

A SPECIAL MEETING OF THE NEW KENT COUNTY BOARD OF SUPERVISORS WAS HELD ON THE 30<sup>TH</sup> DAY OF APRIL IN THE YEAR TWO THOUSAND TWELVE AT PROVIDENCE FORGE VOLUNTEER RESCUE SQUAD, RESCUE DRIVE, PROVIDENCE FORGE, VIRGINIA, AT 6:30 P.M., HAVING BEEN CONTINUED FROM THE APRIL 25, 2012 WORK SESSION.

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IN RE: CALL BACK TO ORDER

Chairman Burrell called the meeting back to order.

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IN RE: ROLL CALL

Thomas W. Evelyn	Present
C. Thomas Tiller, Jr.	Present
James H. Burrell	Present
Ron Stiers	Present
W. R. Davis, Jr.	Present

All members were present.

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IN RE: PERMIT FOR PROVIDENCE FORGE VOLUNTEER RESCUE SQUAD

The Board met with members of the Providence Forge Volunteer Rescue Squad (hereafter "Squad") to address the suspension of the Squad's permit to run calls in New Kent County.

Board members expressed their high regard for the Squad volunteers and their service to the community, and emphasized their commitment to resolve the issues as quickly as possible so that the Squad's permit could be reinstated.

Those who spoke on behalf of the Squad included John Roberts, Barb Gilroy, Ed Allen, Jr., Michael Buchanan, Jane Hurst, David Cook, Joan Cummings, Charlie Adams, Laura Fisher, Cameron Buchanan, Judy Nisich, Roger Shifley, and Christopher Alley. Also present were the Squad's new Operational Medical Director (OMD), Dr. Will Mills, and Max Bornstein of Old Dominion Emergency Medical Services Alliance (ODEMSA).

Mr. Allen spoke in his capacity as Athletic Director for New Kent High School and described how the Squad had provided EMT coverage for every home varsity football game and many junior varsity games for at least 42 years, without charge and without incident, and he expressed his support of and confidence in the Squad and its members.

Many of the rest of the member comments centered on the Squad's long-time operation as an agency independent of New Kent Fire-Rescue (hereafter "Fire-Rescue") and how it did not have to meet the County's requirements as long as it met all state and federal standards, and the County should let it continue to operate as it had over the years. Members complained that they had been asked to submit training documentation for individual classes on Health Information Portability and Accountability Act of 1996 (HIPAA) and the Occupational Safety and Health Administration's (OSHA) Bloodborne Pathogens Standard (BBP), when that training was a part of nearly every class they took. There were numerous references to the County's newest Fire-Rescue ordinance, and complaints about the requirement for National Incident Management System (NIMS) training when the Squad did not apply for or receive any federal grant funding. There were complaints about inconsistencies in how the Squad was treated by the County - on one hand considering the Squad as subject to its ordinances while on the other hand deeming that it was not eligible

under the County's Line of Duty Act (LODA) coverage. During the meeting, a current list of the members and certain training and certification information was distributed.

Dr. Will Mills advised that he was a former member of the Squad and had been recently asked to become the Squad's new OMD as of midnight April 30, 2012. After reviewing his credentials, he commented that it was "absurd" and "unheard of" for a local government to revoke the permit of a volunteer agency unless that agency was not meeting state and federal regulations. He indicated that if the State had continued to license the Squad over the years, then that meant that all regulations had been met, and his job as its OMD would be to make sure that the Squad members continued to meet all regulations and receive the necessary training. He admitted that he had not yet had a chance to review all of the training documentation, but offered that over the next several months he would look at the training records and membership. He confirmed that it was not necessary that all agencies in a locality be under the direction of the same OMD and he was prepared for the Squad to operate under his medical license as what he termed "physician extenders".

County Fire Chief Tommy Hicks and EMS Captain Lisa Baber explained that the issues that led to the revocation of the permit was the failure of the Squad to submit the necessary training documentation, and they described some forms of documentation that would be acceptable. Squad members admitted that the documentation had not been submitted because they felt that some of the information requested was confidential and unnecessary. It was also admitted that the certification information distributed earlier in the meeting had never been submitted to Fire-Rescue, as it was their understanding that those items were to be submitted with the permit application and the Squad could no longer apply for a permit because of the new requirements in the County Code.

There was disagreement as to whether the needed certification information could be accessed on the State's website. County staff explained that the detailed information needed was not accessible by someone who was not affiliated with a particular organization.

County Attorney Michele Gowdy confirmed that a private agency who responded to calls within a locality was governed by that locality's ordinances. She also confirmed that NIMS training was required under the ordinance and that the County had received guidance from the State regarding the Squad's LODA eligibility.

Dr. Mills maintained that a volunteer agency was subject to different regulations than a government/career agency, and that training on HIPAA and BBP was always included in basic curriculum and regional protocols, and he questioned why the County had to have those when the Squad was running under his medical license and it was his job to make sure that they had what they needed.

Chief Hicks explained that because the County billed for cost recovery, there were requirements that certain training documentation be on file and without it there could be some liability on the part of the County. He clarified that it was not necessary to take separate classes but only to provide some proof that the members had had the training in their classes. There was discussion regarding class absences and methods of documentation.

Chief Hicks indicated that he had never revoked a permit before and he had never had this problem with the Squad until the past year.

There was further discussion regarding NIMS training. Dr. Mills commented that he felt that the County was correct to require NIMS training for its staff and although he admitted that

it "made good sense" for the Squad to undergo this training and become certified and he would encourage that, he fell short of agreeing that it should be a requirement for the Squad. Chief Hicks confirmed that all County staff was NIMS-certified.

Max Bornstein explained that ODEMSA was not a regulatory or enforcement agency, but served to coordinate and mediate issues such as these. He advised that he had been involved with emergency medical service for 40 years and he felt the current issues were "nothing new" and could be easily resolved if everyone remembered that what they wanted was to give the best possible care to the citizens. He indicated that he was willing to work through the issues with the Squad and Fire-Rescue. He advised that he had not spoken with the Squad's former OMD, but surmised that because Squad members had been running on his license, he wanted things done correctly and if there was a perception that all requirements were not being met, that would have led to his withdrawing as the Squad's OMD. He confirmed that localities had the authority to designate emergency response agencies and could take away permits without a reason.

Mr. Davis commented that the Board did not want to lose the Squad and asked that everyone get beyond what had happened in the past and work to get the Squad back to running calls. He spoke about the change in Squad leadership and how it was always difficult to blend volunteer and paid staff, but that everyone needed to work together and he suggested establishing a timeline of July 1, 2012. He reminded that any changes to the County's ordinance would take some time.

Mr. Burrell agreed, asking for better communications.

Dr. Mills agreed that July 1 timeline was a good date, as new protocols would be coming out at that time as well.

Mr. Stiers asked, if Dr. Mills as the Squad's OMD could certify the members' training by the end of the week, why the permit revocation couldn't be rescinded by the weekend. Chief Hicks indicated that if he was provided with the requested roster and certification information, rescinding the revocation "could happen at a rapid pace" and everyone could continue to work through the other issues.

There was discussion regarding the County's billing for revenue recovery on calls made by the Squad. County staff agreed to look into allegations that such billing was not proper.

There was additional discussion regarding training/certification documentation. Dr. Mills reiterated that it would be his job as OMD to verify records and provide the needed information to the County. He questioned how the County could bill Medicare and Medicaid for calls made by the Squad, and also some of the provisions in the County's Code. He confirmed that he could have the records reviewed by the end of the week, with a more in-depth look over the next few months. He commented that he felt that there might be a "little too much regulation" coming from Fire-Rescue and asked that everyone let him do his job and make sure that the Squad was doing what it needed to do.

There was consensus that the short term goal was to get the Squad's permit reinstated by the weekend and let Dr. Mills work with the Fire Chief on the other issues.

Mr. Evelyn asked who was responsible if something happened to a patient during a call made by the Squad. Ms. Gowdy confirmed that if the County dispatched the call, then it was liable. Chief Hicks added that the OMD had the ultimate responsibility for the care but New Kent would be held just as liable.

Squad members commented on reasons why they volunteer, about morale, and the number of current new volunteers, including youth, who were undergoing training.

Ms. Gowdy confirmed that the Fire Chief had the authority to reinstate the permit, without needing any action from the Board.

Board members thanked the Squad for their commitment and willingness to work together through these issues.

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IN RE:           ADJOURNMENT

There being no further business, the meeting was adjourned at 8:17 p.m.