

MT LAKES REGIONAL EMS COUNCIL
Application for an EMS Operating Certificate
Public Hearing Report

TO: Patty Bashaw, Chair
Storm Treanor, Treasurer
Mt Lakes Regional EMS Council

FROM: Lee Burns, Hearing Officer

DATE: September 5, 2025

Applicant: Fort Ann Rescue Squad, Inc.

The Public Hearing was held at the Fort William Henry Hotel and Conference Center, 48 Canada St, Lake George, NY 12845 and commenced at 10:05 hours on September 2, 2025. The public hearing is, as a part of the Application for an Ambulance Service Operating Certificate process, is required by Article 30 of the NYS Public Health Law. Based on the Department of Health (DOH), Bureau of EMS Policy Statement 06-06, "...the purpose of the hearing is to provide a technical review and objective evaluation of the applicant's statement of need as well as any other testimony presented." Additionally, at the public hearing, the REMSCO "...may hear witnesses, receive written statements, ask questions and accept testimony in any form that will lend credibility to the hearing and the ultimate determination."

For the purposes of evaluating need for an additional ambulance service, the New York State EMS Council and the Department of Health has defined public need as:

The Demonstrated Absence, reduced availability or an inadequate level of care in ambulance or emergency medical service available to a geographical area which is not readily correctable through the reallocation or improvement of existing resources.

This hearing was held to consider the application for an expansion of ambulance operating authority submitted by the Fort Ann Rescue Squad, Inc. 11287 NYS Route 149, Fort Ann, NY 12827. The application indicates that the proposed expansion of primary operating territory seeks to add "All of that territory in Warren County, Glens Falls, NY with in the four (4) corners of Glen Street, Mohegan Street, Murray Street, South Avenue and Hudson Avenue." as illustrated by the map included in the approved application to the REMSCO. The Fort Ann Rescue Squad, Inc. wishes to expand the ambulance operating authority to be able to "continue to provide a reliable non-emergency transporting ambulance service to Glens Falls Hospital to permit the timely discharge and/or transfer of the Hospital's patients, and specifically to transport patients out of Glens Falls Hospital to their homes, to other hospitals, to nursing homes and other treatment and diagnostic facilities."

Synopsis of the Public Hearing¹:

The public hearing opened at 10:05 with a brief introduction from Dakota Olcott, REMSCO Vice Chair. The hearing officer opened the public hearing, explaining the intent of the hearing, the definition of public need and stating the publication and availability of the application for public inspection. This hearing was recorded as well as memorialized with stenographic minutes. The recording and minutes will be/are available on the Mt Lakes Regional EMS Council's offices and the website.

The hearing was well attended, including seven (7) members of the Mt Lakes REMSCO and a representative from the local media. The hearing opened with a brief presentation by the applicant represented by Robert McPherson, President. He stated that there are over 2,100 transfers out of Glens Falls Hospital annually and that Fort Ann seeks to be an additional resource. The floor was then opened for anyone wishing to speak in favor of the application. The following individuals came forward:

Thomas Williams, MD – Emergency Department physician and agency medical director.
Dr Williams acknowledged that Glens Falls Hospital currently has a contract with Ambulnz, but he is not aware of the details. He stated that Fort Ann has been very responsive to requests for transports and stated that one ambulance service cannot meet the hospital's needs in a timely manner and there is a need for other partners.

Michael Sexton – Town of Ft. Ann Deputy Supervisor

Mr. Sexton stated that he supported his town's ambulance services efforts to be self-sustaining, however he voiced concerns that the application process required public notice and the town board never received notice. He stated that the town provides supplemental funding to Fort Ann Rescue and that they should have been offered the opportunity to review the application and if they wished to comment. He also said he was concerned about the high employee turn-over. He described himself as a past EMS provider and a "staunch supporter of EMS", but he wanted to make sure that Fort Ann Rescue had done their "due diligence" in planning for the long term.

Thomas Noble, EMT-P Chief of Operations, Fort Ann Rescue Squad, Inc.

Mr. Noble submitted his comments in writing – which is included in the record – as well as explaining that the Fort Ann Rescue Squad has developed a business plan, increased staffing and purchased vehicles to respond to requests for transports without negatively impacting the agency's ability to answer emergency calls in the community. Mr. Noble stated that Fort Ann has done approximately 1300 transfers this year to date. He also stated that the ambulance service has become stronger because the revenue generated has allowed them to update equipment, increase staff wages and better respond to emergency calls in Fort Ann and surrounding communities upon request. He reiterated that the reason for the expansion is to ensure Fort Ann Rescue Squad's compliance with applicable laws and regulations.

The attendees were again asked if there was anyone wishing to speak in opposition of the application (3 times). No one further came forward. The attendees then were asked if anyone would like to speak in opposition of the application. The following individuals came forward:

¹ It should be noted that the short descriptions of what each individual discussed while at the podium is not a complete representation of what was said during the hearing. For complete statements, please refer to the stenographic minutes.

Issachar Modert, Deputy Chief, Glens Falls Fire Department (GFFD)

Chief Modert spoke in opposition of the application. He stated that there are currently three (3) certificate holders for Glens Falls Hospital, including the GFFD. He stated that there is no demonstrated need for an additional ambulance service within the City of Glens Falls. The existing EMS agencies already provide comprehensive coverage and a proposed hospital only service would waste resources and undermine public safety and the financial stability of the current system. The chief submitted a written version of his comments for the record.

Cory Ouellette, President, Warrensburg EMS

Mr. Ouellette stated that approving the CON would destabilize the EMS community. He said many agencies, including his, have stepped up to meet the needs of the hospital. He feels that a better system should be put in place.

Aaron Barney, Chief of Operations, West Glens Falls EMS.

Mr. Barney said that this CON would not be good for the EMS system. He also stated that his agency has done over 150 transfers from Glens Falls Hospital (no time frame was offered)

Shane Irwin, Chief of Operations, Queensbury EMS.

Mr. Irwin stated that the application contained “false” information. He said the requested territory description was inaccurate. He further commented that the Glens Falls Hospital has not negotiated with the EMS providers in good faith.

Steve Vanguilder, Executive Director, Moreau EMS.

Mr. Vanguilder wanted to make sure that his agency’s letter in opposition to the application had been received by the REMSCO and was part of the public record. He stated that Moreau EMS has been doing transfers for Glens Falls Hospital for many years with the volume increasing significantly since COVID.

Micki Guy, Glens Falls Fire Department

Ms. Guy stated that when the Glens Falls Fire Department filed for its original ambulance operating certificate it was denied. (Hearing Officer’s note – at the time of the initial application, Article 30, section 3008.7(b) excluded cities the size of Glens Falls. The PHL was changed shortly thereafter to specifically include “... Notwithstanding any other provision of this article, any city with a population of fourteen thousand seven hundred or sixty-two thousand two hundred thirty-five, according to the two thousand ten federal decennial census, ...” the City of Glens Falls). She said that the city had provided detailed call data, and the application was still denied. She stated that Fort Ann’s application was submitted just so that they could bill for service “legally”.

The attendees were again asked if there was anyone wishing to speak in opposition of the application (3 times). No one further came forward.

The REMSCO members present we asked if they had any questions for those present or wished to make comments.

Dakotah Olcott, Vice Chair and representative from Essex Co.

Mr. Olcott asked Dr Williams if the hospital staffed an individual or group to manage transfers and if the hospital used a list or process for calling for ambulance transports. Dr Williams stated that the emergency department clerks just call ambulances.

John (Jack) Tims, EMS Educator and Warren Co Representative

Mr. Tims asked several questions of the applicant to clarify their position on mutual aid and emergency response. Thomas Noble responded by advising that it was not Fort Ann Rescues plan to take 911/emergency calls in the City of Glens Falls.

Mark Spiezio, Chief of Cambridge Valley Rescue Squad and Washinton Co Deputy EMS Coordinator and Representative

Mr. Spiezio requested the hearing officer attempt to clarify several sections, of Article 30. There was discussion about the “legality” under Article 30, section 3010, of the current use of ambulances by Glens Falls Hospital ensued.

Storm Treanor, REMSCO Treasurer and Clinton Co EMS Coordinator

Ms. Treanor suggested that all the ambulance services, who are currently performing transports and wish to continue to do so, should consider coordinating with one another and making application to the REMSCO to also expand their operating certificates.

Rebuttal Comments

Chief Modert

In response to the discussions, the Chief stated that the hospital needs to set up a plan and not rely on the local EMS system to take care of the problem.

Thomas Noble

Mr. Noble reiterated his previous comments and his written narrative.

As required by NYS DOH Policy Statement 06-06, the applicant’s representative was offered an opportunity to make a closing statement. Mr. McPherson reiterated that it was Fort Ann Rescue Squad’s intention to continue to work in partnership with the EMS community and the hospital. He stated that the transport call volume is high and there is more than enough work to go around. He stated that the Fort Ann Rescue Squad, Inc. has built a business plan to be able to do transfers from Glens Falls Hospital. They are seeking this expansion to be able to continue doing what they have been doing in compliance with state and federal regulations.

The Hearing and Record were closed at 11:31 am.

Findings of Fact:

After a review of the application and attachments submitted to the REMSCO by the Fort Ann Rescue Squad, Inc. as well as testimony and documentation provided at the hearing, the following facts have been established:

- The Fort Ann Rescue Squad, Inc. has applied for an expansion of its ambulance operating certificate, and it was determined to be complete by the Mt Lakes Regional EMS Council.
- The Fort Ann Rescue Squad, Inc. application requests to add the following geographic territory “All of that territory in Warren County, Glens Falls, NY with in the four (4) corners of Glen Street, Mohegan Street, Murray Street, South Avenue and Hudson Avenue.” To the existing ambulance operating certificate, which currently states – The Village and Town of Fort Ann.
- Based on the information and data provided in the application and articulated during the hearing, while a at least three (3) ambulance services are currently authorized to provide ambulance transport services to the Glens Falls Hospital, the need to move patients in and out of the facility exceeds current capacity.

Conclusion:

The Fort Ann Rescue Squad, Inc. seeks to provide transport services to improve ambulance availability and lower the time it takes to transport patients from the Glens Falls Hospital in the City of Glens Falls to facilities that can appropriate provide patient care, or to residences. The data provided and the testimony (both in favor and opposed) seems to indicate that adding an additional ambulance service with the specific mission to provide interfacility transports may provide relief to the hospital and the currently overburdened EMS system.

In making this recommendation, this hearing officer cannot ignore the fact that there is a dearth of EMS resources in much of New York State, but most notably in rural areas like those in Warren and Washinton Counties. Adding operating authority to the Fort Ann Rescue Squad’s operating certificate does not actually change the EMS current system but rather places them in compliance with existing state and federal statutes and regulations. Quite frankly, every one of the ambulance services in the EMS catchment currently performing interfacility transport service to the hospital and/or with the capacity to provide interfacility transport services, should seek to expand their operating certificates as well. By all accounts, there is plenty of work to go around. This could be done in a coordinated effort with the participation and assistance of the Glens Falls Hospital. The hospital should be made aware that the EMS community is dedicated to patient care and has extended itself to better service its community AND the hospital. The hospital should be a partner in this effort, not just a user of the ambulance services.

The applicant, based on its application to the REMSCO, has proven ‘Need’ as defined in DOH Policy Statement 06-06. Specifically, there is a “...*demonstrated absence, reduced availability or an inadequate level of care in ambulance... which is not readily correctable through the reallocation or improvement of existing resources.*” Therefore, it is my opinion that the applicant has demonstrated ‘Need’ for expanding its operating authority to include the Glens Falls Hospital. It is my recommendation to the Mt Lakes REMSCO that the Fort Ann Rescue Squad, Inc. be granted the expansion of ambulance operating authority in accordance with the New York State Public Health Law, Article 30.

Respectfully Submitted by:
Lee Burns