

**NH Emergency Medical and Trauma Services Coordinating Board**

**MEETING MINUTES** (Approved)

**March 15, 2018**

1:00PM

Richard M. Flynn Fire Academy  
Classrooms 5 & 6, Dormitory Building  
98 Smokey Bear Blvd., Concord, NH 03301

**NOTE: "Action items" are in bold red.**

**Members present:**

Grant Turpin, Chair; Susanna Ayers, Susan Barnard, Jeanne Erickson, Eric Jaeger, Don Johnson, Chad Miller, Michael Newhall, Clay O'Dell, Matthew Petrin, Peter Row, Scott Schuler, and Jeremy Thibeault **(13)**

**Members absent:**

Mike Harnois, Frank Hubbell, Lukas Kolm, Jeremy LaPlante, Richard O'Brien, and Greg Placy **(6)**

**NH FST&EMS Staff:**

Director Deborah Pendergast, Assistant Director Jeffrey Phillips, and Chief Nick Mercuri; Captains Chip Cooper, Kathy Higgins-Doolan, and Vicki Blanchard; Gerard Christian, Joanne Lahaie, and June Connor **(10)**

**Guests:**

Pamela Drewniak, Steve Erickson, Anna Sessa, Stacey Meier, Joshua Morrison, Shawn Riley, Justin Romanello, Patrick Twomey, and Michael McShane **(8)**

**DOS Attorneys:** Marta Modigliani and David Hilts **(2)**

**I. Call to Order**

Item 1. Welcome to new CB voting members, Michael Newhall and Clay O'Dell

Item 2. Introductions were made.

Item 3. Membership

- \* As of March 21, 2018, there will be 4 expired terms on the CB (Miller, Turpin, Kolm, and Jaeger)
  - o NOTE: Eric Jaeger's re-nomination letter from the American Academy of Pediatrics was submitted to the Governor's Office on 2/9/2018.
  - o Letter sent from CB to **NH Medical Society on 2/28/2018 regarding Kolm term. Follow up with phone call.**
  - o Letter sent from CB to **NH Municipal Assoc. on 2/28/2018 regarding Miller term. Follow up with phone call.**
  - o Grant Turpin has contacted the NH Hospital Association and asked that a re-nomination letter be sent.
- \* Mike Newhall, from the Belmont Fire Department, is the new representative of the NH Ambulance Association. He spoke briefly to the board about his background.

- \* Clay O'Dell is the new representative of the NH Paramedic Association. He also spoke briefly to the board about his background. He was congratulated on being the first person in NH to receive his Certified Community Paramedic certificate (IBSC).
- \* Jason Grey (NH Assoc. of EMTs) and Rick Murphy (ACS Trauma) submitted their resignations.
- \* Pending members: Kristen Krauss (General Public) and Lisa Patterson (ACS Trauma)
- \* Peter Row's 3<sup>rd</sup> term representing the ACEP will expire in April; ACEP will be sending in a nomination for his replacement.
- \* Currently, there are 3 true vacancies on the CB, leaving 19 members. (Quorum=10)

## **II. Approval of the minutes**

**Motion made (Row/Johnson)** – *to approve the minutes from the November 16, 2017 CB meeting*, passed unanimously.

(The January meeting was cancelled so that the members could attend a senate hearing.)

## **III. Division / BEMS Reports**

Item 1. Bureau of EMS and Division updates

Director Deborah Pendergast gave the following report:

### **Logistics:**

- Wifi system being upgraded
- Quotes to upgrade HVAC system

### **Budget:**

- SB 544 – moves the equivalent of 2% of the insurance tax fees from the General Fund to the Fire and EMS Fund. This bill is moving forward with little opposition.
- The budget is on track as the fiscal year begins to wind down.
- 2017 AFG grant submitted to FEMA (\$360,000) and will be reviewed during the 1<sup>st</sup> week of April.

### **Programs:**

- 2 – Train-the-Trainers for EMS in the Warm Zone Operations instructors have been held in preparation for the actual program. The first class will be held during the second week of April. Bureau Chief Scott Doherty is the contact person for information.
- Since January 1, 2018, members of the senior staff at the Division have been meeting with stakeholders around the state in an effort to keep communication lines open about training needs and other concerns.
- "Stop the Bleed" train-the-trainer: 2 sessions were held and well received. March 31<sup>st</sup> is "Stop the Bleed" day nationwide.

**New Bureau Chief of EMS:** Justin Romanello spoke to the group about his background and will begin on Friday, April 13, 2018. Welcome Justin!

Chief Nick Mercuri gave an update on legislation:

- **HB 1430** – having to do with where funds are deposited. There is a discrepancy between the General Fund and the Fire Fund. This bill has not moved forward.
- **SB 482** – disconnecting from Health and Human Services and creating our own data sub-committee of the Coordinating Board to evaluate research requests for TEMSIS data; this is "moving forward", meaning there are several more steps to go in the process but the outcome looks favorable.
- **SB 374** – to try to exempt our protocol version from the entire rule-making process; moving forward. This will allow public comment and several other steps to remain in place while eliminating the final step involving JLCAR.

- **SB 456** – separation of the State Medical Director and the State Medical Control Board Chair; moving forward. If it passes, we will be able to pay a part-time medical director in the next budget cycle. The responsibilities of this position go far beyond what a volunteer can reasonably do, and it also eliminates any conflict of interest that may arise.
- **SB 370** – REPLICA – so that EMTs can be licensed in one state and privileged in other states that belong to the compact. A few changes have been made based on senate input, and it is now moving forward.
- **HB 1684** – to simplify the background check process and exempt law enforcement people who already have background checks; moving forward.
- **SB 523** – CPR in schools was deemed “Inexpedient to Legislate” (ITL’d)
- **HB 1259** – Seatbelt bill was deemed “ITL” with a vote of 10-9; with such a close vote, it could possibly be discussed again, but is struggling significantly.

Questions from the CB members:

- Eric Jaeger asked about the equipment list. Chief Mercuri answered that there are no changes within the current rule set, but the intention in the future is to pull out the list and put it into a form within the new rule set that is being introduced. If the protocol exemption works well (SB 374), then perhaps the equipment list can be considered for exemption in the future. As a general rule, the senate and the house do not like to approve exemptions.
- Eric Jaeger also asked about **why the CPR in schools (SB 523) bill did not pass; Chief Nick Mercuri will look into this.**

Other items:

- SAMHSA grant (First Responder Opioid Training & Outreach Program Coordinator) ~ 2 positions were posted yesterday.
- **IMPORTANT:** Chief Mercuri asked the members of the CB to start thinking about what should be done with the system next year in preparation for the May meeting because waiting until September is too late. This will be put under “New Business” on the May meeting agenda.

#### IV. Committee/Board Reports

Item 1. Medical Control Board update

- Vicki Blanchard reported. The MCB meet this morning, March 15, 2018.
- Highlights of the meeting:
  - \* Dr. Joey Scollan is the new Chair of the MCB. The former chair, Dr. Jim Suozzi, will remain on the board and be chair of the Protocol Committee.
  - \* The Drug Diversion sub-committee completed the UCDC training and made a few changes after presenting to the Pharmacy Board. In April, there will be a pilot program at the Sunapee Conference for an EMS Provider Awareness program. A program will also be done with the EMS Hospital Coordinators. The goal is to eventually create an online program.
  - \* Protocols discussed & changes approved: crush injuries and traumatic arrest, anaphylaxis, asthma
  - \* Shelter care discussion; interest group will be formed and will include members of the CB and the Red Cross. Chief Nick Mercuri will be working on this.
  - \* Dedicated funds are needed for someone to work on data entry for Cardiac CARES. This involves a time commitment of 8 – 20 hrs./month.
  - \* Poison Control and e911 are still working on how to best help each other during incidents; there is no data on this at this time.
  - \* No decisions were made regarding dealing with fluid shortages.
  - \* A webinar took place about “Handtevy”; this is a more age-based pediatric app that will calculate medications for EMS providers, resulting in more confidence in treating pediatric

patients. Success rates are greater when compared with the Broselow Tape. Anna Sessa and Joey Scollan are working on finding out more about Handtevy.

- \* The roles and responsibilities of the MRHs and Medical Directors in EMS continue to be a controversial topic that needs to be addressed; this is an oversight issue involving Medical Control Physicians. Though it was brought up at the MCB meeting, this is something that should be dealt with by the CB; these roles are quasi outlined in Rule. Chair Turpin asked that EMS Coordinators work with representatives of the MCB and other groups (NH Chiefs) to clarify and help direct this issue. Over the last couple of years, this situation has improved due to the fact that there are now dedicated staff people at the Bureau of EMS who handle investigations. Most feel, however, that the whole system still needs to be revamped.
- \* **NOTE:** Eric Jaeger asked about switching the main fluid that we use from normal saline to lactated ringers; this is a potentially big issue that should be addressed by the MCB.
- The next MCB meeting is scheduled for May 17, 2018.
- Here is the link to the minutes for MCB meetings:  
<https://www.nh.gov/safety/divisions/fstems/ems/boards/medicalcontrol/mbminutes.html>

**Item 3. Work groups (discussed out of order from the agenda)**

Not all workgroups established over the last few months are up and running yet.

The workgroup lists were revised and **June Connor will send out a list that includes emails and phone numbers.**

Workgroups can meet virtually.

**Workgroup leaders:**

WORKGROUP	DIVISION STAFF MEMBER	CB REPRESENTATIVES
Implied Consent and EMS Refusals	Nick Mercuri	Eric Jaeger
EMS Physician Level of Licensure	Vicki Blanchard	Peter Row
IC Renewals & EMS Education	Kathy Doolan & Jeff Phillips	Chad Miller
Recruitment & Retention	Nick Mercuri	Sue Ayers & Don Johnson
EMS Rules	Kathy Doolan & Jeff Phillips	none at this time

GOAL: At the May 17<sup>th</sup> meeting, each group will explain what has been worked on/progress made. The idea is to finish the work of some of the above groups so that other topics can be added in their place.

**Item 3 (e): EMS Rules Workgroup**

Attorneys Marta Modigliani and David Hilts were present.

**THE SITUATION:**

- The 8 year old EMS rules (Saf-C 5900) will be expiring in September of 2018.
- What we don't want is for the old rules to expire and not have anything in place while we work on re-adopting them. Under the deadline, 541(a), the Administrative Procedure Act, if we file the rule making notice before September 8, 2018, then the existing rules will continue for at least 150 days and beyond as long as we continue to meet imposed deadlines.
- From 2012 – 2015, the CB worked on revising the old rules and voted upon several drafts during this time. Though the approved revised rules did advance to the legal process, they did not make it through all of the steps and were never adopted.
- The good news is that once the new rules are adopted, they will be good for 10 years.

**WHAT IS NEEDED:**

An approved draft is needed. The CB can provide consult and advice to the commissioner who is the ultimate approver of these 5900's. Attorneys Modigliani and Hiltz are at today's meeting to ask for that advice and consult so that they can finalize it with an initial proposal. Note that some editorial changes have already been done by the Rules workgroup.

**CONCERNS:**

- Ms. Modigliani was asked about her concerns over the changes that the CB has already done, and she spoke about denials and suspensions for certain criminal history offenses.
- The commissioner has a new statute that went into effect on January 1, 2017 that allows for a fingerprint-based criminal record for licensees. This means that when an applicant comes in to the State Police for a criminal history record, the results of that federal background check will be sent to the Division so that it can be determined whether or not a person should be licensed. Rule revisions include a list of crimes that can differ in definition from state to state. Comparing the details can be cumbersome.
- 550 background checks were processed by the Division in 2017 and 26 came back with something concerning on them. After investigation, none of the 26 was denied a license.
- Attorney Modigliani recommended that the rule be modeled after what is done in the nursing profession where any felony and any misdemeanor related to the practice of nursing would constitute an exclusion from the profession; there is also language regarding discretion and time limits. The specific wording follows as such:

“...has not been convicted or found guilty or has entered into an aggrieved disposition of a felony offense under applicable state or federal criminal law.  
8. has not been convicted or found guilty or has entered into an aggrieved disposition of a misdemeanor offense related to the practice of nursing as determined on a case by case basis.”

NOTE: If this were to be the model for EMS providers, then the CB members would prefer the language to say....”related to healthcare as determined on a case by case basis.”
- Jeremy Thibeault pointed out that the [700 Fire Rules](#), adopted on June 28, 2017, give a good example for how this could be worded.

(c) The candidate shall not be employed if the candidate:  
(2) Has been convicted of a felony under federal law, or the law of this or any other state, province, territory or country, unless he or she has been pardoned or the conviction annulled;  
(4) Has been convicted of a misdemeanor by a civilian or military court and for which he or she has not received a pardon or annulment, which offense or the underlying circumstances surrounding the commission thereof was such that it would cause a reasonable person to doubt the applicant's character, honesty or ability;  
(5) Has been convicted in a civilian or military court of more than one misdemeanor or violations for which he or she has not received a pardon or annulment, and which would indicate to a reasonable person a pattern of disregard for the law;  
(6) Has been convicted in a military or civilian court in the 10 years immediately before application for hire as a fire service personnel of a misdemeanor for which he or she has not received a pardon or the conviction annulled, and which resulted in serious bodily injury to another person;
- Chief Nick Mercuri pointed out that people convicted of crimes have the opportunity to get their criminal record expunged/pardoned/annulled. There is also an opportunity for due process. Either way, the responsibility needs to be on the licensee.

- Although there is language about crimes in the RSA, it must also be included in the Rules as specifically relates to Emergency Medical Providers.
- Wording suggestion: Any felony or misdemeanor conviction is presumed unqualified unless waived by the commissioner.
- Ms. Modigliani reminded the group that the law supersedes rule and that what the CB members come up with at this meeting will just be an initial proposal. If a list of felonies is included in the rule, then that can involve state by state comparisons; the waiver process presents challenges in terms of the joint legislative process. She emphasized that what is important is that the language be such that determinations can be easily applied and enforced.

**RULE MAKING PROCESS:**

- Draft initial proposal and have it approved by the commissioner
- LBA does a fiscal impact statement within 10 business days
- Rulemaking notice gets filed and is published in the rulemaking register the following week
- Public Hearing process, after which further changes can be made
- Written comment period week after public hearing
- After written comment period expires, we are then able to fix the final proposal
- Final proposal then goes before JLCAR

**What will happen if a decision is not made today:** The Rules will expire in September, and work still needs to be done to them before they are ready to be presented to the commissioner. Waiting until the next CB meeting in May will hold up the process so that we may be in danger of having no rules at all come September.

The CB members discussed mimicking the I/C convictions language in Safe-C 5908.14:

Saf-C 5908.14 Convictions of EMS I/C.

(a) After notice and an opportunity for a hearing pursuant to Saf-C 5908.15, the commissioner shall deny an EMS I/C license application or suspend or revoke a current EMS I/C license for:

- (1) Conviction of any criminal offense relating to the performance of duties or practice of EMS;
- or
- (2) Conviction of any criminal offense that endangers the health or safety of the public.

Peter Row added that "issue of new license; revocation of current license" language be added.

**A motion was made (Schuler/Ayers)** – *to replicate the language relative to the current EMS I/C licensure (Saf-C 5908.14) towards the intent of new applicants, lapsed applicants, and those who have had license action taken upon them*, passed with an abstention from Don Johnson.

**OTHER TOPICS DISCUSSED REGARDING THE RULES:**

Scott Schuler brought up the part of the rules giving the commissioner the ability to revoke or suspend an agency's license after a third time that temperatures are below 50 degrees in a unit and how that conflicts with the fact that we do not require temperature monitoring in the units on the equipment list. Kathy Doolan explained that even though it was not on the list, it was in Rule. This can be brought up in the public comment period.

**A motion was made (Jaeger/Row)** – *to approve the Rules as presented to the CB two weeks ago, with the changes that were made in the motion regarding applicant convictions.* **Motion was withdrawn.**

In discussion, the subject of the equipment list was brought up (pages 63 – 68).

Pelvic binding device for pelvic splinting – What’s wrong with a sheet? The workgroup that dealt with this a couple of years ago went by the recommendation that the commercial ones were better than sheets. The protocol says “commercial device or bed sheet”. Clay O’Dell argued that the evidence shows no difference between the two.

A debate ensued about whether to spend time on this kind of detail or go with the work that was done by workgroups from 2012 – 2015.

**A motion was made (O’Dell/Schuler) – to cross out the word “commercial” on the equipment list as it refers to a pelvic splinting device,** passed with an abstention from Chad Miller.

Scott Schuler recommended that at the next Rules workgroup meeting, the equipment list items should be looked at again and changes brought back to the CB at the May meeting.

**A motion was made (Row/O’Dell) – to move forward the draft of the Rules, as amended, to the next phase of the rule making process,** passed unanimously.

Ms. Modigliani will be sure to highlight all changes made in the Rules!

Item 2. Trauma Medical Review Committee update

- Gerard Christian reported for Scott Schuler. The TMRC met on February 21, 2018.
- Highlights of the meeting:
  - \* The members went over a data report presented by Joanne Lahaie and Gerard Christian and made suggestions for future reports.
  - \* The Trauma Conference will be held in Portsmouth this year on Nov. 1 & 2; speakers and topic suggestions are welcome.
  - \* The “Stop-the-Bleed” program is being worked on by 2 workgroups.
  - \* The Medical Examiner’s Office submitted data regarding 2017 accidental deaths.
  - \* Alia Hayes, the Rural Health Manager for the NH DPH, spoke about the challenges critical access hospitals face regarding participation in the trauma system.
  - \* Approval of ACS verification was given to Dartmouth Hitchcock and Portsmouth Regional Hospital.
- The next meeting of the TMRC is scheduled for April 18, 2018 at 9:30AM.
- Here is the link to the minutes for TMRC meetings:  
[https://www.nh.gov/safety/divisions/fstems/ems/boards/traumamedicalreview/trauma\\_minutes.html](https://www.nh.gov/safety/divisions/fstems/ems/boards/traumamedicalreview/trauma_minutes.html)

**V. Old Business**

Item 1. EMS Provider Safety: Hours of Work

This topic was postponed and will be covered at the next meeting on May 17, 2018.

Item 2. Top goals for strategic planning – input from members

No one had any more input to give Chief Mercuri at this meeting. (Clay O’Dell will be sent the information.)

The next step will be a final list at a meeting with the board chairs in April.

**VI. New Business**

Item 1. Stroke care – Sue Barnard

- This is important because we have an established trauma system overseen by the TMRC, but there is no such oversight provided for stroke. The CB needs to be more aware of changes that are coming.

- Stroke Collaborative – tries to mimic the TMRC.
- Yearly Conference – trying to collaborate with the Trauma Conference
- Interactive workshop on May 18, 2018 – free for all providers at the Fire Academy
- May – Stroke Awareness month; Governor Sununu will read proclamation
- Dawn Trial – protocols being changed as a result of these results (See minutes from November 16, 2017, VI. Item 3) Dr. Suozzi asked Vicki Blanchard to re-convene the 3 New England states to start re-looking at this protocol.

**VII. Good of the Order / Items of Interest**

Item 1. Scott Schuler wanted to make sure that Don Johnson's earlier question was answered regarding how often the equipment list gets updated. This should be within the purview of the Rules workgroup, and perhaps the list should be reviewed during every protocol cycle as opposed to remaining in the rules for 10 years at a time.

**VIII. Adjournment**

**A motion was made (Miller/Row) – to adjourn the meeting at 3:30PM;** passed unanimously.

**Next Meeting: May 17, 2018**

(Minutes written by June Connor)