

Tennessee Air Medical Committee
Poplar Room, First Floor, 227 French Landing Drive
Heritage Place Metro Center
Nashville TN 37243
June 14, 2011
10:00am -1:00pm

Present:

Erlanger - Steve Straughen
Wings Air Rescue – Mitch Hathaway
Lifeforce – Jeff Gregory
Wellmont – Anita Ashby
Air Evac EMS – Robert Byrd
Hospital Wing – Jason Clark
Huntsville Medflight – Stacy Johnson
Vanderbilt Lifeflight – Jeanne Yeatman

Board Members – Rob Webb

Division – Donna Tidwell, Teddy Myracle, Jackie Wilkerson, Deborah Cox, Shelley Walker

OGC – Lucy Bond

Guests – Tim Pickering, Lis Henley, Robbie Tester, Marty Arkus, Neil Worf, Sue Cadwell

1. Introductions – Donna Tidwell

Board has asked committee to reconvene, each service represented, 2 board members appointed with one vacancy.

Introduce committee members, Mr. Straughen serving chair, Mr. Straughen would like to relinquish the chair.

Mr. Webb nominates Mr. Byrd, second Mr. Gregory. Vote 10 for, 1 opposed.

Discussion of the voting list names reflecting the license holders not necessarily the names as we know the services. See attached list.

Mr. Byrd accepts chair, asks Ms. Tidwell questions about the agenda.

2. Clarify the agenda items, Federal Aviation Authority Releases refers to Part 135 NPRM and closed comments and there has been no rule from the FAA. Correct that item 2. Is Department of Transportation letter release.

State provides DOT letter to committee. See attached.

Ms. Tidwell informs that the Tennessee Attorney General has signed off on the air ambulance rules yesterday, several questions, preparing in Office of General Counsel office to send on to the Secretary of State, for his signature then there will be a 75 day waiting period before effective.

Ms. Bond comments that she understood that this committee wanted to be reconvened; the board wanted this committee to be reconvened for discussion of this let.

Ms. Bond reads DOT letter to committee.

Mr. Byrd inquires as to whether this meeting is being recorded, Ms. Tidwell this meeting is being recorded, all members asked to identify when speaking.

Ms. Tidwell reflects that the Board asked in December for this committee to be reconvened, meeting has been delayed for logistics.

Committee members have floor –

Mr. Hathaway – do we have the recommendation from this committee from the last meeting.

Ms. Tidwell - Original rules and documents may or may not be available. It has been sometime since the committee met. Ms. Tidwell comments that Alabama has already developed rules based on the DOT letter. Mr. Blair (Alabama EMS Director) feels very strongly about adopting CAMTS language and until they are provided with evidence to change, chose to go with CAMTS because it is a national accrediting body. Tennessee will look at national perspective and any available research.

State distributes rules from Tennessee (those going forward to Secretary State) and current AL rule. See attached.

Committee reviews materials, DOT letter, Tennessee Draft Rule, AL current rule.

Ms. Tidwell comments that the NASEMSO has an air medical committee that keeps her informed of national materials and she will pass these along to the committee.

Mr. Webb, date of rule hearing? - December 16, 2009

Ms. Tidwell comments that would like to get the original language back to the committee as well as looking at national best practices.

Ms. Tidwell states - There is some exciting research being done by Macon County, survey of all air medical providers and quality assurance analysis of flights to improve ALS level care of ground providers. Also, looking at skids down to skids up transport times.

Mr. Byrd comments that rule moving forward is very exciting.

Mr. Hathaway moves to meet quarterly, Mr. Straughen seconds. Discussion – Mr. Webb comments that may be easier to work in conjunction with Tennessee Board of Emergency Medical Service meetings, logistics of meeting around the Tennessee Board Emergency Medical Services, Ms. Tidwell comments that this meeting may grow and be more attended. Ms. Bond comments cannot have two meetings at the same time as she is tasked to attend. Ms. Bond asked we could meet before education committee the day before board meeting at 10:00am. This meeting will be sunshined, 30 days prior, sunshine notice can be amended throughout the time prior.

Ms. Bond asks if documents are located should they be emailed? Other states rules would be good to forward, on climate control issues. Ms. Yeatman asks if committee was tasked with commenting about climate control and Ms. Tidwell replies that board asked the group to convene to study and make a response on climate control.

Mr. Gregory refers to Mr. Hathaway's comment to go back and look at the past rule recommendation.

Mr. Byrd, asks has any federal legislation or laws changed, Ms. Bond states not as of yesterday morning there was no new rule or legislation.

Ms. Yeatman, to be clear as a committee we had all agreed and it went forward that we supported climate control, Ms. Tidwell, yes that is correct, Mr. Hathaway comments that the language was modified by legal and comments as a contentious issue. Ms. Tidwell, discussion as to whether state had authority and there was so much to go forward that it was not worth holding the rules. Ms. Bond has never seen the rule with climate control in it. Mr. Straughen comments that board meeting did strip out the climate control language. Mr. Byrd comments on the rule hearing that it was Mr. Mitchell's motion. Ms. Tidwell will send the language and board meeting minutes to the committee. Ms. Bond reflects that she recollects the climate control language was removed prior to the board considering the rule. Ms. Yeatman would like to pull the minutes and reconvene today. Discussion of minutes required. Air Ambulance committee minutes.

Ms. Tidwell leaves to obtain minutes. Discussion of what the language was prior to the board meeting.

Secretary reads excerpts from October 27, 2009 notice of rule making hearing; document did not have air conditioning language/climate control. Then the minutes of August 29, 2008 which reference Air Evac's continuing objection to air conditioning.

Ms. Yeatman reports that in September 2008 air committee report to Board contained language on requiring air conditioning. Ms. Yeatman states that the language was stricken prior to the board rule hearing.

Discussion of language with DOT opinion in this matter and time sequence and delays. Ms. Bond comments on adding air conditioning it becomes a matter of meeting the standards of the FAA. Mr. Hathaway agrees with retrofitting requirements. Ms. Bond states that it would not be in conflict with the CFR to have a rule covering patient care to pass a rule requiring environmental control. Mr. Byrd inquires as to whether we can suggest a rule requiring environmental control. Ms. Bond not in conflict with CFR as long as it is related to patient care and it would have to be crafted in a certain way, to make sure it relates to patient care and not the mechanics of the vehicle. Mr. Byrd an environmental control policy related to CAMTS or like AL's policy.

Ms. Yeatman reads excerpts from September 2008 board meeting, Mr. Bell motion and Mr. Davis about environmental control policy. Mr. Byrd agrees that rule had an air conditioning language.

11:02am Recess till 11:30am.

Ms. Tidwell Distributes August 2008 Air Ambulance Committee Minutes, September 2008 TNBEMS Minutes, December 2009 Tennessee Board Emergency Medical Services Board Meeting with Rule Making Hearing, and December 2010 Tennessee Board Emergency Medical Services Board Meeting. See attached

Ms. Tidwell identifies documents. Rules marked "12/17/07" with edits included, refers to document that describes edits in 2007 and meeting with Attorney General Counsel Erin Begley, and other documents as above.

Mr. Webb comments he is uncomfortable without another EMS Board member at the committee meeting and would like another EMS Board member present. Feels need additional information and should research everything available to avoid sorting through materials in this meeting, reluctant to do anything

today without all the clinical information, feels we should be pursuing an FAA opinion, and have all data before us. Ms. Tidwell inquires FAA Letter? Mr. Webb would like to see some guidance from FAA directly, how would inspectors deal with issue, and what other states think. Mr. Hathaway would like to look at the document that was sent to board in 2008, look at that today and review. Ms. Tidwell does not have that document. Ms. Bond does have that rule as a draft.

Ms. Tidwell distributes a draft that is marked Draft 08.08 Clean, see attached. Mr. Hathaway was inquiring for reviewing this document. Ms. Yeatman states that her understanding of the DOT letter says that we have the ability to affect patient care, Mr. Byrd states "if" and that is a factual question and that there is no new federal legislation, Ms. Yeatman states that part of our goals are to affect patient care and we should provide a level continuity of care, that when we receive patients from a ground provider then we should continue to maintain the level of care being provided.

Mr. Hathaway inquires of Ms. Bond; DOT letter gave us the authority to regulate patient care? Ms. Bond comments that original letter was to FAA, the primary case law states that you can regulate issues of patient care, her understanding is to make rules on patient care, not aviation issues, fees, etc. Mr. Straughen FAA is housed under the DOT and their General Counsel represents the FAA.

Mr. Byrd comments that we are making suppositions, and might need more time. States that patients are sensitive to ambient temperatures, the DOT letter states that climate control requirement that TN proposed would not violate the section. Letter refers to contacting the FAA, has the Office of General Counsel contacted the local FAA safety inspectors, Ms. Bond believes that that would have to do with refitted remounted individual aircraft, she has not. Mr. Byrd inquires whether she will? She will contact on a motion from the committee, chair entertains a motion, no member moves, no motion.

Ms. Yeatman, given history and work this committee has developed, moves to take from Ms. Bonds document, (08.08 Clean) on line 147 "environmental control will be maintained by a functioning air conditioning and heater" inserted in the current rules under section 2 medical equipment and supplies added under M, second by Mr. Hathaway. Mr. Gregory, we all agree that functioning heat and air is important to our aircraft though the committee should be careful with the rules that doesn't prevent air ambulances from responding, if the heater or air conditioning is not functioning, is that in the best interest of patient care, reluctant to interfere with patient care. Mr. Straughen does agree this is important, but believes can adopt the CAMTS language to prevent from grounding a resource when heat and air is not necessary. Mr. Webb relates he asked his daughter what this would mean if a 2 y/o daughter was injured in a rural area and the only air ambulance could come was one without air conditioning and temperature was 93 is the decision the best to send the aircraft with no air conditioning, "dad those paramedics are going to be sweating" Mr. Webb believes there is a push to ground air ambulances in the state without air conditioning, committee should research temperature ranges, there needs to be flexibility for common sense and committee should look at research for expense, he understands could possibly be a half million dollars per aircraft, committee needs more info to make decision, areas in the state have no service available from big trauma services. Ms. Yeatman would be willing to amend that motion to word rule that would not MEL an air conditioner in December. No one has stated that there is intent to not serve all the patients in Tennessee but are trying to serve the patients with the highest level of care possible.

Ms. Bond, cannot insert this language in rules that were signed yesterday, would require a new rule making process to determine where the language would be placed, committee could recommend to the board to vote to recall language. Mr. Hathaway agrees with other members would be remiss to not revisit the language to make provisions for times without need for air con heat, we should strive to meet the level provided by ground ambulances. Ms. Ashby providers should not be penalized for when air con is not available, is there any reason something happens to air con heat, if no air and heat available then

required to meet the current CAMTS standards to measure temperature ranges. Mr. Byrd asks if that is an AND/OR CAMTS, Ms. Ashby clarifies that should require functioning air con heat then the CAMTS standards. Mr. Straughen proffers an amendment to Ms. Yeatman's motion concerned with CAMTS language allowing discretion to the individual med dir, recommends that there be a defined policy set by Clinical Issues Committee. Incorporate additional language requiring air medical providers to function as long as we can maintain temperature ranges, but that specific criteria be developed for a standard by the State of Tennessee.

Mr. Byrd comments that Air Evac has aircraft without air conditioning, if we support a rule that requires air conditioning, setting aside ADA, Federal Preemption, DOT opinion, AEL can't support air conditioning just as an air conditioner, an air conditioner doesn't change patient care, and temperatures do affect patient care. There are concerns from other providers about shutting aircraft down when their air conditioning is not functional. If state goes forward with just air conditioning required this will shut company down. AEL cares about pt care, our actions prove that, many parts of today's discussion are good starting places to consider working with providers, adopting temperature parameters and not requiring just an air conditioner, AEL likes air conditioning they are important for the crew, they are being installed in AEL aircraft.

Mr. Hathaway asks, for discussion, is there an AEL plan for air conditioning, is there an AEL plan for timeline. Mr. Byrd answers yes, but cannot give answer. Mr. Gregory, as we all agree that it is important to have environmental control, it is important for the crews, if we try to pass something today that potentially, while AEL has been a thorn in my side, in my heart is the question is it in the best interest to ground AEL in rural areas, it would be helpful for me and committee as to what AEL's future intentions are for air conditioning.

Ms. Yeatman is there a possibility to not allow any future establishment of bases with no air conditioning, Ms. Tidwell Ms. Bond reply that it is common to establish an implementation date and grandfather existing providers.

Mr. Byrd inquires if Ms. Yeatman would consider tabling motion for AEL to develop answers to the questions. Ms. Yeatman inquires as to when will the next meeting be. Ms. Tidwell replies September 27, 2011.

Ms. Bond states can set a date with implementation and then grandfather existing bases.

Mr. Straughen comments that we would have to have time to consider the ramifications; Mr. Gregory would like to see AEL's answers to the previous questions.

Ms. Yeatman restates if it would it be possible to grandfather, she would table the motion till the September meeting and the second Mr. Hathaway agrees. Ms. Yeatman wants to state the intent that this is solely about patient care.

Mr. Straughen expresses that we should meet as subcommittee in the meantime to work concurrently on issues before the meeting.

Mr. Byrd inquires as to what we are looking at; are we only looking at the climate control and does the current proposed rule going forward completely address all issues, no committee member's comment.

Ms. Tidwell inquires as to whether Mr. Straughen wants to bring the issue forward to the clinical issues committee that is his intent, next meeting August 10, 2011, 10:00am. Ms. Bond requests if there is a subcommittee of the committee that she be included.

Mr. Byrd inquires as to who wants to be on subcommittee, Ms. Ashby, Ms. Yeatman, Mr. Hathaway, Mr. Tester, Mr. Clark, Ms. Bond, Division, Mr. Byrd, Mr. Gregory, Mr. Pickering to be secretary. Send meeting notice to entire committee so all can comment to subcommittee.

Ms. Yeatman, would like to present document worked on by Erlanger, Vanderbilt and Air Evac to consider by the committee as a guide on helicopter shopping. An issue for committee to consider as guidelines to be presented to the Emergency Medical Service Board, secretary will send electronically for distribution. See Attached.

Next meeting September 27, 2011 10:00am

Motion to adjourn by Mr. Gregory and second Mr. Clark at 12:53pm.