

**STATE OF CALIFORNIA
COMMISSION ON EMS
WEDNESDAY, DECEMBER 3, 2014
MARINES' MEMORIAL CLUB & HOTEL
609 SUTTER STREET
SAN FRANCISCO, CA 94102
800-562-7463 – Reservation line**

MINUTES

COMMISSIONERS PRESENT:

Linda Broyles, Dan Burch, Jaison Chand, Steve Drewniany, Mark Hartwig, Richard O. Johnson, MD, Kristi L. Koenig, MD, Alexis F. Lieser, MD, Daniel Margulies, MD, David Rose, Eric Rudnick, MD, Jane Smith, Kathleen Stevenson, Lew Stone, Joy P. Stovell, Dave Teter

COMMISSIONERS ABSENT:

Aaron Hamilton, Ruth Haskins, MD

EMS AUTHORITY STAFF PRESENT:

Reba Anderson, Howard Backer, MD, Lauren Chandler, Jennifer Lim, Steven McGee, Tom McGinnis, LaShawn Pettit, Robin R Robinson, Lisa Schoenthal, Daniel R. Smiley, Sean Trask, Adam Willoughby, Lisa Witchey

AUDIENCE PRESENT:

Tammi McConnell, OCEMS
Denice Stiles, ICEMA
Tom Lynch, ICEMA
Nancy Lapolla, San Mateo EMS
Pam Martinez, Ontario Fire
Richard Watson, Retired
Larry Karsteadt, North Coast EMS
Patrice Christensen, San Mateo EMS
Brett Rosen, LA County EMS
Evie Anguiano, LA Co FD
Dwayne Preston, LBFD
Brian Hartley, BoundTree Medical
Gail Porto, Alameda Fire
Ken Bobinski, CALOES
Jared Cooper, SFFD
Cathy Chidester LA Co EMS
Ron Maize, Fremont Fire Dept
Mike Thomas, Fremont Fire Dept
Elisa Richards, Fremont Fire Dept
Joshua English, ALCO EMS
Chris Ward, Fremont Fire Dept

AUDIENCE PRESENT (continued)

Deepa V. Ram, Fremont Fire Dept
Jan Ogar, San Mateo Co EMS
Ed Hill, KC EMS
Scott Clough, CSFA
David Austin, AMR
Scott Zeller, Ventura County Fire
Steve Pendegrass, Kern Co Fire
Guy Lawrence, Kern Co Fire
Fred Hawkins, Liberty...
Benjamin Squire, Pasadena FD
Richard Murdock, Mountain Valley
Ed Gandara
Marilyn Anderson, Vista Fire
Ray Ramirez, Cal Chiefs
Marcy Metz, San Diego Co. EMS
Greg Reynar, LAFD
Vickie pinette, S-SV EMS
Chris Javinie, San Luis Ambulance
Steve Carrou, Ventura County EMS
Kathleen Markham, El Dorado County
David Chase, Ventura City/County Fire
Pat Wramm, FFD
Layne Contreras, Los Angeles County Fire Dept
Ellen Chavez, CPCS
Kathy Collins, SLO EMS
Pete Roebuck, Chino Valley Fire
Linda Allington, Carlsbad Fire
Leslie Parham, SB Co Fire Dept
David Magnino, Sac Co EMS
Ross Fay, CALSTAR
Cathy Ord, Cal Chiefs / Nbfd
Crystal O Wright, SF EMS Agency
Ross Elliott, EMSAAC
Mike Petrie, Santa Clara EMS
Mike Giannini, Cal Chiefs
Sandy Carnes, RCFD
John Brown, SF EMS Agency
Mike Carnes, LA Co Fire
Dan Spiess, Nor-Cal EMS
Rick Cory, Fremont Fire
Philip Puhek, Newport Beach FD
Jon O'Brien, LA County Fire
Jackie Tokos, Nielsen Merksamer
Sam Stratton, OCEMS

AUDIENCE PRESENT (continued)

Mark Roberts, ICEMA
Kim Roderick, PAF

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairperson Lew Stone requested attendees to turn cell phones to vibrate. He called the meeting to order at 8:32 a.m. Sixteen Commissioners were present. He asked Commissioner Linda Broyles to lead The Pledge of Allegiance and it was recited. Chairman Stone announced that the hotel staff needed two hours to turn the room around after the EMS Commission meeting for the EMS Awards Ceremony and Luncheon, so several agenda items will be expedited.

2. REVIEW AND APPROVAL OF SEPTEMBER 17, 2014 MINUTES

Commissioner Dan Burch motioned to approve the review and approval of the minutes.

Action: Commissioner Burch made the motion to approve. Second (Johnson). Motion was passed. Minutes were approved.

3. DIRECTOR'S REPORT

Dr. Howard Backer presented his report:

Budget

Dr. Backer had no specific budget issues to report.

Ebola

A large amount of planning is taking place for a very limited number of patients. To date, there are no Ebola patients in California; however, more than 30 returned travelers are being monitored at any one time.

Objectives:

- Develop EMS procedures in order to respond to a suspect patient
- Limit the number of EMS personnel potentially exposed to a suspect or a confirmed case
- Limit amount of contaminated equipment
- Utilize highest level of infectious precaution and personnel protection; even taking precedence over patient treatment
- Limit ALS interventions to those only absolutely necessary
- Additional screening by EMS personnel to determine the epidemiologic risk
- Prolonged response times (60-90 minutes), if necessary to bring in specially outfitted units and trained teams
- These experiences will cause EMS to improve its overall operational procedures for these and other kinds of infectious disease emergencies

DIRECTOR'S REPORT (continued)

Chapter 13

- There is cause for optimism as far as this project is concerned
- Agreement was reached on some difficult issues although at a pace that seems slow
- Experience and background will continue to propel the group to resolve issues

Community Paramedicine

- OSHPD's director gave the pilots the "green light"
- Dr. Backer extended thanks to colleagues, Commissioners, and attendees at the meeting for their help and support
- Solidarity, careful and conscientious work is needed to guarantee the success of this project

Health and Information Exchange Summit

- The event was well attended and very successful
- Partners in HIE now recognize EMS as an important participant
- There was a strong participation by (the federal) Health and Human Services, including the chief of IT for Department of HHS
- Exchanging data with hospitals is the next step

NEMESIS 3

- California was the first state to successfully transmit data in NEMESIS 3 into the federal database using the new protocol for data transmission
- Much of the credit goes to our ICEMA partners

Core Measures

- More jurisdictions are reporting
- Individual record numbers are up
- California has been recognized as a national leader in this area

Legislation

- Tactical medicine, coordination and training will be improved
- Full-time jobs of medical volunteers will be protected if they respond to a disaster
- Naloxone can be administered by law enforcement and EMTs

Disaster

- An evaluation of disaster preparedness for the Administration is taking place
- This information will be used to determine what level of preparedness will be supported

4. CONSENT CALENDAR

Chairman Stone asked if any items on the Consent Calendar should be removed. Commission Kristi Koenig requested that Item E, Wireless 9-1-1 routing status, be taken off the Consent Calendar. **Action: Moved (Koenig). Second (Johnson).** Chairman

Stone motioned to approve and file the Consent Calendar. **Action: Moved (Johnson). Second (Rose). The Consent Calendar is approved and filed.** Chairman Stone asked Commissioner Erik Rudnick, if he moved Section 4E to which is replied affirmatively. Commissioner Koenig moved that the EMS Commission send a letter to the state OES director stating that the Commission is concerned about inaccurate routing of wireless 9-1-1 routing and calls and that immediate statewide wireless optimization service be implemented. **Action: Moved (Koenig). Second (Rudnick).**

Chairman Stone suggested the letter issue be moved to the March 2015 Commission agenda as an action item so that the Commissioners will have had an opportunity to read the letter. **Action: Moved (Rudnick). The vote was unanimous.**

5. EMS PERSONNEL

Sean Trask, Chief of the EMS Personnel Division, presented his report:

First Aid and CPR Standards and Training for Public Safety Personnel Regulations

This is an action item. The revision of Chapter 1.5 of the Public Safety First Aid Regulations was approved at the September 17, 2014 Commission meeting. However, further review revealed inconsistencies regarding retraining hours, which resulted in another fifteen-day public comment period.

EMSA was inadvertently named the approving authority of the duodote optional skill, when it actually is the local EMS agencies. Also, a reference to EMT scope of practice and EMT regulations needed clean up.

There are two versions before the Commission; a clean copy and a copy with strike-outs and underline, as well as a comments and response table. The final copy will be presented to OAL in mid-December 2014, which would push the effective date to April 1, 2015.

Action: Stone asked for a motion to approve the proposed regulations. Moved (Chand). Second (Teter). The motion carries.

Office of Administrative Law Rulemaking Calendar

This is an action item. The OAL requires EMSA to estimate the number of chapters that will be adopted or amended in the following year, so that their workload can be estimated; the calendar must be brought to the Commission for approval. **Action:**

EMS PERSONNEL (continued)

Chairman Stone asked for a motion to adopt the proposed rulemaking calendar. Moved (Smith). Second (Rose). The motion carries.

Community Paramedicine Update

Sean stated that Lou Meyer was scheduled to give the update; however, due to the storm and flooding on the Golden Gate Bridge, he was unable to attend. Sean Trask gave a quick presentation in Lou's absence.

The Office of Statewide Health Planning and Development approved the community paramedicine project. Training begins mid-January 2015, making the implementation date June, 2015.

6. EMS SYSTEMS

Tom McGinnis, EMS Systems Chief presented his report.

EMS Plans Review Process

The process regarding how EMSA handles EMS plans and requests for proposals is revealed in a document that was included in the Commission packet and details staff assignments and processes. It also provides data indicating numbers of plans that have recently moved through the system.

EMSA has a staff member who is responsible for reviewing EMS plans, and another staff member who is responsible to review transportation issues, including RFPs and ambulance zone reviews.

The question was posed: how long is the process from the time a plan is received to making a final determination and being signed off by Dr. Backer?. There is no standard time frame due to the fact that each local agency has 33 different factors and levels of information that needs to be evaluated by different staff (e.g. legal).

Dr. Backer interjected that a discussion at a meeting with EMSAAC on December 2, 2014, revealed ways to analyze and improve the process will be discussed. From EMSA's standpoint it is very important that plans are submitted on time. Likewise, EMSA has a responsibility to provide timely review and feedback.

EMS Systems Regulations – Chapter 13

Another two-day meeting will take place in January 2015. The two-day meetings have become the preferred format. Other meetings were also scheduled farther out.

7. COMMISSION TASK FORCE REPORT AND ACTION ON EMS

Plan Appeal Process

Chairman Stone explained the format: Task Force Commissioners Jaison Chand and Mark Hartwig will present their report; when they're finished, if an action has to be taken the Chairman will consider that action; if there is a motion then the Commissioners will discuss and comment, and at that time the motion will go forward.

Chairman Stone added that a motion to limit debate to one three-minute period of discussion to each Commissioner be allowed. **Action: Moved (Rudnick). Second (Smith). Motion carries. Commissioners Burch and Koenig voiced their opposition.**

Highlights from Commissioner Hartwig:

- Independent Counsel from the AG's office was retained
- Counsel advised that authority existed for the Commission to hear an appeal
- The APA does not have to be followed to hear an appeal
- Risks would be involved with hearing an appeal any other way than by using the APA
- The Commission could review an appeal based on the interaction between the local EMS agency and EMSA
- The Commission could provide for the appeal themselves, or together with a law judge from the Office of Administrative Hearings, or a formal hearing under the APA could take place
- The other option is to refer to the OAH and an administrative law judge who could propose a decision back to the board that would act on it
- Finally, the Commission could abdicate their entire responsibility on the appeal to the OAH and the administrative law judge and that would be binding

Highlights from Commissioner Chand:

- None of the options presented at the September 2014 Commission meeting (referring it to the OAH without emergency regulations or hearing the appeal without having a format set by an APA rulemaking process) were going to stand up to scrutiny

Commissioner Chand was prepared to make a motion that EMSA prepare the necessary emergency and non-emergency regulations to enable the Commission to delegate its statutory authority to hear the appeals to the Office of Administrative Hearings. Upon the Commission's approval, EMSA must promulgate the regulations in accordance with applicable law. **Action: Moved (Chand). Second (Johnson).**

Further clarification revealed:

- The Commission can adopt the resolution
- Minor or technical changes that don't alter the legal decision can be made

COMMISSION TASK FORCE REPORT AND ACTION ON EMS (continued)

- A request that it be sent to a different ALJ can be made
- The proposed decision can be rejected and their own decision can be made based on the record
- There must be a good, sound reason to reject the ALJ's decision
- In the initial regulations two regulations would be adopted concurrently: the emergency regulations are only valid for 120 days and the non-emergency regulations would happen at a meeting in the future. Both of these would have to be worked on simultaneously

Commissioner Burch thanked Chand and Hartwig for their hard work. He would like to see the adoption of a system that would allow the LEMSAs to choose what type of appeal would come before the Committee without going through the administrative law process. Commissioner Chand responded with:

The question was asked:

- What if the current case was referred to the OAH? Would future cases be affected?
- Independent Counsel advised against this option stating that once a process was selected and a precedent was set it would be difficult to compartmentalize that – even in the emergency period

Commissioner Koenig asked for approximate timeliness of the various options.

Commissioners Chand and Hartwig answered her question:

- After the Commission has made a decision on the appeal, OAH has 100 days to bring the decision back
- At this time it becomes a court case and it's out of OAH and the Commission's hands
- If it's sent to OAH for a ruling they have 30 days to make a decision; however, the time it takes to get to the hearing could be lengthy
- Then the Commission would have 100 days to make a decision

Chief Deputy Director Daniel Smiley added that the bar for emergency regulations is high and that a threat to public health and safety would have to be the issued before going through the emergency regulations process. An emergency regulation would have to come back to the Commission for approval, which could take about three months.

Public Comment

Ed Hill, Kern County EMS Director stated that he concurs with the motion as it currently resides.

COMMISSION TASK FORCE REPORT AND ACTION ON EMS (continued)

Ray Ramirez of Cal Chiefs stated that it is imperative that the Commission makes a finding that an emergency exists and sets out the facts to sustain that.

Michael Petrie, Santa Clara County EMS Director, speaking as the President of the Emergency Medical Services Administrators Association of California (EMSAAC) stated that the organization supports the motion on the table.

Action: All those in favor of the motion voted aye. There were no nays. The motion carried unanimously.

8. DISASTER MEDICAL SERVICES

Lisa Schoenthal, Chief of the Disaster Medical Services Division, presented her report.

Mobile Medical Assets Program Update

Schoenthal referenced a memo that addressed the second tier (California Medical Assistance Teams – CAL MATS) and third tier (the 200-bed mobile field hospital) of the state's mobile medical assets program.

Highlights include:

- Processes to expedite resupply after deployment have been put in place
- One mobile field hospital is unable to serve as a full general acute care hospital in its current state
- Biomedical equipment as well as other supplies that expired (when funding was lost in 2011) has not been replaced. The full laboratory and ventilator capacities are no longer available
- Current preparedness levels are being discussed with administration

9.

Current Officers:

Chairperson: Lew Stone

Vice Chairperson: Jane Smith

Administrative Committee:

Jaison Chand

Ruth Haskins, MD

Nominees:

Chairperson: Commissioner Hartwig nominated Lew Stone. Second (Rose)

No other nominees were made for this category.

NOMINATION OF OFFICERS FOR MARCH 2015 – MARCH 2016 (continued)

Vice Chair: Commissioner Dave Teter nominated Jane Smith. Second (Margulies)
No other nominees were made for this category.

Administrative Committee:

Commissioner Rose nominated Ruth Haskins, MD and Jaison Chand. Second (Teter)
No other nominees were made for this category.

Voting will take place at the March 18, 2015 Commission meeting in Los Angeles.

10. APPROVAL OF 2016 MEETING DATES

March 16, 2016 in Los Angeles
June 15, 2016 in Sacramento
September 21, 2016 in San Diego
December 7, 2016 in San Francisco

Meeting sites for these dates have commenced. Reba Anderson, EMSA Meeting Planner, announced that the Westin LAX will be the site for the March 16, 2015 meeting. And Marines' Memorial will be the site in December 2016. Sacramento and San Diego sites have not been announced.

Chairman Stone asked for a motion to accept the dates. **Action: Moved (Johnson). Second (Smith). Motion carries unanimously.**

11. ITEMS FOR THE NEXT AGENDA

- schedule the finding on the emergency provision that an emergency exists for the emergency regulation

12. PUBLIC COMMENT

Randolph Mantooh (Johnny Gage on "*Emergency*") took the podium and gave a very impassioned, inspiring, heartfelt and humorous speech about his experiences during several "ride alongs" on ambulances to prepare for his role on the NBC network series "*Emergency*" that aired in the 1970s.

13. ADJOURNMENT

Chairman Stone entertained the motion to adjourn. **Action: Moved (Teter). Second (Smith). The meeting was adjourned at 10:25 a.m.**