



Systems Operations Committee
June 5, 2018
Meeting Minutes

Attendees: Tom Coyle, Tim Frost, Tim Czapranski, Mark Philippy, Tom Bonfiglio, Tom Kirchoff, Tim Kelly, Ben Sensenbach, Mindy Johnston

Brockport Ambulance

- Reg sent a letter to the DOH requesting clarifications on a few items as there are many issues within the application and FOIL request documents.

Webster EMS

- Application supplements received Friday 6/1/18 at approximately 1233.
- Union Hill has been in contact with us over several different matters related to the CON. We have told them that we are going to use a different lawyer (Cohen) as they had issues with Pinsky. Also, due to the anticipated audience size, we are looking for an auditorium or church to host this hearing. Technically, this hearing has to take place in Monroe County but not in the town of Webster. PSTF room 117 is a possibility.
- Other issues within the CON application
 - DOH 3777: Signature of Ronald Nesbitt dated 4/30/2018 but is notarized 5/16/2018
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 - The policy statement requires “two original copies” with a footnote stating “An original may be a first generation copy in original format with original signatures”. Several DOH 3778 forms provided were only provided as photocopies and with no original signatures.
 - Syed Ahmed Mustafa
 - Robert Meddaugh
 - Frank Ettaro
 - George Glessner
 - Ray Camp
 - DOH 3778: Signature of Jonathan Meldue is original on top signature line on both copies provided, however second signature line on one form is original and second is a copy and a first generation copy have been provided suggesting that it was not signed in completeness at the time of notarization.
 - DOH 2828: Although it is acceptable to utilize a supplemental form, your supplement must include the same information requested on the form. There is no CPR qualification on your supplemental form.



- DOH 2828: The NYS BEMSAT issues EMT certifications with the last day of a given month and three providers listed have EMT numbers expiring midmonth. This roster should be updated.
- DOH 206 Addendum: This form requires personal phone numbers. Three of the phone numbers listed are the agency business number.
 - All corrected documents have been received by the program agency. Everything on our PA checklist for narrative has been addressed. Cohen is specifically looking at need versus want.
- Everything has been shared with Cohen in advance and he has received the updated documents. We are hoping that he can get it knocked out by Friday so that we can work on the public notice.
- Letters of authenticity for first generation copies? We have written responses from the Bureau for any clarifications that we have requested.
- The graphs are misleading with the way that they are put in as they are average response times and not including break outs for priorities.
- At the State level, the presumption is that there is need. This law is going to be revised, however, this is how it currently is.
- Section 3008 Application for Determinations of Public Need
 1. Every application for a determination of public need shall be made in writing to the appropriate regional council, shall specify the primary territory within which the applicant requests to operate, be verified under oath, and shall be in such form and contain such information as required by the rules and regulations promulgated pursuant to this article.
 2. Notice of the application shall be forwarded by registered or certified mail by the appropriate regional council to the chief executive officers of all general hospitals, ambulance services, and municipalities operating within the same county or counties where the services seeks to operate. The notice shall provide opportunity for comment.
 3. Notice pursuant to this section shall be deemed filed with the ambulance service and municipality upon being mailed by the appropriate regional or state council by registered or certified mail.
 4. The appropriate regional council or the state council shall make its determination of public need within sixty days after receipt of the application.
 5. The applicant or any concerned party may appeal the determination of the appropriate regional council to the state council within thirty days after the regional council makes its determination.
 6. In the case of an application for certification under this article by a municipal ambulance service to serve the area within the municipality, and the municipal ambulance service meets appropriate training, staffing and equipment standards, there should be a presumption in favor of approving the application.



7-a. Notwithstanding any other provision of law and subject to the provisions of this article, any municipality within this state, or fire district acting on behalf of any such municipality, and acting through its local legislative body, is hereby authorized and empowered to adopt and amend local laws, ordinances or resolutions to establish and operate advanced life support first responder services or municipal ambulance services within the municipality, upon meeting or exceeding all standards set by the department for appropriate training, staffing and equipment, and upon filing with the New York State Emergency Medical Services Council, a written request for such authorization. Upon such filing, such municipal advanced life support first responder service or municipal ambulance service shall be deemed to have satisfied any and all requirements for determination public need for the establishment of additional emergency medical services pursuant to this article for a period of two years following the date of such filing. Nothing in this article shall be deemed to exclude the municipal advanced life support first responder service or municipal ambulance service authorized to be established and operated pursuant to this article from complying with any other requirement or provision of this article or any other applicable provision of law.

7-b. In the case of an application for certification pursuant to this subdivision, for a municipal advanced life support or municipal ambulance service, to serve the area within the municipality, where the proposed service meets or exceeds the appropriate training, staffing and equipment standards, there shall be a strong presumption in favor of approving the application.

Notwithstanding any other provision of this article, any city with a population of fourteen thousand seven hundred or sixty-two thousand two hundred thirty-five, according to the two thousand ten federal decennial census, or fire district acting on behalf of any such city, that applies for permanent certification pursuant to this section at the conclusion of the two year period provided in this subdivision, shall not be required to apply to its regional emergency medical services council or the state emergency medical services council for a determination of need, and the application shall be submitted to and approved by the commissioner unless the commissioner finds that the municipal advanced life support first responder service or municipal ambulance service has failed to meet the appropriate training, staffing and equipment standards.

- Did we get a letter from REMAC stating that they are ALS approved? No we don't as they are operating at the BLS level. They currently carry ALS gear – are they doing two charts and billing? Webster EMS has not requested ALS credentialing from the REMAC.
- The responsibility is up to those opposing it to show that the presumption of need does not exist, then MLREMS makes the decision based on evidence submitted. Anyone can submit written questions to be read at the hearing as only the public hearing evidence will be discussed at appeal. We should plan on a long Council meeting in order to go over all of the questions and evidence presented.



- Union Hill pulling out? – they weren't able to staff at that same level anymore. They originally had a contract for their section for the town of Webster that they did not renew. Union Hill believes they weren't given the opportunity, correspondence not included, etc which is different from what is included in the application. There's no language in the application that discusses need from the narrative, but more "what's in the best interest of the residents".
- It's DOH's opinion that regional councils are too narrowly construing conflict of interest. Refers us to the NYS laws, however, they aren't very clear. We may be overcautious with that, however, our decisions are not frequently overturned. Recommended that at this meeting we have a copy of our policy and ask everyone to declare their conflicts should they exist.
- Webster requested a change of venue prior to submitting their application to us as they didn't think that we could be objective. The bureau denied their request as that is what the appeal process is for.
- Procedure – now that we've given this to Cohen, based on how we worked to amend this policy at the last Council meeting, do we need to have another in person meeting here on Monday to deem this application complete, or can we do this pending our attorney's review? We make the decision at the Committee level and then make a recommendation to Council based on that and the attorney review.
- Does using the same attorney for the application review and as the hearing officer an issue? Probably depends on what his report is. However, we did reach out to Cohen (not our Council attorney) separately to not muddy the waters. The application is either there or it isn't.
- Public can attend the Council meeting, but cannot talk. We should get a larger meeting for the Council meeting (July 16th). The public can bring up concerns at the public hearing.
- Tuesday 6/12 at 2pm meeting to deem application complete based on attorney review.
- By next Tuesday we will also need to come up with potential dates for the public hearing.
 - How is this going to play out with the timeline? Special Council meeting in August?
 - Can Union Hill make the argument that the Town of Webster essentially put them out of business?
 - They need to have the backup that they could bring to the public hearing.
 - Union Hill refused to come as mutual aid – email backup, failure to respond.
 - Has Webster ever asked Monroe or AMR? No, they had not.
 - Will the deposit cover everything we need? Should be thus far, we will keep the Committee abreast of any updates.

Hilton/GVA

- They were supposed to begin services on 6/15.
- All documents have been uploaded into the State's system, but we haven't heard anything back. The Bureau will determine start date. They will need to operate it at least once every



30 days until they have their approvals and in the meantime if they have a delay, they can lean on Monroe or AMR and can discuss with Tim any changes in run cards are required.

- Matt Jarrett (PSRM Group) prepared their paperwork. Reg Allen has a stake in this consulting company as he is the president of the company as well as the REMSCO chair – at what point does this create a conflict? Can have this discussion at Exec Committee on Monday.

DRAFT