

M.O.R.E.

Municipal Mandates Sub-Committee Meeting

MEETING MINUTES

Friday, February 28, 2014

1:00 P.M. IN LOB ROOM 1B

The meeting was called to order by Representative Sayers (Chair) at 1:07 P.M.

The following Sub-Committee members were present: Rep. Peggy Sayers (Chair), Rep. Melissa Ziobron, Rep. Dan Fox, Rep. Frank Nicastro, Rep. John Piscopo, Fillmore McPherson, Kimberly Glassman, Bob Labanara, Leo Paul, David Roche, Sheila McKay, Ben Wenograd, and Michael Criss

Guests: Raphael M. Barishansky (Director, OPM-DPH), David Lowell (President, ACAP), Rep. Philip Miller, Richard Calarco (Director-Hebron Parks and Rec), and Mary-ellen Harper (Director Farmington Fire and Rescue).

Rep. Sayers (Chair) welcomed everyone to this year's final meeting and made opening remarks.

Rep. Sayers introduced Raphael Barishansky, Director of the Office of Emergency Medical Services within the Department of Public Health (DPH). Mr. Barishansky also served as co-chair of the Primary Service Area Task Force.

Mr. Barishansky gave a presentation on the final report of the Emergency Medical Services (EMS) Primary Service Area (PSA) Task Force. He spoke of critical issues impacting EMS in CT. The PSA system that we use in CT has remained unchanged for the past 25 years. It's the task force's opinion that this system no longer consistently serves the needs of the state. The system needs to be updated for several reasons. EMS has challenges, but safety net features must be continued. Most providers do not understand rules and regulations that govern them. The Department of Public Health has not revoked any PSA's in the past decade nor received any petitions to revoke a PSA. In that same time period, the Department of Public Health has received inquiries and concerns regarding technical assistance. As it stands now DPH has a limited ability to act on anything less than an emergency situation.

Mr. Barishansky's written comments, as well as a copy of the Task Force Report and an audio recording of the entire meeting, are available on the MORE Commission website here: <http://www.housedems.ct.gov/MORE/Mandates/meetings.asp> .

Mr. Barishansky's comments on the task force report:

The task force felt that allowing DPH more latitude and a regular review of the EMS systems by DPH would be an effective means of addressing issues before they arise. The final report reflects a commitment to consistent quality patient care. The 5 recommendations in the report represent a compromise between the various interests on the task force. The task force conducted a detailed analysis of each issue before reaching its decision.

Mr. Barishansky noted that the recommendations are designed to grant DPH additional flexibility when working with EMS providers and the municipalities and communities that they serve. Mr. Barishansky gave a brief outline of each recommendation:

Rec. 1: Requires that local EMS plans be updated

Rec. 2: Requires OEMS review each local EMS plan every 5 years and determine whether the plan meets performance standards.

Rec. 3: Requires PSAs to notify DPH if the entity is sold to someone else

Rec. 4: Expands reg language regarding the removal of a PSA holder.

Rec. 5: Creates a new process by which Municipalities may change their PSA.

Mr. Barishansky also noted that while there was full task force consensus on recommendations 1-4, recommendation #5 failed to gain full consensus.

Rep. Sayers (Chair) asked if the task force's 5th recommendation was adopted by full consensus or by a vote.

Mr. Barishansky answered that although the majority of the task force was in favor of recommendation 5, there was not full consensus.

Rep. Sayers (Chair) asked if the Department of Public Health would see problems with recommendation number 5 if it were part of the sub-committee's legislative recommendations.

Mr. Barishansky answered that it was the most discussed recommendation at the task force and that there are stakeholders that the department will need to rely on to get it done, but that it is possible to implement recommendation 5.

Rep. Sayers (Chair) referred to Matthew Gilligan from South Windsor and his testimony regarding his hometown's problems with their EMS. She asked if South Windsor could have fixed these problems using the current process.

Mr. Barishansky answered that he believes that a lot of municipalities had been intimidated by the process because they were not well versed in the statutes and regulations. It's a daunting task to come to DPH and have a PSA holder removed.

Rep. Sayers (Chair) echoed the concerns of those opposing recommendation 5 that it would increase the EMS cost to communities with larger populations of economically disadvantaged residents, like Hartford. A larger portion of the population in these communities relies on Medicaid for insurance or doesn't have insurance at all, which

could cause service providers to operate at a loss and charge more than they would for economically advantaged communities. She asked Mr. Barishansky if he could comment on this.

Mr. Barishansky deferred to the expertise of other speakers in regard to the cost factor.

Rep. Sayers (Chair) expressed a concern that making it easier for a municipality to change service could increase the potential for political favoritism.

Mr. Barishansky answered that the task force sought to address this issue by establishing an approval process where DPH reviews each request and considers the merits of the application based on a series of factors

Rep. Sayers (Chair) opened the floor to additional questions.

Mr. Labanara asked how often the task force met.

Mr. Barishansky responded that the task force began meeting in September and continued to meet on a bi-weekly basis for two hours at a time. However, there were times when the task force met more frequently.

Mr. Labanara asked if recommendation 5 was approved by a majority of the task force.

Mr. Barishansky answered in the affirmative.

Mr. McPherson asked if the word "efficient" --as included in the report-- encompassed economic efficiency.

Mr. Barishansky responded that DPH would be looking at the economic realities of the EMS system.

Mr. McPherson remarked that trade-offs in the allocation of resources would be necessary in many situations. He echoed Rep. Sayers' concerns about political favoritism and the potential for an increase in the cost of services in lower income communities. He stated that it should be the state's responsibility to subsidize those communities facing higher pricing rather than neighboring communities.

Rep. Sayers (Chair) recognized Mr. McPherson's point and emphasized the limited availability of state resources and the importance of supporting these municipalities in a cost effective manner.

Mr. Paul asked if recommendation 5 allows communities to select their PSA and whether the vote was unanimous.

Mr. Barishansky responded that the vote was not unanimous and that the recommendation gives towns more latitude to come to the Department of Public Health

with a concern and request to change providers. It also gives DPH the latitude to develop a process through which it will determine whether a new provider will be able to provide a better level of care.

Rep. Sayers (Chair) stated that the financing of additional paramedic services is a big issue for many municipalities and asked whether regional collaboration would be a feasible cost saving measure. She stated that paramedics are more costly than basic life support personnel.

Mr. Barishansky stated that it is a definite possibility but that it is ultimately up to each municipality.

Mr. McPherson added that Madison has its own ambulance and paramedic services and utilizes mutual aid agreements with surrounding towns. However, this often leads to delayed services...there are pluses and minuses to the system.

Rep. Sayers (Chair) stated that mutual aid and regionalization are definitely topics we should consider for discussion next year, because we don't have time to address entire issue now- what the best way is to do this and address need and save cost is complex

Rep. Nicastro asked if it would it be advantageous for a municipality to go out to bid if that municipality has a hospital that provides its' own ambulance service.

Mr. Barishansky said that this question was better suited for one of the other speakers.

Mr. Wenograd asked for more detail regarding the amount of flexibility recommendation 5 provides the Department of Public Health with in reviewing a municipality's application to change service providers.

Mr. Barishansky responded that the recommendations charge DPH with developing the process. He noted that there are a lot of EMS experts in Connecticut, so the game plan is to develop a process with input from all stakeholders.

Rep. Sayers (Chair) introduced Mary-Ellen Harper, Director of Fire and Rescue services in Farmington. Ms. Harper served as co-chair of the EMS/PSA task force.

Ms. Harper offered testimony in support of all five of the task force's recommendations, with particular emphasis on issue 5. Her written comments and an audio recording of the entire meeting are available on the MORE Commission website here: <http://www.housedems.ct.gov/MORE/Mandates/meetings.asp> .

Rep. Sayers (Chair) thanked Ms. Harper for taking the time to testify. She stated it may be the case that no one has brought forward any complaints to the DPH.

Ms. Harper responded that there were complaints, they just were not formal complaints. She stated that the Department of Public Health had been telling people that filling out a

formal complaint would be futile given there was not an established system for processing such complaints.

Rep. Sayers (Chair) expressed her concern with supporting a recommendation that that 7 out of 15 subcommittee members voted against.

Ms. Harper noted that although both sides provided a position statement, she does not believe that they will ever reach consensus on this issue.

Rep. Sayers- (Chair) asked if recommendations 1-4 provide a pathway to make changes.

Ms. Harper responded that although 1-4 will make the system better, they will not fix the larger problem.

Rep. Ziobron thanked Ms. Harper for her testimony and her commitment to this issue.

Rep. Sayers (Chair) introduced David Lowell, Executive Vice President/CEO of Hunter's Ambulance.

Presentation by David Lowell, Executive Vice President/CEO, Hunter's Ambulance and President, Association of Connecticut Ambulance Providers.

Mr. Lowell testified on behalf of the Association of Connecticut Ambulance Providers and expressed their support for recommendations 1-4 and opposition to recommendation 5. He stated that the association's and the task force's support for recommendations 1-4 reflect an understanding that the status quo is not acceptable and that better standards needs to be in place to empower municipalities and service providers. He also noted that although the association supports many aspects of number 5, it does not support allowing for the removal of a provider without cause. His written comments and an audio recording of the entire meeting are available on the MORE Commission website here:

<http://www.housedems.ct.gov/MORE/Mandates/meetings.asp>

Rep. Sayers (Chair) asked whether the regionalization of paramedic services would be feasible or if there were other ways to reduce cost to the municipalities.

Mr. Lowell responded that any system design that looks at the regional resources available might reduce cost.

Rep. Sayers- (Chair) stated that many of the towns she represents have volunteer-run services, but it is getting more difficult for these towns to find volunteers. She said that many towns have responded by contracting with a private service and incurring additional cost. She expressed her concern that this problem will get worse if it is not addressed.

Mr. Lowell responded that EMS will always come at a cost and that a community's ability to cope with cost will vary.

Rep. Sayers (Chair) opened the floor for questions.

Rep. Ziobron thanked Mr. Lowell for his testimony and asked whether the association supports hospital-provided, non-emergency ambulance services.

Mr. Lowell answered that the association does not support this because they believe that the emergency call volume is being met and the hospital would only displace an existing provider.

Ms. Glassman asked Mr. Lowell to explain how a municipality's ability to choose their own provider could negatively impact economically disadvantaged communities.

Mr. Lowell responded that recommendation number five could eliminate the economic efficiency that comes with regionalization. This would mean that disadvantaged communities would have to spend more money to make up for uninsured or underinsured payers.

Mr. Paul expressed his concern with the first argument on the list of those in opposition to recommendation 5. He stated that he has a hard time believing that an organization designed to provide medical aid to someone in need could make this argument in opposition to recommendation 5.

Mr. Lowell responded that EMS providers are concerned about the ability to recoup the cost of their equipment over time in a situation where there is uncertainty as to whether the EMS provider will continue providing service in a town.

Mr. Paul stated that it bothers him that this is the number one concern on the opposition's list.

Mr. Lowell responded that association's biggest concern is that there are a lot of details missing regarding the implementation of recommendation 5.

Mr. Paul expressed his support for recommendation 5 and noted that the recommendation requires that a service provider go through a review process.

Mr. Lowell responded that EMS providers should feel secure with a review process in place to protect those providers that are playing by the rules. The present language does do this. He noted that recommendations 1-4 institute an automatic 5 year review, which the association supports.

Mr. Paul noted that he will not vote in support of a proposal that does not include recommendation 5. He stated that only recommendation 5 gives towns an adequate venue to complain about service.

Rep. Sayers- (Chair) stated that she was concerned how recommendation 5 might impact volunteer services.

Rep. Ziobron stated that her towns are concerned about some of the provisions because they are already having trouble maintaining volunteer EMS. She asked how recommendation 5 could be damaging to a community that utilizes a volunteer based EMS service.

Mr. Lowell reiterated his concern that recommendation 5 could allow a municipality to take action against service providers who are complying with the rules.

Rep. Sayers (Chair) thanked Mr. Lowell for his presentation. She asked Mr. Barishansky if the Department of Public Health was planning to implement the draft regulations discussed.

Mr. Barishansky responded that the Department of Public Health is working to revise its regulations. However, it has placed a hold on the revisions pending the final disposition of the task force's recommendations.

Mr. Labanara moved to vote on the EMS task force recommendations in their entirety, including recommendation number 5, with the understanding that there was no consensus.

Mr. McPherson seconded the motion.

Ms. Glassman recommended that the sub-committee vote on recommendations 1 through 4 separately because of the difference of opinion over 5.

Rep. Sayers (Chair) asked if Mr. Labanara would be willing to amend his motion.

Mr. Labanara was not willing to allow an amendment to his motion and made the motion a second time.

Mr. Wenograd expressed his concern that voting on Mr. Labanara's motion would not reflect the sub-committee's actual opinion.

Rep. Ziobron moved the question.

The motion failed with 6 in favor and 6 opposed.

Ms. Glassman moved that the sub-committee adopt recommendations 1-4 and recommend them to the Public Health Committee.

Mr. McPherson seconded the motion.

The motion passed unanimously.

Ms. Glassman moved that the sub-committee adopt recommendation 5 and recommend it to the Public Health Committee.

Mr. McPherson seconded the motion.

The motion failed with 5 in favor and 7 opposed.

Rep. Sayers (Chair) asked for the Pest Management Working Group to report to the sub-committee.

Rep. Nicastro and Rep. Miller provided the update from the Pest Management Working Group.

Rep. Nicastro thanked Rep. Miller for his report.

Rep. Sayers commented that the cost comparison report gives different costs for applying the same fertilizer from month to month.

Rep. Ziobron- stated that she sent Mr. Calarco (a turf management professional) some questions regarding the cost comparison report and he provided some feedback. She noted that the authors of this report own a business that benefits from organic turf management. She also noted that there are inconsistencies in many of the graphs in this report as well as optimistic cost projections. She stated that there is both a financial and a physical cost to our deteriorating playing fields.

Rep. Sayers (Chair) noted that the DEEP Pesticide Advisory Council has become active again and is soliciting feedback from municipalities regarding alternative means to deal with pest problems.

Rep. Sayers began a discussion regarding the notice requirements for the sale or transfer of municipal property.

Mr. Paul stated that he was happy about only advertising in free weekly papers or on the municipal website, but stated that he would like to make other modifications. He continued that there are still some difficulties, such as dealing with landlocked property, for example. He stated that staff from the Speaker's Office was working on language to improve this process. He also expressed concern that posting requirements have been burdensome. He then expressed gratitude for the efforts of legislators and staff to improve the situation for Litchfield and other towns.

Rep. Sayers (Chair) recounted that last year the sub-committee was very interested in newspaper notice changes, but that legislation was not passed, so the sub-committee should look at this as a small way to start to initiate these changes.

Mr. Paul stated that he would love to see a one stop shop for notices on town websites.

Rep. Sayers (Chair) moved to support the concept of legislation changing the notice requirements.

Mr. McPherson seconded the motion.

Ms. Glassman stated that she would like to abstain from voting because the specific language being discussed was not available.

(No vote was taken.)

Rep. Nicastro stated that he enjoyed serving on this sub-committee because the members were all sincere and no one had been rude or disrespectful. He stated that he was proud of the work the group had done and continued that yhe Chair had done an outstanding job.

Rep. Sayers (Chair) stated that Mr. McPherson has distributed a list of items the sub-committee has discussed but not resolved during the past 2 years. She continued that the group would not do anything with this list today, but when the sub-committee is re-constituted next year, we will use this as a reference.

Rep. Fox apologized for his late arrival to the meeting, explaining that he was stuck in a nearly 4 hour commute. He thanked the sub-committee members for their efforts this year.

Mr. McPherson stated that he could validate those problems.

Rep. Sayers (Chair) thanked the sub-committee members for their service on the MORE Commission and stated that this group had done some very good things. She stated that the policy making process is sometimes slow and cumbersome, but she appreciated the patience of the sub-committee members.

Rep. Nicastro stated that he would fight to push the sub-committee's recommendations along in the legislature.

Mr. Paul expressed his sincere gratitude to Rep. Sayers and Rep. Nicastro. He stated that the sub-committee had gotten some things done, so it was worth serving as a member.

Rep. Sayers (Chair) adjourned the meeting at 3:25PM.

Respectfully submitted: Leland Moore and Dave Desjardins