



## Monroe-Livingston REMAC Meeting Minutes

October 18, 2021 5pm

<https://urmc.zoom.us/j/219219351>

### Roll Call Attendance – Tim Kelly

### Agenda Review – Erik Rueckmann, MD

- Additions to the agenda

### State Actions – Ben Sensenbach

- James Philbin
  - Certification revoked effective 7/22/21.
  - Assessed a civil penalty of \$10,000.
  - For violations of 10NYCRR Part 800.3(ap)(1) and 800.3(al)
    - "...Physical abuse means conduct by a certificate holder which causes, by physical contact, physical injury, or serious or protracted impairment of the physical, mental or emotional condition of a patient, which causes the likelihood of such injury or impairment. Such conduct may include, but shall not be limited to, slapping, hitting, kicking, biting, choking, smothering, shoving, dragging, pinching, punching, shaking, sitting upon, burning, cutting, strangling, striking, using corporal punishment or throwing objects at a patient. Physical abuse shall not include reasonable emergency interventions necessary to protect the safety of any person..."
    - "...Incompetence means a lack of, or loss of, skill or knowledge to practice the profession, and/or practicing with negligence, as negligence is defined in this part on one or more occasions while treating a patient..."
- Francesco Berardi
  - Certification suspended for one year effective 8/3/21. The suspension is stayed pending no further violations for a period of three years.
  - Assessed a civil penalty of \$2,000.
  - For violations of 10NYCRR Part 800.3(ap)
    - "...Patient abuse means any inappropriate and/or offensive physical, sexual or verbal contact or interaction with a patient, irrespective of whether the certificate holder is specifically acting in his/her capacity as an EMT when (s)he engages in the abuse..."
- Yosef Chaim Bensimon
  - Suspended for three years effective 8/5/21. The suspension is stayed.
  - Placed on probation for three years effective 8/5/21.
  - Assessed a civil penalty of \$2,000.
  - For violations of 10NYCRR Part 800.16(a)(2) and 800.16 (a)(9)
    - "...has been negligent in the performance of his/her EMS duties and practice, as incompetence is defined in Section 800.3 of Part..."

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- "...has falsified a patient record and/or misrepresented and/or concealed pertinent information during a patient care investigation, including but not limited to making deliberate omissions of material fact..."
- Kevin Steger
  - Certification surrendered effective 8/24/21.
  - For violations of 10NYCRR Part 800.16(a)(11)
    - "...has abandoned a patient, as patient abandonment is defined in Section 800.3 of this Part..."
- Will Davis
  - Issued a reprimand 9/2/21.
  - Placed on probation for three (3) years effective 9/2/21.
  - Assessed a civil penalty of two thousand dollars. Half is suspended pending no further violations.
  - For violations of 10NYCRR Part 800.3 (ao)
    - "...Patient Abandonment means a certificate holder's willful termination of patient contact prior to delivering the patient for medical evaluation and/or treatment, or securing a proper refusal of medical attention in accordance with applicable protocol. Patient abandonment may be effected through means including, but not limited to leaving a patient unattended after establishing patient contact, leaving a patient to the care of an EMT certified at a lower level when the certificate holder knew or should have known that the patient required a higher level of care, and/or encouraging the patient and/or bystanders to reject transport to a hospital by ambulance unless it occurs within an organized multi patient/agency response..."
- Thomas Warrington
  - Certification revoked effective 9/13/21.
  - Assessed a civil penalty of \$2,000. \$1,000 is suspended pending compliance of payment.
  - For violations of 10NYCRR Part 800.15 (a)(3) and 800.16 (a)(1)
    - "...scope of practice as defined in section 800.3..."
    - "...has failed to comply with the requirements of Section 800.15 of this part..."
- Eric Gieseler
  - Certification suspended for 1 year effective 9/16/21. The suspension is stayed pending no further violations for 3 years.
  - Assessed a civil penalty of \$2,000.
  - For violations of 10NYCRR Part 800.16 (a)(5)
    - "...has been convicted of one of more criminal offenses, as that term is defined in section 800.3(ak) of this Part, unless, in accordance with Article 23-A of the Corrections Law, the department determines, that (i) there is not a direct relationship between one or more of the criminal offenses and the duties required of this certificate or (ii) allowing the certificate holder to retain his/her certificate would not involve an unreasonable risk to property or the safety or welfare of a specific individual or the general public. In determining these



questions, the agency will look at the eight factors listed under New York State Correctional Law Section 753...”

- Timothy Leach
  - Certification suspended for three years effective 9/17/21. The suspension is stayed pending compliance with probation.
  - Placed on probation for three years effective 9/17/21.
  - Assessed a civil penalty of \$2,000. \$1,500 is stayed pending compliance with Stipulation and Order.
  - For violations of 10NYCRR Part 800.16 (a)(2) and (9).
    - “...has been negligent in the performance of his/her EMS duties and practice, as negligence is defined in Section 800.3 of this Part...”
    - “...has falsified a patient record and/or misrepresented and/or concealed pertinent information during a patient care investigation, including, but not limited to making deliberate omissions of material fact...”
- Christine Correia
  - Certification suspended for one year effective 10/13/21. The suspension is stayed pending no further violations for three years.
  - Assessed a civil penalty of \$2,000.
  - For violations of 10NYCRR Part 800.16 (a)(4) and (9).
    - “...has abused a patient, as patient abuse is defined in Section 800.3 of this Part...”
    - “...has falsified a patient record and/or misrepresented and/or concealed pertinent information during a patient care investigation, including, but not limited to making deliberate omissions of material fact...”
- Christopher Howland
  - Certification suspended for one year effective 10/18/21. The suspension is stayed pending no further violations for three years.
  - Assessed a civil penalty of \$2,000.
  - For violations of 10NYCRR Part 800.16 (a)(5).
    - “...has been convicted of one or more criminal offenses, as that term is defined in section 800.3(ak) of this Part, unless, in accordance with Article 23-A of the Corrections Law, the department determines, that (i) there is not a direct relationship between one or more of the criminal offenses and the duties required of this certificate or (ii) allowing the certificate holder to retain his/her certificate would not involve an unreasonable risk to property or the safety or welfare of a specific individual or the general public In determining these questions, the agency will look at the eight factors listed under New York State Correctional Law Section 753...”

#### **Medical Director Report – Jeremy Cushman, MD**

- Review updated ECLS Algorithm (already approved)



- Number of agencies acquiring lucas devices. It was a recommendation of the Strong team as well as Rochester Regional Health System. To be eligible for direct referral to ECLS receiving hospital, they need to be on mechanical compression during transport.(this is one addition made to the policy).
- Review Automated Compression Device Policy
  - Feedback received and removed requirement of advanced airway prior to advanced airway. We will be testing this over the next few weeks, it's based off of best evidence. We will test to make sure it's reflective of what we can do in our region. This will then be issued as general guidance so there's no confusion operationally between a fire department and ambulance with the device being placed.
  - Question – this only references the LUCAS device. Yes, that is correct, as far as we have been made aware, agencies are only looking at the LUCAS. Are there any agencies that is looking at something else? On the Aircraft, we can't use a LUCAS, we have to use the Autopulse. Since we don't have any air medical agencies in our region, but once we get tis further along, we should engage the air transport agencies with this capability.
- Geriatric Teleconsult Protocol
  - Issued this a few weeks ago based on previous material shared with this group. It has been used a few times, there have been technical issues (call dropped or not being connected).
  - Continue to reinforce use of this protocol for eligible facilities/patients.
  - If there is a challenge of connection, let Dr. Cushman know so that he can connect with the geriatric folks so we can troubleshoot these issues.
- BHACC Alternative Destination Protocol
  - Getting closer. Initial launch will be at AMR Rochester alone due to some State OMH regulations. This will also be the best way to control and ensure safety as we work through the process. This is not intended to limit agencies, it is to make sure it's used as designed.
- Current Health Care System Crisis
  - Important that we continue to communicate to our staff that at this point in time alternative destination to Urgent Cares is just not feasible at this time. Urgent cares have also had to close while others are over capacity. We don't have a reliable, validative tool for an EMT to use to make that decision.
- Medicaid State Regulation allowing for reimbursement for transport to Alternative Destination – regulation got through without comments, awaiting on approval process.

#### **Program Agency Report – Benjamin Sensenbach**

- We continue to help agencies navigate leadership changes.
- FAST-ED Documentation
  - Back end scoring has been built in emsCharts. More to come. Education and guidance is being developed, everything will be released together.

#### **Patient Safety Subcommittee – Aaron Farney, MD**

- Reviewing/updating our near-miss REDCap tool. It's currently in beta testing. The goal for release is by Thanksgiving.
- We received a referral on needle thoracostomy. We will report back once we've met with providers.
- QI Academy – students are applying their learned skills to agency projects that are focusing on



life assists with 72 hours return in transport. Opportunity for folks to change the way they think about quality assurance into continuous quality improvement.

#### **Council (MLREMS) – Mark Philippy**

- No Report

#### **State Council Meetings –Mark Philippy / Jeremy Cushman, MD**

- State meetings begin tomorrow afternoon. The State of our EMS System is on the agenda for discussion.

#### **Regional Trauma Advisory Committee –Bob Breese**

- No Report. Next Meeting is 11/8/21 at 1300.

### **Individual Hospital Reports**

#### **Rochester Regional**

##### **RGH – Connie Vernetti, MD**

- RGH was in the news regarding hiring Paramedics to work in the ED tent. Working to reach out to the upper administrators to find out more. We share your frustration in pulling providers off the road. Once I receive further information, I will let you know.

##### **Unity/St. Mary's – Tony Katsetos, DO**

- No Report

#### **UR Medicine**

##### **SMH/Strong West – Erik Rueckmann, MD**

- We are trying to utilize students to work in the waiting room. We appreciate your continued patience.

##### **Highland – Jay Schueckler, DO**

- No Report

##### **Noyes – Aaron Farney, MD**

- Also boarding patients. Systems are trying to balance the load. Patients are being transferred from the city hospitals.



### **Old Business**

- No Report

### **New Business – Maia Dorsett, MD**

- Bariatric Resources discussion
  - There have been a few cases with difficulty getting patients transported to the hospital because of availability of a bariatric ambulance. How do we cooperate with resources to get patients transferred?
  - Some of these patients can actually be transferred on the stryker stretcher with education. There are some other mitigating resources – i.e. seat belt extenders.
  - Sometimes the issue is with width and not necessarily weight.
  - The resource discussion also extends and includes interfacility transport.
  - This discussion should include someone from dispatch at each of the commercial agencies.
    - TAG will be created. If you are interested, please reach out to Ben Sensenbach.

**Motion to adjourn by Bob Breese, second by Dr. Dorsett. All in favor, no opposed, no abstentions, motion passes.**

**Next Meeting is December 20, 2021 at 5pm**

**Meeting Link: <https://youtu.be/hGg0ey64kLw>**