

**COUNTY OF SAN BERNARDINO RESPONSE TO
NOVEMBER 10, 2005 INTERIM REPORT
OF THE 2005-2006 COUNTY GRAND JURY
January 31, 2006**

The County of San Bernardino welcomes the grand jury's interest in the important subject of air ambulance Advanced Life Support services within the County. However, the grand jury's interim report dated November 10, 2005, contains key inaccuracies and is not in the County's view a balanced account of the current status of air ambulance service in the County.

As an overall premise, the report erroneously states the public's safety is at risk because California City Air Ambulance in Kern County has not been granted a permit to provide Advanced Life Support services within San Bernardino County. This conclusion creates the false impression that California City's services are not available to accident victims in San Bernardino County and is based on the inaccurate notion that a permit would improve air ambulance response times and availability.

In fact, California City has been and would continue to be utilized as a provider of emergency air services in the County regardless of whether it is granted a permit. It must be noted that a permit would not change the fact that California City has only one helicopter in its fleet, and that currently it has no helicopters at its disposal, compared to eight owned by Mercy serving the County and 15 total from all providers serving the County (California City's one helicopter has been removed from service, and the agency does not expect to have a replacement aircraft in operation until late April). Also, a permit would not move California City's helicopter any further up on the priority call list.

The grand jury's interim report contains errors of fact and omission that call the report's conclusions and recommendations into question. They include:

- The grand jury used an account of an October 13, 2005 emergency incident to support its conclusion that granting California City a permit would increase the availability of air ambulance service in San Bernardino County. The grand jury's account of the incident omits the fact that California City was contacted to respond to the incident, but that its one helicopter was unavailable.
- The grand jury used an account of an October 6, 2005 emergency incident to support its conclusion that granting California City a permit would improve air ambulance response times. The grand jury's account of the incident omits the fact that the units that were contacted all responded in

less than 40 minutes, and that a permit for California City would not have affected response times for that incident.

- The grand jury used an account of an April 18, 2004 emergency incident also to support its conclusion that granting California City a permit would improve air ambulance response times. The grand jury concluded that California City's helicopter "could have arrived at the scene approximately 30 minutes prior to arrival of Mercy's second airship." This would have been impossible given the fact that the Mercy helicopters arrived a respective 25 minutes and 27 minutes after they were dispatched.
- The grand jury reported that Mercy Air "receives absolute priority over all mutual aid providers, even though response times may not be superior." This is false. In some regions, California City is higher in the dispatch order than some Mercy units. For instance, in Red Mountain, California City is third in the dispatch order, ahead of six Mercy units. In Barstow, California City is fifth in the dispatch order, ahead of seven Mercy units. In some of the more remote regions of the County, mutual aid providers are first in the dispatch order, ahead of all permitted units.
- The grand jury states "California City Air Ambulance is a non-profit entity." Although on its face this statement is true, it omits the fact that California City's Air Ambulance provider, Tri-State Care Flight, is a private for-profit entity that may have a direct financial stake in whether California City is granted a permit.

The grand jury concluded via a statement attributed to the Chairman of the Board of Supervisors that the County should not concern itself with the financial viability of companies providing services to the County and its citizens and visitors.

When appropriate, the County responsibly concerns itself with the financial security and stability of providers of vital public services to ensure that there is no interruption in service. This is why the County in contract situations often requires prospective providers of critical and/or ongoing services to provide certified documentation of their fiscal health and stability.

In the case of air ambulance service, the grand jury stated that inter-hospital transports are the greatest monetary provider to the air ambulance industry. Since the County has established that granting a permit to California City would have zero impact on air ambulance response times, California City's entrance into the inter-hospital transport business in San Bernardino County becomes an issue.

The County has received no indication from the customers of inter-hospital transports – hospitals within the county – that competition is needed to control rates, improve patient care, or achieve some other public benefit.

While the County is not directly concerned with the financial state of Mercy Air, it would be highly irresponsible for the County not to concern itself with factors that might influence the level of service Mercy makes available to the County. While the grand jury is most likely correct in assuming that competition from California City's one helicopter would probably not threaten Mercy's existence, it may prompt Mercy to make a business decision to reduce the number of airships currently serving the County or to not add airships as need increases. Whereas the vast majority of air ambulance Advance Life Support service in the County is provided by Mercy, it seems questionable to grant a permit to California City when the only effect would be to create competition that serves no apparent benefit to the public and could compromise a vital life-saving public safety function.

Finally, the County will keep the 2005-2006 Grand Jury informed of any action or changes regarding this subject matter.

RECOMMENDATIONS:

1. THE SAN BERNARDINO COUNTY BOARD OF SUPERVISORS, SITTING AS THE GOVERNING BOARD OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA), SHOULD APPROVE THE PERMITTING OF CALIFORNIA CITY AIR AMBULANCE AS AN ADVANCED LIFE SUPPORT (ALS) PROVIDER WITHIN SAN BERNARDINO COUNTY, IN ORDER TO PROVIDE ITS CITIZENS WITH THE BEST OPPORTUNITY TO REACH A TRAUMA CENTER WITHIN THAT CRITICAL "GOLDEN HOUR."

County Response: Granting a permit to California City Air Ambulance would provide no increased opportunity to reduce air ambulance response times or otherwise provide County citizens or other injured persons a better opportunity to reach a trauma center within one hour of the onset of injuries. A permit provides ICEMA with the opportunity to exert medical supervision over an air ambulance provider's operations, and allows the provider to transport stabilized patients from one hospital to another. If a recommendation can be made to the ICEMA governing board that granting a permit to California City Air Ambulance is in the best interests of the public, the board will consider the recommendation.

2. INLAND COUNTIES EMERGENCY MEDICAL AGENCY SHOULD REVISE THE HDZ (HELICOPTER DEMAND ZONE) PROVIDER LIST. QUICKEST RESPONSE TIMES SHOULD BE THE DETERMINING FACTOR IN DECIDING WHICH PERMITTED PROVIDER IS FIRST CALLED TO RESPOND TO THE NEED.

County Response: This recommendation has been implemented. During the summer, several months before the grand jury's interim report was released, the Chairman of the Board of Supervisors' office requested that California City be moved higher in the dispatch order in the Red Mountain, Barstow, and Kramer Junction areas. The request apparently never reached ICEMA staff, so the request was renewed following the appearance of the grand jury interim report. The dispatch order is set based upon recommendations by the Emergency Medical System Aircraft Providers Task Force, which includes all providers, including Mercy and California City. ICEMA staff brought the issue before the Task Force on January 18, 2006. California City did not attend the meeting, at which the Task Force unanimously recommended moving California City from third to second in the dispatch order in the Red Mountain area, from fifth to third in the Barstow area, from seventh to fifth in the Victorville area, and from third to second in the Kramer Junction area. This recommendation will be implemented when California City resumes air ambulance service.

3. OTHER AIR AMBULANCE PROVIDERS WHO HAVE APPLIED AND BEEN DENIED IN THE PAST SHOULD BE RECONSIDERED. IF THEY COMPLY WITH ICEMA'S QUALIFICATION REQUIREMENTS, THEY SHOULD ALSO BE GIVEN AN OPPORTUNITY TO QUALIFY AS A PERMITTED AIR AMBULANCE PROVIDER.

County Response: This recommendation cannot be implemented because the ICEMA Executive Director is aware of no other provider besides California City that has applied for a permit.

4. THE COUNTY BOARD OF SUPERVISORS SHOULD NOT SERVE AS THE GOVERNING BOARD OF INLAND COUNTIES EMERGENCY MEDICAL AGENCY (ICEMA). IN ADDITION MEMBERS OF THE BOARD OF DIRECTORS OF ICEMA SHOULD NEVER BE IN A POSITION TO ACCEPT DONATIONS OR CAMPAIGN CONTRIBUTIONS FROM ANY PERMITTED PROVIDER OR ITS PARENT COMPANY.

County Response: The County will not implement this recommendation. As representatives directly accountable to the people of San Bernardino County, the Board of Supervisors is ideal to serve as the governing board members overseeing an agency charged with such an important public safety mission. Also, having the Board of Supervisors serve as directors of ICEMA ensures that all matters involving the agency are deliberated during public meetings of the Board of Supervisors. Assigning this task to an appointed board would result in ICEMA matters being considered during meetings of that appointed board, which would most likely be sparsely attended and receive much less news media coverage than meetings of the Board of Supervisors. Clearly, the public is best served by having the Board of Supervisors act as the ICEMA governing board.