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# COUNTY OF ERIE

**MARK C. POLONCARZ**  
COUNTY EXECUTIVE

December 28, 2015

Erie County Legislature  
92 Franklin Street – Fourth Floor  
Buffalo, New York 14202

**RE: Approval of Application for ALS-FR Service and Certificate of Need for EMS and S.M.A.R.T.**

Dear Honorable Members:

This resolution seeks authorize the Erie County Department of Health Division of Emergency Medical Services to expand the operating capabilities of the Specialized Medical Assistance Response Team (S.M.A.R.T).

The goal of this resolution is to allow S.M.A.R.T. pre-hospital volunteers (Paramedics and EMTs) to operate through the Erie County Department of Health as a licensed ambulance provider in the event of a public health emergency.

This resolution provides authorization to apply for New York State certification.

Should your Honorable Body have any questions, please contact Commissioner of Health Gale Burstein at 716-848-6976

Sincerely,

Mark C. Poloncarz, Esq.  
Erie County Executive

MCP: bqs  
Enclosure

cc: Health Commissioner Gale R. Burstein, MD

## **MEMORANDUM**

**To:** Honorable Members of the Erie County Legislature  
**From:** Department of Health  
**Re:** Approval of application for ALS-FR Service and Certificate of Need  
**Date:** December 28, 2015

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### **SUMMARY**

Authorization is requested to provide the Division of Emergency Services the ability to provide emergency ambulance services through deployment of S.M.A.R.T. pre-hospital care volunteers.

### **FISCAL IMPLICATIONS**

Budget neutral. There is no additional budgeted cost.

### **REASONS FOR RECOMMENDATION**

In certain emergency situations, such as a mass casualty event, or the sudden bankruptcy or shutdown of a key ambulance service provider, Erie County Emergency Services would currently be hard pressed for a solution. By developing additional capabilities and licensure for S.M.A.R.T., Erie County will have additional options in these emergency situations.

### **BACKGROUND INFORMATION**

S.M.A.R.T currently performs two broad duties. The first and most visible program provides emergency physicians response throughout Erie County on a 24/7 basis. Staffed by a handful of part-time physicians as well as volunteer physicians and volunteer medical residents, S.M.A.R.T. is able to provide high-level medical response.

S.M.A.R.T.'s lesser known capability is a large contingent of volunteers from many different backgrounds, able to respond to public health emergencies. These individuals assist with simple events like annual rabies clinics to major disasters like Winter Storm Knife. Many of these volunteers have EMT or Paramedic backgrounds, and bring invaluable pre-hospital skills to the team.

### **CONSEQUENCES OF NEGATIVE ACTION**

Erie County EMS and S.M.A.R.T. would be unable to provide emergency ambulance services in the event of a public health disaster.

### **STEPS FOLLOWING APPROVAL**

The Health Department will work with the Division of Budget and Management, the Office of the County Comptroller, the County Attorney and the New York State Department of Health to implement this request

**A RESOLUTION SUBMITTED BY  
HEALTH DEPARTMENT**

**RE: Re-authorization of S.M.A.R.T and approval of application for ALS-FR Service**

WHEREAS, the physicians and other advanced emergency medical provider members of Specialized Medical Assistance response Team (S.M.A.R.T) have responded to actual and potential disaster situations including medical emergencies throughout Erie County; and

WHEREAS, S.M.A.R.T. operates under the authority of the Erie County Department of Health and is coordinated by the Department of Emergency Medicine and the Erie County Medical Center; and

WHEREAS, New York State Health Department certified Basic and Advanced Emergency Medical Technicians compose an integral part of S.M.A.R.T.; and

WHEREAS, in order to fulfill its mission and maintain the scope of practice of its New York State Health Department certified Basic and Advanced Emergency Medical Technicians, it is necessary for S.M.A.R.T to function as a New York State Advanced Life Support Fire Response Service; and

WHEREAS, potential and sudden marketplace changes and/or other events in the sometimes tenuous local and national ambulance industry could result in a public health emergency such that Erie County might have the need to emergently develop ambulance transport capability or, more likely, contract for such services from commercial vendors to service the citizens of Erie County.

**NOW, THEREFORE BE IT**

**RESOLVED**, that Erie County shall apply for a Municipal Certificate of Need for an ALS-FR service covering all of Erie County as prescribed in New York State Public Health Law Article 30, section 3008; and be it further

**RESOLVED**, that Erie County may apply for a Municipal Certificate of Need for an ambulance service covering all of Erie County as prescribed in New York State Public Health Law Article 30, section 3008, in the event that sudden marketplace changes and/or other events result in inadequate ambulance service necessary to protect the health and well-being of the citizens of Erie County thus jeopardizing the public's health; and be it further

**RESOLVED**, that the Erie County Legislature shall establish Erie County Department of Health EMS Division as a New York State Certified Advanced Life Support First Response unit; and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Department of Emergency Services, the Erie County Medical Center Emergency Department, the Office of the Comptroller, the Division of Budget and Management, the Department of Law, the New York State Department of Health, the New York State Emergency Medical Services Council, and to Dr. Gale Burstein Commissioner, in the Department of Health.