

NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C. 20594

PUBLIC HEARING IN THE MATTER
OF THE ISSUES ON
EMERGENCY MEDICAL SERVICES
HELICOPTER OPERATIONAL SAFETY

PUBLIC HEARING
OPENING STATEMENT
BY
HONORABLE ROBERT L. SUMWALT
CHAIRMAN, BOARD OF INQUIRY
FEBRUARY 3, 2009

Good morning ladies and gentlemen, and welcome.

My name is Robert Sumwalt and I am a Board Member of the National Transportation Safety Board. I am honored to serve as chairman of the Board of Inquiry for this public hearing.

Today we are opening a public hearing concerning the issues of Helicopter Emergency Medical Services (HEMS) Operational Safety.

I would like to take a moment to acknowledge the family members of those who have lost their lives and those who have survived HEMS accidents who are with us today, either in our audience or watching via our webcast. On behalf of the National Transportation Safety Board and all those assembled here today for this very important hearing, I would like to offer our sincere condolences for your loss and for the difficulties you and your families have endured. As we continue our work to improve safety within HEMS operations, I would like to ask everyone to keep these tragedies in mind and to move forward with a collective commitment to improve safety and prevent these types of accidents from ever happening again.

This hearing is being held for the purpose of gathering facts, data and perspectives that will give us a better understanding of the current state of the HEMS industry. This process will assist the Safety Board in creating products to prevent HEMS accidents in the future.

The purpose of this inquiry is not to determine the rights or liability of private parties, and those matters will be excluded from these proceedings. I want to emphasize that this hearing is non-adversarial—it is a fact-finding examination. Our sole purpose is to discuss the issues that impact the HEMS industry and what can be done to prevent HEMS accidents. The witnesses will not be asked or permitted to speculate as to the cause or furnish an analysis of accidents currently under investigation by the NTSB.

At this point, I would like to introduce the other members of the Board of Inquiry:

- Mr. Tom Haueter, Director of the NTSB’s Office of Aviation Safety;
- Dr. Vern Ellingstad, Director of the NTSB’s Office of Research and Engineering;
- Dr. David Mayer, Deputy Managing Director of NTSB; and
- Ms. Lorenda Ward, Hearing Officer.

The Board will be assisted by a Technical Panel consisting of 13 members. Their biographies, along with those on the Board of Inquiry, can be found at the NTSB’s website (www.nts.gov). Members of the Technical Panel will be introduced individually at the beginning of each panel.

By way of background, HEMS operations provide an important service to the public by transporting seriously ill patients or donor organs to emergency care facilities. Each year approximately 400,000 patients and transplant organs are safely transported via HEMS. This vital service is credited with saving countless lives each year. That said, the recent fatal accident record is alarming and it is unacceptable.

In the last six years, we have seen 85 HEMS accidents, resulting in 77 fatalities. In calendar year 2003, we saw 19 accidents and 7 fatalities; in 2004, there were 13 accidents with 18 fatalities; 2005 had 15 accidents and 11 fatalities. In 2006, 13 HEMS accidents occurred with a total of 5 fatalities. In 2007, there were 12 accidents with a total of 7 fatalities. However, 2008 was the deadliest year in HEMS on record, with 13 EMS helicopter accidents, and a total of 29 fatalities. Recent HEMS accidents have received the attention of Congress, GAO, FAA, industry, media, and the public, as well as the NTSB.

Congress has granted the NTSB the statutory authority to be the official census keeper of all civil aviation accidents, including HEMS accidents. In that regard, and in preparation for this hearing, the Safety Board recently established a firm standard to classify an EMS accident, in an attempt to harmonize its EMS accident census data with the air medical industry and the FAA.

Under these revised standards, the Safety Board considers an accident to be classified as an EMS accident if the accident flight involved an aircraft dedicated to air medical operations, was configured for such operations, and was piloted by a dedicated

EMS flight crew. As a result of this standard, the Safety Board's EMS accident statistics have been revised accordingly.

Congress has also granted the NTSB with the authority to hold hearings. As the leading federal agency that determines cause of accidents, the NTSB is exercising this authority by holding this hearing to better understand safety issues surrounding the HEMS industry.

The Safety Board has a long-standing interest in EMS aviation. In 1988, the Board conducted a safety study of commercial EMS helicopter operations. That study evaluated 59 HEMS accidents and resulted in the Safety Board issuing 19 safety recommendations.

In January 2006, the Safety Board adopted a Special Investigation Report of EMS Operations. This study, which examined both fixed-wing and helicopter accidents, resulted in the Safety Board issuing four recommendations to the FAA to improve the safety of these operations. Of significance, the Board determined that 29 of the 55 reviewed accidents could have been prevented if corrective actions in the report had been implemented. Those safety recommendations called on the FAA to:

1. Conduct all flights with medical personnel on board in accordance with charter aircraft regulations.
2. Develop and implement flight risk evaluation programs.
3. Require formalized dispatch and flight-following procedures including up-to-date weather information.
4. Install Terrain Awareness and Warning Systems (TAWS) on aircraft.

These recommendations were added to the Safety Board's Most Wanted List of Transportation Safety Improvements in October, 2008. At that time, three of these recommendations were reclassified by the Board as "Open—Unacceptable Response."

The Safety Board is concerned that these types of accidents will continue if a concerted effort is not made to improve the safety of emergency medical flights. This hearing will take a comprehensive look at the HEMS industry. We intend to get a better understanding of why the HEMS industry has grown significantly in recent years and explore if this may be due to increasing competitive pressures to complete flights. We intend to examine flight operations procedures including flight planning, weather minimums, and preflight risk assessment. We will discuss safety enhancing technology such as TAWS and Night Vision Imaging Systems (NVIS). We will look at flight recorders and associated flight operations quality assurance programs. Training, including use of flight simulators, will be discussed. Also probed will be corporate and government oversight, and Safety Management Systems (SMS).

Possible courses of action resulting from this hearing are numerous, including an updated safety study on EMS operations, additional safety recommendations, or a white

paper for use when advocating or testifying on EMS safety issues. An executive summary of this hearing will be posted on our website in several weeks.

Whatever we do, our motivation is simple – find innovative ways to improve HEMS safety.

Federal regulations provide for the designation of parties to an NTSB public hearing. In accordance with these regulations, the Safety Board has designated parties to this hearing those agencies, companies and associations whose participation in the hearing is deemed necessary, in the public interest, and those whose special knowledge or participation will contribute to the development of pertinent facts surrounding HEMS safety.

I will now call, in alphabetical order, the names of the parties to the hearing. As I call the name of each party, I will ask the designated party spokesperson to please give his or her name, title, and affiliation for the record.

Air Methods	Mr. Craig Yale
Association of Air Medical Services (AAMS)	Ms. Sandy Kinkade
CareFlight	Mr. Raymond Dauphinais
Federal Aviation Administration (FAA)	Mr. Hooper Harris
Helicopter Association International (HAI)	Mr. Matt Zuccaro
National EMS Pilots Association (NEMSPA)	Mr. Gary Sizemore
Professional Helicopter Pilots Association (PHPA)/ Office of Professional Employees International Union (OPEIU), AFL-CIO	Mr. Al Duquette

In addition to these seven parties, this hearing is planned to feature 41 witnesses, representing eight HEMS operators, 12 associations, 6 manufacturers, and four hospitals. These witnesses and parties include 21 helicopter pilots, 8 medical doctors, and a host of regulators, policy makers, first responders, flight dispatchers, flight nurses, flight paramedics, administrators, rule makers, and inspectors.

Our goal is to obtain the perspectives of every facet of the HEMS industry, including large and small companies, VFR and IFR operations, hospital programs, and those that oversee them.

On January 27, 2009, the Board of Inquiry held a prehearing conference in this board room. It was attended by the Safety Board's Technical Panel and representatives of

the parties to this hearing. During that conference, the areas of inquiry and the scope of the issues to be explored were delineated and the selection of the witnesses to testify on these issues was finalized. The issue areas, as agreed upon by the parties, are as follows:

1. Current EMS Models and Reimbursement Structures
2. State Oversight and Competition
3. Patient Transport Request Process
4. Flight Dispatch Procedures
5. Safety Equipment and Flight Recorders
6. Flight Operations Procedures and Training
7. Corporate Oversight
8. Safety Management Systems
9. Federal Aviation Administration (FAA) Oversight

In order to conclude the hearings within four days, testimony and exhibits must remain within the confines of these issue areas.

The witnesses testifying at this hearing have been selected because of their ability to provide the best available information regarding HEMS operational safety. Their biographies are located on the NTSB website.

Each witness will testify under oath and will serve on panels devoted to specific topic areas. The Technical Panel will question the witnesses first, followed by each party spokesperson.

Due to time constraints, each party will have between five and ten minutes to question each panel. It is important to note that the time periods include both your question and the answer. A second round of questions may be allowed, if needed. If a party is granted the right to additional questioning, I would expect it to be brief. There should be no repetition of previous questions.

The Board of Inquiry will be the last to question the witnesses.

I want to remind the Technical Party, the parties and the Board of Inquiry, that questions dealing with ongoing NTSB investigations will not be permitted. This is because the Board does not speculate about ongoing investigations and we only release information that is factual in nature. We have other venues to gather factual information about open investigations, and this hearing is an issues hearing and not a specific accident hearing.

As Chairman of the Board of Inquiry, I will be responsible for the conduct of the hearing. I will make all rulings on the admissibility of exhibits and pertinence of proffered testimony, with the assistance of NTSB General Counsel, Mr. Gary Halbert, seated behind me. All such rulings will be final.

Also with us to today are Mr. Keith Holloway and his colleagues from the Safety Board's Office of Public Affairs, who are here to assist members of the news media.

Mr. Paul Sledzik and others from the NTSB's Office of Transportation Disaster Assistance are here to assist family members in the audience.

The record of the investigation including the transcript of the hearing and all exhibits entered into the record will become part of the Safety Board's public docket and will be available on the Board's website. Additionally, all of the presentations will also be available on our website after the hearing which is also being webcast at www.nts.gov.

Following completion of the public hearing, the parties and the HEMS community will have the opportunity to make recommendations to the Safety Board regarding what conclusions should be drawn from the presented testimony, and what safety enhancements should be taken. The NTSB will carefully review these submissions, as well as additional information already received through correspondence. Those wishing to make submissions to the docket should do so by March 9, 2009 at HEMS@nts.gov

In closing, I ask that everyone please silence cell phones and other electronic devices you may have with you. Please also make a mental note of the exits from this room in the event they are needed in an emergency.

Ms. Ward, are you ready enter the exhibits into the public docket? Thank you Ms. Ward. Now would you please call the first witness?