

NEW HAMPSHIRE FIRE STANDARDS & TRAINING COMMISSION

Location: 98 Smokey Bear Blvd, Concord, NH
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MINUTES OF MEETING

February 2, 2017

(Approved)

Voting Members Present:

Commissioners:

Richard Bailey, Jr.; Amy Clark, Justin Cutting, , J. Michael Joyal;
Kerry LeBlanc, Richard McGahey; Kevin Pratt; and Jeremy
Thibeault (8)

Voting Members Absent:

Commissioners Robert Buxton, William Campbell, J. William
Degnan, and Peter Lennon, Stephen Carrier, Steven Sherman, and
Nancy Smith, Esq. (7)

NH FST&EMS Staff:

Assistant Director Jeffrey Phillips, Chief Nick Mercuri, and
Denice McAdoo (minutes) (3)

Guests: David Hilts

NOTE: “Action” items are in bold red.

I. CALL TO ORDER

Item 1. Call to Order

- The meeting of the New Hampshire Fire Standards & Training Commission was called to order by Chair Thibeault at 9:20AM on Thursday, February 2, 2017 at the Richard M. Flynn Fire Academy, 98 Smokey Bear Blvd., Concord, NH. A quorum was present with 8 voting members in attendance.
- The Pledge of Allegiance was led by Commissioner Pratt.

II. Rules

(This part was taken out of order). Attorney Hilts was present to bring forward the removal of 701.03 to be voted on and taken back to be filed electronically with Legislative Services. As soon as Attorney Hilts hears back from them, he will return to this meeting to have the Commission vote to adopt the rules.

Motion was made (McGahey/Joyal) – to approve conditional approval response; passed unanimously.

III. APPROVAL OF MINUTES

A motion was made (Pratt/McGahey) - to approve the minutes from the FST Commission Public Session meeting held on January 5, 2017; passed unanimously.

IV. COMMITTEE REPORTS

Item 1. Fire Marshal's Office (J. William Degnan)

Commissioner Degnan was not present and no report was submitted.

Item 2. Forest Protection Bureau (Steven Sherman)

Commissioner Sherman was not present and no report was submitted.

Item 3. Curriculum Review (Assistant Director Jeffrey Phillips)

Assistant Director Phillips gave a verbal report. No written report was submitted.

- Most of the FFI Spring programs have started. FFII programs will start in March, due to the weather. Fire Officer has started and is being telecast to Bethlehem. Capt. Doherty and Investigator Wyman are working on the questions/skills for the Fire Investigator program.
- Fire Officer III & IV Visiting Committee met and had a good turnout. They are currently working on time when IFSTA and Jones & Bartlett can do a presentation. We are also reaching out to other training academies around the country to see if we can have copies of their program.
- Hopefully, the ARFF Visiting Committee will be starting soon.

Item 4. EMS Coordinating Board (J. Thibeault)

Chair Thibeault was present and gave a verbal report.

- EMS in the Warm Zone Operation Level should be ready mid-March.
- New and lapsed EMS licenses will now require a background check. This is important to consider because it will take longer for licensing now.
- Scope of Practice will be adjusted. It will be trimmed down and added to the Protocol rollout, which should streamline that quite a bit.
- The bill giving narcotics under a standing order passed the federal House of Representatives.

Commissioner Joyal asked for elaboration as to the background check. Chair Thibeault stated that it is basically a one time background check. It does not include renewals; only new (EMT) licenses and lapsed licenses.

V. REPORT OF THE DIRECTOR

Director Pendergast was not present and submitted no written report.

Assistant Director Phillips brought up that in conjunction with HSEM, an announcement was recently sent out for a grant for EMS in the Warm Zone equipment. That is available. There is enough left over to fill about 16 departments requests. If anyone wants to go back and let their constituents know that this is currently available.

There is currently one vacant full-time position. We have been going through the hiring process for part-time positions. However, all hiring now has to go through the Governor's office, so that process will drastically slow down.

The EMS in the Warm Zone class is currently in development. We are hoping the pilot will be out mid-March. We anticipate having overtime backfill money to fund the program.

VI. OLD BUSINESS

Item 1. Fraudulent certificate update

No EMS investigation update. Fire Commission discussed the situation and with no further action anticipated by the commission, this item will be removed from the agenda.

Item 2. Administrative Rules Sub Committee

Commissioner Joyal had some updates.

- JLCAR met and everything except 701.03 was approved. There will be a final vote by the Commission today so the rules will be reinstated.
- Old rules will be in effect for six months and they will continue to work on the revisions.
- There was a discussion about the hours and grade requirement to become an instructor. Mentors feel that 30-40 hours is good in order to become an instructor. Commissioner McGahey feels that the testing score should be kept at 80/85. Commissioner Bailey feels it could be changed to 80. Commissioner McGahey said the Commission's job is to set the standard and to maintain the standard. He feels they would be dropping the ball by lowering the standard, or eliminating the standard altogether.
- Chair Thibeault said Commissioner Joyal will convene the Rules Subcommittee, when they meet again they will address the minimum score.
- Commissioner Cutting wanted everyone to look at the following pages in the Rules Revision document:
- Page 20, 404.04(a)(4) of the proposed rules, regarding a code of professionalism. He feels that it is a way to get around public input and should be taken out.
- Page 17, 402.01(d): Regarding approval or revision of curricula. Is there a reason why there is only a signature required and eliminating a seal. Assistant Director Phillips stated the intent is to add the Commission's signature. The point is to have the document signed by the Commission, indicating approval. There is no actual seal (such as a Notary seal). It is a watermark and is easily photocopied.
- Page 23, 601.01 – Notification requirements. What is the reasoning of eliminating Form A and going to using just Form B. Commissioner Joyal said it is to remove the redundancy. Chair Thibeault said they have reverted back to the original form until the revised form is approved by JLCAR. The form has to follow along with the rules, rather than the other way around, which is what happened.
- Page 29, 901.02(a) will be reworded; 901.02(b) comes across as if the student is being punished before proven guilty. That is not the way it should be. There needs to be some sort of process in place. Commissioner Smith should weigh in on this process.
- Assistant Director Phillips said one of our members attended a Pro Board conference recently. There are some academies that are modifying their cut scores as to what is passing on a written exam. They

are adjusting them based on the standard of error. This would recommend going away from the percentage score and just go to pass/fail.

Attorney Hilts returned and announced he got the approval letter to adopt the rules. He will file them electronically and text Assistant Director Phillips to let him know when that has been completed.

Motion was made (McGahey/Joyal) to put the rules back in place minus 701.03; passed unanimously.

Item 3. May Retreat

Chief Mercuri said they need to start planning for this and will start getting information out to everyone. They are looking for an outside facilitator. Chair Thibeault said something he believes should be discussed is vision and mission. He thinks the Division's mission really does not cover the Commission very well. Roles of subcommittees should also be discussed and their vision for the future. If anyone has any ideas on other things that should be discussed at the retreat, please get them to either Chair Thibeault or Chief Mercuri.

Item 4. Legislative Fiscal Committee/Sub Committee visit

Director is still working on this.

Commissioner Joyal asked for a budget update. Commissioner Bailey said until next week when the Governor releases his budget they don't have any insight. There have been discussions about solutions to the Fire Fund, but they do not know what will be included in the Governor's budget.

Item 5. FST Commission membership

Commissioner Campbell's membership is up. Chair Thibeault said he will get in touch with him about it. Everyone else's paperwork is in process.

VIII. NEW BUSINESS

Item 1. Consideration of April 6th meeting to have recommended set of rules in place. Chair Thibeault said they should definitely schedule that meeting. Commissioner Joyal advised he would not be able to attend.

Motion was made (McGahey/Pratt) to hold a meeting on April 6th; passed unanimously.

There was a discussion about moving the March meeting to Friday the 10th, because of school vacations.

Motion was made (Pratt/Bailey) to move next meeting to Friday, March 10th; passed unanimously.

Item 2. Fire Officer visiting committee feedback – Assistant Director Phillips said they had good feedback. He said they looked at FO III, as well as FO IV programs around the country and believe it should be between 40/60 hours. They need to look at existing curriculums and establish what NH needs to have as requirements.

Chief Mercuri had updates on the following:

HB 407 – this concerns the requirement for worker's comp to provide prophylaxis treatment in appropriate cases, for not only blood borne pathogens, but also for communicable diseases. Worker's Comp agrees with this, but do not believe they should be the ones funding it.

HB649 – add EMT providers to the Line of Duty Death in existence. This is for auxiliary, non-profits and not for private services. It will be moving forward.

HB 528 - Narcan Legislation – should any funding come from grants or the manufacturing in the future, the fund would allow a place to accept the funds and they could be applied to Narcan purchases by municipalities, school departments and some other select places to try and level the cost.

HB423 – Dead

HB433 – FF decal plates. Intended for non-profits. Still in discussion. Commissioner Bailey said there has to be legislation to authorize the non-profit to have a decal. These are something to be purchased in support of a cause (i.e., cancer, etc.) through the non-profit. There will be a discussion as to which non-profit organization will represent the fire service as the distributor of the decal. He does not think it will go through the way it is now.

Text received from Attorney Hilts; rules are in effect.

IX. GOOD OF THE ORDER

X. ADJOURNMENT

A motion (McGahey/Cutting) to adjourn at 11:15AM; passed unanimously.

Respectfully submitted,

Director Deborah Pendergast

(Minutes: June Connor, Administrative Assistant)