final participants in that lawsuit. Other old business? Is there any other old business? Moving onto new business. In the blue books that came around you had the treasurer's report for the two months since we met in July. Is there any motion for those reports? Roger Paolini. Is there a second for the approval of that? Lee Price. Any discussion on that motion? All in favor signify by saying aye.

(Ayes)

Darby: Any opposed? Any abstentions? Other new business? Yes, Lon Fricano.

Fricano: Just one thing that I thought of when Bob was talking about the Jets before. As part of our preparation at TLC for that, we acquired a Eager ambulance, it's a roadworthy vehicle, it has directional signals, lights, sirens, it fits a full size stretcher, it's covered, it has a roof over it, and so if you have an event where you have a lot of people on the ground and you think we might be able to help you with, let us know and see what we can work out for you. It's a really nice piece of equipment and we'd like to try to make it available.

Darby: Okay, any other new business? Seeing none do I have motion? Man, do I have a lot of motions. Roman. Second, Paul Cousins. All in favor?

(Ayes)