Mercy Flight accuses police helicopters of stealing emergency calls for publicity

By John O'Brien / The Post-Standard
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Mercy Flight Central provides helicopter transport for emergency medical care from their base in Marcellus for the central region of New York State, the Finger Lakes and Rochester. (Left to right:) Pilot Bob Hansen stands by as flight nurse Lou Varre and flight paramedic Alan Babcock load a trauma bag containing emergency medical equipment on the helicopter.

Syracuse, NY -- Three rescue helicopters that serve Central New York are embroiled in an air war.

A Mercy Flight Central helicopter, which costs $5 million, bills itself as a mobile intensive care unit, including a ventilator. The crew includes a registered nurse and a flight paramedic.
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The Onondaga County Sheriff's Office's Air One helicopter, which costs $2.3 million, is used for many purposes, including searches, arrests and rescues. It includes a flight paramedic.

The state police helicopter costs $6.2 million and is similar to Air One, with added capabilities. It includes a flight paramedic, when needed.

Mercy Flight Central, a private service with a helicopter on standby in Marcellus, claims Onondaga County's Air One helicopter and the state police helicopter in the area are jumping calls — responding to medical emergencies before Mercy Flight has a chance to go — for emergency transports and putting patients in danger.

The Onondaga County Sheriff's Office and state police say they never jump calls and that the closest available helicopter should respond. The key, they say, is who can get the patient to an emergency room quickest.

Mercy Flight is suing the sheriff's office and federal government, claiming the Federal Aviation Administration is not enforcing a law that gives medical helicopters first dibs.

The dispute highlights a drama behind the dramatic transports of trauma patients to emergency rooms. Three agencies have expensive helicopters and, for many reasons, want to stay in the air ambulance business.

All have big investments. Mercy Flight's helicopter cost $5 million. Onondaga County's cost $2.3 million. The state police's cost $6.2 million.

While taxpayers underwrite each run of the police copters, Mercy Flight charges an insurance company $8,500 for a typical run, its officials say.

Kent Johnson, president of the National EMS Pilots Association, said he's unaware of a similar dispute elsewhere in the country.

"I don't think normally police are competing with EMS helicopters in that regard," Johnson said. In his area of Utah, dispatchers use a seven-minute rule: If the EMS helicopter will take no longer than seven minutes more than the police helicopter to arrive, the EMS should go, Johnson said.

Mercy Flight officials say their crews can do procedures that neither Onondaga County's Air One helicopter nor the local state police rescue helicopter can. They can secure a patient's airway, administer medication to calm a combative patient and hook a patient to a ventilator and IV pump on board.

"We're an ICU flying in the air," said Ross Hoham, Mercy Flight's operations supervisor. "They're a police helicopter."

Mercy Flight officials cite cases where a police helicopter got to a scene only to realize the patient was too unstable to transport. In each of those cases, they say, Mercy Flight could have stabilized the patient and gotten them in...
Mercy Flight President Paul Hyland said the sheriff’s and troopers’ helicopters have been “jumping calls” because the police agencies want the medical evacuation calls mostly for promotional reasons.

“Air One primarily wants to get calls because that’s the only way they can demonstrate, “We’re saving lives!”” Hyland said. “So they do everything they can to beat us to a call.”

Undersheriff Warren Darby said Air One responds to medical calls when it’s dispatched as the closest helicopter.

“The key is getting to the trauma centers and surgeons quicker, within that golden hour of opportunity, as they call it,” Darby said.

State police also deny jumping Mercy Flight’s calls. Sgt. Kern Swoboda said it’s a dispatching issue that’s out of troopers’ hands. They’re simply responding to the calls, he said.

Complaints go unanswered

The question of whether Air One should be flying to out-of-county medical emergencies came up recently when the helicopter’s expenses were being studied by county legislators.

The county cannot charge other counties for those calls. Legislator James Rhinehart, R-Skaneateles, questioned whether taxpayers were being cheated by the helicopter’s use in those cases. It costs about $2,000 an hour to fly Air One, he said. Before the county budget was approved last month, Rhinehart suggested Air One could be cut to close a deficit.

In response to those questions, the sheriff’s department rallied support from local firefighters and rescue workers to save Air One. Some fire departments displayed signs of support outside their firehouses.

Lawyers for the county told the sheriff’s office that the county would open itself to lawsuits if Air One failed to respond to out-of-county medical emergencies when it was closest, Darby said.

Mercy Flight has filed complaints with a local board that oversees emergency medical care in the area about Air One jumping calls. They’ve gotten no response to those complaints, Hyland said. The board’s medical director did not return phone messages.
Mercy Flight’s lawsuit in federal court seeks to enforce a federal law that Mercy Flight says requires that it gets the call first on any medical air evacuation. The police aircraft can only respond when no medical helicopter is available, Hyland said.

The county disputes that reading of the law. Darby said an investigator with the FAA looked into Mercy Flight’s claim and sided with Onondaga County.

Sheriff Kevin Walsh said Mercy Flight officials are spreading false information. He acknowledged Air One sometimes cannot transport a patient because they are too critical or combative, and that Mercy Flight has better medical capabilities.

Mercy Flight has a registered nurse and a paramedic aboard its helicopter. Air One and the state police have a flight paramedic. Mercy Flight has twice the pharmacy available to it, Hoham said.

“They have the Cadillac and we have the Oldsmobile,” Walsh said. But if the Olds is closer, it can deliver faster, he said.

Mercy Flight contends that even if it gets to the scene later than Air One, the patient would benefit, Hoham said.

“If the patient has to wait till he gets to the hospital to get an airway secured, it doesn’t really matter how fast you were there,” he said. “We can do that on the side of the road.”

The air war peaked two weeks ago. Mercy Flight sent a letter to officials in the five counties it services in Central New York saying it was no longer participating in the dispatching system for helicopters, called the clearinghouse.

“We cannot tolerate services that self-launch themselves, which compromises safety,” the Mercy Flight letter said. “The ‘clearinghouse’ concept does not work and we will not be part of it.”

As of Oct. 15, Mercy Flight said it would no longer notify the clearinghouse that its helicopter was available, the letter said.

Onondaga County is one of four counties in the state with its own helicopter, Hoham said. Two of the others — Erie and Westchester — only go on police calls, such as searches, rescues and assisting in high-speed car chases, he said. Nassau County’s also does medical evacuations, Hoham said.

**Who pays the bill?**

From 2005 through September of this year, the sheriff’s Air One transported 78 patients — 46 of them from outside Onondaga County.

The helicopter responded to 1,643 calls, including property checks, arrests and other law enforcement purposes, according to the sheriff’s office.

Mercy Flight’s helicopter in Marcellus, which services Onondaga, Cortland, Cayuga, Oswego and Tompkins counties, transported 116 patients last year.

The air ambulance has a financial motivation to fight for every call, Walsh said.

Mercy Flight is a nonprofit corporation created under Hyland’s for-profit company, EMS Air Services of New York. The for-profit arm buys the helicopter, pays for insurance and receives $2.4 million in lease payments a year from the nonprofit side.

All EMS air service companies are set up the same way, Hyland said. His company makes a profit of about $100,000 a year, Hyland said.

Hyland said Air One unnecessarily costs Onondaga County taxpayers when a private sector helicopter that’s better equipped could bill the patient’s insurance company.

“They’re violating the law plus they’re scamming the taxpayer,” he said.

“They’re flying these patients and there’s a commercial operator who can bill
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"for those services and be paid by the insurance company."

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Posted by nyinmate
November 02, 2009, 6:54AM

whoever can take me to the emergency room faster is my choice.

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Posted by lilmouse123
November 02, 2009, 7:12AM

So it's Mr. Hyland's contention that even if the State Police or Air-1 are on a "patrol flight" and within minutes of a "medical emergency" that the State Police or Air-1 should not respond?

That the "critically injured" patient and overly anxious ground EMS providers should hold their water and wait for Mercy Flight.

Methinks Mr. Hyland is more concerned about that $8500 in his bank account

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