

EMS Subcommittee

Monday, January 31, 2022 - 9:00 am

Robin DeLoria - Chairman

Supervisor Merrihew called this EMS Subcommittee to order at 9:03 am with the following in attendance: Clayton Barber, Derek Doty, Roy Holzer, Noel Merrihew, James Monty, Ike Tyler, Davina Winemiller (9:18), Meg Wood, Mark Wright, Rob Wick, Dan Manning, Mike Mascarenas, Dan Palmer and Max Thwaites.

Also present: Dina Garvey, Bryse Taylor, Matt Watts and Darren Dickerson.

News Media present: Tim Rowland

MERRIHEW: Well, good morning everyone, I apologize for being a little bit late and I'll call this meeting to order. The first one the agenda, we'll have Rob report, thank you.

WICK: Okay, so it seems to be kind of a habitual, starting these meetings, still waiting on DOS payments. Claim #2 is in, claim #3, we are still working on. That's going to be a tick over \$1.1 million or so for the cost associated from 2021.

We do have two resolution requests that we put out last week, that I hope we can get moving today. One was for the used ambulance and the other was for the ALS monitors. So, both are covered in our budget, the used ambulance, as we mentioned before is going to be primality used for like training purposes and some backups when we have large scaled events, just to kind of be a relief value for some of the local agencies, so they're not having to pull from their day to day services for some of these bigger events and the ALS monitors. This is going to be supporting the local agencies, too. So, the money that we set aside in this year's budget from this full scale grant to kind of provide some that critical equipment resource into the local agencies, this is what that is for. So, our intent is to procure a number of the refurbished ALS units, ALS monitors, so that way we're able to get more of them, so we can put some newer ones in the hands of the agencies, as well as, get some for our medic cars, as well, too. So, hopefully we can kill two birds with one stone with that acquisition and we have some other items that we'll also be procuring through that same budget line item, here in the next several months for the agencies. Just trying to break some of those procurement stuff and like for like bunches.

For Medic Car 2, we're still looking for a replacement for Jordan Favro. One item that we did want to discuss today is the Newcomb contract, so that's in place and is going well, however we have one individual, I think this was brought up at the last committee meeting, Nathan, that is currently designated as the part time employee on that contract. He is willing to go full time and we have the ability to use his additional time in other places. So, we just kind of wanted to bring that up as a point of discussion that, you know, we have the opportunity to bring another full time person on board and plug him into other places, since we do have some shortfalls and kind of get some approval on that.

MERRIHEW: Does he have an indication of where he would be utilized the most? Would it be down in that neck of the woods?

TAYLOR: No, his additional hours would primarily be to staff one of our second medic cars, since we're short right now and then he can also be floated for station coverage; which would help cover the gaps when employees take vacations or have sick time.

MASCARENAS: Do you have full time slots already available?

TAYLOR: So, we do right now, because we're short staffed. If we filled all the medic car positions and then we would have to absorb the 32 hours in fringe at the County level. Right now we can roll it into one of the other contracts for the medic cars, because we're not able to staff them currently.

MASCARENAS: In terms of budget, you have the positions physically in your budget or are you requesting that the Board have a full time?

WICK: So, right now, because we have a deficit we have it in the budget, yes and with the revenue that we get from the contracts, the additional labor hours and fringes should kind of pay for that, because at the beginning of this full scale phase, we elected to have sustainment of everything. We didn't know that we were going to have a couple additional positions that we were going to add on, like this shift from part time to full time and then also, we'll talk about it in a minute, Westport's request for another EMT. So, because we're sustaining everything through the grant and then with the addition of the revenue, the short answer's, yes, we can cover the cost.

MASCARENAS: Okay, so how many full time positions do you have open, right now?

TAYLOR: We have three full time medic car positions that aren't currently filled. All of our contract agencies are currently staffed though.

MERRIHEW: Any further questions on that topic?

WICK: We don't have any courses planned, yet for '22, that I am aware of, at least none currently scheduled, so that's kind of a placeholder, as soon as we have some of those scheduled, we'll keep everybody updated on that.

In the report at the back of the agenda from last year, we do have noted the different classes, from EMT and AEMT that were completed this year and the different skill sets that were associated. We had a number of new people and also just people going through getting through their CEUs. So, I have that detailed in that.

So, we are looking, again, trying to get the scheduling software. I was made aware as part of one of these Munis models, that there's going to be some scheduling functionality in there, so hopefully we can make use of that if it's already something that the County's going to be purchasing, but if it's not going to offer the kind of flexibility for the EMS staff that we need, we were still trying to move ahead with trying to get our own scheduling software, because, I think as we're all aware,

we've got through a lot of learning curves and frustrations with the Munis system in general, so it's kind of one of those that we can't afford it to have to be clunky and not effective and miss shifts and that sort of thing, so just a little bit of an FYI on that. We'll bring that up, hopefully next committee meeting we'll have a little bit more information of how useful that's going to be.
The CON is that?

TAYLOR, B: The CON is completely finished, I have a renewal file with the State and we're set to go.

WICK: That is updated, as complete.

HOLZER: Just to back up to Number Two, so we're kind of getting stuff done.

WICK: Okay

HOLZER: The used ambulance we approved last time, last year, correct?

WICK: It's in the budget, yes.

HOLZER: It was in the budget?

WICK: Yup

HOLZER: Okay, so just to move this along, we need a resolution from this committee and then on the floor today?

WICK: Right and the only reason for that is because of the total cost, so that line item, the used ambulance, as well as the ambulance from Minerva, because we already went through the cost with the one from Minerva and they're on the same commodity line. So, we would have to have the resolution or go to bid for that.

HOLZER: Okay, so you need one out of this committee, first?

WICK: Ah, yes.

HOLZER: I'll move that.

MERRIHEW: Okay, moved by Roy, seconded by Mr. Tyler.

RECOMMENDATION TO THE WAYS AND MEANS COMMITTEE TO AUTHORIZE THE PURCHASE OF A USED AMBULANCE FOR THE EMERGENCY SERVICES DEPARTMENT TO COME FROM BUDGETED FUNDS IN AN AMOUNT NOT TO EXCEED \$10,000.00
Moved by Mr. Holzer, seconded by Mr. Tyler

MERRIHEW: Questions or comments?

MASCARENAS: Do you have a not to exceed cost on that, Rob?

WICK: \$10,000.00

MASCARENAS: Is it a bid or are you asking to award?

WICK: More or less it's going to be a quote base, because we have, one of the agencies has kind of offered up for our budgetary price that were asking. So, I'll be working with Linda and Donna to make sure we get the procurement adequately done.

MONTY: What is the budgetary cost?

WICK: \$10,000.00

HOLZER: So, we moved that?

MERRIHEW: Further questions, comments? Being none, all those in favor? Opposed?

HOLZER: And you need a second one on the ALS, also?

WICK: Yes, the ALS monitors.

MERRIHEW: You'll move that, also?

HOLZER: And what is the cost of that one?

WICK: I believe that one, our budget is \$150,000.00.

HOLZER: And it's in the budget, already?

WICK: Yes

MERRIHEW: Second on the ALS?

RECOMMENDATION TO THE WAYS AND MEANS COMMITTEE TO AUTHORIZE THE
PURCHASE OF ALS MONITORS IN THE EMERGENCY SERVICES DEPARTMENT TO COME
FROM BUDGETED FUNDS IN AN AMOUNT NOT TO EXCEED \$150,000.00

Moved by Mr. Holzer, seconded by Mr. Tyler

MERRIHEW: Any questions, comments?

HOLZER: So, Rob are you going to have these two resolutions set for us to introduce at Ways and Means?

WICK: Yes, I sent them to Dan and the clerk, last week.

HOLZER: Thank you

MERRIHEW: All those in favor?

TYLER: Meg should be on this committee.

WICK: Yup, I'll correct that.

WICK: Okay, let's skip to centralized billing, because Mr. Manning is here to talk about that and he just handed some stuff out. So, I did touch briefly that Westport was asking for another EMT, so that one would be like an additional ask, that wasn't in our budget in terms of how to incorporate that into the grant. So, the idea right now is that would be paid and invoiced for just the hourly rate, just like all the others, the County would pay all the fringes and whatnot. So, again, just like the part time and full time increase that the Newcomb individual, this one would be covered in our budget, as well, too. It just wasn't initially in there, so we'll do a budget mod and put that forward.

MERRIHEW: We don't need a resolution for that?

WICK: No, just keeping everybody updated. So, Dan is here to kind of give us a little bit more information. We spoke with EMR, our billing provider to get a little bit more information, a couple weeks ago, on like more of the details on some of the legal language that we would need to attack and just be aware of as we're putting forward these lease agreements for the agencies, so that the folks that need to be able to bill that are not able to bill can be covered under our CON and some of the traps that we need to address for that.

MANNING: Thanks Rob.

WICK: Yup

MANNING: I initially had done a memo, we don't have a memo, you have the attachment, my secretary lost the memo on the computer, somehow, by the end of the meeting, maybe it will come down, but. So I guess I am going to concentrate on, it's my understanding that most of the agencies are billing or can bill, except for fire districts. In the packet is a copy of General Municipal Law 209B, which expresses, basically is the statute that allows for fire departments, I said districts, for fire departments to provide general ambulance services and at the very end of that statute, it is very clear that they cannot bill for that, Section 4 of Section 209B, no cost to the persons who have the service provided to them. I also gave you a couple of case law where that was determined by the State Comptroller's office on two different occasions. So, the problem is fire departments cannot bill. So, they cannot bill and then I think you are looking to be able to establish

a centralized billing mechanism for everybody and then authority for you to enter into any sorts of agreements and billing otherwise, provision of service, all those things, comes under Section 122B of General Municipal Law, that Section 122B, in 2019 we, it was amended a little bit, at our request. So, we could establish mechanisms with everybody through contractual means to provide general ambulance service, EMS service and bill. But, in 122B, because they recognize that in 209B fire departments could not bill, they said, hey, you can enter into all these contracts, County, City, Town and Village, anybody, even privates, but there's a Section 122B that exempts fire departments, it's E, I have two stars next to that. So, not only is it not permitted under 208B, 122B prohibits, you can see that it's carrying it through. That's the legislative, the fire department not being able to bill. After that we have pending legislation, as you know, where we're looking for the State of New York to allow us to, allow counties, towns and villages to create general ambulance districts, because that wasn't too clear the first time around. That same language is in that legislation, prohibiting any contract between counties, towns, villages with fire districts, fire departments, I keep goofing it up, with fire departments. So, basically the long and short of this is, fire departments can't bill and we can't bill for them, if they are fire departments. We can't enter into any sort of agreement, saying, hey fire department, I'll bill for you, you give us the stuff, we'll reimburse you, we'll bill under our CON. Now, you can, with the other agencies, like towns, villages, you can contract with them and say, yeah, we'll be your centralized biller. There's no prohibition against it. You're going to want to make sure under your CON that that's okay, but I'm pretty sure, I don't see any problem with that, because all these statutes, are you saying no, are you shaking your head?

TAYLOR: There's no issues with that.

MANNING: Okay, I didn't know. You know in reading all these statutes, I don't see a problem with everybody else being, doing centralized billing for everyone else. In a lot of occasions, if we're providing manpower, in the case of a town, a lot of towns, forget that. So, I don't know what we can do with a fire department. The only other thing you could probably do, now there are a few things, we did speak with Peter Barry, is that the guy's name at the billing company?

TAYLOR: Yes

MANNING: And he mentioned, you know, in my opinion, it is very impractical, probably not cost effective, but, yes, you could do something with the fire department, if you took over their ambulances, you'd put placards on it that say it was our ambulances, you staffed it, you know, it's just all this stuff, which for the 100 or so runs that each of these fire departments are doing per year and less in some years, I don't know how cost effective all that's going to be. The second way you might deal with fire districts, departments...

TYLER: What's the difference?

MANNING: A fire department is a private entity. It's a non-for-profit, by law it's established and they do fire and they can do general ambulance, but it's private. A fire district is a district created in a town, in a village, in a county, whereby the town, the village or the county are going to provide

ambulance service to the district. Now, it doesn't mean that the town has to have an ambulance service, they can contract out to provide that, they can have an ambulance service, there are a few other things that they can do.

TYLER: Thank you

MANNING: So, you know, with the fire departments, you can subsidize them, not based on the service they provide, and say we're going to give you this money to participate. So, you're not really paying them, the people aren't paying them, but the County would be paying them, so you would be out that money. I mean, if that's something you wanted to do. You know, the only other thing you could do, is run this by the Department of Health on your CON and see if there are any exceptions. I don't see any, you know the law's riddled, every law that deals with ambulance services is riddled with, forget the fire departments, you're not; which I don't really, you know, they have to raise their own money.

TAYLOR: So, there is a practical solution.

MANNING: Okay

TAYLOR: Basically, and Schroon Lake is one of the most recent people to do this, you can split your ambulance service off from the fire department.

MANNING: Yeah

TAYLOR: They become a LLC and then the LLC can contract with the town to provide ambulance services for whatever amount of money that the town is willing to pay and then they can bill for their services, because they're a private ambulance entity and they're not associated with the fire department. In practically and in Schroon Lake is a specific example, they're still in the fire department building, they still store the ambulances in the fire department, they split costs with the fire department for utilities and stuff, but they are still, legally a separate entity that allows them to bill.

MANNING: And you can do that.

HOLZER: When did they start that?

WOOD: A couple of years ago.

TAYLOR: They split three or four years ago, they just started billing less than six months ago, I believe.

WOOD: I don't know if they started yet.

MANNING: So, that's another thing, it's a complete, it's not in the fire department, it's a completely different not-for-profit organization that's doing that work and you certainly could do that, the fire department could say, we're not doing it anymore, you can contact with somebody, so that was the third thing. Greene County did something like that. I spoke to their EMS Director, I can't remember his name, and he said that Greene County did something similar to that with a not-for-profit, but then again I don't know how your fire department is going to feel about that, but if they don't care then that's what you do, you can do that. It's easy to do, or not easy to do, but you know.

TAYLOR: It's the most straightforward option.

MANNING: Or another thing is the fire department says we're not providing any ambulance and then the town, is there a district in, was it Newcomb?

WOOD: It's Schroon/North Hudson.

MANNING: Okay, is there a fire, no, there's no ambulance district, probably, right? Is there an ambulance district established?

WOOD: Yeah

WATTS: I don't think so.

TAYLOR: I think Schroon Lake is just contracted to the Town without an actual ambulance district, because if they developed a district then they're tax funded and require a board of commissioners and all of the statutory stuff that goes along with that.

MANNING: So, you can do that, too.

BARBER: So, how is that working for the Town of Chesterfield, with the fire district being in Clinton County Emergency, because I am getting questioned by my Fire Chief, Dave Winters and Linda Gillman?

TAYLOR: So, their fire department contracts with CVPH to provide ambulance services for the entirety of Keeseville, on both sides of the County. So, it's a Clinton County agency that's contracted to the fire department that covers the entire fire department's district.

BARBER: Okay, so if an emergency car or the county ambulance happens to show up on a dropped call by them, how are they being billed?

TAYLOR: It would be billed through whatever entity took the call. So, if the County takes a backup call or Willsboro/Essex is their closest mutual aid, if Willsboro/Essex gets toned out for a call that CVPH has dropped, Willsboro/Essex bills for that under their CON in place of the mutual aid agreements that exists between the two agencies.

BARBER: Okay, so they turnaround and send the bill to?

WATTS: The patient.

TAYLOR: The patient, yeah. So, the chart gets submitted by the caregiver, that goes to the billing company, which is EMR for almost everybody in the county, because they have the best rate around and then EMR handles the coding and actual billing practices, including sending the bill to the patient's insurance to get their revenue recovery.

BARBER: Okay

MASCARENAS: So, how many fire departments do we have left? There's Newcomb/Minerva...

TAYLOR: No, we're not counting Minerva, because Minerva's contracting with Johnsbury and Johnsbury's billing for their services now.

WATTS: Newcomb, Westport and Keene Valley.

TAYLOR: Yup

MASCARENAS: Newcomb, Westport and Keene Valley, is there any interest for those or is it too early to know on separating from fire?

TAYLOR: Keene Valley I will tell you, right now, is a hard no. It's very integrated into the culture there and I would imagine that Westport has the same attitude. I will not speak for Newcomb, because I don't know for sure.

MASCARENAS: It's also my understanding that those that are billing are happy with the way it works now?

TAYLOR: Yes

MASCARENAS: And not interested anyhow. So, it would be a lot of chasing our tail for something that is not really needed or wanted or the other agencies in the county, but coming up, trying to figure out a mechanism for those individuals that can't currently bill, probably should be what we're tasked with trying to help with.

TAYLOR: It's unfortunately...

MASCARENAS: And if they don't want to, then that's fine, too; right?

TAYLOR: And unfortunately, we just don't have enough calls in the entire county to have bargaining power, so even if we were able to bring all the billing power into one centralized

mechanism, we don't have enough to leverage to lower rates or better reimbursement or fees or anything, so.

MASCARENAS: So, I guess, what are the next steps, I guess in terms of, is it meeting with those agencies, letting them know what their options are and kind of seeing if they want to go that route or not?

TAYLOR: Yeah

MASCARENAS: I mean, ultimately...

TAYLOR: And we could definitely offer some kind of support, maybe through Dan Manning's office of the process of establishing an LLC to contract, if they're interested, as like an outreach of the grant for agency support, but beyond that, there's not really much that we, at the County level are able to do, because of the statutory restrictions.

HOLZER: It has nothing to do with this, but last year we approved the deliberators for some area departments, Wilmington being one of them. We received ours, do we just have them billed directly to the County? How do you want to do that?

WICK: Yeah, so, we got a similar issue with the Minerva ambulance, I just need to make sure how that's invoiced. We might have to have the company modify the invoice directly to the County.

HOLZER: To Essex County? Okay

WICK: Or

HOLZER: That would be the easiest cash flow-wise.

WICK: Yeah, otherwise we would have to set up another inter-municipal agreement, because I think the one that we had with Wilmington previously has expired.

HOLZER: Okay

WICK: So, I mean we got one for Minerva. So, that helps, so yeah, I think either modifying either who the invoice is addressed to and the County pays for it.

HOLZER: We'll do that. Okay, thank you.

WICK: Does anybody have any other questions?

MERRIHEW: Dan, any other comments on?

MANNING: No, that's basically it. I mean we can't do and unless the fire departments want to relinquish.

WICK: So, we'll reach out to those agencies and see what they'll like to do, understanding the process and all things considered and see what we can go from there.

MERRIHEW: Right and as we established, I wouldn't reach out too hard. You know, they're independent, stand-alone, unless they come to us, we've got other attentive matters that I think are higher priority.

TYLER: When you go to Westport, if I could be involved in that, I would like to be.

TAYLOR: Okay

TYLER: Just to sit in on it.

TAYLOR: Absolutely

MERRIHEW: Any further questions, comments, business to come before the Committee? Being none, thank you very much and you have those resolutions?

WICK: They should be, yes.

**AS THERE WAS NO FURTHER BUSINESS TO COME BEFORE THIS TASK FORCE IT WAS
ADJOURNED AT 9:28 AM.**

Respectively Submitted,

Dina Garvey, Deputy Clerk
Board of Supervisors