

EMERGENCY MEDICAL SERVICES MEDICAL CONTROL BOARD

September 5, 2012

The Pinellas County Emergency Medical Services Medical Control Board met in a regular session at Public Safety Services, First Floor Conference Room 130, 12490 Ulmerton Road, Largo, Florida, at 1:00 P.M. on this date with the following members present:

Dr. Stephen Haire, Morton Plant Hospital (Vice-Chair)
Mr. Keith Neeley, Bay Pines Veterans Administration Medical Center
Mr. Glenn Waters, Morton Plant Mease Healthcare
Mr. Brian Flynn, Palms of Pasadena Hospital
Mr. Stephen Daugherty, Northside Hospital
Dr. Paula Pell, All Children's Hospital (Secretary)
Dr. Hiten Upadhyay, Bayfront Medical Center

Members Absent:

Dr. Roberto Bellini, Mease Countryside Hospital
Dr. Henry Kurusz III, St. Petersburg General Hospital
Dr. Cecele Murphy, St. Anthony's Hospital
Dr. Joseph Namey, Pinellas County Osteopathic Medical Society

Also Present:

Dr. Laurie Romig, Office of the Medical Director
Craig Hare, Public Safety Services
Don Crowell, County Attorney's Office
Mark Postma, Sunstar Paramedics
Richard Schomp, Sunstar Paramedics
Vicki Glenn, Sunstar Paramedics
Dr. David Bowden, EmCare
Dr. Donna Dooley, EmCare
Dr. Angus Jameson, EmCare (conference call from Long Island, NY)
Chief David Holler, Pinellas Park Fire Department
Karen Macauley, All Children's Hospital
Glenn Davis, St. Petersburg College EMS/CME Program
Greg Woodrum, Public Safety Services

CALL TO ORDER AND ROLL CALL

Dr. Haire called the meeting to order at 1:00 P.M. Roll was taken and it was determined that there was a quorum present. There were seven voting members in attendance.

APPROVAL OF MINUTES

The minutes of the May 17, 2012 meeting were presented for approval. Mr. Neeley made a motion to accept the minutes. Dr. Pell seconded the motion and the motion passed unanimously.

DISCUSSION & RECOMMENDATION ON EMS MEDICAL DIRECTOR APPOINTMENT

Dr. Haire asked Mr. Hare to update the Board on how the process to renew the Medical Direction agreement took place.

Mr. Hare briefed that the current Medical Direction Services agreement with EMSG, Inc. would expire on September 30, 2012.

Mr. Hare stated that the last Request for Proposal (RFP) process for this contract was back in 2006. Pinellas County professional services agreements can go five years with two, one-year, renewal periods.

Mr. Hare said that we are at that phase where we must go to competitive bid to meet County Code and emphasized that this process in no way reflects poorly on the long dedicated service of Mr. Jeff Barnard and Dr. Laurie Romig.

Mr. Hare reported that on June 1, 2012 the Purchasing Department let a RFP for Medical Direction Services and that two bids were received. One bid was from the incumbent provider EMSG, Inc and the other was from EmCare. A committee was brought together to evaluate the bids. The Evaluation Committee was made up of the following individuals:

- 1) Ms. Susan Byrd, Director of Administration, All Children's Hospital
- 2) Lt. Rick Chipelo, Rescue Lieutenant, City of St. Petersburg Fire/Rescue representing field paramedics named by the Pinellas County Fire Chiefs Association
- 3) Dr. Stephen Haire, ER Medical Director, Morton Plant Hospital and Vice Chairman of the EMS Medical Control Board
- 4) Mr. Craig Hare, EMS Division Manager, Pinellas County Public Safety Services
- 5) Chief Dean O'Nale, Fire Chief, City of Oldsmar Fire/Rescue named by the Pinellas County Fire Chiefs Association
- 6) Chief Terry Tokarz, EMS Chief, City of Seminole Fire/Rescue representing EMS Coordinators named by the Pinellas Advanced Life Support Association (PALS)
- 7) Ms. Debbie Vass, Chief Administrative Officer, Sunstar Paramedics

Mr. Hare said that EmCare was rank ordered number one by the Evaluation Committee and on August 21, 2012 the Board of County Commissioners authorized the rank order and directed staff to negotiate a service agreement. Mr. Hare said that the negotiation and draft agreement is near completion and that is why staff scheduled this Medical Control Board meeting. The final agreement will be presented to the Board of County Commissioners on September 18, 2012 and will go into effect on October 1, 2012.

Mr. Hare briefed that EmCare has agreed to continue all current protocols, standards and formulary and to keep up 100 percent online Medical Control as well as 100 percent physician coverage.

Mr. Hare concluded by stating that it is the role of the Medical Control Board to make a recommendation to the EMS Authority of a nominee to appoint as the Medical Director.

Mr. Crowell advised the Medical Control Board that Pinellas County Code 54-60, Medical Control Board, states that, "The Medical Control Board shall be responsible for recommending to the EMS Authority a Medical Director for the County EMS System."

Mr. Hare introduced Dr. David Bowden, the proposed Medical Director from EmCare and Dr. Donna Dooley, the proposed Associate Medical Director from EmCare. Also, calling into the meeting from Long Island, NY is Dr. Angus Jameson who is also a proposed Associate Medical Director from EmCare.

Dr. Haire opened the floor for discussion on the item.

Dr. Pell asked Dr. Dooley when had she been a member of the Medical Control Board.

Dr. Dooley corrected the record by stating that she was formerly a Medical Control doctor but had not been a member of the Medical Control Board.

Dr. Pell then asked Dr. Jameson if he was licensed to practice in the State of Florida.

Dr. Jameson replied that he was not yet licensed to practice in Florida but that his application is pending and he hopes to have it approved within the next 90 days.

Dr. Haire asked Dr. Jameson if he had help securing the license and advised him that there are different organizations that can assist him in pushing the application through.

Dr. Jameson responded that he has used the Federation Credentials Verification Service (FCVS) but that he has not hired a private company to assist him.

Mr. Flynn asked Mr. Hare how many organizations the RFP had gone out to.

Mr. Hare replied that it had been sent out widely. Mr. Hare said that it had been sent to the National Association of EMS Physicians, the Florida Association of EMS Physicians and the National EMS Managers. Also, the RFP was announced on eight or ten large websites or list serves.

Mr. Flynn asked Mr. Hare to share the main differences in the two proposals received and what were the minimum hours per week involved to provide the service.

Mr. Hare responded that both proposals offered full time emergency physicians. Mr. Hare stated that the prime difference was that EmCare offered 100% physician coverage for online medical control whereas EMSG had 75% Medical Officer, which is a specially trained paramedic, and 25% physician coverage.

Mr. Hare said that in the bids there was also a big difference in insurance costs due to EmCare being able to leverage the fact it is a large physician practice that is able to cost allocate existing insurance.

Dr. Haire stated that he was part of the RFP Committee and remembered that ride-alongs and follow-ups were two items that stood out in favor of EmCare and asked Dr. Jameson if he could comment on those.

Dr. Jameson briefed that he had worked EMS in three or four different states at various levels from EMT all the way up to Medical Director and it was his opinion that the best way to evaluate and assess a system was to go out into the field with the clinicians and observe operations. Dr. Jameson stated that this would be his approach on a regular basis.

Dr. Jameson also stated that in the EmCare proposal they offered several follow-up programs. First of all, paramedics will be able to query an outcome on one of their patients in case they are interested in finding out what the ER course was and what the hospital course was. EmCare would work to make this information available in a compliant manner.

Dr. Jameson said that EmCare is also proposing that if a provider comes across an interesting strip that they can give it to them and EmCare will provide a cardiologist to look at the strip and provide feedback about it.

Dr. Haire stated that the issue of "conflict of interest" had been brought up during the evaluation procedure due to EmCare being involved in emergency department staffing. He asked if there were any issues or concerns on this topic.

Mr. Hare provided an update on the conflict of interest issue. Mr. Hare stated that during the evaluation committee process there were two prime concerns.

First, the ambulance service was concerned that proprietary data accessible to a Medical Director might be made available to the parent company of EmCare which is American Medical Response (AMR). AMR is a competitor to Paramedics Plus in the industry.

The second issue raised was from hospitals concerned that there could be any patient steering by EmCare to a destination hospital.

Mr. Hare stated that he feels comfortable that ethics and compliance language written into the service agreement will commit everyone to the Stark Law that prevents releasing of any data outside of the agreement and will address any of the conflict of interest concerns.

Mr. Hare addressed the hospital destination concern by saying that 95% of our patients either go to their hospital of choice or to the closest physical hospital and that beyond that the special needs are protocols approved by the Medical Control Board which would prevent the steering of patients to any particular facility.

Mr. Hare was asked if hospital destination was routinely monitored and he responded by saying that we review all hospital bed delays, all hospital diverts and those are primarily driven by facilities closing and their available resources. Mr. Hare stated that we also provide reports to hospital CEOs so that they can see the ebb and flow of hospital volumes.

Mr. Crowell provided that from his legal perspective there is no additional language that could be placed in the agreement that in anyway comes close to the Federal law restrictions on both civil and criminal penalties that are provided by the Anti-Kickback statute and the Stark Law.

Mr. Crowell added that hospitals would take on such incredible risk of violating those federal laws should they attempt to manipulate patient destinations that it becomes an extremely minimal concern since compliance with those laws is written into the language of the agreement.

Dr. Pell asked if it was anticipated that the doctors currently working at emergency rooms (ER) in Pinellas County will continue to work at those ERs.

Dr. Bowden responded that he would continue working in his ER and the Medical Director position would be in addition to that work.

Dr. Pell then asked whether Dr. Jameson would join Dr. Bowden in one of these ERs.

Dr. Jameson responded that he has actually accepted a clinical appointment in Sarasota specifically to avoid working at one of the receiving hospitals in Pinellas County but that he would be working full time dedicated to the EMS system in Pinellas County.

Dr. Pell asked if the Sarasota hospital was an EmCare hospital as well and Dr. Jameson replied that it was Doctor's Hospital and was an EmCare facility.

Dr. Haire asked Dr. Jameson what amount of time he would be working at the Sarasota hospital.

Dr. Jameson responded that he anticipates working one eight-hour clinical shift a week in Sarasota. Dr. Jameson stated that he is of the opinion that a Medical Director needs to continue to work clinically in some capacity in order to stay current.

Dr. Bowden and Dr. Dooley were asked where they currently work their shifts.

Dr. Bowden answered that he is currently employed by EmCare at Blake Medical Center in Bradenton. Dr. Bowden disclosed that he is also on staff at Northside Hospital but he has not worked there for over a year.

Dr. Dooley responded that she currently works about 120 to 130 hours a month in the ER at Bayfront Medical Center.

Dr. Pell asked if any of the EmCare doctors are members of the State or County Medical Associations.

Dr. Dooley responded that she is not currently a member but she is in the process of attending a conference and filling out the appropriate paperwork.

Dr. Bowden responded that he is a member of the Florida American College of Emergency Physicians but not the State or County Medical Associations.

Dr. Jameson responded that he is a member of the New York State Emergency Medicine Group. Dr. Pell clarified that she wanted to know whether he was a member of the State chapter of the American Medical Association and Dr. Jameson replied that he was not.

Mr. Flynn commented that it is slightly disquieting to him that the EmCare doctors through this service agreement will be running a very realistic risk of receiving criticism or a potential ethics complaint for routing patients to corporate parent hospitals. Mr. Flynn stated that he does not believe this would be an intentional practice but that the perception of such activity would be concerning.

Dr. Pell agreed that the system should avoid the appearance of such activity.

Dr. Haire confirmed that these concerns were brought up during the evaluation process and he cautioned the EmCare team that they would probably come under even more scrutiny than they would have had they not been EmCare.

Dr. Pell pointed out that it is part of the work of the Medical Control Board to periodically review the data associated with hospital destinations to identify potential problems.

Dr. Haire concurred and recommended that hospital destination data be reviewed as a standing item on future meetings of the Medical Control Board.

There was agreement amongst the members present that it would be beneficial to review this data regularly going forward.

Mr. Waters asked whether Dr. Bowden or Dr. Jameson was being recommended as the primary Medical Director.

Dr. Haire responded that the Evaluation Committee did take into account that Dr. Jameson was in New York. Dr. Haire said that it is his understanding that Dr. Bowden would become the named Medical Director and that it is anticipated that Dr. Jameson would take his place once he receives his Florida license and Dr. Bowden confirmed that that was correct.

Mr. Hare explained that process wise, Dr. Jameson would need to be in a situation where he is fully ready to assume the Medical Director position. Then County staff would come back to the Medical Control Board with a recommendation that Dr. Jameson be named as the Medical Director. From there, it would need to go before the EMS Authority for approval.

Dr. Pell asked Dr. Jameson what is still pending toward receiving his Florida license.

Dr. Jameson answered that all appropriate paperwork has been submitted and it is just a matter of awaiting the decision which he estimates will be approximately three weeks.

Dr. Jameson explained that the RFP process moved quicker than initially anticipated earlier in the year and that is part of the reason for the delay in receiving his Florida license.

Mr. Waters asked Mr. Crowell if there is a conflict for him to vote on this matter because he is the signatory for Morton Plant Mease Healthcare on the contract with EmCare to staff two ERs.

Mr. Crowell advised that there is no conflict unless Mr. Waters has a direct fiduciary benefit from his vote today which is not plausible so the answer is that there is no conflict.

Dr. Haire asked if there were any other questions, concerns or discussion. Seeing none, Dr. Haire asked if there was a motion on this topic.

Dr. Pell made a motion to move forward with EmCare as Medical Direction Services provider for Pinellas County under the direction of Dr. David Bowden. Mr. Waters seconded the motion and the motion passed unanimously.

Dr. Haire congratulated the EmCare team.

Dr. Haire then recognized and thanked Dr. Romig for her expertise, her professionalism and for everything she has done in service to Pinellas County.

Mr. Hare also praised Dr. Romig by saying that she has seen Pinellas County through some tough times over the years and worked a lot of issues in support of the system. Mr. Hare said that we appreciate her fully for working with the County Administrator and County staff and for always being there for us 100%.

Mr. Hare reinforced that this process in no way reflects negatively on Dr. Romig or Mr. Jeff Barnard. They both have 20+ years in service to the Pinellas County EMS system and have been a part of the leadership team and are very much appreciated.

Dr. Pell commented that Dr. Romig left big shoes to fill.

OPEN FORUM

Mr. Hare welcomed Mr. Stephen Daugherty as a new member of the Medical Control Board.

Mr. Hare stated that Dr. Haire is serving as an acting Chair with the retirement of Mr. Satcher and the Medical Control Board will need to fill the role of Chair. Mr. Hare said that the members could vote now or take the issue up at a future meeting.

Dr. Pell said that out of respect for the four members that were not present, she recommends that the issue be taken up at a future meeting.

Dr. Haire requested staff to send a notice to all members advising of the open position and soliciting input for participation and that a formal vote would be taken at the next meeting.

Mr. Hare provided an update on EMS items that would appear before the Board of County Commissioners on September 6, 2012. Those items were:

- 1) A routine three-year renewal of the Continuing Medical Education contract with St. Petersburg College. Mr. Hare stated that the college has worked closely with the County over the years to reduce costs and improve quality.
- 2) ALS First Responder Agreements are on the agenda. Mr. Hare said that about half of the Cities and Fire Districts have already signed these one-year extensions and that there was no program changes at all in an effort to keep costs as flat as possible.
- 3) The consideration of the contract with Fitch & Associates, LLC. Mr. Hare said that this proposal includes all aspects of system design including fire transport, ALS engines, Sanford/Millican Plan and every different option and combination thereof.

Mr. Hare stated that this analysis would be a comprehensive review of options available in terms of using rescue units as ambulances, moving to full fire transport or staying with the current system design. Mr. Hare said that a component of this would be to optimize priority dispatch.

Lastly, Mr. Hare advised that there would be a Board of County Commissioners workshop on Priority Dispatch that would take place on September 25, 2012. The Phase III Medical Priority Dispatch that was previously approved by the Medical Control Board would be discussed.

NEXT MEETING

The next meeting will tentatively be scheduled for September 20, 2012. If this meeting is cancelled then the next meeting will be November 15, 2012.

ADJOURNMENT

Dr. Pell made a motion to adjourn and Mr. Waters seconded the motion. The meeting was adjourned at 1:40 P.M.