

CENTRAL NEW YORK



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

Meeting Minutes of January 20, 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			
Eckstadt	Tamara	CNY REMSCo Staff		X			
Egan	Pat	Member / County Coordinator	Oswego	X			
Foster	Linda	Member	Onondaga	X			
Fricano	Lon A.	Member	Cayuga	X			
Friedman	Wayne	Member	Cortland				X
Galloway	Joseph	Member	Onondaga		X		
Gleeson	Tim	Associate Member	Onondaga				X
Green	Jason	Associate Member	Cayuga	X			
Hansen	Patricia	Member	Cortland	X			
Harrington	Beth	Member	Tompkins				X
Hogue	Troy D.	Member	Onondaga		X		
Jones	Jeff	CNY REMSCo Staff					
Loomis	Robert	Member	Oswego	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			
Merrill	Peggy	Member	Tompkins	X			
Morrissey	John	NYS DOH				X	
Murray	Mark	Member	Oswego	X			
Olsson	Daniel	Medical Director				X	
Paolini	Roger	Member	Onondaga	X			

Pinsky	Brad	Associate Member	Onondaga				X
Price	Colleen	CNY REMSCo Staff					
Price	S. Lee	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			
VanEtten	Doug	Associate Member	Cortland	X			
Wallis	Norman	Associate Member	Oswego	X			
Wronski	Ed	NYS DOH					

Darby: Okay, we're calling the meeting of the Central New York Regional EMS Council to order. This is the first meeting of 2009, and we're going to go out of order with regards to the agenda in order to deal with the reason why we have so much company in the room. So I'm going to go down to committee reports under Review and Comment, that would be 5b on your agenda, and I will ask Mr. Fricano, the chairman of the Review and Comment to take the microphone.

Fricano: Thank you, Warren. Okay, well, the Review and Comment Committee concluded a process this evening which began some time ago with receipt of a CON application on behalf of NAVAC to expand their territory. We held a public hearing at the Pitcher Hill Church, and we deliberated and reviewed all the documents and this evening we met to consider our recommendations to the Regional Council, and the committee finds that no need has been proven and has recommended to the Council as a seconded motion that it deny the application.

Darby: Okay. The committee has brought a seconded motion to Council. As a seconded motion, we can open it up for discussion by Council members. Is there any discussion on the motion?

Unkn: Somebody asked me to ask the committee for a clarification on the motion. So could you state the same motion, but maybe in words that everybody understands.

Fricano: Could we ask the stenographer to read back the motion once again?

Darby: Yes, we can. Can we get a microphone over to her while she finds it.

Stenographer: The actual motion as stated by _____. The Review and Comment Committee makes the recommendation to vote down the CON that is stating in the positive.

Fricano: I think it is probably after that.

Stenographer: The Review and Comment Committee recommends to the membership to deny the application and then the Chairman said, from the amendment and to your motion. That was it.

Fricano: The motion is to recommend to the Committee that the application be denied. Correct?

Stenographer: Yes.

Fricano: Yes.

Darby: Okay, are there any other questions or discussion on the motion to the Council? Sue Derbyshire?

Derbyshire: Sue Derbyshire. As a retired life member of NAVAC and as a retired member of the MRS which was the pre-cursor of NOVA, I would just like to voice my – I don't want to say embarrassment, but my concern that these 2 organizations had to go this far to get this resolved. They're neighboring units, and I've worked with a lot of people on either/or of these units in the past, and we wish that you could have come up with a gentlemen's agreement to resolve this issue. It seems to pathetic to let it go this far and cause these kinds of feelings.

Darby: Any other discussion? Mike Addario?

Addario: Mike Addario. I just have a question. As a seconded motion, are we suppose to present our findings, our rationale for making the motion. Did I read that in 0606?

Unknown: It would be a good idea.

Fricano: Well, as I said, the Committee deliberated, we found that no need had been proven according to the statutory definition of public need, and if I need to, I'll read it yet again for the record. The only criteria that the Committee can consider is whether presently there exists public need defined as, the demonstrated actions, the reduced availability or inadequate level of care in ambulance or emergency medical service available to a geographical area which is not readily correctible through the reallocation or improvement of existing resources. We have found no evidence of this, nothing has been presented to us. We read the Hearing Officer Dick Hoke's findings, neither did he find any need was presented. There was a fine line between need and want. We can only address the statutory definition as it appears in the

statute and policy. We did find that evidence was presented to us, that the system is in fact working better now than it was before with reduced mutual aid, better response times, and we also have affirmative correspondence from the other party to this that they were able to cover their territory. So we have not been able to find any need has been documented.

According to the statute and requirements incumbent on us, again if I may, I've said this in the Committee, I've said this repeatedly. I echo Sue Derbyshire's words. These are both good organizations. This is a tough situation. I know there is a lot of hurt feelings and stuff on both sides. Our job, however, is to follow Article XXX based on primary operating territory and based on the statutory definition of need. That is all that we can consider. Not what has been done in the past, not what people would like to do, not even necessarily what seems to make sense and maybe that doesn't make sense, but that's the law. So based on the criteria as we understand it from the materials that have been presented, from the testimony that has been taken and from the consideration that we've given it we find no documented evidence, factual of any kind, that shows a demonstrated absence or reduced availability of services to the public. It is not about the organizations and what they need, it's about public need. So at this time we find that the system is working well, that people are getting ambulances in a timely fashion, that they are receiving the appropriate level of care and that is essentially the basis of the Committee's finding. And if any of the Committee members would like to speak to that. I don't want to paraphrase what other people have said, but essentially this is what we voted on.

Darby: Any further discussion? Mr. Bitner. Microphone.

Bitner: For the record, Chris Bitner. For the benefit of members of Council who have not had a chance to see our application and with all

due respect to the Review and Comment Committee and I certainly understand the limited purview which the Review and Comment Committee has with which to evaluate applications. NAVAC begins their application by saying while we have to file this under the heading of Expansion, what we are really seeking is an opportunity to correct the application that we submitted back in 1975. The application goes on to document that from 1970 to 1975 there was a geographic area that we served, we've continued to serve that geographic area in its entirety up until October of 2008 when, the 911 Center ceased dispatching us to a part of it, but our CON expansion is simply seeking to correct that application and allow us to continue operating in that area that we have operated in from the period 1970 to 1975 legally and from 1975 to the present without it being on our CON. We understand that there is no provision in the law to make corrections to CONs and we realize there are restrictions and limitations on the Review and Comment Committee that it has to evaluate – has to evaluate – has to apply to an application. However, we do want to go on the record in saying we are truly seeking a correction to an application.

Darby: Any further discussion to the seconded motion?

Wallis: I just have a question, Warren.

Darby: Norm Wallis, Oswego County.

Stenographer: I'm sorry, what was the name?

Wallis: Norm Wallis. Maybe a year and a half to 2 years ago we granted a CON expansion for the WAVES CON in the Camillus area and it was based on years of service previous to that. It was basically uncontested because nobody else was really interested in the area, it was in the best need of that area, a correct CON, what make this CON any different than that? Just

how can you say that we are not setting a precedent from one to another.

Darby: Any further discussion?

Fricano: I would only say that as I said in the committee meeting, we are not a court of law. We do not work on precedents and other cases that we're not familiar with and don't have details on, we don't mark comparisons as to what we can do, or shouldn't do, or did or didn't do in other circumstances we're in the process of going through the evaluation, and I'll admit that there is a certain amount of subjectivity in the situations such as the one that you are referring to, although I do not specifically remember any of the details of that, what we did at that point in time my recollection now was it was the findings of the committee. The only thing that we could consider is this application. We have to consider this application on its merits, and that is what we have done. Whatever circumstances, apples and oranges in another situation, another community, another part of the State has no bearing on this. The only thing that is bearing here in this contentious situation and there are other parties that are certificated here and it is certainly their right to operate in their territory. Maybe that wasn't the case in this other situation, I don't know. That's irrelevant. All we can consider is the NAVAC application and whether or not a finding of need pursuant to the statutory definition of public need, not organizational need, but public need has been found. That's all we can consider and it has been difficult to keep that narrow focus because we all want to get off into what should be, what we would like to see, what we want to do and that is not in our purview. This is all that we can act upon and there has been no definition – no documentation, excuse me, of factual submissions demonstrating a reduced availability, absence of service, lower level of care or anything that approaches the statutory definition of public need and that's all we can act on.

Darby: Any other discussion on the motion?

Cousins: Yes.

Darby: Mr. Paul Cousins. Microphone, please.

Cousins: Paul Cousins. It's very unfortunate that this is here. In the beginning it was not about a CON. Now, here it is tonight about a CON. We have to address the issue of how do we change an error in a CON from now on. We have been here 10 times with this same issue. This is very emotional for everybody. We have done this over and over and over. It's cost friendships over the same issues. It comes down to a CON tonight. It was never intended to be that. We have to address Albany. We have to address the State Council. We have to bring up another way legally that we can address issues with territory geography, bad feelings, ambulances being closer. There has to be another way because the CON is not working. It was never about this, and the application was never about this. It wasted a lot of money. It wasted a lot of feelings. It is just outright wrong. We have to address this in the future.

Darby: Okay. Any other questions before we vote on the motion?

Shurtleff: Warren?

Darby: Lee Shurtleff.

Shurtleff: Lee Shurtleff. I thank Lon for his explanation of the Committee's action and just want to, for the record, which I think it has reflected that it was not an unanimous vote and I raise the question, and I continue to be bothered by the fact that NAVAC was continuing to run, granted a reduced number of calls into the area in question and my belief leans toward the reduced availability of the need argument and my hope is that systemically there can be some local efforts made to correct this and make

cooperative use of the services. I was struck by a comment that Mr. Hoke made at the public hearing in that very clearly certificates of need are not intended to create monopolies and by the same token I don't think they're intended to restrict operating certificates either and I've looked at these numbers. I think they are subject to a lot of argument. You know, I'm subtracting one from another, and I'm see a decrease of 1.9 average mutual aid calls per month, but I am still struck by the fact that you're looking on an annual basis of 150 to 200 calls and if that doesn't lend toward the argument of being reduced availability I'm not sure what does.

Darby: Any further discussion? Mr. Fricano.

Fricano: Again, we did discuss that point in Committee. Mutual aid is not a basis for a CON expansion. When the system is working and mutual aid is covering the need, and there are no guidelines at the State level for what percentage or how many calls or whatever or whatever the circumstances are. How do you decide when you are doing mutual aid to so and so and then you needed mutual aid because you were helping somebody else, and it's just not that simple of an issue. It is a very complicated issue, and there are no guidelines from the State regarding acceptable levels of mutual aid. There is no criteria. I asked specifically Lee Burns this question. There are varying degrees of mutual aid throughout the State of New York, throughout various areas and what it really comes down to is that if you or any agency calls mutual aid and the call is handled, that is not about need. The need resides with people who are not getting service, and so in order to even get in to attempt to build parameters of mutual aid, how do you – where do you begin to build that situation. When your organization was providing help to another organization and somebody came into your territory now that's reason for them to get your territory because you were out helping. This is a can of worms that we are neither prepared or authorized to go

into. The issue here is that mutual aid is in single digits and the response times were lower. The mutual aid needed by NAVAC who is the applicant have been significantly diminished by other agencies, two, NAVAC as it were, the picture is one of NAVAC servicing its own territory better, of NOVA being a stronger player now in EMS. There are no lost resources. Everybody is getting to the hospital and that is not something that we can create a new platform of evaluation for in the context of a committee meeting. All we can do is do our best to see if the statutory definition of public need has been documented or proven. And you're right, it wasn't an unanimous vote. I believe it was 7 to 2 with 2 abstentions. So basically it was 7 to 2 in our finding.

Darby: Okay, with that, we're going to call the question. The motion that is on the floor – I mean from Committee is a seconded motion is to deny the expansion request of NAVAC for this CON application. It will be a roll call vote. As the secretary calls your name, please come forward, if you're doing a proxy for somebody, come forward with the proxy, too. Mr. Marko, a question? Microphone.

Marko: John Marko. This was a discussion of Review and Comment earlier. If a voting member were to vote no, what would that indicate then in their vote?

Darby: If the voting member would vote no –

Marko: Vote no, yes.

Darby: To this motion?

Marko: Yes.

Darby: It would mean that we would then not have a, if it was a majority vote, it would mean that this motion was denied, and we would go back to looking for another motion --

Marko: So I just want to clarify, by voting no, you're saying that you're denying this application for expansion?

Darby: The other way around.

Marko: That is my question.

Darby: Yes is for the motion to deny.

Marko: Got it, okay, thank you.

Fricano: Thanks for raising that, John, yes is to deny, no is to reject the Committee's work.

Darby: Then it's open to the floor to discuss for another motion. Okay.

Foster: Okay, as you get called, your name gets called, come on up here to sign in and vote accordingly. I will call people's names and if you have a proxy for that person, come up. Okay, Mike Addario, Dave Butler. Brian Calley. Paul Cousins. Susan Derbyshire. Tony DiGregorio. Bob Duell.

Unkown: He's behind you.

Foster: Pat Egan. Linda Foster. Lon Fricano. Joe Galloway, proxy for Joe Galloway. Patricia Hansen. Proxy for Troy Hogue. Bob Loomis. Harry Lynn. John Marko. Laura Martin- Reed. Zachary Menter. Peggy Merrill. Mark Murray. Roger Paolini. Greg Procopio. Roman. Lee Shurtleff. Peggy Shutts – Penny Shutts, I'm sorry. Sammy Suriani. Okay, we have to go over this again. I have 26 people signed in, and I think I have 28 votes. I counted the 2 proxies.

Unknown: You've got 2 proxies.

Foster: I counted them.

Okay.

Foster: I counted them twice. All right, results. To begin with, the motion was passed. There were 5 abstentions, 17 for the motion and 4 against.

Darby: Okay, we're going to take a 4 minute recess –

Fricano: Warren, before we do if I may. I just want --

Darby: Mr. Fricano.

Fricano: I just want to say that this was not pleasant for any of us. I certainly did not enjoy my role in trying to keep this within the boundaries that I believe it has to be kept. That said, I sincerely hope that this puts an end to this struggle as others have said, and I hope these 2 agencies can get past this and work together as they should in the public interest. Because really that is the only thing that matters, and I hope I'm not speaking out of turn, but if we as the Council can provide some help to make sure that the lines of communication are open, that people are working together in the best interest of patient care, I would like to do so. And I hope further that we never, I would like to echo Paul Cousins' words, that we never have to deal with a situation like this again. I just want to express my thanks to the Committee because I know this was probably the most difficult action that the Review and Comment Committee has ever had to deal with, and I know it was not fun, it was very uncomfortable, a very emotional issue, and I want to congratulate the members on sticking to the law and conducting themselves professionally, and it is my hope that all the parties can get past this and start working together as friends as they should.

Darby: Well said. We're taking a 4 minute recess.

Shurtleff: I have a question for you, Warren.

Darby: Lee Shurtleff.

Shurtleff: Thank you. Okay, the motion that passed was to deny the Certificate of Need in its entirety. Is it appropriate or can there be a motion made to approve a portion of this for the eastern and western expansion areas that were identified?

Darby: I believe the motion was to deny it in its entirety, which means just that, its entirety.

Fricano: You have to elucidate that a little bit.

Darby: Elucidate?

Fricano: Do we have the ability to grant a portion of the territory if we were to find need in Area A, but not Area B and C. That's well established. We've documented that with the Department of Health and that in fact has been done in the past. The issue again, and I keep saying this, is that you must have demonstrated need in order to make that decision. Again, it is not about what we would like to do or what we think we should do, what we think the right thing to do is, what would be convenient for everybody, that's not our authority. No need was documented because of the way the system is currently operating, I'll give you that, but there is no need at the moment, and once the need is established, another application would be put in or if need had been established we could have been, but it wasn't.

Procopio: Warren?

Darby: Mr. Procopio.

Procopio: Greg Procopio. So are you saying, I hear what you're saying, Lon, but so are you saying that we can't make the motion? You're saying that we can't make a motion?

Fricano: What the State told us is you can grant a portion if you have found that need exists, it's

all predicated on finding that need exists. If you have found that need exists, you could say well, we'll find it on the east side of the road, but not the west side of the road so to speak.

Unkown: I've answered the question. The question was can we make the question --

Fricano: I would say that motion would be out of order and illegal quite frankly.

Darby: What we did with the motion, it was passed by 17 votes, was to deny the complete application. Had we denied a portion of the application then we could move in the direction that Mr. Shurtleff is suggesting. So we have dealt with that particular expansion request with that vote. Any other question before I try to --

Shurtleff: Would you entertain it or are you saying that it would be out of order?

Darby: We have dealt with that expansion request. The vote was to deny the entire request. That's all 3 areas. So to come back with another motion after we voted that way to accept another part of that, that would be out of order.

Shurtleff: Okay, but the Council would entertain a different application if NAVAC were to bring it forward or any --

Darby: As Review and Comment has said, if a need is shown for that area, yes, absolutely.

Darby: Mr. Bitner. Microphone, please.

Bitner: To clarify then what is being said here with regard to need, we are supposed to stop operating in areas where CON holders don't have a concern about us operating there and degrade the quality of service that the public receives so that we can come back in 3 months with an application saying the need has now been proven or need has been demonstrated,

let's let the Council determine that need has been proven to them which utilizes what we have been doing? Is that the line of logic that we're following?

Fricano: I said it to you in the Committee, Chris, and I'll say it again. And I really hate being put into this position, because I really want to let sleeping dogs lie here, okay. There are areas in which NAVAC is and has been operating illegally. You need to stop that. That's the law. It's not Lon Fricano or the Review and Comment Committee. That is the law. That is the basis of the Supreme Court decision that told you to stop operating in those territories. You can't find need when you are operating illegally, the system is then not as the system is. The certificated territory -- the personal -- it's not that anybody really would object in theory to you doing this, the problem is the law, and Rural Metro has advised us they can handle their territory and NOVA is handling their territory, there's no need. We cannot divvy up territories. That is an anti-trust violation. You can't say, well, I'll do this territory and you do that territory, that is illegal. The only thing that is, and I've said this probably a hundred times now, and I really hope I don't have to say it again, the only thing this Committee can consider is the statutory definition of public need and by your question you keep talking about what you want to do and what this one wants to do or what that one wants to do. We cannot consider that, and I've said this over and over and over again and perhaps if you were not operating illegally the system would be configured differently by now. Okay, maybe -- if it had been a situation where you didn't know you were operating illegally, we could claim ignorance back until July of '08. At the public hearing you brazenly acknowledged almost postal that you knew and your organization knew that you were operating in these territories illegally, without authorization. That contributed to the negative spiral of this situation and the imbalancing of resources in the community

which has now been corrected by a Supreme Court decision and again as your friend, you probably don't think of me as a friend right now, I don't have a dog in this fight, all right, but as your friend, I'm giving you this advice, stop operating illegally. The State Department of Health enforces the law regarding CONs. You have an obligation now that you know you are operating illegally to stop and that is what my advice to you is to do because there are other ramifications to that which I would like to discuss with you privately after the meeting which have not been made a part of the record that perhaps you should be aware of.

Bitner: Just to correct a statement. The Judge's decision was not instructing us to stop operating. The Judge's decision was the annulling of the DOH's decision to award us a CON and then instructed us to come to this forum and apply for it as prescribed by law which is what we are doing.

Fricano: The Judge told you that your only option was to follow that course. It wasn't as though there is -- okay, you want to the wrong door, go to door B, and you're all set. You don't have a CON for the territory. You're operating illegally in those territories. I'm not saying with malice we're not doing it to be mean ___ good guys, okay, but it's wrong, and until the CON holders are allowed to work their own territory we will never be able to assess the situation of need in these areas. That's the law. It's not up to us. It's black and white. It's simple. Stop operating illegally, let nature take its course and if need develops, and it's documentable and can't be corrected from reallocation of resources as it says in the statute then by all means bring us another CON application. But first start following the law and maybe the situation will resolve itself.

Darby: Mr. Shurtleff.

Shurtleff: I have come to appreciate Lon's passion. We've heard that over the years many times. I raise the question for point of clarification to those people who are here tonight who may be looking for a remedy to the overall situation, and I think there are some areas that are less at issue than others in this, and I would only suggest the need for a service is obvious in any area. There are calls there. It is my understanding through the hearing, through the documents that were provided, through the discussion of Review and Comment and even here that service is being provided and continues to be provided to the eastern and western expansion areas by NAVAC. No other services has attempted to fulfill that need or exercise a right for a CON to those areas, and there is no indication from the discussions and the questions that were posed among the services that were here that there appears to be a desire and what I'm looking to do is to clarify this and give NAVAC or any other citizens that live in those areas that feel that they want those services to be provided by NAVAC an option or an opportunity to have that done, and I'm going to make one last comment, I've been bothered in the papers that I've seen and in some of the discussions throughout this thing with the recurring word "illegal" and to me in my work when you talk about something being done illegally it expresses a criminal intent. I think that's an area that we want to be very careful about using that terminology because I don't think that the forefathers and mothers at NAVAC in 1970 to 1975 or even 1980 or '85 or whenever up until these issues were raised had any intent to do something illegal. They intended to provide a service to an area that they had traditionally covered, and I would caution the Council that I think that we can make our points without expressing that word, thank you.

Darby: Penny Shutts.

Shutts: Thanks. I would just like to say I think that most of this is things that need to be

discussed within the committee and it is not something the whole Council has to keep reiterating over and over. I know that there are points here that need to be made, but I think that they should be done at the committee level and questions answered at that point and not take up any more of time.

Unknown: I make a motion that we take a break, Warren.

Darby: About a 2 minute break now, and then we will come back together -- I want to thank Cveta Murphy on record for her work and for the word for word record we will have of both the public hearing from last week and the committee meeting tonight and then the Council's action up to this point in this meeting. Thank you Cveta. There will be a 2 minute recess.

(Recess taken)

Darby: I will call the meeting to order once again. Now, we're back on the agenda, and I want to make sure that everybody has signed in. We have been diligent to get everybody's signature here. If you're visiting, be sure you sign the visitors' sheet out there or here and this is the first meeting of the year as I said before. Pursuant to our by-laws, there are a couple of things that we need to be doing. One is the conflict of interest form, and it's an annual form that we have to look at and put on file and so before you leave tonight, Council members, we need that form filled out and left with the secretary. And then every 2 years we take a look at the committees to see whether or not there should be some changes in memberships on those committees. So we have asked for your input on that choice, where your first, maybe even second thoughts are with regard to where you would like to be on the working committees. Every member is going to be on 1 of 3 main committees, that is either Program Agency, Review and Comment or Training and

Ed, and there are other committees that such as Membership, Policy, and there was one that was -- Emergency Management and so you can be on 2 committees, but the 3 primary ones, there is only 1 of those that you can be on and be able to do the work. So tonight we are looking before you leave for your conflict of interest form to be turned in and your committee choices to be turned in so we can put the committees together for the next 2 years. Having said that, the minutes of the 11/18/2008 meeting were sent out. Are there any corrections or amendments that should be made to those?

Murray: I make a motion we accept them.

Darby: Mr. Mark Murray.

Paolini: Second.

Darby: Second, Roger Paolini.

Darby: All in favor of accepting the minutes as given signify by saying aye?

(Ayes)

Darby: Any opposed? Any abstentions. Carried.

Darby: The treasurer's report will be done at the end. They are in the blue books coming down under new business. Correspondence is also in the blue books coming around as you see it. There will be some discussion I suspect by our Executive Director with regards to the capnography and the dates that have come in correspondence. We will talk about that. The Chairman's report, I'm going to move right through that onto committee reports in the interest of time. Committee reports, EMS Program Agency, Mr. Murray.

Murray: Our report will be given mostly in the Central Office when Susie gives her report.

Darby: Okay. We can do questions to the committee at that point?

We can do questions now, but –

Darby: Legal Affairs did not meet, and their counsel is not here tonight. Membership Committee, Linda Foster.

She's out in the hall.

Linda?

Darby: Sue Derbyshire, on a microphone.

Derbyshire: Jay's cover letter was in the blue blinder, but not his resume.

Darby: We'll do membership now and we'll discuss that. Linda Foster.

Foster: Last November 2 resumes were passed around for you to review. They were Lee Price who wants regular membership from Cortland County and Douglas VanEtten who wants associate membership from Cortland County, and we currently have vacancies in both of those positions. So this month we are suppose to vote on them, and then we will take care of J. Scott the other resume. So these 2 people that you're voting on this month, Lee Price is recommended by the Membership Committee for a regular membership on Cortland County.

Darby: And there is a seconded motion from the Membership Committee. Is there any discussion on that motion? Hearing none I call the question. Lee, do you want to step out for a minute? I'll ask for discussion one more time? Any discussion on the motion?

Shurtleff: Lee does a lot of training throughout our region and between he and Colleen they're a lot of what is keeping the training up on that end, he's got good experience in numerous

places. I think he would be a great addition to the Council.

Darby: Okay, Mr. Shurtleff speaks to the motion. Any other discussion? Bob Duell.

Duell: Lee is also trying to fill a temporary void down in TCCC with training and what Lee said with Groton and every place else so I highly recommend Lee.

Darby: If the motion is successful, I've got figure out another committee we want him on. Is there any other discussion on the motion? Hearing none I call the question. All in favor signify by saying aye.

(Ayes)

Darby: Are there any opposed? Any abstentions.

Hansen: Abstention.

Darby: One abstention.

Foster: Who did the abstention?

Darby: Trish Hansen. Okay. Next?

Foster: We have Douglas VanEtten --

Unknown: Can we bring Lee back in?

Darby: Yes, we might as well. He can vote now.

Foster: He wants associate membership from Cortland County and Membership Committee is recommending him?

Darby: Okay, this comes from a seconded motion and Lee, you can vote, congratulations.

Price: All right, thank you.

My condolences.

Darby: Is there any discussion on the motion?

What was the motion?

Darby: Douglas VanEtten for associate member of Cortland County. Seeing that there is no discussion I call the question, all in favor signify by saying aye.

(Ayes)

Darby: Any opposed? Any abstentions?

Darby: Policy Committee did not meet –

Foster: I'm not done.

Darby: Oh, I'm sorry. Go ahead.

Foster: All right, we have received 3 resumes, Jay Scott, Jeffery Emmonds, an updated one.

Unknown: I think it's Jerry Emmonds.

Foster: Is Emmonds in Tompkins County or Onondaga County?

Unknown: Emmonds is going to be applying for a Tompkins County spot because there are basically 2 people applying for Oswego County, he went to Cornell, he is still _____ residency there on the board that he is on.

Foster: This includes Jay's cover letter and his resume. There are no openings in Onondaga County. Jay is applying for anything in Onondaga. As you heard, Gary is applying for Tompkins County, and he, I guess, wants a regular membership, there is 1 regular open. Potter is applying for Oswego County, and there is 1 associate open, and he is applying for the associate membership. Now, we are not voting on these today. If anybody wants to know, these are the vacancies in each county. These

are just for review. We will vote on them at the next regular meeting which will be in March. Also, letters went out to the news media about associate members, that's about every June – it's actually done in July and January for them.

Darby: Okay, any questions for Membership? Moving on to the rest of Review and Comment. Lon Fricano. We can do Training and Ed while we're waiting for the Chairman of Review and Comment. Tony DiGregorio, you got a microphone back there?

DiGregorio: No, I don't.

Darby: All right, we'll get 1 right to you.

DiGregorio: All right, Tony DiGregorio, Training and Ed. We've got a couple of things coming out of committee. One is for a COI for a Dave Demangalista. He shows an address of North Syracuse. He is also under Onondaga County EMS, who is providing CIC _____ and his clinical experience was done at the North Syracuse Fire Department. Dave is well known to me. He is also a member at the MDMS of the VA Hospital and he is also a firefighter with North Syracuse Fire Department, and I believe that he is very competent personally and the Committee agrees, and it comes out of our committee as a seconded motion to accept CLI or recommendation as a CLI.

Darby: Okay, we have a seconded motion coming from Training and Ed to recommend Dave Demangalista for CLI. North Syracuse Fire Department was the agency. Any discussion on the motion? All in favor signify by saying aye.

(Ayes)

Darby: Any opposed? Any abstentions? Carried. Okay.

DiGregorio: Just a comment on 2 other things. We have a number of applications for courses that are forthcoming for the year 2009 in the beginning and there is also in the blue book 2 letters, 1 from Cortland County EMS Advisory Board and a response by the TLC which are readily available to be read from the blue book. As far as a report from the November meeting, the Chair had tasked myself to set up a meeting with Cayuga County EMS to discuss an apparent ongoing issue with training needs and their desire to go to Finger Lakes for ALS training. Jay Scott and Sue Surprenant were willing to go down and meet with Brian Dahl, Niel Revenberg as well as Roman Rotko was there as well, and we had a 2 hour meeting. The end result of the meeting was that they were willing to stay within our region and they were told that they would get as much support as could be given the 3 named personnel, that being Sue representing the region, Jay Scott representing EMSTAT and myself representing Onondaga County. They seemed to be pleased with that, and they were willing to move forward with our region and staying without region at this time. There is still more to help them with as far as getting – the possibility of them getting the co-sponsorship for an Advanced ALS refresher courses which I have already offered to sit down with Niel and his staff and assist in putting together their co-sponsorship paperwork and move forward with that as well. So they seemed very happy with us being there. They seemed very happy with the fact that we were going to show them as much support as we could. In reference to some comments that were made regarding intimidation by the State Health Department, I had personal conversations with John Morrissey, I also had the same conversation with Niel and both their stories matched and from what we were told, Sue being present as well as Jay, there was no intimidation. They felt that the fact that the State would be helpful in attempting to assist them to the request that they had made. There was a slight misunderstanding

when they were asked about paperwork, the original thought to Karen Meggenhofen was that they were asking for an original paramedic course and not a paramedic refresher in which he indeed said that there would be a lot of paperwork for an original program, but with a refresher so I think that is where there may have been an issue, but other than that the meeting went very well, and we left open the door to have successive meetings and give them as much assistance as we can so that they can move forward and they seemed satisfied with that. And if Sue or Jay will chime in here as far as any comments and your side of it.

Roman was there, too.

Yes, he was.

No drastic decisions have been made.

Darby: Any questions for Training and Ed? We will go back to Review and Comment for the remaining issues you had, Lon.

Fricano: All we had was some correspondence listing some enforcement actions. I assume these were in the blue book.

Darby: Yes, they are.

Fricano: Nothing that requires any action. If you want to review them, they are in there. We had that and then as I mentioned earlier, we have another CON application that has come our way presented on behalf of the Upstate Medical University who wishes to establish an ALS/FR. If I understand the application, of what I read of it so far, is for Onondaga County. Review and Comment desiring not to be here until 3 o'clock in the morning, will be setting up a meeting as we have in the past to specifically review this application before the next Council meeting. Sometime in the next – in February we will meet, either beginning of February or mid February we will meet probably to set up a

committee to review this and see if this is a complete application.

Darby: That is an ALS/FR application?

Fricano: Yes.

Darby: Any questions for Review and Comment? Tony DiGregorio.

DiGregorio: Just a comment on behalf of Onondaga County. Dr. Cooney had made every effort to meet with Emergency Management, he made every attempt to meet with the ambulance services here. He was well received, and I am not trying to influence anything as far as committee goes. Essentially I believe that they are doing it the right way. We in Onondaga County believe they have a good concept, and there has been a lot of support for it so I will let the committee know that I will be pushing for support of this and I believe that they have a good concept and so does everybody else in Onondaga County so hopefully that will help guide you and I'll be open for any questions that you may have based on my positions as director and as Emergency Management. Thank you.

Darby: Okay, remember as a committee and Council member, you have the ability to go with any committee to give input at the committee level. The committee members are the ones who vote, but all the Council members are welcome to any committee meeting.

Fricano: Are there Council members who would like to attend the next Review and Comment meeting regarding this application? If there are, once we set it up, please let Central Office know, and we will be more than happy to send out -- let you know when and where that meeting is, everyone is welcome to come.

Darby: Okay. Anything else?

DiGregorio: That's it.

Darby: Any questions for Review and Comment? Okay. Ways and Means did not meet, however, Central Office here is working on looking to see what the opportunity would be to again have a walk or run, EMS week, and we're looking at insurance coverage and the location possibilities, etc. EMS week is the time to do that kind of thing, and we've done once, and I think if we make it an annual event along with getting exercise we all need and the public could get the media to take a little bit of video of the thing we can get some coverage for EMS. Be thinking about that and Tammy would be the one to call or contribute to the office. Ways and Means will be coming together at our next meeting directly around that issue. County reports. Cayuga, Mr. Rotko.

Rotko: In the interest of saving time, there is nothing significant in Cayuga County to report.

Darby: Thank you. Any questions on that report? Cortland County, Mr. Duell.

Duell: In the interest of time, there is nothing significant to report from Cortland County.

Darby: Onondaga, I know there is something of interest in Onondaga County.

DiGregorio: Yes, there always is something interesting in Onondaga. Basically just 2 things. One, we are presently planning for a large scale exercise at the airport in September. The reason I bring this to this committee is if there is some people that want to be present to be observers please let me know, and what we are intending to do is plane down with at least 60 personnel, that will be either transported or treated at the field itself. It's going to be a low impact crash, probably won't be as low impact as the one on the Hudson River was, but it is one of the things that we're required to do every 3 years and this is our third year so they are demanding that it be done. The other thing is that in Brewerton, that

seems to be the bedlam of a number of ambulance services. TLC - I know I'm going to pay for that. TLC will be providing ambulance service for Brewerton within their CON and that is effective February 1, 2009, and that's all I have.

Darby: Okay, any questions for Tony? Oswego County.

Egan: In the interest of time, I'll make it quick. My office in Oswego County would like to publically thank members of the Critical Instance Stress Management Team, a couple of whom are in this room today, who assisted those responders who were on the scene of the Richland fire at claimed 8 lives. We truly appreciate the assistance they provide. Additionally, I spoke to the chairman of the Advisory Council -- EMS Advisory Council today and due to the fact that the status of A. Lee Memorial is seriously in question, it's looming large quickly, the Council is going to begin some serious discussions in the hopes of mitigating some of the impact that it will obviously have on the EMS community.

Darby: Okay. I actually had a transport a couple of weeks ago to Lee Memorial by request at about 3:00 in the morning. Any questions for Oswego County? Okay. Tompkins County? Lee Shurtleff.

Shurtleff: Tompkins will concur and follow the precedence set by Cortland and Cayuga County.

Darby: _____ there was a lot going on there, very nice facility you have there.

Shurtleff: Thank you.

Darby: Onto the Program Agency, Central Office? Susie Surprenant.

Surprenant: Susie Surprenant for the Central Office. Our phones for not only the Air Medical

Clearinghouse and for the office at the beginning of the month were switched to another carrier due to unreliable service for 800 lines, especially the one servicing the Air Medical Clearinghouse. The switch rolled over without any downtime in the phone service for both the office and for the Air Medical Clearinghouse. PCR's have been drop shipped to agencies that do over a thousand calls a year and those PCR's will be mailed directly from the warehouse to those agencies so those are available for that. And also PCR's and CCR's were included in that drop ship. A certified instructor update was held on the 17th with 12 attendees. Hearing good feedback from some of the attendees with instructors who were Ken Young and John Morrissey. FuNCMEs phase 2 is up. There is some changing of the web site. You will see that there is a new look and design of that, and the presentations that were on the old are being transitioned into the new format. Please give us your feedback and once this is up and running we will be asking CIC's in the 6 regions for any presentations that they would add to the new FuNCMEs on line _____. The Central New York web site is also getting some updates, more on the administrative end since it is growing and some of the pages are becoming overfilled. There is going to be a search function and also the ability to add more pages. The Medical Director and REMAC has asked for their own page so we will be able to provide that. There are over 2700 providers that are registered on the web site and that's the main reason how we do credentialing of the providers in our region. EMS Charts, we've got 4 agencies live currently, and it encompasses 4 of the counties, and we have more agencies that are in the process of going live and also doing the training for that product. The Medical Director, Dr. Olsson, is not able to be here tonight so capnography was effective for this region on 01/01/2009. There has been some things from the State saying June. Back in the summer when capnography was discussed at the REMAC level prior to the SMAC advisory coming out and

since that was taking so long the REMAC decided on that and both myself and David Butler asked for an extension to give agencies more time, that was not voted in so for this region it is still effective 01/01/2009. For any particular questions, if you want to call or chat with me I would be more than happy to answer any other questions on capnography. We also had a rep from Lee Memorial at the last REMAC meeting and Regional CQI meeting who gave a report, and as Pat said it does not look good for that hospital. They had 36 layoffs and it looks like it will be closing as scheduled or even sooner than June. The Coordinator's report, there is ____ currently in Oswego, Onondaga and Tompkins County going on currently. I will give the PAD and epi to Tammy.

Darby: Okay, before you do that. Dr. Olsson is working tonight, and if you've been watching the Stacey Castor trial he was on the stand today so he's been a busy guy today, both on the stand and now working. So on with the Coordinator's report.

Eckstadt: Tammy Eckstadt, with the PAD/Epi report, I will keep it kind of short in the interest of time. We've got 403 PAD agencies, we've got 2 new ones in Onondaga County, CNA Insurance in Liverpool and Andrews Memorial United Methodist Church in North Syracuse. We have received several updates from providers, 8 of these came in, some have changes, some do not, they're all listed. We have 6 reports of use for different sites. They are St. Camillus Health Rehab, Cicero Rescue had 2, Cornell University Rescue had 1, Tompkins County Sheriffs had 1 and Constantia Fire Department had 1. They are all listed on the back 2 pages, pages 5 and 6 of the report. Currently we have Cayuga County has 39 sites, Cortland County 29 sites, Onondaga County 252 sites, Oswego County 51 sites, Tompkins County 32 sites. That's it for PAD, and for Epi, we have 67 total Epi agencies, nothing has

changed since last month and that's all I've got for PAD and epi. But one quick thing before we finish up, we've got this nice big spreadsheet, it's the beginning of the year. Can everybody please check over your information on this and then pass it around? Lon, it is in a nice big font for you so it's easy to see.

Fricano: I don't get no respect.

Eckstadt: Make any corrections on it that you can. Thank you.

Darby: Any questions for Tammy? Very good. Number 8, New York State EMS Council, it's coming together on the 17th and 18th of February for the first Council meeting in 2009, and it says the whole year's worth of New York State activities as far as meetings are concerned. That puts it for those of you Council members that are in the Program Agency Committee. That puts it in the night that we would normally come together as a committee so we are recommending that we move it up a week to the 10th of February if that is okay?

DiGregorio: The only problem with that is _____Oswego County, that takes care of me anyway?

Darby: All right, then how about the week after?

Unknown: Our next meeting listed here isn't until March.

Darby: Program Agency, we meet every month. Remember the months between our meetings is for committees to meet. Lon's committee is going to meeting on that CON sometime in February.

Unknown: Susie, you said you might not be here?

Darby: It would be the last Tuesday of the month, is that okay for a Program Agency meeting? Okay, we're having the Program Agency Committee on the 24th and Lon will be getting a hold of us as to when he is going to have the Review and Comment Committee meeting. To my knowledge, Training and Ed doesn't need to meet yet. Go ahead?

Butler: Have you been voted in yet?

Darby: What's that?

Butler: Have you been voted in yet?

Darby: I have not, but the letter has gone out as we speak, prior to this meeting, that will ask our local electives to look into why I have not been. _____ 2009. I'm not the only one in that bucket there is a whole number of us. The State Council's by-laws allow for the member who was the previous member to still be voting for the region until the new member gets seated. The problem with us and several other councils was that the previous voting member is no longer able to attend. In our case, Ken Young is back to college and unable to come over to Albany for those meetings so we have been without a vote since he resigned in November of 2006, and if you have been watching any of the web casts coming out of the State it has been an issue at the table, not just by me, but a number of ____ around the table, it's almost embarrassing to the Bureau at this point, but the Commissioner felt that we wanted us to say aye and nay _____ so that's _____, but thank you for bringing that up. The answer is no, I have not been designated. The State Department of Health rep is not here. He called me as I came into the committee meeting indicating he is unable to be here tonight due to a family issue - - yes, Karen is having surgery tomorrow. So keep her in your prayers. Old business? I'll try one more time. Old business? Hearing now, we'll move into new business. New business, we have the treasurer's report that has gone

around in the blue books. Looking for a motion, Roger. Do we have a second on the motion? All in favor of accepting the treasurer's report as in the blue books signify by saying aye.

(Ayes)

Darby: Any opposed? Any abstentions?

Abstention.

Darby: One abstention. Any other new business? Hearing none.

Derbyshire: Motion to adjourn.

Darby: Sue Derbyshire.

Motion to adjourn.

Darby: Motion to adjourn by Sue Derbyshire. Is there a second to that motion? Mr. Butler seconds it. All in favor?

(Ayes)

Darby: Drive safely tonight, folks. It's still below 32.