

NEW HAMPSHIRE FIRE STANDARDS & TRAINING COMMISSION

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MINUTES OF MEETING March 5, 2015 (Approved)

Voting Members Present:

William Campbell, Timothy Carney, Stephen Carrier(Chair), J.
William Degan, Michael Joyal, David Lindh, Jr., Richard
McGahey, Nancy Smith, Jeremy Thibeault(Vice Chair)

Voting Members Absent:

Kerry LeBlanc, Peter Lennon, Kevin Pratt, Brad Simpkins

NHFSTEMS Staff:

Deborah Pendergast, Director; Nick Mercuri, EMS Bureau Chief;
Andy Anderson, Bureau of Fire Training and Administration
Deputy Chief

Guest:

Stephen Gallagher, Program Coordinator for Inspector,
Investigator, and Fire Life Safety Educator

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 Carrier at 9:20AM on Thursday, March 5, 2015 at the Richard M. Flynn Fire Academy, 98 Smokey Bear Blvd., Concord, NH. A quorum was present.

The Pledge of Allegiance was led by Commissioner Carrier.

II. APPROVAL OF MINUTES

A motion was made by Commissioner Thibeault; seconded by Commissioner McGahey; to approve the minutes from the meeting on January 8, 2015 as written. Commissioners Lindh, Joyal, and Smith abstained. The motion was passed unanimously.

III. CHAIR’S REMARKS

Chair Carrier welcomed Nancy J. Smith, Esq. to the Commission. She is representing the Attorney General’s Office. The Commission members introduced themselves.

Chair Carrier told the story of an elderly couple who survived a house fire on a snowy night in February. Two years prior to the fire, during an oil burner inspection, the inspector noticed that there were no smoke detectors in the house. Although reluctant to receive any kind of help, the homeowners were eventually convinced to install smoke detectors by participating in a hospital sponsored “Senior Safety Day”. As part of the program, fire department volunteers showed up each year to change the batteries in their smoke detectors. Ultimately, it was the detectors that woke up the couple on the night of the fire. A police officer arriving on the scene was able to get them out of the house and the fire was extinguished by the fire department. It was the culmination of all of these events that helped to save their lives, reminding us that it is the seemingly little things can have dramatic impact on the larger things in life. In that same way, the “little things” done by the Fire Standards and Training Commission can lead the way to remarkable results.

Chair Carrier took a moment to be a proud dad and spoke of his son, a sophomore at Gilford High School, who recently scored 27 points and had 27 rebounds at his basketball game!

IV. COMMITTEE REPORTS

Item 1. Emergency Medical Services (Bureau Chief Nick Mercuri)

EMS in the Warm Zone: A best practices document was released in early February, and the goal now is to collaborate with agencies, including Police Standards and Training, to determine appropriate training programs. Grant money will probably be available although grants always involve meeting time deadlines.

Investigations update: Draft rules have gone to the Commissioner’s Office, and the chair and vice chair of the EMS Coordinating Board are working with them on some operational pieces so that not only the safety of patients is protected but also a person’s right to due process when they are being

investigated. The sticking point is that the Bureau of EMS notifies all employers when someone is being investigated, and some employers are not necessarily doing what is best for the employee with this information.

Note of clarification: Currently, the employer receives notification from the Bureau of EMS when an investigation has begun and again when it has been closed, either with or without finding. No details are provided, although the Coordinating Board has asked that the rule be changed so that the general nature of the allegation is included in the employer notification, only in so far as the accused person's confidentiality is not violated. If the accusation is severe and/or of a criminal nature, the Commissioner of the Dept. of Safety has the authority to call for an immediate suspension, and the Bureau of EMS has 10 days to make its case to the Bureau of Hearings, a third party independent group.

There has been a lot of confusion over the Bureau's role in the process. Chief Mercuri compared the Bureau's role with that of a police department that gives out tickets, which is at the beginning of a process. The Bureau then performs a fact-finding function. If a person under investigation is in any way dissatisfied with the conclusion of the BEMS, they can choose to have the findings reviewed by the Bureau of Hearings which serves the function of being an independent review of the findings of the Bureau of EMS.

Narcan: Emergency rules went into effect just over a week ago, creating an additional level of licensure for law enforcement providers. This will fall under the auspices of the Bureau of EMS and is a recommendation of the Governor's Task Force. Providers will have the option of affiliating with an existing EMS unit from the community or they can obtain a license independently, following the same rules that all other EMS units follow.

TEMSIS: Data shows that the number of Narcan doses has tripled over the past three years; we are now up to more than 2400 doses. Law enforcement providers will be required to submit reports to TEMSIS if they are an independent unit. Commissioner Joyal asked if the TEMSIS data shows what the success rate is for Narcan, and right now, that data is not available; data from hospitals is needed in order to get good success rate information.

Commissioner McGahey asked if there has been any progress regarding Narcan being available over the counter as it is in other states. Chief Mercuri explained that this concept is being reviewed by the FDA. HB 271 deals with increasing Narcan's availability, but it is not currently available over the counter in NH.

Aspirin TEMSIS data: *The Concord Monitor* ran a story that was critical of aspirin dosing; 2011 NEMSIS (national) data was used to write the story, and that data was not reliable due to inferior data collection methodology.

Improvements have been made to data collection in TEMSIS regarding aspirin dosing, and we are actually doing a very good job (83%). The state will put out information rebutting the article in the newspaper.

National Continuing Competency Program (NCCP – put forth by the National Registry): This program has been rolled out. A couple of training sessions have been done around the state. Providers who are eligible for this program have already begun the process of “opting in” by taking the NREMT’s self-assessment guide available online. Depending on the level of certification, hours for provider re-certification will drop from 72 to 60, 50, or 40, depending on the level of EMS certification, because more focused education is being offered. This program will be offered nationwide within 2-3 years.

Item 2. Fire Marshal’s Office (J. William Degnan)

The Fire Marshal’s Office is also going through the budget process and should be able to maintain its current level barring any unexpected changes.

Legislative issues:

- Fire Code – destined to be retained. 11-3 vote in favor of “ought to pass”. Getting codes updated is getting more and more difficult. Legislators do not understand the technical side to these codes nor do they understand the impact on their constituents; insurance rates can be negatively impacted if the codes become too outdated (more than 2 code cycles). If the Fire Marshal’s Office can keep these updates going through the House and the Senate, then the NFPA will do AHJ training in the fall.
- Fireworks Bill – killed in the Criminal Justice and Public Safety Committee (11-6 vote) relating to reloadable mortars; they were targeted this year because of increasing catastrophic injuries. There may be some press coming out on this subject in the very near future. There is a concern about these types of fireworks being used every day rather than just on special occasions and the danger to the public from people who store large amounts of these explosives.

Hoarding: This has been a growing problem over the last 4 or 5 years and is a serious fire hazard.

Commissioner Joyal thanked Commissioner Degnan for the hydrant shoveling program. This story made the news in Canada.

Item 3. Forest Protection Bureau (Chief Simpkins – not present)

No written report was submitted.

Item 4. Curriculum Review (Deputy Chief Andy Anderson for Bureau Chief Jeffrey Phillips)

- Eleven Firefighter I programs are currently underway; 6 of them are high school programs.
- There is one Firefighter II going on at Lakes Region Community College, and another one is scheduled for Center Ossipee but could be cancelled due to low enrollment.
- The 1001 Visiting Committee will reconvene, and select members of the committee will re-evaluate the need for the FFI skills review. Chief Anderson stated his support of the skills review being used only when needed, depending on the make-up of the class. For example, it will not be needed for Recruit School, but could be very useful in Firefighter II courses held in small towns. Commissioner McGahey will represent the Commission at the meeting regarding this issue.

EVDT changes: The final curriculum is in progress; Paula Holigan, Jeffrey Stewart, and Todd McKee were sent to the National Fire Academy for a train-the-trainer and will bring back curriculum information.

The EVDT program will be discussed at the next meeting, and will be listed under the Curriculum Report section, IV, Item 4.

A motion was made by Commissioner Thibeault; seconded by Commissioner Degnan, to establish a visiting committee for the EVDT program; passed unanimously.

Chair Carrier will work on getting a representative from the FST Commission to work on this visiting committee.

Item 5. Academy Awards (Chair Carrier)

Nominations should be in place by this summer. Keep thinking about nominations!

Item 6. Hiring Practices

This committee has not yet met.

Director Pendergast has two copies of the 2003 edition of the *Police Standards and Training Hiring Practices* book to lend to the committee. Chair Carrier appointed Commissioner Smith to take the place of Commissioner Brown on this committee. Commissioner Klauber's replacement, Robert Buxton (pending), will also be appointed to this committee.

V. REPORT OF THE DIRECTOR

Director Pendergast was present and gave the following report:

Facilities:

Installation has been completed on our upgraded security system. Monitoring cameras have been placed in the lobby and at the back door by the loading dock. Additionally, swipe cards are now needed to gain access to the second floor and our business offices.

Grant funds:

- Our spending of the 2013 AFG Grant funds has been delayed by the Fiscal Committee. This will be revisited in April. These are the funds to purchase our mini pumper and 30 new sets of turnout gear.
- We have received a State Homeland Security Grant award in the amount of \$163,000. This will be used for purchasing all new fit-testing equipment, replacing equipment for HS funded training programs; an analysis and needs assessment of the NH Emergency Trauma System, and a comprehensive training needs assessment.

Drill Yard Equipment:

The final FLASHOVER CONTAINER bid has gone out.

We are purchasing the used Concord engine to hold us over until our grant comes through and until our Capital item gets approved.

Budget:

Governor Hassan gave her budget address, and there are no drastic changes in the Division's requests. At this point, the DOS budget looks good. We will be meeting on the capital budget items Thursday afternoon.

We are monitoring the "Fire Fund" and looking at long term sustainability. In the past, money was removed to fill the state budget gap. We absolutely cannot sustain our fund if this were to happen again. I am working with the Commissioner and Director Bielecki to look at the future of our fund.

(NOTE: The source of revenue for the Fire Fund is through Insurance reporting fees. The fund will sustain us through 2017.)

There was a major change, as of January 9th, as to how payroll is calculated. The State is now considered "ONE" employer. This effects our Division greatly in that many of our part time instructors, O51's, and staff have other jobs with the state. For example we have many folks who also work for DRED, FM Office, Pease Air Force FD, Marine Patrol, and others. Per the Attorney General's interpretation of the State as one employer, we will now have to pay OT to any of our employees who work over 40 hours and provide them with health insurance. For example, we have a program coordinator who also works full time for Pease; as his PT employer, the Division now has to pay an OT rate for the 12-18 hours per week that he works for us. Considering the fact that we are now 80% through our 2 year budget cycle, we do not have the money in our budget to pay for this. (NOTE: A letter will be sent out to people giving them the option to choose one agency over another. For example, someone working seasonally for Marine Patrol at a higher rate and year round, part-time at the Fire Academy at a lower rate, may decide that it's more financially feasible to choose the Fire Academy.)

Programs:

We had a very positive meeting with the Director of DMV. We are asking their Division to work with us to assist firefighters in obtaining their CDL Driver's License. As you know it is difficult for smaller,

more rural departments to allow their members access to their apparatus for driver training and testing on.

We are working on strategies to make it easier to allow all FF's and EMT's in the state to obtain their CDL for their safety and the safety of their communities.

On February 23rd, there was an evening Public Hearing per FST Commission rules to discuss the curriculum of Fire Investigator, Fire & Life Safety Educator I&II, and Fire Inspector III. No one from the public attended.

The "Medical Clearance for Students" policy is in the hands of our attorney. For the most part it is acceptable; we are making minor language changes and will have the final draft at our next Commission meeting.

Hiring rules:

A letter outlining the Hiring Rules as set forth in NH Fire Laws was sent to all NH Fire Chiefs . This was signed by me as well as Commission Chair Carrier. It prompted a few phone calls and emails with Chiefs who don't agree or Chiefs who didn't know the law. We have yet to get a confirmation of a meeting with the NH retirement system to answer some of our questions.

Looking Forward:

Planning our Legislative visit to the Academy will be important. I think we should also invite members of the fiscal committee.

VI. OLD BUSINESS

Item 1. Medical Requirements for Training

This was mentioned in V, the Director's Report.

Item 2. ADA/EEOC – Rules Subcommittee Recommendation

Commissioner Smith will look at the document. **(This can be removed from "Old Business" for the next meeting.)**

Item 3. FFII Skills Review Committee

This was mentioned in IV, Item 4 (Curriculum Review)

VII. NEW BUSINESS

No one attended the Public Hearing in the evening on February 23, 2015.
Commissioner McGahey made a motion; seconded by Commissioner Degan, to accept all three of the Fire Prevention curriculums, as presented (Fire Inspector III, Fire Investigator, and Life Safety Educator); the motion was passed unanimously.

VIII. GOOD OF THE ORDER

IX. ADJOURNMENT

Motion was made by Commissioner McGahey; seconded by Commissioner Lindh, to adjourn the meeting at 10:30AM.

Remaining 2015 schedule:

9:00AM meetings: May 7, June 4, and September 3, 2015.

The November 5, 2015 meeting will begin at 3:00PM and be followed by the Academy Awards Ceremony at 7:00PM.

Respectfully submitted,

Deborah A. Pendergast, Director

Prepared by June Connor, Administrative Assistant I