

This cover letter contains a brief overview of the Morrow County EMS Advisory Committee's efforts to enforce the Ambulance Service Area Plan and to oversee the QA Problem Resolution process dictated by the ASA Plan.

March 31, 2022:

- Chief Michael Hughes made a verbal presentation to the EMS Advisory Committee requesting that the Committee recommend changes to the ASA Plan to allow Boardman Fire Rescue District to respond to EMS calls in Boardman. The EMS Advisory Committee voted not to recommend changes to the ASA Plan.

April 25, 2022:

- The Morrow County Health District Board (referred to as "Board" in the ASA Plan) voted to accept the EMS Advisory Committee's recommendation not to pursue amendments to the ASA Plan.

April 27, 2022:

- A determination letter jointly signed by the EMS Advisory Committee and MCHD Board was issued to Boardman Fire Rescue District.

July 18, 2022:

- Due to continued non-compliance with the ASA Plan, the EMS Advisory Committee voted to continue the QA Problem Resolution process by issuing letters of non-compliance to Boardman Fire Rescue District and the Morrow County Sheriff's Office.

July 26, 2022:

- Non-compliance letters were issued to BFRD and MCSO.

August 31, 2022:

- Due to continued non-compliance and failure to respond appropriately to past notifications of non-compliance, the EMS Advisory Committee voted to issue another notice of non-compliance to BFRD and MCSO as dictated in the ASA Plan QA Problem Resolution process.

September 2, 2022:

- Additional non-compliance letters were issued to BFRD and MCSO.

During this timeframe, BFRD stated their intent to mediate the dispute, which delayed the QA Problem Resolution process from proceeding. The process resumed when it became clear BFRD did not intend to mediate in good faith.

December 9, 2022:

- A notice of hearing was issued to BFRD as required by the ASA Plan, which states that the MCHD Board is responsible for conducting a hearing when the QA Subcommittee is unable to obtain compliance under the procedures contained in the QA Problem Resolution section of the ASA Plan.

December 20, 2022:

- BFRD agreed via legal counsel, Jack Caynon, to engage in mediation with an impartial retired judge alongside a request to delay the non-compliance hearing.

After multiple delays, mediation was set for April 17, 2023.

March 20, 2023:

- Due to repeated delays with mediation and BFRD's continued requests to the Morrow County Board of Commissioners, a second notice of hearing was issued with a hearing date of May 12, 2023.

April 6, 2023:

- BFRD relayed via legal counsel, Jack Caynon, their intent not to participate in mediation scheduled on April 17, 2023 or the hearing scheduled on May 12, 2023.

April 7, 2023:

- The EMS Advisory Committee submitted a letter to the MCHD Board expressing concerns about BFRD's continued non-compliance with the ASA Plan.

EMS Advisory Committee Agenda

March 31, 2022 at 6:00 p.m.

In Person	Pioneer Memorial Clinic Conference Room 130 Thompson Street, Heppner, OR 97836
Zoom	https://us06web.zoom.us/j/5355797120 Meeting ID: 535 579 7120

1. Call to Order

2. Public Comments

Maximum of 3 minutes per person/topic. Multiple items on the same topic need to be combined through one speaker. A maximum of 30 minutes may be allotted for public comment.

3. Approval of Meeting Minutes

A. October 26, 2021

4. New Business

A. Protocol for dispatching to EMS calls in Boardman, Oregon

5. Old Business

6. Executive Session

A. ORS 192.660(2)(f) To consider information or records that are exempt from public inspection.

7. Adjourn

MORROW COUNTY ASA QA

Minutes of Meeting held March 31, 2022

Pioneer Memorial Clinic Conference Room, Heppner, Oregon

General Business

The meeting was called to order at 6:04 p.m. by Donna Sherman.

MEMBERS PRESENT: Kristen Bowles, Judi Gabriel, Adam McCabe, Kathleen Greenup, Eric Chick, Josie Foster, Dr. Berretta (Zoom), Donna Sherman, Charlie Sumner

MEMBERS ABSENT: Del Turner

PUBLIC PRESENT: **Mike Hughes, Lisa Pratt,** Emily Roberts, Diane Kilkenny, Troy Bundy (Zoom), Mark Keith (Zoom), Donna Irons (Zoom)

Business

1. **COMMITTEE CHANGES:** It is necessary to appoint new members or reappoint current members every 2 years or due to vacancies. The following appointment/reappointments have been made by the MCHD Board of Directors:
 - a. Dr. Ed Berretta is reappointed as the Supervising Physician for the ambulance service provider.
 - b. Josie Foster is newly appointed as the EMT representative from Irrigon, replacing Will LePage.
 - c. Del Turner is reappointed as the EMT representative from Boardman.
 - d. Donna Sherman is newly appointed as the EMT representative from Heppner, replacing Rusty Estes.
 - e. Adam McCabe is reappointed as the EMT representative from Ione.
 - f. Charlie Sumner is reappointed as the QRT representative from Lexington.
 - g. Kirsten Bowles is reappointed as the 9-1-1 systems representative.
 - h. Kathleen Greenup is newly appointed as the Pioneer Memorial Hospital CNO representative, replacing Sheryl Angell.
 - i. Judi Gabriel is reappointed as the Good Shepherd Hospital CNO representative.
 - j. Eric Chick is reappointed as the fire department representative.
2. **PUBLIC COMMENTS:** None.
3. **APPROVAL OF MINUTES:**

Judi Gabriel made a motion to approve the minutes from 10-26-21 as written. Kristen Bowles seconded. Motion passed unanimously by all board members present.
4. **NEW BUSINESS:**
 - a. **Protocol for dispatching to EMS calls in Boardman, Oregon**

- The current ASA Plan states fire departments should only be paged to MVA's and when requested
- Chief Hughes from Boardman Fire, Emily Roberts from Morrow County Health District, and Troy Bundy legal counsel for Morrow County Health District gave information regarding the ASA Plan and Boardman Fire being paged to all EMS calls.
- Kathleen Greenup made a motion to continue to follow the current ASA Plan for all calls in Boardman. Donna Sherman seconded the motion. Eric Chick requested that the executive session convene prior to a vote on this motion. Request approved.

5. EXECUTIVE SESSION

- a. Donna Sherman called to order an Executive Session under ORS 192.660(2)(f) to consider information or records that are exempt from public inspection at 6:49 p.m.
- b. Executive session adjourned at 7:28 p.m.

6. NEW BUSINESS

- a. Adam McCabe made a motion to leave the ASA Plan as is. Kathleen Greenup seconded the motion. Motion passed with 6 in favor and 1 abstaining from voting.

7. OLD BUSINESS:

- a. MCHD has hired for 7 of the 8 open positions in Boardman. Irrigon will begin the hiring process by July 1, 2022.

8. **ADJOURN:** With no further business to come before the Committee, the meeting was adjourned at 7:44 p.m.

Minutes typed by Donna Sherman, EMS Director, MCHD
 Approved 7/18/22 by EMS Advisory Committee



MORROW COUNTY HEALTH DISTRICT

Excellence in Healthcare

Board of Directors Meeting Minutes

Meeting Information		Committee Members			
Meeting Date/Time:	April 25, 2022 @ 6:30 p.m.	Board Members:	John Murray, Carri Grieb, Aaron Palmquist, Diane Kilkenny, Marie Shimer		
Location	Port of Morrow Sand Hollow Room 2 East Marine Drive Boardman, OR 97818	Guests:	Staff Members: Emily Roberts, Nicole Mahoney, Patti Allstott, Jamie Houck (Zoom), Troy Soenen, Katelin Tellechea (Zoom), Sam Van Laer (Zoom), Donna Sherman, Donna Irons, Richard Hernandez, LeAnn Wright (Zoom), Judith Hall (Zoom), Natalia Wight (Zoom), Tina Davidson (Zoom), Jesse Reynen (Zoom), Guests: Jim Doherty, Ana Pineyro, Susie Thompson, Karen Thompson, Betsy Anderson, Joyce Colvin, Bruce Young, Victoria Waltz, Marcia Anderson, Ivy Zimmerman, Tamra Mabbott, Unidentified Zoom User (7) Press: April Sykes		
Video Dial In:	Zoom	Leader:	John Murray, Board Chairman	Recorder:	Jodi Ferguson

Vision:
Be the first choice for quality, compassionate care and lead the way in promoting wellness and improving health in Morrow County

Mission:
Working together to provide excellence in healthcare

Values:
Integrity, Compassion, Quality, Respect, Teamwork, Financial Responsibility

Agenda Item	Notes/Minutes
1. Call to Order	<ul style="list-style-type: none"> Chairman John Murray called the meeting to order at 6:30 p.m.
2. Public Comments	<ul style="list-style-type: none"> None.
3. Approval of Minutes	MOTION: Carrie Grieb moved to approve the minutes for the March 28, 2022 regular session as presented. Diane Kilkenny seconded the motion. The motion passed unanimously by all board members present.
4. Promise of Excellence Review	<ul style="list-style-type: none"> John Murray reviewed some of the topics of the District's Promise of Excellence.
5. CEO Report	<ul style="list-style-type: none"> CEO report was presented by Emily Roberts (see board packet). New dashboard report was presented and feedback was requested for future updates.
6. Financial Report	<ul style="list-style-type: none"> Financials for March were presented by Nicole Mahoney. The district had a \$186,525 gain for the month.
7. New Business	

<p>A. Community Benefit Project – Countywide Well Water Testing Initiative</p>	<ul style="list-style-type: none"> Emily presented a Countywide Well Water Testing Initiative proposal as part of the District’s mission to achieve a healthier Morrow County. The District proposes to initiate free well water testing to residential well owners/users countywide in partnership with Morrow County. Jim Doherty, Morrow County Commissioner and Ana Pineyro, Morrow County Health Department Communicable Disease and Emergency Preparedness Coordinator presented, “Know Your Water Well.” The board expressed unanimous support for the well water testing initiative.
<p>B. Proposed Budget Presentation FY 2022-2023</p>	<ul style="list-style-type: none"> Nicole presented the proposed budget for FY 2022-2023. <p>MOTION: Aaron Palmquist moved to approve the Proposed Budget for FY 2022-2023 to go to public hearing as presented. Carrie Grieb seconded the motion. The motion passed unanimously by all board members present.</p>
<p>C. USDA Loan Refinance</p>	<ul style="list-style-type: none"> Nicole presented USDA Loan Refinance information with the Bank of Eastern Oregon due to the lowest interest rates available. <p>MOTION: Aaron Palmquist moved to have Emily Roberts and John Murray approved to sign for the refinance of the USDA loan. Marie Shimer seconded the motion. The motion passed unanimously by all board members present.</p>
<p>D. Vendor Selection for Electronic Medical Record (EMR)</p>	<ul style="list-style-type: none"> Emily presented pricing and information about three potential EMR vendors/systems with a recommendation to proceed with Thrive from CPSI. <p>MOTION: Aaron Palmquist moved to have staff move forward with the Thrive EMR Product. Diane Kilkenny seconded the motion. The motion passed unanimously by all board members present.</p>
<p>E. Equipment Purchases</p>	<ul style="list-style-type: none"> Emily presented information on four equipment purchase requests. Three bids were presented for the purchase of a portable x-ray machine using COVID funds with a recommendation to proceed with the machine from Turn Key Medical. <p>MOTION: Aaron Palmquist moved to have staff proceed with the purchase of a portable x-ray machine from Turn Key Medical for \$157,248. Marie Shimer seconded. The motion passed unanimously by all board members present.</p> <ul style="list-style-type: none"> Bids were solicited from five companies for the purchase of a hospital water softener, however, Blue Mountain Plumbing was the only company that responded. <p>MOTION: Aaron Palmquist moved to have staff proceed with the purchase of a replacement water softener through Blue Mountain Plumbing for \$66,793.10. Carrie Grieb seconded. The motion passed unanimously by all board members present.</p> <ul style="list-style-type: none"> Three bids were presented for the purchase of a hospital bathtub using PMH Foundation grant funds with a recommendation to proceed with the bathtub from Master Care. <p>MOTION: Carrie Grieb moved to have staff proceed with the purchase of a replacement bathtub through Master Care for \$17,394. Aaron Palmquist seconded. The motion passed unanimously by all board members present.</p> <ul style="list-style-type: none"> Three bids were presented for the purchase of a Pulmonary Function Test (PFT) machine using COVID funds with a recommendation to proceed with the MGC Diagnostics Platinum Elite DX Body Plethysmograph with RTD bid. <p>MOTION: Aaron Palmquist moved to have staff proceed with the MGC Diagnostics Platinum Elite DX Body Plethysmograph with RTD bid for \$70,569.50. Diane Kilkenny seconded. The motion passed unanimously by all board members present.</p>
<p>8. Provider Contracts</p>	<ul style="list-style-type: none"> Emily presented a provider contract for Edward Piepmeier, MD. <p>MOTION: Aaron Palmquist moved to approve the contract for Edward Piepmeier, MD as presented. Carrie Grieb seconded. The motion passed unanimously by all board members present.</p>

	<ul style="list-style-type: none"> Emily presented a provider contract for Jillian Webb, FNP. <p>MOTION: Aaron Palmquist moved to approve the contract for Jillian Webb, FNP as presented. Diane Kilkenny seconded. The motion passed unanimously by all board members present.</p> <ul style="list-style-type: none"> Emily presented a provider contract for Christine Seals, MD. <p>MOTION: Aaron Palmquist moved to approve the contract for Christine Seals, MD as presented. Carrie Grieb seconded. The motion passed unanimously by all board members present.</p>
9. Professional Service Agreement	<ul style="list-style-type: none"> Emily presented a professional service agreement with Radiology Specialists of the Northwest, P.C. <p>MOTION: Aaron Palmquist moved to approve the service agreement with Radiology Specialists of the Northwest, P.C. as presented. Marie Shimer seconded. The motion passed unanimously by all board members present.</p>
10. SDAO Best Practices	<ul style="list-style-type: none"> SDAO Best Practices was tabled until the next meeting.
11. Morrow County EMS Advisory Committee Application	<ul style="list-style-type: none"> Emily presented the Morrow County EMS Advisory Committee application for Jamie Houck as the Interim CNO for MCHD. <p>MOTION: Aaron Palmquist moved to approve the EMS Advisory Committee application for Jamie Houck, Interim CNO as presented. Diane Kilkenny seconded. The motion passed unanimously by all board members present.</p>
12. Old Business	<ul style="list-style-type: none"> Emily reported that the title company is reviewing documents for the purchase of the property in Irrigon for the construction of the Irrigon Ambulance Hall.
13. Executive Session	<ul style="list-style-type: none"> John Murray called to order an Executive Session under ORS 192.660(2)(f) to consider information or records that are exempt from public inspection at 8:12 p.m. The executive session adjourned at 8:41 p.m. and then immediately returned to regular session.
14. Regular Session	<p>MOTION: Marie Shimer made a motion that John Murray, Emily Roberts, and Donna Sherman work on a joint response regarding the ASA plan to Boardman Fire. Aaron Palmquist seconded. The motion passed unanimously by all board members present.</p>
15. Adjourn	<p>With no further business to come before the board, the meeting adjourned at 8:44 p.m.</p> <p>Minutes taken and submitted by Jodi Ferguson. Approved May 23, 2022.</p>



DETERMINATION

**Morrow County Health District
ASA Plan EMS Advisory Committee**

A Request to Amend the Ambulance Service Area Plan (ASA Plan) was brought by Boardman Fire and Rescue District Chief, Michael Hughes, during a regularly called, public meeting on March 31, 2022. This meeting was preceded by a joint conference on March 21, 2022 attended by the following individuals:

- Michael Hughes (BFRD Fire Chief)
- Ken Browne (BFRD Board Chair)
- Lisa Pratt (BFRD Board Member)
- Emily Roberts (MCHD CEO)
- Nicole Mahoney (MCHD CFO)
- Donna Sherman (MCHD EMS Director / EMS Advisory Committee Member)
- Dr. Ed Berretta (MCHD EMS Supervising Physician / EMS Advisory Committee Member)
- John Murray (MCHD Board Chair)
- Diane Kilkenny (MCHD Board Member)
- Troy Bundy (Legal Counsel)

The public meeting was duly called and attended by the following Committee members:

- Dr. Ed Berretta (Supervising physician or designee for the ambulance service provider)
- Donna Sherman (EMT from Heppner)
- Josie Foster (EMT from Irrigon)
- Adam McCabe (EMT from Lone)
- Charlie Sumner (Quick response team representative from Lexington)
- Eric Chick (Fire department representative)
- Kristen Bowles (9-1-1 systems representative)
- Judi Gabriel (Director of nursing service or designee from Good Shepherd Hospital)
- Kathleen Greenup (Director of nursing service or designee from Pioneer Memorial Hospital)

The Request to Amend was based upon the desire of Boardman Fire District to attend all emergency calls within Boardman Fire District, regardless of subject matter of the calls. Following the public discussion, an Executive Session was called and the EMS Advisory Committee/QA Subcommittee was tasked with evaluating quality concern issues in determining whether amendment of the ASA would be appropriate, as it is required to do per the ASA Plan. The following background is highlighted for purposes of this DETERMINATION.

The procedures for adopting ASA Plans are set out under the Oregon Administrative Rules (OAR) in Chapter 333. The County, after consultation with appropriate entities, must present the proposed ASA Plan to the State of Oregon, Public Health Division – Oregon Health Authority (OHA) for approval. Once approved, the ASA Plan controls **all aspects** of the ambulance service area in question, including the coordination of “non-transporting EMS Providers,” including Quick Response Teams (QRTs), which are defined as any agency that provides initial response and basic life support care without transportation capabilities by certified First Responders, OAR 333-260-0020(6)(e)(A). Emergency and Non-Emergency

Pioneer Memorial Hospital & Nursing Facility	Pioneer Memorial Home Health & Hospice	Pioneer Memorial Clinic	Irrigon Medical Clinic	Lone Community Clinic	Morrow County Ambulance
P – (541) 676-9133	P – (541) 676-2946	P – (541) 676-5504	P – (541) 922-5880	P – (541) 422-7128	P – (541) 676-9133
F – (541) 676-2901	F – (541) 676-9017	F – (541) 676-9025	F – (541) 922-5881	F – (541) 422-7145	F – (541) 676-2901
TDD – (541) 676-2908					

scene response are incorporated into the ASA Plan, and the Morrow County Health District Board is responsible for Plan oversight and appointment of the multi-disciplinary task force referred to as the EMS Advisory Committee. The Committee is composed of members representing all relevant specialty groups including medical, fire, and EMS.

Per the ASA Plan, “The County is considered a single EMS area.” This incorporates the Boardman Fire District. A narrative description of the boundaries of the EMS area are set out on Page 7 of the ASA Plan. The Plan was developed to “ensure that the citizens of Morrow County have access to an efficient and effective ambulance service in spite of this being a remote and sparsely populated area.”

The EMS Advisory Committee is tasked with advising the Morrow County Health District Board (The Board) on all matters relating to pre-hospital emergency medical care, making ASA Plan amendment recommendations to the Board, and fostering co-operation among pre-hospital care providers and the medical community. For Quality Assurance purposes with respect to EMS care, the members must investigate all medically related issues and perform any duties that are required to carry out the requirements of the ASA Plan as directed by the Board. The EMS Advisory Committee reports directly to the Board on all matters coming before the Committee. The Chairperson of the Committee is given the power and responsibility of Administering the ASA Plan and EMS Ordinance, as specified on page 15 of the ASA Plan, based upon the findings and determinations made by the EMS Advisory Committee. As stated on Page 17 of the ASA Plan: “COORDINATION – ADMINISTRATION OF THE PLAN: (1) The Morrow County ASA Plan shall be administered by the EMS Advisory Committee, as representatives of the Board.”

NOW, THEREFORE, after hearing full argument and requests made on behalf of the Boardman Fire and Rescue District, it is hereby **DETERMINED**, that the ASA Plan EMS Advisory Committee has voted to **REJECT** the request from Boardman Fire and Rescue District to Amend the Plan and the County/Health District’s longstanding policy and procedure of dispatching the Fire District to Fire and Motor Vehicle Accident calls only, unless specifically requested by the Health District/Morrow County Ambulance. Considerations of the following details were made by the Committee and given appropriate weight:

- (1) Oregon law specifically prohibits what is known as “call-jumping.” OAR 222-265-0083(15). It has been determined by the State of Oregon that **sending multiple providers to a single call presents risks to the public and patients that do not outweigh the benefit of that action.** This includes: (a) Traffic risks to the public at large associated with multiple providers coming in “hot” to a single scene and, potentially, exceeding speed limits and other traffic laws in an effort to attend the scene first; (2) Creating conflicts and disputes between care providers on scene, lending to unnecessary delays in care; (3) Slowing the delivery of care given the above; (4) Having multiple opposing treatment protocols in place with regard to patient care; (5) Splitting emergency resources that results in waste of time, budget, and expense; (6) Delays in patient transport associated with the foregoing and in failures to understand appropriate chain of command; (7) A review of Morrow County Ambulance response times revealed that response times are all well within protocol; (8) Personnel changes have occurred at Morrow County Ambulance that increase the number of available responders; (9) No other Fire District in Morrow County operates in the fashion proposed by Boardman Fire District, nor has any done so in 70 years.
- (2) Over the last year, the Boardman Fire District has demonstrated a failure to adhere to appropriate protocol and procedure. This has been demonstrated by the following: (1) Failing to have an appropriate contract and protocols in place with its medical director; (2) Failing to have a clear set of standing orders approved and reviewed by a medical director; (3) Instructing the Sherriff’s Department to ignore determinations of the Health

Pioneer Memorial Hospital & Nursing Facility	Pioneer Memorial Home Health & Hospice	Pioneer Memorial Clinic	Irrigon Medical Clinic	Ione Community Clinic	Morrow County Ambulance
P – (541) 676-9133	P – (541) 676-2946	P – (541) 676-5504	P – (541) 922-5880	P – (541) 422-7128	P – (541) 676-9133
F – (541) 676-2901	F – (541) 676-9017	F – (541) 676-9025	F – (541) 922-5881	F – (541) 422-7145	F – (541) 676-2901
TDD – (541) 676-2908					



**MORROW COUNTY
HEALTH DISTRICT**
Excellence in Healthcare

PO BOX 9
Heppner OR 97836
Tel: 541-676-9133
Toll Free: 1-800-737-4113
www.morrowcountyhealthdistrict.org

District and the procedures laid out in the ASA Plan with regard to dispatch; (4) Engaging in multiple instances of patient confidentiality violations in public forums; (5) Multiple instances of Fire District crew disparaging Health District ambulance crew in public, at incident scenes, and elsewhere; (6) Multiple instances of Fire District crew unlawfully removing medications and supplies from Morrow County vehicles and facility without Health District authority; (7) Failing to engage in appropriate transfer of patient care when indicated; (8) Engaging in a public campaign to undermine the reputation of the Morrow County Ambulance personnel and the Board by posting false information in social media and attempting to create a false narrative that the District was slow in responding to calls or provided otherwise substandard care with respect to arrival and transports, or that the public was at risk if the Fire District was prohibited from responding to every EMS call.

- (3) One of the overriding reasons for the Fire District’s requested amendment is funding-based, rather than safety-based. This is not an appropriate reason to change protocol and the ASA Plan.

Based upon these considerations and conclusions, it is the medical and public safety determination of the EMS Advisory Committee, the QA Subcommittee and the Morrow County Health District that the Morrow County ASA Plan remain unchanged and the Morrow County Sherriff’s Department shall **discontinue** the practice of dispatching Boardman Fire and Rescue to all calls and will **resume** the practice of dispatching Boardman Fire and Rescue to Fire and Motor Vehicle Accident calls only, unless specifically requested by the Health District/Morrow County Ambulance. Continued activities in opposition to this arrangement are inappropriate and in violation of the ASA Plan; the EMS Advisory Committee’s determination; and the Health District’s responsibility to administer the Plan in a way that ensures the citizens of Morrow County have access to an efficient, safe and effective ambulance service, in spite of this being a remote and sparsely populated area.

4-27-22

Donna Sherman, Morrow County EMS Advisory Committee Chair

Date

4/27/22

John Murray, Morrow County Health District Board Chair

Date

Pioneer Memorial Hospital & Nursing Facility	Pioneer Memorial Home Health & Hospice	Pioneer Memorial Clinic	Irrigon Medical Clinic	Ione Community Clinic	Morrow County Ambulance
P – (541) 676-9133 F – (541) 676-2901 TDD – (541) 676-2908	P – (541) 676-2946 F – (541) 676-9017	P – (541) 676-5504 F – (541) 676-9025	P – (541) 922-5880 F – (541) 922-5881	P – (541) 422-7128 F – (541) 422-7145	P – (541) 676-9133 F – (541) 676-2901

EMS Advisory Committee Agenda

July 18, 2022 at 6:30 p.m.

In Person	Pioneer Memorial Clinic Conference Room 130 Thompson Street, Heppner, OR 97836
Zoom	https://us06web.zoom.us/j/82393734669?pwd=S2ZMV114Zkk0VFFXY0tFWHUxbiNoUT09 Meeting ID: 823 9373 4669 Passcode: 420660

1. Call to Order

2. Public Comments

Maximum of 3 minutes per person/topic. Multiple items on the same topic need to be combined through one speaker.
A maximum of 30 minutes may be allotted for public comment.

3. New Advisory Committee Appointment

4. Approval of Meeting Minutes

A. March 31, 2022

5. Executive Session

A. ORS 192.660(2)(f) To consider information or records that are exempt from public inspection.

6. New Business

A. Non-Compliance with Morrow County ASA Plan

7. Old Business

8. Executive Session

A. ORS 192.660(2)(f) To consider information or records that are exempt from public inspection.

9. Adjourn

MORROW COUNTY EMS ADVISORY COMMITTEE MEETING

Minutes of Meeting held July 18, 2022

Pioneer Memorial Clinic Conference Room, Heppner, Oregon

MEMBERS PRESENT: Kristen Bowles, Judi Gabriel (Zoom), Adam McCabe, Jamie Houck (Zoom), Eric Chick, Josie Foster, Dr. Berretta (Zoom), Donna Sherman, Richard Hernandez

MEMBERS ABSENT: Charlie Sumner

PUBLIC PRESENT: Del Turner, Rick Stokoe (Zoom), Emily Roberts, Diane Kilkenny, Troy Bundy (Zoom), Mark Keith (Zoom), Paul Keefer, Amy Loughlin (Zoom), John Bowles, Justin Nelson

MEDIA PRESENT: David Sykes (Heppner Gazette)

Call to Order

The meeting was called to order at 6:31 p.m. by Donna Sherman.

Business

1. PUBLIC COMMENTS:

- a. Paul Keefer, Boardman Mayor, expressed support for BFRD to operate ambulances in Boardman.
- b. Del Turner requested to be retained on the EMS Advisory Committee.
- c. Justin Nelson, Morrow County Counsel, provided information about executive session regulations.
- d. John Bowles, Morrow County Undersheriff, stated that the Morrow County Sheriff's Office is a neutral party.
- e. Diane Kilkenny, MCHD Board Member, pointed out that EMS services are countywide and must take into consideration the wellbeing of the entire county.

2. COMMITTEE CHANGES: It is necessary to appoint new members or reappoint current members every 2 years or due to vacancies. The following appointment/reappointments have been made by the MCHD Board of Directors:

- a. Jamie Houck is newly appointed as the Pioneer Memorial Hospital CNO representative, replacing Kathleen Greenup.
- b. Richard Hernandez is newly appointed as the EMT representative from Boardman, replacing Del Turner.

3. APPROVAL OF MINUTES:

Eric Chick made a motion to approve the minutes from March 31, 2022 as written. Josie Foster seconded. Motion passed unanimously by all board members present.

4. EXECUTIVE SESSION

- a. Donna Sherman called to order an Executive Session under ORS 192.660(2)(f) to consider information or records that are exempt from public inspection at 6:55 p.m.
- b. Executive Session adjourned at 7:38 p.m.

5. NEW BUSINESS:

a. Non-Compliance with Morrow County ASA Plan

- Richard Hernandez made a motion to issue a letter to the Morrow County Sheriff's Office and to Boardman Fire Rescue District informing the entities that they are not in compliance with the Morrow County Ambulance Service Area Plan. Josie Foster seconded the motion. Motion passed with Judi Gabriel, Adam McCabe, Jamie Houck, Eric Chick, Josie Foster, Dr. Berretta, Donna Sherman, and Richard Hernandez in favor. Kristen Bowles abstained from voting.

6. OLD BUSINESS:

- a. No old business.

7. EXECUTIVE SESSION

- a. Donna Sherman called to order an Executive Session under ORS 192.660(2)(f) to consider information or records that are exempt from public inspection at 7:44 p.m.
- b. Executive Session adjourned at 8:18 p.m.

8. ADJOURN: With no further business to come before the board, the meeting was adjourned at 8:18 p.m.

Minutes taken by Josie Foster and typed by Donna Sherman, EMS Advisory Committee Chair.
Minutes approved by EMS Advisory Committee August 9, 2022.



PO BOX 9
 Heppner OR 97836
 Tel: 541-676-9133
 Toll Free: 1-800-737-4113
www.morrowcountyhealthdistrict.org

07-26-22

Boardman Fire Rescue District
 300 SW Wilson Ln
 Boardman, OR 97818

This NOTICE is sent to you pursuant to the Morrow County Ambulance Service Area Plan (ASA Plan) guidelines relating to matters involving Quality Assurance and Patient Safety. Enclosed is a copy of the Morrow County Health District (MCHD) DETERMINATION of April 27, 2022.

The purpose of this notice is to inform you that the Boardman Fire & Rescue District (BFRD) has been operating outside of the guidelines set out in this Determination and the ASA Plan with respect to how calls for medical services are to be responded to safely and in keeping with the goals and responsibilities maintained by the Morrow County Health District and the EMS Advisory Committee in administering the ASA Plan. Those BFRD activities include the following:

- (1) Operating emergency vehicles at unsafe speeds in an effort to race MCHD ambulances to non-emergency medical calls;
- (2) Obstructing access of MCHD ambulance vehicles and personnel at emergency and non-emergency medical scenes;
- (3) Making unprofessional and derogatory statements to patients and in the community relating to MCHD ambulance personnel medical care;
- (4) Violating patient confidentiality by making comments about specific calls when no longer on scene and rendering care;
- (5) Continuing to insist that the Morrow County Sheriff’s Office dispatch the BFRD to all medical calls, despite the Determination made by the MCHD and EMS Advisory Committee that this procedure is unsafe;
- and (6) Continuing to ignore and violate the ASA Plan and Determination made by the MCHD and EMS Advisory Committee that this new dispatch procedure is unsafe by continually responding to all calls, including non-emergency calls, resulting in the violations described above.

All ambulance services in Morrow County are specifically governed under the enclosed ASA Plan, which was unanimously approved by the County Commissioners and the State of Oregon Health Authority. The Morrow County Health District was assigned the responsibility of monitoring the ASA Plan, administering it through the EMS Advisory Committee and assuring county emergency medical services are appropriately utilized on a county-wide basis.

Following a public meeting, held on March 31, 2022, the MCHD entered the enclosed Determination, informing the BFRD that its new method of responding to all medical calls of any kind should cease. In spite of this Determination, following a review of all patient safety issues brought to light by these recent changes to dispatch procedures involving BFRD, the BFRD has ignored the MCHD Determination and continued following its new practice of responding to all medical calls of any kind.

As a result, the Quality Assurance Subcommittee (QA Subcommittee) procedures under the ASA Plan were triggered, and the matter was reviewed. The BFRD was given multiple opportunities to present evidence and respond to these allegations. The QA Subcommittee is responsible for investigating violations of the ASA Plan. When the QA Subcommittee identifies a problem involving compliance with the ASA Plan or conduct that fails to conform to established protocols, the QA Subcommittee shall: (1) Request any additional information necessary to establish whether a violation or failure occurred; (2) Contact the non-compliant organization in writing and identify the specific

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TDD – (541) 676-2908					

facts, laws, rules or protocols concerning the violation or failure to conform; and (3) Request that within thirty (30) days the non-compliant organization submit a written response and a plan to correct the deficiencies.

Please consider this NOTICE the ASA Plan QA Subcommittee's request for your written response and plan to address these deficiencies within 30 days from the date of this Notice. Upon receipt of these materials, the QA Subcommittee will review the BFRD's response and written plan for resolution of the deficiency. Upon findings of compliance, the QA Subcommittee will monitor the plan for resolution of the deficiencies. Upon findings of non-compliance, the QA Subcommittee and the MCHD will need to take further action as described in the ASA Plan.

Thank you for your cooperation. Feel free to forward any questions or concerns you may have.



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 Toll Free: 1-800-737-4113
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07-26-22

Morrow County Sheriff's Office
 325 Willow View Drive
 PO Box 159
 Heppner, OR 97836

This NOTICE is sent to you pursuant to the Morrow County Ambulance Service Area Plan (ASA Plan) guidelines relating to matters involving Quality Assurance and Patient Safety. Enclosed is a copy of the Morrow County Health District (MCHD) DETERMINATION of April 27, 2022. The purpose of this notice is to inform you that the Morrow County Sheriff's Office (MCSO) has been operating outside of the guidelines set out in this Determination with respect to how calls for medical services are to be handled by dispatch.

All ambulance services in Morrow County are specifically governed under the enclosed ASA Plan, which was approved by the County Commissioners and the State of Oregon Health Authority. The Morrow County Health District was assigned the responsibility of monitoring the ASA Plan, administering it through the EMS Advisory Committee and assuring county emergency medical services are appropriately utilized on a county-wide basis.

Following a public meeting, held on March 31, 2022, the MCHD entered the enclosed Determination, informing the Sheriff's Office that its new method of dispatching Boardman Fire Rescue District to all emergency medical calls should cease. In spite of this Determination, following a review of all patient safety issues brought to light by these recent changes to dispatch procedures involving the Boardman Fire Rescue District, the Morrow County Sheriff's Office has ignored the MCHD Determination and continued following its new practice of dispatching BFRD in addition to the MCHD ambulance service to all medical calls of any kind.

As a result, the Quality Assurance Subcommittee (QA Subcommittee) procedures under the ASA Plan were triggered, and the matter was reviewed. The QA Subcommittee is responsible for investigating violations of the ASA Plan. When the QA Subcommittee identifies a problem involving compliance with the ASA Plan or conduct that fails to conform to established protocols, the QA Subcommittee shall: (1) Request any additional information necessary to establish whether a violation or failure occurred; (2) Contact the non-compliant organization in writing and identify the specific facts, laws, rules or protocols concerning the violation or failure to conform; and (3) Request that within thirty (30) days the non-compliant organization submit a written response and a plan to correct the deficiencies.

Please consider this NOTICE the ASA Plan QA Subcommittee's request for your written response and plan to address these deficiencies within 30 days from the date of this Notice. Upon receipt of these materials, the QA Subcommittee will review MCSO's response and written plan for resolution of the deficiency. Upon findings of compliance, the QA Subcommittee will monitor the plan for resolution of the deficiencies. Upon findings of non-compliance, the QA Subcommittee and the MCHD will need to take further action as described in the ASA Plan.

Thank you for your cooperation. Feel free to forward any questions or concerns you may have.

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TDD – (541) 676-2908					

EMS Advisory Committee Agenda

August 31, 2022 at 6:30 p.m.

In Person	Pioneer Memorial Clinic Conference Room 130 Thompson Street, Heppner, OR 97836
Zoom	https://us06web.zoom.us/j/85464588024?pwd=NDJaYXk0UzNTeFUraXk5QWtBY3JQQT09 Meeting ID: 854 6458 8024 Passcode: 484989

1. Call to Order

2. Public Comments

Maximum of 3 minutes per person/topic. Multiple items on the same topic need to be combined through one speaker. A maximum of 30 minutes may be allotted for public comment.

3. Approval of Meeting Minutes

A. August 19, 2022

4. New Business

A. QA Problem Resolution

5. Old Business

6. Executive Session

A. ORS 192.660(2)(f) to consider information or records that are exempt from public inspection due to peer review protections under ORS 41.675.

7. Adjourn

MORROW COUNTY EMS ADVISORY COMMITTEE MEETING

Minutes of Meeting held August 31, 2022

Pioneer Memorial Clinic Conference Room, Heppner, Oregon

MEMBERS PRESENT: Judi Gabriel (Zoom), Adam McCabe, Jamie Houck (Zoom), Eric Chick, Josie Foster, Dr. Berretta (Zoom), Donna Sherman, Richard Hernandez

MEMBERS ABSENT: Charlie Sumner, Kristen Bowles

PUBLIC PRESENT: Emily Roberts, Diane Kilkenny, Troy Bundy (Zoom), Lisa Pratt (Zoom), Sam Van Laer

MEDIA PRESENT: David Sykes (Heppner Gazette)

Call to Order

The meeting was called to order at 6:30 p.m. by Donna Sherman.

Business

1. PUBLIC COMMENTS: None.

2. AGENDA CHANGE: Move executive session before new business.

3. APPROVAL OF MINUTES:

Richard Hernandez made a motion to approve the minutes from August 18, 2022 as written. Josie Foster seconded the motion. Motion passed unanimously by all board members present.

4. EXECUTIVE SESSION

- a. Donna Sherman called to order an Executive Session under ORS 192.660(2)(f) to consider information or records that are exempt from public inspection at 6:33 p.m.
- b. Executive Session adjourned at 7:06 p.m.

5. NEW BUSINESS:

a. QA Problem Resolution

- The Morrow County Sheriff's Office sent a response to the EMS Advisory Committee. Justin Nelson, counsel for MCSO, brought up concerns that the EMS Advisory Committee did not endorse the notice that was sent. The EMS Advisory Committee clarified that the Committee did endorse the notices that were sent.
- Boardman Fire Rescue District did not respond in the allotted time frame.
- Richard Hernandez made a motion to send another notice to Boardman Fire Rescue District and Morrow County Sheriff's Office for continued non-compliance with the ASA Plan giving 10 days to respond with a plan to become compliant. Josie Foster seconded the motion. Motion passed by all members present.

6. OLD BUSINESS:

a. No old business.

7. ADJOURN: With no further business to come before the board, the meeting was adjourned at 7:12 p.m.

Minutes typed by Donna Sherman, EMS Advisory Committee Chair



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9/2/2022

Chief Michael Hughes
 Boardman Fire Rescue District

This NOTICE is to inform you that the EMS Advisory Committee for the Morrow County Ambulance Service Area Plan met on August 31, 2022, to review the response and proposed plan that was to be submitted by the Boardman Fire Rescue District (BFRD) no later than August 25, 2022. Nothing was received from the Fire District explaining why BFRD was in violation of the Determination order and ASA Plan that was attached to the July 26, 2022, Notice of Violation sent to the BFRD. No plan for resolution was submitted by BFRD as required by the ASA Plan.

Therefore, as a result of BFRD’s failure to respond to the Notice, the EMS Advisory Committee has elected to move on to the next step within the quality assurance process. The rule allows the BFRD to come into compliance with the Determination order and ASA Plan within 10 days from the date responsive documents were due. The EMS Advisory Committee has elected to provide BFRD the opportunity to come into compliance by September 10, 2022, which is 10 days from the date of the EMS Advisory Committee meeting. If the BFRD fails to come into compliance with the ASA Plan and Determination order within that time, the ASA Plan procedure requires the parties to meet and discuss resolution between September 11 and September 20, 2022. If the BFRD fails to schedule that meeting or if such a meeting fails to accomplish a resolution of compliance, the matter will then be scheduled for a full hearing before the Morrow County Health District Board.

Please contact Donna Sherman in writing at donnas@moco hd.org and advise whether the BFRD will agree to comply with the ASA Plan and the MCHD Determination order of April 27, 2022. Alternatively, if the BFRD refuses to comply with the ASA Plan and MCHD Determination order, please provide dates for a meeting with the EMS Advisory Committee to be held between September 11 and September 20, 2022.

Sincerely,

Donna Sherman, EMS Advisory Committee Chair

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9/2/2022

Sheriff Matlack
 Morrow County Sheriff's Office

This NOTICE is to inform you that the EMS Advisory Committee for the Morrow County Ambulance Service Area Plan met on August 31, 2022, to review the response and proposed plan that was to be submitted by the Morrow County Sheriff's Department (MCSD) no later than August 25, 2022. A letter from County Counsel was received requesting information and the opportunity to schedule a meeting. However, no plan, documents or explanation was received from the MCSD explaining why MCSD was in violation of the Determination order and ASA Plan that was attached to the July 26, 2022, Notice of Violation sent to the MCSD. No plan for resolution was submitted by MCSD, as required by the ASA Plan.

Therefore, as a result of MCSD's failure to address the issues raised in the Notice, the EMS Advisory Committee has elected to move on to the next step within the quality assurance process. The rule allows the MCSD to come into compliance with the Determination order and ASA Plan within 10 days from the date responsive documents were due. The EMS Advisory Committee has elected to provide MCSD the opportunity to come into compliance by September 10, 2022, which is 10 days from the date of the EMS Advisory Committee meeting. If the MCSD fails to come into compliance with the ASA Plan and Determination order within that time, the ASA Plan procedure requires the parties to meet and discuss resolution between September 11 and September 20, 2022. If the MCSD fails to schedule that meeting or if such a meeting fails to accomplish a resolution of compliance, the matter will then be scheduled for a full hearing before the Morrow County Health District Board.

Please contact Donna Sherman in writing at donnas@mocohd.org and advise whether the MCSD will agree to comply with the ASA Plan and the MCHD Determination order of April 27, 2022. Alternatively, if the MCSD refuses to comply with the ASA Plan and MCHD Determination order, please provide dates for a meeting with the EMS Advisory Committee to be held between September 11 and September 20, 2022.

Thank you for your cooperation.

Sincerely,

Donna Sherman, EMS Advisory Committee Chair

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NOTICE OF HEARING

DATE OF HEARING: January 10, 2022

TIME OF HEARING: 1 p.m.

LOCATION OF HEARING: Blue Mountain Community College, Classroom 2, 251 Olson Road, Boardman, OR 97818

This is to provide formal Notice of a Hearing under the Morrow County Ambulance Service Area Plan Complaint Review Process. Prior Notice of Deficiency and Request for Response was served on The Boardman Fire and Rescue District (BFRD) on July 26, 2022, documenting multiple violations of the ASA Plan and the Determination entered by the Morrow County Health District (MCHD) March 31, 2022. Those documents are attached to this notice for your reference.

Pursuant to the ASA Plan QA Problem Resolution requirements, BFRD Fire Chief Michael Hughes was contacted personally and in writing. Instruction was provided to prepare a written response and plan to address the deficiencies. Nothing was received in response. Continued non-compliance was found and was not evident within 10 days after attempts to gain compliance were made by the MCHD QA Subcommittee. Attempts to gain voluntary compliance were made and failed. A mediation was scheduled and occurred on October 3, 2022. Attempts were made to further mediate and those attempts have failed.

As a result of the continued failures to correct the deficiencies or complete a successful mediation or otherwise resolve the BFRD compliance issues, a Hearing was requested by the MCHD QA Subcommittee. That request was granted and a Hearing is hereby ordered to occur before the MCHD Board. The hearing shall be conducted by the Board Chairperson or vice-chairperson in accordance with the Attorney General’s Model Rules of Procedures under the Administrative Procedures Act. In the event the Board determines the matter adversely to the BFRD and is unable to obtain compliance or correction as a result of this hearing, the Board shall request relief from the Morrow County Circuit Court, and the BFRD Supervising Physician shall be reported to the Oregon Board of Medical Examiners for further redress and discipline. Sanctions for non-compliance include, but are not limited to Nuisance penalties as specified under MC-C-4-98 for each occurrence.

Sincerely,

Marie Shimer

Marie Shimer, MCHD Board Chair

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DETERMINATION
Morrow County Health District
ASA Plan EMS Advisory Committee

A Request to Amend the Ambulance Service Area Plan (ASA Plan) was brought by Boardman Fire and Rescue District Chief, Michael Hughes, during a regularly called, public meeting on March 31, 2022. This meeting was preceded by a joint conference on March 21, 2022 attended by the following individuals:

- Michael Hughes (BFRD Fire Chief)
- Ken Browne (BFRD Board Chair)
- Lisa Pratt (BFRD Board Member)
- Emily Roberts (MCHD CEO)
- Nicole Mahoney (MCHD CFO)
- Donna Sherman (MCHD EMS Director / EMS Advisory Committee Member)
- Dr. Ed Berretta (MCHD EMS Supervising Physician / EMS Advisory Committee Member)
- John Murray (MCHD Board Chair)
- Diane KilKenny (MCHD Board Member)
- Troy Bundy (Legal Counsel)

The public meeting was duly called and attended by the following Committee members:

- Dr. Ed Berretta (Supervising physician or designee for the ambulance service provider)
- Donna Sherman (EMT from Heppner)
- Josie Foster (EMT from Irrigon)
- Adam McCabe (EMT from Ione)
- Charlie Sumner (Quick response team representative from Lexington)
- Eric Chick (Fire department representative)
- Kristen Bowles (9-1-1 systems representative)
- Judi Gabriel (Director of nursing service or designee from Good Shepherd Hospital)
- Kathleen Greenup (Director of nursing service or designee from Pioneer Memorial Hospital)

The Request to Amend was based upon the desire of Boardman Fire District to attend all emergency calls within Boardman Fire District, regardless of subject matter of the calls. Following the public discussion, an Executive Session was called and the EMS Advisory Committee/QA Subcommittee was tasked with evaluating quality concern issues in determining whether amendment of the ASA would be appropriate, as it is required to do per the ASA Plan. The following background is highlighted for purposes of this DETERMINATION.

The procedures for adopting ASA Plans are set out under the Oregon Administrative Rules (OAR) in Chapter 333. The County, after consultation with appropriate entities, must present the proposed ASA Plan to the State of Oregon, Public Health Division – Oregon Health Authority (OHA) for approval. Once approved, the ASA Plan controls **all aspects** of the ambulance service area in question, including the coordination of “non-transporting EMS Providers,” including Quick Response Teams (QRTs), which are defined as any agency that provides initial response and basic life support care without transportation capabilities by certified First Responders, OAR 333-260-0020(6)(e)(A). Emergency and Non-Emergency

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scene response are incorporated into the ASA Plan, and the Morrow County Health District Board is responsible for Plan oversight and appointment of the multi-disciplinary task force referred to as the EMS Advisory Committee. The Committee is composed of members representing all relevant specialty groups including medical, fire, and EMS.

Per the ASA Plan, “The County is considered a single EMS area.” This incorporates the Boardman Fire District. A narrative description of the boundaries of the EMS area are set out on Page 7 of the ASA Plan. The Plan was developed to “ensure that the citizens of Morrow County have access to an efficient and effective ambulance service in spite of this being a remote and sparsely populated area.”

The EMS Advisory Committee is tasked with advising the Morrow County Health District Board (The Board) on all matters relating to pre-hospital emergency medical care, making ASA Plan amendment recommendations to the Board, and fostering co-operation among pre-hospital care providers and the medical community. For Quality Assurance purposes with respect to EMS care, the members must investigate all medically related issues and perform any duties that are required to carry out the requirements of the ASA Plan as directed by the Board. The EMS Advisory Committee reports directly to the Board on all matters coming before the Committee. The Chairperson of the Committee is given the power and responsibility of Administering the ASA Plan and EMS Ordinance, as specified on page 15 of the ASA Plan, based upon the findings and determinations made by the EMS Advisory Committee. As stated on Page 17 of the ASA Plan: “COORDINATION – ADMINISTRATION OF THE PLAN: (1) The Morrow County ASA Plan shall be administered by the EMS Advisory Committee, as representatives of the Board.”

NOW, THEREFORE, after hearing full argument and requests made on behalf of the Boardman Fire and Rescue District, it is hereby **DETERMINED**, that the ASA Plan EMS Advisory Committee has voted to **REJECT** the request from Boardman Fire and Rescue District to Amend the Plan and the County/Health District’s longstanding policy and procedure of dispatching the Fire District to Fire and Motor Vehicle Accident calls only, unless specifically requested by the Health District/Morrow County Ambulance. Considerations of the following details were made by the Committee and given appropriate weight:

- (1) Oregon law specifically prohibits what is known as “call-jumping.” OAR 222-265-0083(15). It has been determined by the State of Oregon that **sending multiple providers to a single call presents risks to the public and patients that do not outweigh the benefit of that action.** This includes: (a) Traffic risks to the public at large associated with multiple providers coming in “hot” to a single scene and, potentially, exceeding speed limits and other traffic laws in an effort to attend the scene first; (2) Creating conflicts and disputes between care providers on scene, lending to unnecessary delays in care; (3) Slowing the delivery of care given the above; (4) Having multiple opposing treatment protocols in place with regard to patient care; (5) Splitting emergency resources that results in waste of time, budget, and expense; (6) Delays in patient transport associated with the foregoing and in failures to understand appropriate chain of command; (7) A review of Morrow County Ambulance response times revealed that response times are all well within protocol; (8) Personnel changes have occurred at Morrow County Ambulance that increase the number of available responders; (9) No other Fire District in Morrow County operates in the fashion proposed by Boardman Fire District, nor has any done so in 70 years.
- (2) Over the last year, the Boardman Fire District has demonstrated a failure to adhere to appropriate protocol and procedure. This has been demonstrated by the following: (1) Failing to have an appropriate contract and protocols in place with its medical director; (2) Failing to have a clear set of standing orders approved and reviewed by a medical director; (3) Instructing the Sherriff’s Department to ignore determinations of the Health

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District and the procedures laid out in the ASA Plan with regard to dispatch; (4) Engaging in multiple instances of patient confidentiality violations in public forums; (5) Multiple instances of Fire District crew disparaging Health District ambulance crew in public, at incident scenes, and elsewhere; (6) Multiple instances of Fire District crew unlawfully removing medications and supplies from Morrow County vehicles and facility without Health District authority; (7) Failing to engage in appropriate transfer of patient care when indicated; (8) Engaging in a public campaign to undermine the reputation of the Morrow County Ambulance personnel and the Board by posting false information in social media and attempting to create a false narrative that the District was slow in responding to calls or provided otherwise substandard care with respect to arrival and transports, or that the public was at risk if the Fire District was prohibited from responding to every EMS call.

- (3) One of the overriding reasons for the Fire District’s requested amendment is funding-based, rather than safety-based. This is not an appropriate reason to change protocol and the ASA Plan.

Based upon these considerations and conclusions, it is the medical and public safety determination of the EMS Advisory Committee, the QA Subcommittee and the Morrow County Health District that the Morrow County ASA Plan remain unchanged and the Morrow County Sherriff’s Department shall **discontinue** the practice of dispatching Boardman Fire and Rescue to all calls and will **resume** the practice of dispatching Boardman Fire and Rescue to Fire and Motor Vehicle Accident calls only, unless specifically requested by the Health District/Morrow County Ambulance. Continued activities in opposition to this arrangement are inappropriate and in violation of the ASA Plan; the EMS Advisory Committee’s determination; and the Health District’s responsibility to administer the Plan in a way that ensures the citizens of Morrow County have access to an efficient, safe and effective ambulance service, in spite of this being a remote and sparsely populated area.

4-27-22

Donna Sherman, Morrow County EMS Advisory Committee Chair

Date

4/27/22

John Murray, Morrow County Health District Board Chair

Date

Pioneer Memorial Hospital & Nursing Facility	Pioneer Memorial Home Health & Hospice	Pioneer Memorial Clinic	Irrigon Medical Clinic	Ione Community Clinic	Morrow County Ambulance
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07-26-22

Boardman Fire Rescue District
 300 SW Wilson Ln
 Boardman, OR 97818

This NOTICE is sent to you pursuant to the Morrow County Ambulance Service Area Plan (ASA Plan) guidelines relating to matters involving Quality Assurance and Patient Safety. Enclosed is a copy of the Morrow County Health District (MCHD) DETERMINATION of April 27, 2022.

The purpose of this notice is to inform you that the Boardman Fire & Rescue District (BFRD) has been operating outside of the guidelines set out in this Determination and the ASA Plan with respect to how calls for medical services are to be responded to safely and in keeping with the goals and responsibilities maintained by the Morrow County Health District and the EMS Advisory Committee in administering the ASA Plan. Those BFRD activities include the following:

- (1) Operating emergency vehicles at unsafe speeds in an effort to race MCHD ambulances to non-emergency medical calls;
- (2) Obstructing access of MCHD ambulance vehicles and personnel at emergency and non-emergency medical scenes;
- (3) Making unprofessional and derogatory statements to patients and in the community relating to MCHD ambulance personnel medical care;
- (4) Violating patient confidentiality by making comments about specific calls when no longer on scene and rendering care;
- (5) Continuing to insist that the Morrow County Sheriff's Office dispatch the BFRD to all medical calls, despite the Determination made by the MCHD and EMS Advisory Committee that this procedure is unsafe;
- and (6) Continuing to ignore and violate the ASA Plan and Determination made by the MCHD and EMS Advisory Committee that this new dispatch procedure is unsafe by continually responding to all calls, including non-emergency calls, resulting in the violations described above.

All ambulance services in Morrow County are specifically governed under the enclosed ASA Plan, which was unanimously approved by the County Commissioners and the State of Oregon Health Authority. The Morrow County Health District was assigned the responsibility of monitoring the ASA Plan, administering it through the EMS Advisory Committee and assuring county emergency medical services are appropriately utilized on a county-wide basis.

Following a public meeting, held on March 31, 2022, the MCHD entered the enclosed Determination, informing the BFRD that its new method of responding to all medical calls of any kind should cease. In spite of this Determination, following a review of all patient safety issues brought to light by these recent changes to dispatch procedures involving BFRD, the BFRD has ignored the MCHD Determination and continued following its new practice of responding to all medical calls of any kind.

As a result, the Quality Assurance Subcommittee (QA Subcommittee) procedures under the ASA Plan were triggered, and the matter was reviewed. The BFRD was given multiple opportunities to present evidence and respond to these allegations. The QA Subcommittee is responsible for investigating violations of the ASA Plan. When the QA Subcommittee identifies a problem involving compliance with the ASA Plan or conduct that fails to conform to established protocols, the QA Subcommittee shall: (1) Request any additional information necessary to establish whether a violation or failure occurred; (2) Contact the non-compliant organization in writing and identify the specific

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F – (541) 676-2901	F – (541) 676-9017	F – (541) 676-9025	F – (541) 922-5881	F – (541) 422-7145	F – (541) 676-2901
TDD – (541) 676-2908					

facts, laws, rules or protocols concerning the violation or failure to conform; and (3) Request that within thirty (30) days the non-compliant organization submit a written response and a plan to correct the deficiencies.

Please consider this NOTICE the ASA Plan QA Subcommittee's request for your written response and plan to address these deficiencies within 30 days from the date of this Notice. Upon receipt of these materials, the QA Subcommittee will review the BFRD's response and written plan for resolution of the deficiency. Upon findings of compliance, the QA Subcommittee will monitor the plan for resolution of the deficiencies. Upon findings of non-compliance, the QA Subcommittee and the MCHD will need to take further action as described in the ASA Plan.

Thank you for your cooperation. Feel free to forward any questions or concerns you may have.



PO BOX 9
 Heppner OR 97836
 Tel: 541-676-9133
 Toll Free: 1-800-737-4113
 www.morrowcountyhealthdistrict.org

9/2/2022

Chief Michael Hughes
 Boardman Fire Rescue District

This NOTICE is to inform you that the EMS Advisory Committee for the Morrow County Ambulance Service Area Plan met on August 31, 2022, to review the response and proposed plan that was to be submitted by the Boardman Fire Rescue District (BFRD) no later than August 25, 2022. Nothing was received from the Fire District explaining why BFRD was in violation of the Determination order and ASA Plan that was attached to the July 26, 2022, Notice of Violation sent to the BFRD. No plan for resolution was submitted by BFRD as required by the ASA Plan.

Therefore, as a result of BFRD’s failure to respond to the Notice, the EMS Advisory Committee has elected to move on to the next step within the quality assurance process. The rule allows the BFRD to come into compliance with the Determination order and ASA Plan within 10 days from the date responsive documents were due. The EMS Advisory Committee has elected to provide BFRD the opportunity to come into compliance by September 10, 2022, which is 10 days from the date of the EMS Advisory Committee meeting. If the BFRD fails to come into compliance with the ASA Plan and Determination order within that time, the ASA Plan procedure requires the parties to meet and discuss resolution between September 11 and September 20, 2022. If the BFRD fails to schedule that meeting or if such a meeting fails to accomplish a resolution of compliance, the matter will then be scheduled for a full hearing before the Morrow County Health District Board.

Please contact Donna Sherman in writing at donnas@moco hd.org and advise whether the BFRD will agree to comply with the ASA Plan and the MCHD Determination order of April 27, 2022. Alternatively, if the BFRD refuses to comply with the ASA Plan and MCHD Determination order, please provide dates for a meeting with the EMS Advisory Committee to be held between September 11 and September 20, 2022.

Sincerely,

Donna Sherman, EMS Advisory Committee Chair

Pioneer Memorial Hospital & Nursing Facility	Pioneer Memorial Home Health & Hospice	Pioneer Memorial Clinic	Irrigon Medical Clinic	Ione Community Clinic	Morrow County Ambulance
P – (541) 676-9133	P – (541) 676-2946	P – (541) 676-5504	P – (541) 922-5880	P – (541) 422-7128	P – (541) 676-9133
F – (541) 676-2901	F – (541) 676-9017	F – (541) 676-9025	F – (541) 922-5881	F – (541) 422-7145	F – (541) 676-2901
TDD – (541) 676-2908					



NOTICE OF HEARING

DATE OF HEARING: May 12, 2023

TIME OF HEARING: 1 p.m.

LOCATION OF HEARING: Blue Mountain Community College, 251 Olson Road, Boardman, OR 97818

This is to provide formal Notice of a Hearing under the Morrow County Ambulance Service Area Plan Complaint Review Process. Prior Notice of Deficiency and Request for Response was served on The Boardman Fire and Rescue District (BFRD) on July 26, 2022, documenting multiple violations of the ASA Plan and the Determination entered by the Morrow County Health District (MCHD) March 31, 2022. Those documents are attached to this notice for your reference.

Pursuant to the ASA Plan QA Problem Resolution requirements, BFRD Fire Chief Michael Hughes was contacted personally and in writing. Instruction was provided to prepare a written response and plan to address the deficiencies. Nothing was received in response. Continued non-compliance was found and was not evident within 10 days after attempts to gain compliance were made by the MCHD QA Subcommittee. Attempts to gain voluntary compliance were made and failed. A mediation was scheduled and occurred on October 3, 2022. Attempts were made to further mediate and those attempts have failed.

As a result of the continued failures to correct the deficiencies or complete a successful mediation or otherwise resolve the BFRD compliance issues, a Hearing was requested by the MCHD QA Subcommittee. That request was granted and a Hearing is hereby ordered to occur before the MCHD Board. The hearing shall be conducted by the Board Chairperson or vice-chairperson in accordance with the Attorney General’s Model Rules of Procedures under the Administrative Procedures Act. In the event the Board determines the matter adversely to the BFRD and is unable to obtain compliance or correction as a result of this hearing, the Board shall request relief from the Morrow County Circuit Court, and the BFRD Supervising Physician shall be reported to the Oregon Board of Medical Examiners for further redress and discipline. Sanctions for non-compliance include, but are not limited to Nuisance penalties as specified under MC-C-4-98 for each occurrence.

Sincerely,

Marie Shimer, MCHD Board Chair

Pioneer Memorial Hospital & Nursing Facility	Pioneer Memorial Home Health & Hospice	Pioneer Memorial Clinic	Irrigon Medical Clinic	Ione Community Clinic	Morrow County Ambulance
P – (541) 676-9133	P – (541) 676-2946	P – (541) 676-5504	P – (541) 922-5880	P – (541) 422-7128	P – (541) 676-9133
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TDD – (541) 676-2908					

To the Board of Directors for Morrow County Health District,

On 3/10/2023, the EMS Advisory Committee unanimously voted to make the MCHD Board aware of concerns that the EMS Advisory Committee has regarding the proposed repeal of Ordinance MC-C-4-98 in the hopes that the MCHD Board will share these concerns with the Morrow County Board of Commissioners.

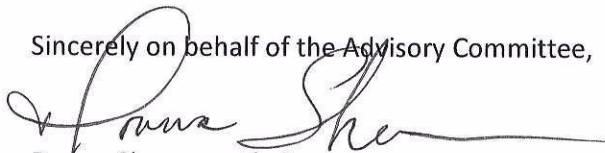
Upon review of Ordinance MC-C-4-98, Section 12 (3) was of particular interest. Section 12 (3) reads: "Upon arrival of the Ambulance Service Provider at the location of the medical emergency, the Ambulance Service Provider shall be in charge of, and responsible for, the continuation of emergency medical services. The initial responder shall continue to provide emergency medical services only at the direction of the Ambulance Service Provider."

During this, and past EMS Advisory Committee QA Executive Sessions, we have reviewed charts and written documents with respect to calls in which both Boardman Fire Rescue District and Morrow County Health District responded. While reviewing these documents, we have noticed a pattern of patient care concerns, patient and EMS safety concerns, and liability concerns.

Based on documentation reviewed, there has been a pattern of patient care interference, unauthorized continuation of care, disregard for patient safety and comfort, and disregard for patient privacy while already in the care of another medical professional. Additionally, there has been a pattern of refusing to assist MCHD EMS when asked, and refusal to step away or stand down once directed by MCHD EMS personnel.

The EMS Advisory Committee respectfully requests that the MCHD Board share this letter with the Morrow County BOC recommending that the Morrow County BOC not repeal Ordinance MC-C-4-98 and the Committee further requests that the Morrow County BOC allow the Quality Assurance process spelled out in the current ASA Plan to continue. The next steps of this process include a hearing before the MCHD Board on May 12, 2023.

Sincerely on behalf of the Advisory Committee,

A handwritten signature in black ink, appearing to read "Donna Sherman", written over a horizontal line.

Donna Sherman, Chair

4/7/2023

SYSTEM ELEMENTS - QUALITY ASSURANCE

1. In order to ensure the delivery of efficient and effective pre-hospital emergency medical care, an EMS Quality Assurance (QA) Program is hereby established.
 - a. QA Program Structure. The QA program, shall be implemented through the establishment and operation of the EMS Advisory Committee. The Board will announce vacancies, receive applications, screen candidates, and make appointments to the EMS Advisory Committee/QA Subcommittee. The EMS Advisory Committee/QA Committee members shall serve at the pleasure of the Board without compensation. The QA Subcommittee shall meet quarterly. Terms of appointment will be for two years. The members of the EMS Advisory Committee/QA Subcommittee will choose their chairpersons. The EMS Advisory Committee/QA Subcommittee shall consist of the following:
 - (1) The supervising physician or designee for the ambulance service provider - 1;
 - (2) An EMT from each ambulance service provider location (one from Boardman, one from Heppner one from Ione and one from Irrigon) - 4;
 - (3) Director of Nursing Service or designee (one from Pioneer Memorial Hospital in Heppner and one from Good Shepherd Hospital in Hermiston) - 2;
 - (4) Fire department representative - 1;
 - (5) 9-1-1 systems representative - 1; and
 - (6) QRT representative (one from Lexington) - 1.
 - b. QA Program Process.
 - (1) The EMS Advisory Committee/QA Subcommittee shall have the following powers, duties and responsibilities:
 - (a) Advise the Board on all matters relating to pre-hospital emergency medical care.
 - (b) Annually review the ASA Plan and EMS Ordinance and make amendment recommendations to the Board.

- (c) Plan, assist and coordinate programs for the improvement of the EMS system in Morrow County.
 - (d) Advise the Board as to the standards for information required of applicants for an ambulance service provider.
 - (e) Provide an open forum for members of the public to comment on or discuss EMS systems issues.
 - (f) Foster cooperation among the pre-hospital care providers and medical community.
 - (g) Facilitate initial EMT and First Responder training and continuing education opportunities for all EMS personnel.
- (2) The QA Subcommittee shall have the following duties, powers and responsibilities:
- (a) Investigate medically related issues and items.
 - (b) Recommend to the Board any amendments to the ASA Plan and EMS Ordinance. The Board shall advise the EMS Advisory Committee/QA Subcommittee of such recommendation so that they may review and comment on such changes in a timely manner.
 - (c) Maintain familiarization with the policies and procedures of facilities in Morrow County that receive or send patients via ambulance.
 - (d) Periodically conduct a random review of at least 2% of each ambulance service provider location prehospital care report forms. Develop screens to review calls for exemplary and substandard performance, include a screen for response times by each EMS provider dispatched to the scene.
 - (e) Perform such other duties as are required to carry out the requirements of the ASA Plan as directed by the Board.
 - (f) Attempt to negotiate the correction of substandard pre-hospital emergency medical care provided in Morrow County.

- (g) Follow the guidance set forth in the QA Guidelines for the QA Subcommittee.
 - (h) Report directly to the Board on all matters coming before the QA Subcommittee.
 - (i) Adopt rules of procedure. A quorum must include a physician or designee.
- (3) EMS Advisory Committee shall conduct their meetings in accordance with the Oregon Public Meetings laws and comply with the Oregon public records law, ORS Chapter 192. Executive sessions closed to the public may be held by the QA Subcommittee when conducting investigations and reviews of patient care. Both the records and minutes of executive sessions shall be handled to ensure patient confidentiality in compliance with state and federal laws. Upon appointment, the EMS Advisory Committee/QA Subcommittee chairperson shall have the following duties powers and responsibilities:
- (a) Maintain a filing system for the records of the QA Subcommittee.
 - (b) Provide for the administration of appeals and hearings to the appropriate government bodies.
 - (c) Administer the ASA Plan and EMS Ordinance.
 - (d) Review all applications for an ASA and make documented findings and recommendations to the Board on provider selection.

c. QA Problem Resolution

- (1) In the event that the QA Subcommittee identifies a problem involving compliance with the ASA Plan, or that fails to conform to established protocols, the QA Subcommittee shall:
 - (a) request any additional information necessary to establish whether a violation or failure occurred.

- (b) contact the non-compliant provider, individual or organization in writing and identify the specific facts, laws, rules or protocols concerning the violation or failure to conform.
 - (c) request that within thirty (30) days the non-compliant provider individual or organization submit a written response and a plan to correct the deficiencies.
 - (2) Upon receipt of the written response, the QA Subcommittee shall:
 - (a) Review the response to ensure that it responds to all aspects of the facts, laws, rules or protocols.
 - (b) Review the written plan for resolution of the deficiency.
 - (c) Upon findings of compliance, continue to monitor the plan for solution of the deficiencies.
 - (d) Upon findings of continued non-compliance, serve written notice to comply with ASA Plan or protocol.
 - (e) If compliance is not evident with ten (10) days of receipt of the notice, schedule a meeting within the next ten (10) days and attempt to gain compliance.
 - (f) Attempt to obtain voluntary correction or compliance, but if compliance is not obtained, request a hearing on the matter before the Board.
- 2. QA Program - Sanctions For Non-Compliance. Sanctions for non-compliance of the ASA plan are addressed in the Morrow County EMS ordinance number MC-C-2-98, Section 13 penalties and Section 14 nuisance. (See Appendix #9)

COORDINATION - ADMINISTRATION OF THE PLAN

1. The Morrow County ASA Plan shall be administered by the EMS Advisory Committee. As representatives of the Board.
2. In addition to other functions delegated under this plan the EMS Advisory Committee shall:
 - a. annually review all aspects of the ASA plan and EMS ordinance; and
 - b. recommend changes to the ASA plan and EMS ordinance designed to:
 - (1) Remedy identified deficiencies;
 - (2) Address potential problem areas; and
 - (3) Address on-going growth and changes in the EMS system in Morrow County, the state and the nation.

COORDINATION - COMPLAINT REVIEW PROCESS

1. In the event the QA Subcommittee is unable to obtain compliance or correction of a deficiency under the procedures contained in QA Problem Resolution section of this plan, a hearing shall be conducted by the Board.
2. If any provider, individual or organization is dissatisfied with the results of a meeting with the QA Subcommittee, a request for hearing before the Board may be made by filing a request, setting forth the reasons for the hearing and the issues to be heard. The Board may prescribe forms for the filing of a request for hearing.
3. A hearing under this section shall be conducted by the Board chairperson or vice-chairperson in accordance with the Attorney General's Model Rules of Procedures.
4. In the event that the Board is unable to obtain compliance or correction as a result of a hearing, the Board shall petition and request relief from the Authority, or the Board of Medical Examiners or the Morrow County Circuit Court.
6. Any decision of the Board may be appealed to the Authority or the Morrow County Circuit Court as appropriate.