

Joint Legislative Oversight & Sunset Committee

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JLOSC Meeting: May 18, 2023

Starting at 12:00 p.m.

SEE AGENDA FOR DETAILED INFO

Today's Review Presentation: State Fire Prevention Commission

**Zoom webinar registration required for
public comment on a presentation.**

Register via Zoom by using
registration link on posted agenda.

Join Zoom webinar to offer public comment.

Per JLOSC Rule 7, public comments must be on the subject at hand.



Staff Report

State Fire Prevention Commission

10 Staff Findings:

- Finding 1: Background, history, staff overview.
- Finding 2: Prior JLOSC reviews (1993 and 2009).
- Finding 3: First responder mental health.
- Finding 4: Annual “auditing” requirement.
- Finding 5: Statute review, revisions identified.
- Finding 6: EMS in Delaware.
- Finding 7: EMS training approval process.
- Finding 8: National EMS licensure compact.
- Finding 9: Firefighter education standards.
- Finding 10: FOIA compliance.

Full Staff Report available on JLOSC website under the 2023 review tab.

Staff Report

State Fire Prevention Commission

Finding #1



- Created in 1955 as advisory to the Office of State Fire Marshal.
- In 1958 granted oversight and regulatory authority.
- Governor appointed 7 members hold monthly meetings.
- Ensures fire and basic life support (“BLS”) protection for all Delawareans and visitors by maintaining the best support and resources for the brave fire and BLS professionals working throughout Delaware.

Fire Commission Oversight of 3 Offices



- Created in 1953.
- Fire code enforcement.
- Arson suppression and investigation.
- Oversight of smoke detection device compliance.
- Approx. 50 full time employees.



- Created in 1964.
- Provides education to fire and BLS professionals.
- Currently issues EMR certification.
- Approx. 20 full time employees.



- Certifies and regulates all ambulances and EMTs.
- Statutory duties assigned, not implemented: investigating firefighter injuries, certification and regulation for EMR, volunteer fire fighters, and volunteer fire companies.
- 6 full time employees.

- “69% of EMS providers report never having had enough time to recover between traumatic events.”¹⁰
- “From 2014-2020, more firefighters died by suicide than in the line of duty.”¹¹
- 37% of EMS personnel and firefighters in the United States have contemplated suicide at some point in their lives, which is nearly 10 times the rate of average Americans.¹²
- “According to the University of Phoenix online survey, more than half of first responders (57%) feel that there would be repercussions on the job for seeking professional counseling. This represents a 10 percent increase over research conducted in 2018, where 47 percent felt there were repercussions. Perhaps more concerning is that 70 percent of first responders believe those who seek counseling will get better, compared to the 84 percent who believed counseling helped in 2018.”¹³
- “Among the 57 percent who feel there are repercussions for seeking counseling, 48 percent feel they would receive different treatment from supervisors and 35 percent think they would be perceived as weak by colleagues/peers.”¹⁴
- “Pervasive stigma and codes of silence among first responders are perhaps the most prominent obstacle to seeking help and finding adequate support.”¹⁵
- “For those who need help, or individuals who may be concerned about their loved ones or peers’ behavior, there are a number of excellent, confidential resources, including SAMHSA’s www.findtreatment.gov site that can help identify local treatment resources.”¹⁶

Staff Report

State Fire Prevention Commission

Staff Finding 3:

- June 2022 Commission meeting: half of the investigations completed by Fire Commission staff investigators in 2022 involved alcohol or drug use and that “the EMS system is stressed from the top down.”
- Office of Emergency Medical Services in June and September 2022 meetings relating to their development for a Resiliency Officer Program.
- State Fire School website includes an entire section dedicated to health and wellness topics which include mental health and suicide prevention resources.
- Fire Commission currently updating their website.
- January 2023, the Fire Commission signed a contract with Uprise Health, a third-party vendor used by the Delaware Professionals’ Health Monitoring Program (“DPHMP”).
 - Implements HB 82 (Sept 2021).
 - Fire Commission requested a new staff position for Mental Health Program Administrator I to support program design and standards for mental health wellness programs.

Staff Report

State Fire Prevention Commission

Staff Finding 4:

- Annual “auditing” requirement widely misunderstood since 1998.
- Fire Commission needs more resources for the annual requirement.
- Remedial training should be offered to any company found in
- Violation of Fire Commission’s annual financial review requirements.
- OnDemand financial training should be available.
- Communication between the State Auditor’s office and Fire Commission should be improved.
 - Fire Commission requested a new staff position for Administrative Accountant and associated funding to support planning, coordinating, monitoring, and analyzing of overall accounting processes and activities.

- **Financial audit:** Is an in-depth examination of financial statements and accounting records, completed by an independent certified public accountant (“CPA”) to verify sufficient internal control processes and detect errors or fraud. An audit is the highest assurance available, and is more time consuming, because it verifies financial information with third parties.
 - Average Completion Time: 3-12 months.
 - Average Cost: between \$6,000 and \$20,000.
- **Financial review:** An independent review of a company’s financial records; however, it can provide limited assurance that a company’s records are accurate. Reviews can point out areas of concern but cannot report an evaluation of fraud risk like a financial audit. A financial review on average is less costly because it takes less time to complete.
 - Average Completion Time: 1-5 weeks.
 - Average Cost: between \$1,500-\$5,000.
- **Financial compilation:** Company’s internal accountant can complete. It organizes bookkeeping records into financial statements. This process takes the least amount of time, making it the cheapest option, however, it provides no assurance because no tests or analysis are performed.
 - Average Completion Time: 1-2 weeks.²³
 - Average Cost: between \$750-\$2,500.

Staff Report

State Fire Prevention Commission

Staff Finding 5:

- The State Fire Prevention Commission has existed for 68 years.
- Since creation, many changes occurred such as:
 - Volunteer fire service progressed into combination fire service including paid firefighter positions to support the demand.
 - Commission now supports BLS care by certifying and regulating all ambulance vehicles, EMTs, and EMRs.
 - Numerous outdated items throughout Delaware code.
 - Despite changes and expanded duties, Fire Commission staff is limited to 6 full-time employees.





EMS = Emergency Medical Services

First Responder = someone whose job includes responding immediately to an accident or emergency (commonly firefighter, law enforcement officer, paramedic, emergency medical technician).



Office of EMS provides EMS system oversight which includes 8 medical directors and the Delaware Emergency Medical Reporting System (DEMRS). DEMRS provides access to patient data statewide for all EMS service providers, Delaware hospitals, billing companies, and inter-facility transport services.

EMS System Broken into 2 Service Types, in Delaware under 2 Different Offices

BLS = Basic Life Support



State Fire Prevention Commission Certifies and Regulates:

- All vehicles in operation as an ambulance.
- **EMR** = Emergency Medical Responder
- **EMT** = Emergency Medical Technician

ALS = Advanced Life Support



Division of Professional Regulation Licenses and Regulates:

- **Paramedics**

Licensed by the Delaware Board of Medical Licensure and Discipline, under the Division of Professional Regulation, in collaboration with the Office of Emergency Medical Services.

Staff Report

State Fire Prevention Commission

Staff Findings 6 & 7:

- Delaware is the only state to split up EMS oversight and authority regarding ALS and BLS services.
- Communication needs to improve between Office of Emergency Medical Services, currently charged with review of all EMS training.
 - Training review process to benefit from streamlining.
- Many est. committees that meet to discuss EMS services in the state.

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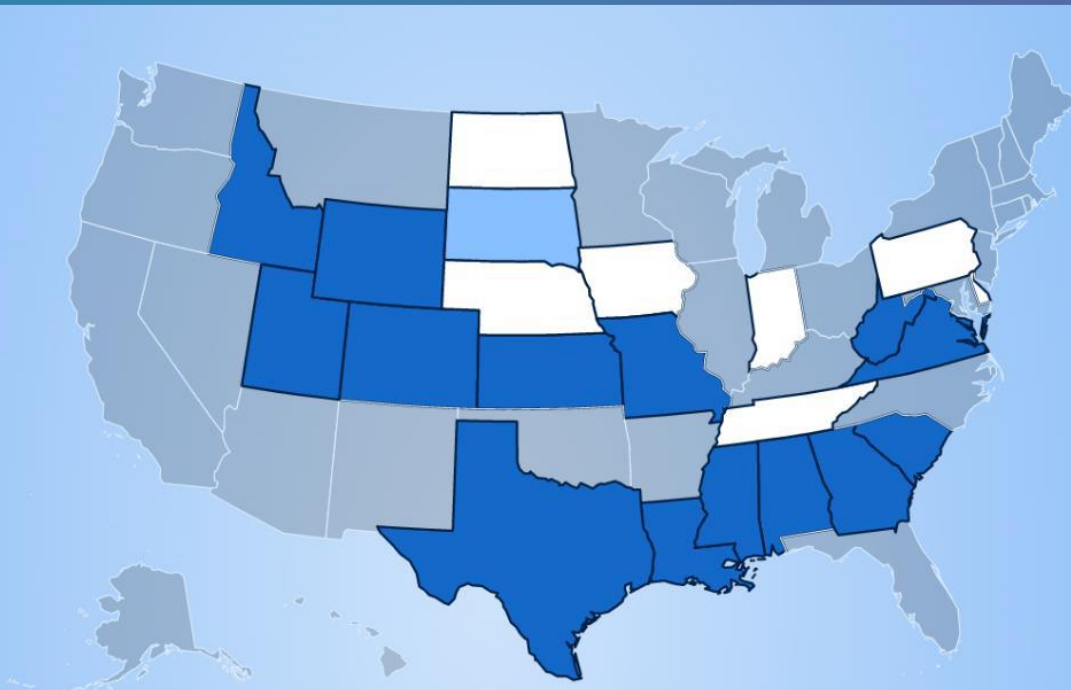
MEMBER STATES

235,355

COMPACT PROVIDERS IN
DATABASE

325,000

TOTAL ESTIMATED COMPACT PROVIDERS



EMS Compact Member State Data Submission Status

- Member State: Full Compliance
- Member State: Partial Compliance
- Member State: License Data Pending

From www.emscompact.gov

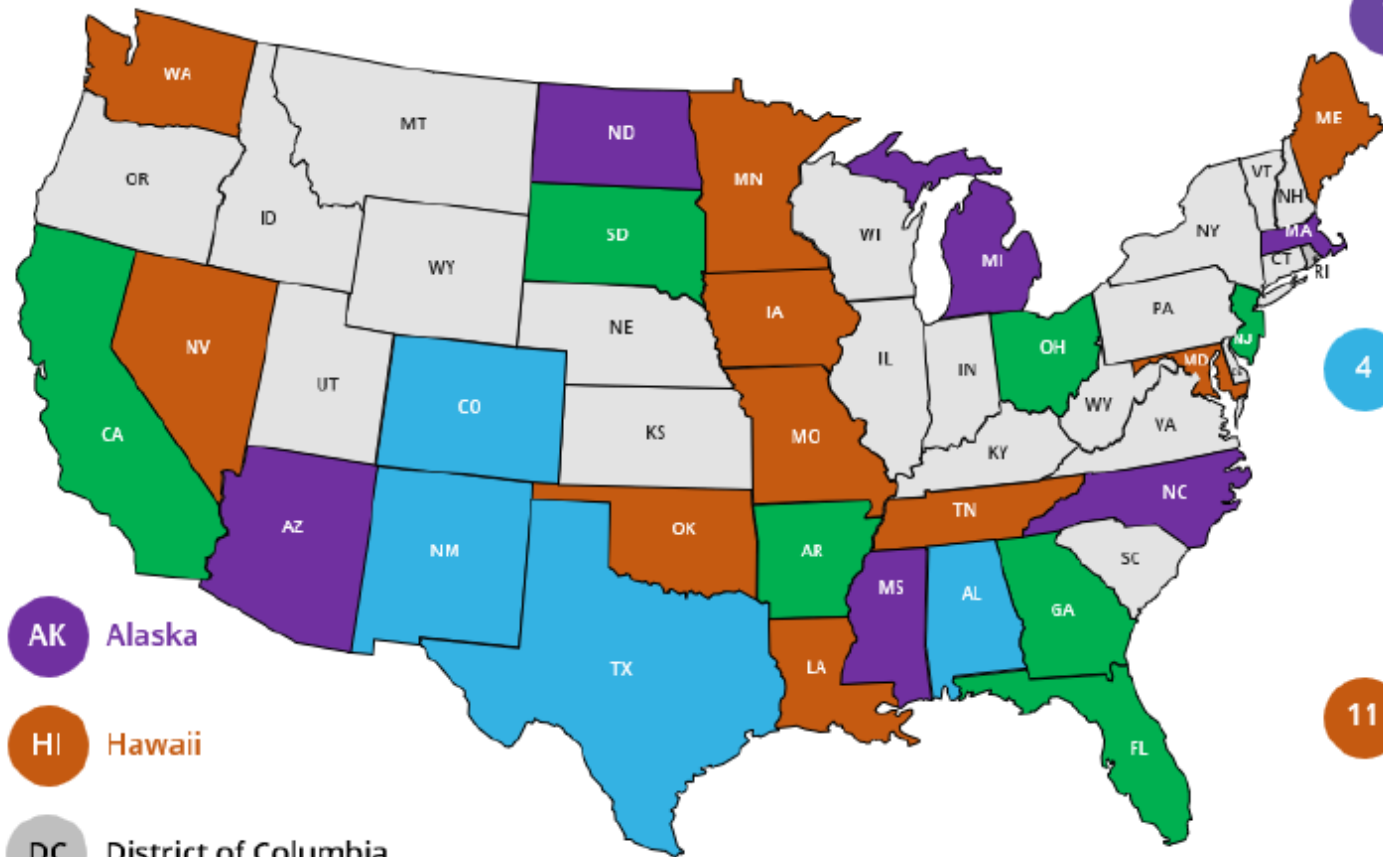
Staff Report

State Fire Prevention Commission

Staff Finding 8:

- September 2017, Delaware became the 12th state to join the National EMS licensure compact.
- Delaware is not integrated with the compact's coordinated database.
- July 2022, Pennsylvania became the most recent to join the compact.
- Regulations and memorandum of understanding agreements need to be created by the Department of Health and Social Services, in collaboration with the Delaware State Fire Commission and the Division of Professional Regulations.

Volunteer Firefighter Training Requirements



AK Alaska

HI Hawaii

DC District of Columbia
Must pass written firefighter/EMT entry-level exam.

7 Certification, Training, Education, Exam, & Recertification Requirements

7 states have statutory requirements for certification, training, education, and examination of volunteer firefighters, have recertification process, which includes continuing education requirements. .

7 Initial Certification, Exam, Training, & Education Requirements.

7 states do not require recertification but have examination, certification, education, training requirements for volunteer firefighters.

4 Education & Training Requirement. No Certification Requirement but require continuing education.

4 states offer exams and certification opportunities, but do not require certification. However, volunteer firefighters must complete state required training and education and have continuing education requirement over their volunteering career.

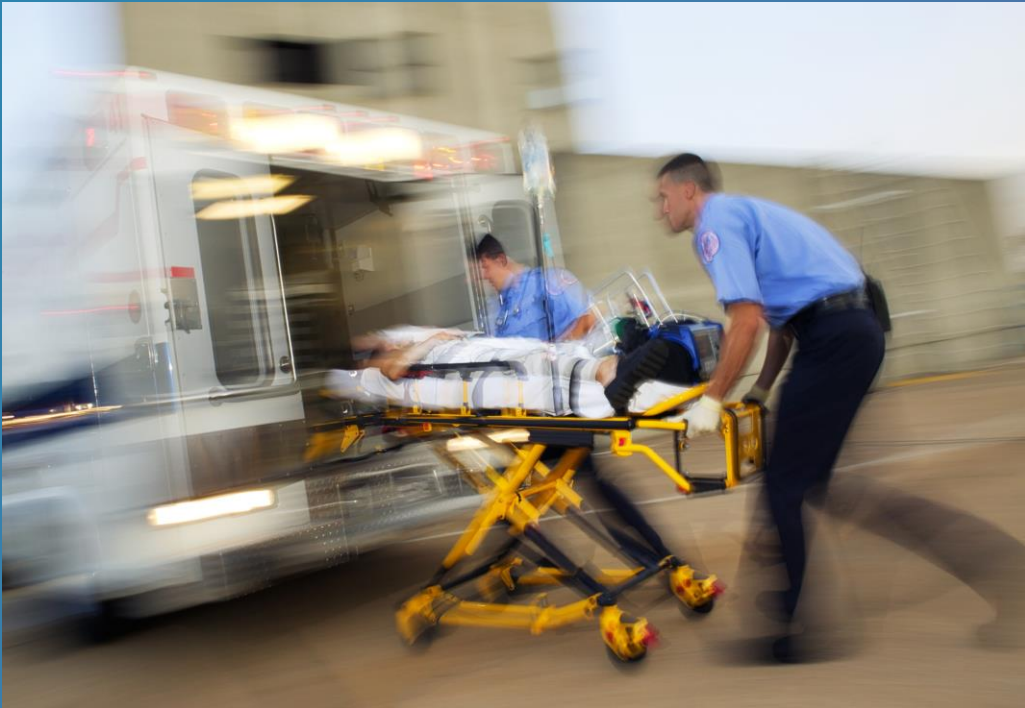
11 Education & Training Required, No certification Requirements.

11 states require training and education but do not require certification.

Chart created by JLOSC staff using independent research.

Staff Finding 9:

- Creating a minimum education standard for firefighters is a matter of safety.
- Difference between training and education.
 - **Training:** Typically repetitive, the “what” and “how” of processes.
 - **Education:** Typically, structured course, explains the “why” and logic behind processes. Helpful when training does not go as planned.
- Currently 29 states require some type of training and education for volunteer firefighters.



Staff Recommendations

State Fire Prevention Commission

5 Staff Recommendations:

- **Continue the Fire Commission.**
- **Statute Revisions.**
- **Update Regulations.**
- **Administrative Updates.**
- **Release from Review.**