

2011 HOUSE HUMAN SERVICES

HB 1139


2011 HOUSE STANDING COMMITTEE MINUTES

House Human Services Committee Fort Union Room, State Capitol

HB 1139
January 18, 2011
Job #12999

☐ Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

This bill gives a fire department in larger communities where an advanced life support ambulance service is operated the flexibility whether they want to respond outside of the geo political boundaries for their secondary mission as EMS response.

Minutes:

Chairman Weisz: Called the hearing to order on HB 1139.

Rep. Porter: From District 34 Mandan sponsored and introduced the bill. Over the years we have all worked together on creating an EMS systems approach to how the 911 response for a call for help is handled. I've been a big proponent of a system wide approach to how that works. We have dealt with geo political boundaries over the years making sure that when a county line was drawn in the sand someplace and EMS response was shorter from someone on the other side of the county line that the public weren't waiting for that EMS response from someplace further away because of the geo political line. The whole premise behind the response system on EMS calls and what is considered to be an EMS response goes all the way to the level of first responder. Many times that includes the ND Highway Patrol, local police, local and rural fire departments, Sheriff's department and then quick response units that are a standalone entity in a given area. We wanted to make sure as a legislative assembly that whoever was the closest got that call. Not whoever was geo politically correct. In the instance this bill addresses; in the larger communities the response to those calls is a secondary or non-primary mission of those fire departments. This bill really tees into the fact of that secondary mission. That secondary mission to respond to those EMS calls along with the responding ambulance service is a secondary mission. That is what the bill really addresses is because their primary mission is fire protection in those larger communities, that EMS is a secondary mission. Giving an example if the fire chiefs from both Bismarck and Mandan are sitting over here and the Mandan Fire Department was busy on a structure fire in downtown Mandan with all of their units; and a call for EMS came in the north part of Mandan, it is most likely that they would not respond with the ambulance service to that call. It would be the discretion of the fire chief or commander on that scene. Same goes for Bismarck. Take that scenario and go to the geo political boundaries of those larger cities. In instances where the call is outside of geo political boundaries; where it is not their primary responsibility as a responder (even though they can still respond to those calls, but don't have to) they are keeping their resources available for their primary mission if they so choose. This bill gives them as a

fire department in the larger communities where an advanced life support ambulance service is operated the flexibility whether they want to respond outside of the geo political boundaries for their secondary mission as EMS response.

Chairman Weisz: In your testimony you indicated that if they're in a primary service area they don't have to respond now?

Rep. Porter: It is my understanding now they would not have to. The problem with what the bill is addressing is, in Bismarck they have a new fire station on the north end of town off from 43rd, not very far to the county line. Under the current dispatch scenario, if there was a call for a medical emergency that was 5 miles north of Bismarck, our current station on the north side of town is on 19th and Century, so they would have a two minute jump on us and are outside of their primary response area, in Burleigh County. They are inside the city of Bismarck where their primary responsibility for fire suppression exists. Under this bill it would allow them not to respond to that call. Currently they would have to.

Rep. Holman: Define what type of entities fall into the quick response unit. Would it just be fire and ambulance or are there others?

Rep. Porter: It could be anyone who chooses to be licensed through the Dept. of Health as a quick response unit. It could be anything from a standalone group of volunteers that want to be a quick response unit in the area or ND Highway Patrol. There are law enforcement agencies and fire departments that are licensed as quick response units.

Rep. Holman: If the law enforcement is a quick response, it would be logically that often times be first on the scene.

Rep. Porter: Absolutely. It falls back to those twenty-two public service answering points we have in the state. If you call 911 it is going to go to one of twenty-two public service answering points depending how they do their dispatching off from their program. I'm only familiar with what happens in Burleigh County where the address pops up on the screen along with latitude and longitude. Inside of the screen it tells the dispatcher who are the responding agencies for that call. The primary response areas have already been pre-determined for the dispatcher to dispatch the most appropriate agency to that particular call.

Joel Boespflug: Bismarck Fire Chief and testified in support of the bill and thanked Rep. Porter for bringing this matter forward. Our employees and department are about care and support the overall system, but this is a situation in we simply can't engage in what might be expected of us. This is due to the type of staffing and equipment and primary service. Our primary service is fire protection and we deal with about 2500 emergency calls per year in the city of Bismarck. A large amount of those, approximately 800-900 are emergency medical situations. We are set up where we are a captain and three fire fighters and it might be an aerial type unit or a pumper within a geographical area to respond in certain matter of minutes so we can contain the fire to a small room of origin. That is how we operate day to day. If we are in that district and in that area and a medical situation arises, we do have a great working relationship with our local ambulance and do respond. We are there sometimes because of the proximity of our stations and maybe one

minute to three minutes ahead of the ambulance and it works well and we don't compromise the fire protection for the citizens. If we were to use the scenario that was used earlier and respond five miles north of Bismarck; what we would be responding with is a 77,000 pound fire truck that may not be able to deal with certain type roads. I'm not even sure we could provide the service that might be expected of us. In 2001, HB 1202 at that time created quick response units. After that was developed we noticed a potential conflict with quick response units if we were expected to be licensed as one. In 2003, HB 1480 provided verbiage something to the effect that, a quick response unit licensure is optional. In 2009 without us knowing it and that is our fault; we didn't realize the change in SB 2048 inserted the word "not optional". Therefore, we believe that as Rep. Porter stated that if we were to license as a quick response unit, we would sacrifice fire protection for the people we serve. We want to continue the service and believe we are dealing with 800-900 EMS type calls in our community and believe we do make a positive difference in our partnership. We want that to continue and are simply not able to license as a quick response unit. If we were forced to do that obviously we would have to change our mission.

No Opposition

Chairman Weisz: Closed the hearing on HB 1139.

Chairman Weisz: Opened up discussion of HB 1139. (Question to Rep. Porter.) If Bismarck Fire Dept. would want to opt out, do they have to notify someone?

Rep. Porter: The Fire Dept., Highway Patrol, the Sheriff's Dept. so on and so forth would know that they have created this boundary so the proper response can then happen.

Rep. Schmidt: You said this is addressing a problem and from my own personal knowledge, is this a frequent problem?

Rep. Porter: I would have to say no. As larger areas and strategically placed, fixed base locations of fire units are towards the edge of their geo political boundaries that it becomes a problem. Up until Bismarck moved the fire station to way up north, their furthest north responding unit was over here by the gas station. The EMS agency was up on N. 19th past Space Aliens and so anything north of Bismarck was covered by the EMS and the geo political line never came into play.

Rep. Kilichowski: If they elect to not go outside of their area and not allocated for any grant money, that doesn't affect that area inside of their border does it? Are they still allowed grant money for that?

Rep. Porter: No, they would not be. The purpose of that grant money was to help cover the training expenses and some of the equipment expenses to be outside of the geo political boundary. By reeling them in, they should not be eligible for those funds. The training dollars would be focused towards the response units that would take those calls.

Rep. Hofstad: I understand how this works in a metropolitan area. Are there some unintended consequences in rural areas where we have an area that becomes

underserved because the response time would be a great deal farther? The response unit is not always in the center of the area that it serves.

Rep. Porter: I don't believe so. The area is already served by an advanced life support ambulance service, being one of those limiting factors. There are only seven advanced support ambulance (ALS) services in the state. They are all in the larger communities. A service where they may provide part-time ALS service, but still licensed as a basic life support service (BLS), this provision wouldn't come into play so that would make them ineligible. Typically those fire departments in those areas are full-time and full-time responsibility of fire suppression to these tax payers that pay that service. Their EMS response is a part-time secondary mission that they have agreed to take on. I think the coverage is overlapped and taken care of.

Chairman Weisz: Nothing prohibits them from responding if so they wish, correct?

Rep. Porter: That is correct. Their already mutual aid agreements with other agencies would also be into play and those would be recorded and taken care of at the 911 public service answering point level. Just as an example, Bismarck rural didn't have their substation north of Bismarck and would come into a mutual aid agreement with the Bismarck city Fire Department, that motor vehicle crashes occurring on Highway 83; the Bismarck city Fire Department would be a primary responder for extrication on those calls to a certain line out in that area. Then they could certainly do that. One of the biggest concerns that the fire chief of Bismarck has with the requirement is that they do not have little pick up rescue vehicles that would respond. They use a quint system which is a ladder truck to respond to all calls. They only have one truck which is 80,000 pound. The calls aren't limited to asphalt or days when not raining and there is a risk to them on the type of service they provide as their primary service and the equipment they use. Mutual aid agreements are alive and well and would take care of all of this.

Rep. Louser: If they elect not to be dispatched. How would they get that call?

Rep. Porter: Are you talking about a mutual aid situation? They work based on the other agency initiating mutual aid. If it was a standing type order of mutual aid then that would have to be taken care of through the dispatch center so the standing order would preformed at all times inside of this area. Many of the who goes who doesn't situations come from the public service answering points.

Rep. Devlin: I move a DO PASS on HB 1139.

Rep. Hofstad: Second

Rep. Devlin: The Political Subdivisions Committee had a piece of that bill that should probably involved this amendment to and Rep. Porter and I talked about it earlier, but there was no way to schedule that amendment without some kind of hearing and this was a substantial change. Perhaps if both of these bills go to the other side, they could be amended in the original and this one could go away. Whatever you want to do with it. Somebody should at least remember that.

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Chairman Weisz: Ok, thank you Rep. Devlin.

Vote: 13 y 0 n

Bill Carrier: Rep. Porter

Date: 1-18-11
Roll Call Vote # 1

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1139

House HUMAN SERVICES Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment
☐ Rerefer to Appropriations ☐ Reconsider

Motion Made By Rep. Denlin Seconded By Rep. Hofstad

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN WEISZ	✓		REP. CONKLIN	✓	
VICE-CHAIR PIETSCH	✓		REP. HOLMAN	✓	
REP. ANDERSON	✓		REP. KILICHOWSKI	✓	
REP. DAMSCHEN	✓				
REP. DEVLIN	✓				
REP. HOFSTAD	✓				
REP. LOUSER	✓				
REP. PAUR	✓				
REP. PORTER	✓				
REP. SCHMIDT	✓				

Total (Yes) 13 No 0

Absent _____

Floor Assignment Rep. Porter

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1139: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the
Eleventh order on the calendar.

2011 SENATE HUMAN SERVICES

HB 1139

2011 SENATE STANDING COMMITTEE MINUTES

Senate Human Services Committee Red River Room, State Capitol

HB 1139
March 15, 2011
15488

☐ Conference Committee

MMB

Explanation or reason for introduction of bill/resolution:

Relating to dispatch of emergency medical services.

Minutes:

No written testimony

Chairman Senator J. Lee opened the hearing on HB 1139.

Representative Porter, District 34, introduced HB 1139. He said that a couple of sessions ago they put a requirement in the century code that talked about the closest available emergency medical service. In the larger communities where you have multi-system response with law enforcement, fire department, and EMS, this provision is bumping up against what would be considered to be a fire departments primary mission. He said that he was asked by his two local fire chiefs to put this bill in to help fix this concern of theirs. The present language bumps up against the system status management dispatch protocol. Also with the advent of automatic vehicle location system, sometimes it is only a matter of minutes between the closest responder and the responder that is specific to certain emergency. Example would be a fire department called to a bar brawl. It would be system protocol to call the police department and EMS and not the closest responders. He said the current language is not working. The language in HB 1139 says that a quick response unit whose primary function is not emergency medical services may elect not to be dispatched to medical emergencies outside the entity's primary response area if the area is served by an advanced life support ambulance service. He asked that the committee support the bill and allow for this exemption to our closest available EMS service law.

Senator Uglem asked if the fire departments are responding now or are they going by what is reasonable.

Representative Porter replied that they have chosen to not certify as a quick response unit until this is cleared up. They still respond to the calls in their primary area of responsibility.

Senator Uglem asked if other cities were expressing the same concern.

Representative Porter said that he had not heard from other city's fire chiefs. Chief Boespflug may be able to address that question. Representative Porter said that when

Chief Boespflug asked me to draft the language, he was working with the fire chief from Minot and Fargo. It is also good to note that this language does not limit them from responding.

Joel Boespflug, Bismarck Fire Department Chief, testified in support of HB 1139. He thanked Representative Porter for sponsoring the bill. He said that he had run this issue through the North Dakota Fire Chiefs Association and the cities of Grand Forks, Fargo, and Minot are all echoing the same concerns. HB 1139 does a nice job of placing our primary mission at the top of our list and we know that we can't sacrifice that.

No opposing testimony.

Senator Dever moved a **Do Pass**.

Senator Uglem seconded the motion.

Roll call vote: 5-0-0. **Motion passed.**

Carrier is **Senator Uglem**.

Date: 3-19-11Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1139Senate HUMAN SERVICES

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: ☒ Do Pass ☐ Do Not Pass ☐ Amended ☐ Adopt Amendment☐ Rerefer to Appropriations ☐ ReconsiderMotion Made By Sen. Dever Seconded By Sen. Uglem

Senators	Yes	No	Senators	Yes	No
Sen. Judy Lee, Chairman	✓		Sen. Tim Mathern	✓	
Sen. Dick Dever	✓				
Sen. Gerald Uglem, V. Chair	✓				
Sen. Spencer Berry	✓				

Total (Yes) 5 No 0Absent 0Floor Assignment Senator Uglem

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1139: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS**
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the
Fourteenth order on the calendar.