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Emergency airlift plans grounded by politics

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For much of the past year, Somervell County Judge Walter Maynard was courted by two of the area's air ambulance services, sometimes none too subtly.

A company plane flew him to Air Evac Lifeteam's headquarters in West Plains, Mo., where he toured the facilities, had lunch and chatted with Chief Executive Officer Colin Collins.

Jim Swartz, the CEO of Grand Prairie-based CareFlite, came to Maynard's office, where he forcefully noted his service's ties to the community as well as the fact that Air Evac's billing practices were the subject of a federal investigation.

Why were these people so interested in the highest elected official in Texas' second-smallest county?

Because they need the approval of Maynard and other county judges to tap into a key source of revenue: selling memberships.

The quest to sell memberships among some of the state's air ambulance providers has become a highly politicized process, involving hardball tactics and the stroking of politicians. It has also focused attention on a service some believe offers limited value in life-or-death situations.

"It's a mess, and I'm not sure at all it's good for the citizen," said Mike Ford, a Somervell County commissioner.

Membership programs, in which consumers pay an annual fee as a hedge against the high cost of helicopter transport, have become more prevalent among Texas' air ambulance providers as Air Evac, the company that pioneered them, has sought to increase its presence in the state.

Air Evac, which operates primarily in rural areas, opened its first Texas base in 2003 and now has 18 in the state, including four in counties surrounding Dallas-Fort Worth.

The company's expansion into the Metroplex led CareFlite, the area's longtime nonprofit provider, to start its own membership program this year.

As competition between the two providers has heated up, county judges have found themselves in the middle.

The reason is a state law, enacted 18 years ago with ground ambulance services in mind, requiring any EMS provider seeking to sell memberships to obtain written authorization from the chief elected official in the jurisdiction in which it plans to sell them.

The influx of air medical membership programs has raised concerns for many of the county officials who must approve them, as well as for the Governor's EMS and Trauma Advisory Council, a group that makes recommendations to the State Health Services Department.

At the council's request, the department has asked the Federal Aviation Administration whether such

Air Evac has a base in Glen Rose, the county seat, according to Maynard.

"You would think that Air Evac would be the first one on the scene, and if [residents] had CareFlite memberships, we'd have some unhappy citizens," he said recently.

The decision angered Swartz, who contends that CareFlite wasn't given a chance to make its case.

"What did we do in 28 years of saving lives in that county to deserve such treatment?" he said.

Swartz went to Glen Rose to visit Maynard and Ford a month before the commissioners' vote because he believed that CareFlite was being deliberately kept off the agenda.

"I was very firm that I didn't consider that fair," he said.

He also told the officials about the federal investigation involving Air Evac. The reference was to published reports in May describing how FBI agents seized records at the company's headquarters as part of what the company called an investigation into "billing and healthcare compliance" matters.

Although CareFlite ultimately got on the agenda, Swartz wrote a letter to Maynard the day after the vote complaining that CareFlite wasn't allowed to make a full presentation.

"What is your plan for handling complaints from citizens that are transported by CareFlite while holding Air Evac memberships?" he wrote. "Will you tell them why you led the campaign to prohibit CareFlite from offering memberships in Somervell County?"

In the letter, he again mentioned the investigation of Air Evac and included a story from *The New York Times* describing it.

Ford said his vote against CareFlite was due in part to Swartz's aggressiveness.

"The way he chose to approach this whole thing was, from my perspective, less than I would expect ethically," he said.

Maynard's trip to Air Evac's headquarters in Missouri occurred late last year, just after Air Evac began operating in Glen Rose.

He said he was impressed by what he saw, but that the trip, which included others from the county, did not have a bearing on his vote.

"None of this had anything to do with the membership program," he said. "It was strictly [Air Evac] showing us they could support our community with a helicopter."

The trip was part of a program in which Air Evac flies EMS and hospital officials to its headquarters for a day so they can get a "comfort level" with the company, located in a remote area of the Ozarks, said Seth Myers, the company's vice president for operations.

Although accepting such trips doesn't violate state law, some officials said it raises questions for them.

"If I felt it necessary to go look at their facility, I'd ask the Commissioners Court to budget that money and steer clear of any suggestion that the company had influenced the decision," said Riley, the Parker County judge.

Hood County's choice

In Hood County, commissioners approved CareFlite last December and have yet to consider Air Evac, which hasn't sought a spot on their agenda.

The county's EMS personnel prefer CareFlite, which moved into Granbury, the county seat, in 2006, said County Judge Andy Rash.

But Air Evac will be put to a vote if the company seeks it, he said.

Rash himself required CareFlite's transportation in April, when he suffered a heart attack and was flown from Granbury to Fort Worth.

He acknowledged that he was billed as a member, even though he had not purchased a membership. The benefit allowed him to save approximately \$5,500.

Giving a county judge such a break could be considered an illegal gift to a public servant under state law.

Rash conceded that it could be a problem but pointed out that he never sought special treatment.

CareFlite simply didn't bill him for the portion he owed, he said.

Swartz said he was unaware of how Rash's bill was handled.

"Memberships are not retroactive," he said. "But I can't tell you [what happened]. We have 35,000 patients a year here."

Johnson County's agenda

Johnson County commissioners gave CareFlite permission to sell memberships last December. A request to put Air Evac on the commissioners' October agenda was denied by County Judge Roger Harmon.

Discussing his reasoning recently, Harmon said he was acting to protect the interests of CareFlite, which has been contracted by the county to provide it with ground ambulance service since 2003.

"Our relationship with CareFlite is so good, I'm not going to do anything that would jeopardize it," he said.

Harmon subsequently complained to Air Evac that Casey Peacock, the company membership coordinator who sought the spot on the commissioners' agenda, threatened to "smear" him as a result of the decision.

Peacock, who has since been fired, denied using such language, although he acknowledged telling Harmon that the public might find his reasoning interesting.

Peacock said he doesn't know whether his firing was related to his dealings with Harmon or his sales numbers, which were lagging. Either way, he said, he's glad to be out of the business.

"It has nothing to do with what's a good service, what's a bad service, how long you've been here," he said. "It has to do with who you know and whose back you're going to scratch."

Companies woo county officials

Air Evac Lifeteam and CareFlite have sought approval to sell memberships in rural counties near Fort Worth.

Somervell County

1 Air Evac Lifeteam, which has a helicopter based in Glen Rose, received the commissioners' approval to sell memberships in July. CareFlite was also considered at the meeting and denied the ability to sell. County Judge Walter Maynard was part of a contingent from the county that visited Air Evac's headquarters in West Plains, Mo., at the company's expense a few months after the Glen Rose base was opened in 2006.

Hood County

2 CareFlite, which has a helicopter in Granbury, received permission from commissioners to sell

memberships last December. Air Evac Lifeteam has yet to seek a vote on its program. CareFlite gave County Judge Andy Rash a price break associated with membership – worth several thousand dollars – when he suffered a heart attack in April and was flown to Fort Worth, even though he was not a member at the time.

Johnson County

3 CareFlite, the county's ground ambulance provider since 2003, was approved by commissioners to sell memberships last December. County Judge Roger Harmon refused a request to put Air Evac Lifeteam on the commissioners' agenda for a similar vote in September.

Erath County

4 No service has been approved to sell memberships in the county because of County Judge Tab Thompson's opposition to the concept. Thompson was part of another group that visited the Air Evac Lifeteam headquarters in Missouri at the company's expense.