July 8, 2019
COR/2019/080491

Dear Applicant:

Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act [Our File #: HCS/087/2019]

On June 7, 2019, the Department of Health and Community Services (the Department) received your request for access to the following records:

“I would like any and all information & correspondence (emails, meeting minutes, faxes) regarding policy EHS 2003-09-62 (Training - Requirements - "Best Efforts") from January 2016 to present. This would include a detailed summary of all operators who have requested an exemption as per policy along with all supporting documentation for the basis of the exemption request. I would also like all correspondence within DHCS regarding the Auditor General Report - Annual Report, Part 2.10, January 2011 regarding the "Best Efforts" clause.”

Per our telephone discussion on June 7, 2019, the request was refined to exclude material considered cabinet records as defined under s. 27 of the legislation. I am pleased to inform you that a decision has been made by the Department to provide access to some of the requested information. Access to the remaining information contained within the records has been refused in accordance with the following exceptions to disclosure as specified in the Access to Information and Protection of Privacy Act (the Act):

Policy advice or recommendations
29. (1)(a) The head of a public body may refuse to disclose to an applicant information that would reveal advice, proposals, recommendations, analyses or policy options developed by or for a public body or minister.

Legal advice
30. (1)(a)(b) The head of a public body may refuse to disclose to an applicant information that is subject to solicitor and client privilege or litigation privilege of a public body; or that would disclose legal opinions provided to a public body by a law officer of the Crown.

Disclosure harmful to personal privacy
40. (1) The head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Please be advised that page 3 has been withheld under s. 29(1)(a) of the Act and pages 10-30 of the package have been withheld under s. 30(1)(a) and s. 30(1)(b) of the Act. The Department does not have records responsive to your request for operators who requested exemptions.
Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner  
2 Canada Drive  
P. O. Box 13004, Stn. A  
St. John’s, NL. A1B 3V8  
Telephone: (709) 729-6309  
Toll-Free: 1-877-729-6309  
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

Please be advised that responsive records will be published following a 72 hour period after the response is sent electronically to you or five business days in the case where records are mailed to you. It is the goal to have the responsive records posted to the Completed Access to Information Requests website within one business day following the applicable period of time. Please note that requests for personal information will not be posted online.

If you have any further questions, please contact the undersigned by telephone at 709-729-7010 or by email at MichaelCook@gov.nl.ca.

Sincerely,

Michael Cook  
ATIPP Coordinator  
/Enclosures
Access or correction complaint

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52 (1) or 53 (1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.
Direct appeal to Trial Division by an applicant

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16 (2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner’s refusal under subsection 45 (2).
October 12, 2012

Mr. Wayne Young
Manager, Air and Road Ambulance Programs
Department of Health and Community Services

Dear Wayne,

Provincial Medical Oversight (PMO) wishes to inform you of our grave concerns related to the “Best Efforts” clause in the current road ambulance contract. The “Best Efforts” clause essentially allows a loophole for private operators to staff ambulances with dual Emergency Medical Responder (EMR) crews despite a contractual requirement that a Primary Care Paramedic staff every emergency ambulance response in the Province by 2007. As you are aware concerns related to EMR staffing of ambulances in this Province has been discussed on repeated occasions the Quarterly Provincial Paramedicine and Medical Transport meetings over the last year. The upcoming Ambulance Operator contract negotiations and recent Quality Assurance concerns by PMO make this a time critical area that requires formal discussion.

PMO has just conducted a Quality Assurance review of a critical incident, which occurred within the last 60 days. This case highlights the concerns we have consistently expressed about EMR competency and suitability as primary medical responders in the Province. We consider this to be a sentinel event and it is incumbent upon us to relay the issues that materialized during this encounter and concerns that came to the forefront as a result of the Quality Assurance review.

To briefly summarize the case, two EMR’s were paired together to work on an ambulance in a remote area of the Province to provide lone emergency coverage.

The crew responded to a single vehicle motor vehicle crash where the driver had been ejected from the vehicle and sustained critical life-threatening injuries.
While we fully recognize that it is PMO’s mandate to deal with the individual practitioner where Quality Assurance matters are involved, it is the Department of Health and Community Services which is responsible for approving and establishing standards of service with the establishment of the ambulance service agreements with operators. We know this is not an isolated case; it is a critical and sentinel event that highlights many of PMO’s concerns with the current situation with private and community ambulance operators and the use of EMR only crews.
We look forward to hearing from you to arrange a time to discuss this matter further.

Regards,

D K Baggs MD FRCPC  
Provincial Medical Director  
Air and Ground Ambulance

Rose Mengual MD FRCPC  
Assistant Medical Director  
Air and Ground Ambulance

Cc: Dr. Rose Mengual  
Dr. Scott Wilson  
Pat Coish-Snow  
Gail Downing
Best Efforts

From: [email redacted]@fitchassoc.com
Sent: Tuesday, May 28, 2013 1:20 PM
To: Young, Wayne <WayneYoung@gov.nl.ca>
Cc: [email redacted]
Subject: Re: Report Analysis
Importance: High

Good Day Wayne,

I am prepared to make these edits and return the preliminary report to you ASAP today. Would you have a few minutes to talk? I can flex my schedule based on your availability.

Fitch & Associates, LLC.
2901 Williamsburg Terrace
Suite G

Platte City, MO 64079-0170
www.fitchassoc.com

Save the Date - 2013 Pinnacle Leadership Conference, August 5 - 9, 2013 – Omni Amelia Island, Florida

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From: [email redacted]@fitchassoc.com
Date: Monday, May 27, 2013 11:33 AM
To: [email redacted]@fitchassoc.com
Subject: Report Analysis
Everyone

Again thank you for your responsiveness on the report edits. When I got the report Friday afternoon my plan was to come into the office on Saturday read the report do a quick analysis then give it to Bruce for the Minister first thing Monday morning. Due to maintenance issues at the Confederation building we were not allowed to enter the building all weekend I did not print a copy and with power out could not remote access the document. As such I could not read the report till Monday morning and missed the executive who are out of the office until Wednesday.

If possible could we make a couple of minor edits to the report before the Minister gets it. Several are my fault on number consistency:

Page 48 Under the Table – Best Efforts clause to me means that an operator is allowed to staff an ambulance with two EMRs when our standard is at least one PCP. They only get paid the EMR rates above. They would only get paid PCP rate if the put a PCPs registration number on the PCR form when there is actually a EMR.

Thanks
Wayne Young
Manager Air and Road Ambulance Programs
Health and Community Services
Government of Newfoundland and Labrador
Telephone: 709.729.3021
Mobile: 709.693.2012
Fax: 709.729.4009

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Hi Wade:

Thank-you for your email. Unfortunately I will be out of the Province for the remainder of the week and unable to respond to your email by your suggested time frame. I can commit to providing a response to your email next week.

Geoff

Good Morning Geoff

Thanks for meeting with us on Monday October 20 to try and reach a tentative agreement for our Members, however we were very surprised to learn that there was no chance or expectations in reaching that goal. Much like the Ambulance Review and the Meaningfully negotiations 180 days prior to the termination of the last agreement, the Ambulance Industry has not been a priority for this Government. This was very clear in the last meeting when an RFP for central dispatch, that was not expected to be released until 2 Months from now, stands in the way of any success to reach a conclusion, it appears our expectations to compromise were in vain. I had indicated that our next step was to contact the Minister's involved and the Premier to try and reach a consensus to the main items blocking a settlement, we have move to this phase. However if there is no response in a reasonable time frame we will take our concerns to the public by any means necessary. We expect an answer to the items in question by Friday noon as we see no point in delaying what needs to be done to move forward. These are the items in question: Non-Responsive
7> 11.0 non-compliance currently states Best Efforts, 90 days before any reduction, the new exam has contributed to the time frame-discussion point.

We expect an answer by noon Friday October 24, 2014, thank you.

s. 40(1)