

Association Board Minutes

Commonwealth Private Ambulance Providers - we are not subsidized -

September 22nd, 2008

10:00 am EST – by Conf Call

Presiding: Michael Franks from First Med Inc. – First year Chair of CPAP.
Members Present: Steve from Priority Patient Transport; Randy/Mike from Physicians Transport; Mike/Chris/Jerry from First Med Inc.; Connie from Med Tran; Tim from Forest Ambulance; Terry Patient Ambulance; Allan Jones Smith County; Michael – Physician; Kip Friendship Ambulance; Rocky Rose Lifecare; Christine Spotts Fain – attorney; Chris Kelly EMS Consultants – attorney; Tim Regional One; Mary past MarMac; George Davis Davis Ambulance; Connie Pigg; Michelle Stone; 6+ others which we did not get the names of.

Special Quests: **Attorneys:** Christine Spotts Fain – attorney; Chris Kelly EMS Consultants – attorney;

Quorum present: Yes
Others Present: none

Called to order by: Michael Franks

Proceedings:

Meeting Called to order by: Michael Franks at 10:02am EST

Were written minutes distributed to all members before meeting for member's review: *no previous minutes to distribute – already shared*
Last meeting minutes: *No previous minutes to distribute – already shared*
Agenda: *Yes – Chris Kelly from EMS*

FORMALITIES

At 10:02am, the Michael Franks called the meeting to order. Michael acted as the Secretary of the Meeting.

QUORUM

As all of the members were present, a quorum for the meeting was established and the meeting was declared to be regularly constituted.

Summary of Conf Call:

10am: Introductory comments from Mike Franks Chair of CPAP about CPAP and an introduction to Chris Kelly – attorney. Mike reiterated that CPAP's was started by Chris Martin and Mike Franks from First Med and its mission is to work with and on behalf of all providers in the state and work with or merge with the Virginia Ambulance Association (VAA) as CPAP sees no benefit to having 2 associations. That CPAP was started as some folks were not invited to join the VAA and we needed a strong solidified voice to solve our collective problems with good governance and protocol. CPAP has established this. All are welcome and the cost is zero dollars. First Med will cover any ongoing pre-approved costs for at least the next 2 years.

First Year Board Members of CPAP are: **Steve from Priority Patient Transport; Randy/Mike from Physicians Transport; Mike/Chris from First Med Inc.; Connie from Med Tran; Tim from Forest Ambulance.**

10:05am Chris Kelly – introduction of EMS and then a discussion of the DMAS Letters and strategy.

- We will challenge the claim – there was no notice – publication and notice arguments – providers without fault – right to off-set – underpayment re overpayment
- Chris Kelly explained the fee and the signing of engagement letter.
- Rick Tibbetts – meeting with state country and rescue providers – lobbying efforts.
- A question was asked about the potential interest charge – it was answered that it would probably be 12% interest rate that would be expected.
- Process question: Send in engagement letter – and check to Chris Kelly at EMS Consultants.
- Chris shared his contact details: 404.934.8999 – 1.800.342.5460
ckelly@emscltd.com
- Question on Administrative procedures:
 - 2 levels of admin appeal.
 - need to document argument and appeal – draft letter –
 - providers must analyze what amount might be wrong on DMAS data.
 - Step One: **INFORMAL HEARING** – employee of Medicaid – this will put them on notice and explain where we are coming from

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- Step Two: **FORMAL HEARING** – in front of administrative officer – someone a little more removed from Medicaid.
- They need to see legally that we have good argument in order to have any political hope.
- State Court third step – much more neutral party.
- Communication Protocol: - Mike Franks
 - Monthly conf calls.
 - Email and mail correspondence.
 - Resources – send resource that you think might be helpful to Chris Kelly.
- Tim – logisticare question –. Mike said call him offline and CPAP can update him as well as all CPAP members.
- Calculation – they did not look at service date – date of service prior to when the law went into effect. Data is wrong.
- WE need to show which numbers are wrong.
- Can they go back to 2003? - argument of latches – “you screwed up so long ago its hard to claim that far back
- Chris Martin commented that October 2005 – end of the fee schedule – this was fully implemented then – so that is why this date was most likely used.
- Re Chris Martin’s argument re rates not established – Chris Kelly made some comments on this.
- Similar cases – Florida – none that Chris Kelly is aware off

Motion Made:	That CPAP and all its members engage Chris Kelly at EMS Consultants to represent us all in our efforts. This will provide a solidified organized group in our efforts
Any conflicts of interest or abstainments from voting:	None
Seconded by:	
Passed:	Unanimous

The meeting ended at: 10:45 am Sept 22nd 2008

Minutes Developed by: Michael Franks – shared with all members on the distribution list as of September 22nd 2008.



Michael Franks

Randy Breton

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Chair

Vice-Chair

Chris Kelly Contact Information:

EMS Consultants, Ltd. P.O. Box 2584 LaGrange GA, 30241

E: ckelly@emscld.com

C: (404) 934-8999

Deliverables

- Mike to send Chris Kelly's engagement letter to everyone.
- Everyone to send check and engagement letter to Chris Kelly.
- Everyone to send any resources that might be helpful to Chris Kelly.
- Conf Call will be set up approximately monthly to update and communicate with members.
- Emails will be sent from Chris Kelly or CPAP if appropriate when required.
- All providers to research the data to highlight what is wrong and notify Chris Kelly.