

NAME OF PROGRAM: Catawba County Legal/EMS Training Program

PROBLEM ASSESSMENT

Catawba County Emergency Medical Services (EMS) paramedics often face extremely challenging situations when responding to an emergency call. One all-too-common scenario involves patients, family members and nursing home personnel disagreeing over who has the legal authority to determine if the patient must be transported to a hospital. Confusion on all sides about the differences among guardianship, power of attorney, and nursing home policies can create uncertainty for the paramedic, who is often expected to make that complicated legal determination on-the-spot.

Several years ago, Catawba County Attorney Debra Bechtel noticed that paramedics were often asking her to explain the difference between guardianship and power of attorney. To help address this issue more broadly, Bechtel initiated a basic education session on this topic for all County EMS personnel. In doing so, more legal-related questions arose about issues such as documentation, confidentiality, investigations, subpoenas, scenarios in which responders are harmed, and many others. These discussions prompted the County's Legal staff and EMS Department to develop and formalize a collaborative, highly innovative and comprehensive training program that has been operating successfully in Catawba County for the past 17 years.

PROGRAM IMPLEMENTATION AND COSTS

The Catawba County Legal/EMS training program consists of the following components:

- An annual 3-hour class taught by the County Attorney (repeated five times within a month to reach all EMS employees since their "offices" are usually on four wheels) covering the most common legal considerations paramedics may encounter in their day-to-day work.

This includes education on legal authority related to treatment and transport; the importance of detailed documentation, especially in crime scene situations where a paramedic's actions or observations may have evidentiary implications; required documentation for insurance reimbursement; what to do if a paramedic is assaulted or otherwise harmed during a call; traffic laws and ambulance accidents; handling subpoenas and preparing for depositions; and other topics.

- Conducting mock trials including a judge, jury and opposing attorneys to simulate the experience of testifying in a court case. Knowing that thinking about testifying and actually testifying are two very different things, this gives paramedics a sense of the dynamics in a live courtroom and better prepares them if they are ever called to court. It also helps underscore the critical importance of thorough and accurate documentation.
- Provision of the County Attorney's work, home and cell phone numbers to all EMS personnel, who are encouraged to call at any hour if a legal question arises during a call. Paramedics are under pressure to make quick decisions no matter the situation, and this enables them to receive immediate guidance when those situations have legal complexities that reach beyond their training.
- A procedure allowing the County Attorney to ride a full shift, in uniform, with an EMS ambulance crew at least once a year. This enables the attorney to gain a broader assessment of the types of situations, legal questions and decisions faced by paramedics, which in turn has expanded training topics based on real-world scenarios.

- A procedure allowing the County Attorney to attend medical in-service trainings once a month to better understand EMS medical terminology, policies and procedures and further strengthen two-way communication.
- The ability for EMS personnel to request County Attorney review of post-call documentation that is likely to have investigative follow-up. By reviewing these reports when they are prepared, the attorney can help ensure they contain sufficient detail and clarity related to potential investigative questions. This also helps assure the final report provides a comprehensive point of reference for paramedics who may need to recall complicated details in legal testimony months or years after the incident occurred.
- A policy requiring private investigators, attorneys, insurance companies, and others to contact the County Attorney first, rather than a responding paramedic, with questions about a call. Third parties can make incorrect assumptions about the information paramedics can access or legally provide, especially with regard to patient confidentiality; this initial conversation with the County Attorney can help clarify the nature of the inquiry and determine if it is something the paramedic can provide or if it should be referred to a more appropriate party. If the paramedic can provide information, the County Attorney helps facilitate the communication. This protects confidential patient information, helps the third party get the information they need, and prevents the paramedic from having to make nuanced decisions about what information they are legally allowed to share.
- A procedure whereby the County Attorney accepts service of subpoenas for paramedics. This enables the attorney to determine the nature of the subpoena and provide support to the paramedic during the legal phase of an investigation, which may include telephone

stand-by assistance; one-on-one preparation for testimony; and attending depositions. This also simplifies the subpoena issuance process for law enforcement agencies.

- A procedure to notify the County Attorney if a paramedic is assaulted on duty. In these situations, the attorney accompanies the paramedic to the magistrate to obtain warrants; serves as the paramedic's liaison with the District Attorney's office; and follows the case through disposition.

Because this program is provided by the County Attorney and fully integrated into routine EMS training and operations, there is no cost to operate it beyond the value of dedicated staff time.

RESULTS/OUTCOMES

The most tangible outcome can be summarized by what has not happened: in the program's 17 years of operation, Catawba County EMS has not been named in a civil lawsuit.

Other results include better-trained EMS personnel (approximately 140-150 per year); improved safety; reduced errors; better service delivery; higher job satisfaction among EMS staff based on the frequency of comments expressing their appreciation; and reduced liability for the County. This program has also made the EMS documentation process more streamlined and efficient, thereby helping to increase billing reimbursements.

Perhaps most notably, this program has significantly increased EMS staff confidence and morale. For County paramedics, having up-front access to relevant legal training helps increase their confidence in making complex, on-the-scene decisions. Knowing that the County Attorney is always available for guidance provides an extra level of reassurance. This sense of reassurance is amplified when the County Attorney becomes personally involved in more nerve-wracking scenarios, such as subpoenas, depositions, and court testimony.

According to Catawba County EMS Manager Sylvia Fisher, this program has changed the culture of EMS into one where paramedics feel supported and protected, rather than nervous or ill-equipped, in highly complex legal situations. “This program has generated a high sense of morale among our staff, because they know they’ve got the County Attorney in their corner,” she said. “They have a higher degree of confidence in their ability to handle legal-related questions, and they know they have an expert resource available to them when they’re not sure. No one wants to face these kinds of situations, especially in the middle of handling a medical emergency. Thanks to this ongoing collaboration, we feel even more assured of our ability to do the job we are called to do as appropriately and effectively as possible.”

LESSONS LEARNED

The biggest lesson learned: proactively and continuously training EMS personnel and providing them with on-call and ongoing legal guidance creates a noticeable culture of confidence for EMS and the County through enhanced EMS service delivery, increased employee morale, and reduced exposure to liability.

RAISING AWARENESS OF LOCAL GOVERNMENT MANAGER CONTRIBUTIONS

Legal staff are part of the Catawba County Manager’s Office, and the County is not aware of any other Local Government Managers providing this service. EMS personnel who come from other agencies often comment positively about the program; in their experience, legal guidance has generally been provided reactively rather than proactively. The County Attorney has been asked to conduct similar training for other agencies and at the local community college, and has provided it free of charge. This program could be easily replicated by other cities/counties at no cost and to the significant benefit of their emergency responders and citizens.