



City of New York

OFFICE OF THE COMPTROLLER

Scott M. Stringer
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AUDITS & SPECIAL REPORTS

Marjorie Landa

Deputy Comptroller for Audit

Audit Report on the New York City
Department of Transportation's
Compliance with Local Law 20 and
Placement of Automated External
Defibrillators

SZ16-092A

May 19, 2016

<http://comptroller.nyc.gov>



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
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May 19, 2016

To the Residents of the City of New York:

My office has audited the New York City Department of Transportation (DOT) to determine whether DOT is in compliance with Local Law 20 regarding the training and certifying of City personnel on the use of automated external defibrillators (AEDs) on DOT-owned and operated ferry terminals and ferries, and whether DOT's Site-Specific Response and Maintenance Plan includes the required elements. We audit City agencies such as this to ensure they are complying with applicable laws and regulations and providing critical public safety services.


The audit found that DOT generally complied with Local Law 20 and New York State Public Health Law §3000-b regarding the training and certifying of City personnel on the use of AEDs, and the placement of AEDs on DOT-owned and operated ferry terminals and ferries. DOT has appropriate AED signage, operational AEDs and adequate supplies as required by Local Law 20 and New York State Public Health Law §3000-b. The audit also found that DOT employees are appropriately trained in the use of AEDs and in cardiopulmonary resuscitation. Additionally, the inspection reports and device registrations that DOT maintains and the collaborative agreement with the Regional Emergency Medical Services Council of New York City, Inc. are current. Finally, we reviewed other documentation that demonstrated that DOT was in compliance with United States Coast Guard requirements concerning emergencies.

Since the audit found that DOT is generally in compliance with Local Law 20 and its placement of AEDs, we do not offer any recommendations at this time.

The results of the audit have been discussed with DOT officials, and their comments have been considered in preparing this report. Their complete written response is attached to this report.

If you have any questions concerning this report, please e-mail my Audit Bureau at audit@comptroller.nyc.gov.

Sincerely,



Scott M. Stringer

TABLE OF CONTENTS

AUDIT REPORT	1
Background	1
Objective.....	3
Scope and Methodology Statement.....	3
Discussion of Audit Results	3
FINDING AND RECOMMENDATION	4
DOT Generally Complied with Local Law 20 and New York State Public Health Law §3000-b	4
DETAILED SCOPE AND METHODOLOGY	5
APPENDIX I	
APPENDIX II	
APPENDIX III	
ADDENDUM	

THE CITY OF NEW YORK OFFICE OF THE COMPTROLLER AUDITS & SPECIAL REPORTS

Audit Report on the New York City Department of Transportation's Compliance with Local Law 20 and the Placement of Automated External Defibrillators

SZ16-092A

AUDIT REPORT

Background

Local Law 20

Each year, approximately 326,200 people in the U.S. experience out-of-hospital, non-traumatic sudden cardiac arrest (SCA) and 9 out of 10 victims die. However, SCA victims have a greater likelihood of survival if they receive immediate cardiopulmonary resuscitation (CPR) and are treated with an automated external defibrillator (AED). An AED is a portable medical device approved by the U.S. Food and Drug Administration that can be used to check the victim's heart rhythm and send an electric shock to the heart to try to restore a normal rhythm.

In 2005, the New York City Council enacted Local Law 20 requiring the placement of AEDs in public locations. These devices are specifically to be placed in: nursing homes; senior centers; the publicly accessible portions of buildings maintained by the New York City Department of Citywide Administrative Services (DCAS), Division of Facilities Management and Construction; selected City-operated parks; and certain ferry terminals and ferries owned and operated by the City.

The New York City Department of Health and Mental Hygiene (DoHMH) issued rules to implement Local Law 20 in November 2005. Local Law 20 and the DoHMH rules require that AEDs be acquired and operated in accordance with New York State Public Health Law §3000-b, which states that personnel must be trained in their use, and that the devices must be registered with the Regional Emergency Medical Services Council of New York City, Inc. (REMSCO) before use by non-health care professionals. REMSCO is a not-for-profit, tax-exempt corporation whose function is to improve emergency medical services for New York City.

According to Local Law 20, any facility with an AED to be used by non-medical personnel must meet the requirements described below. Each facility must:

- Have and maintain a collaborative agreement with an emergency health care provider. The collaborative agreement must be in writing and include practice protocols (including a Site-Specific Response and Maintenance Plan), and policies and procedures that shall assure compliance with New York State Public Health Law §3000-b. The facility shall register and file a copy of the collaborative agreement with REMSCO-NYC prior to operating the AED.¹
- Develop and maintain a Site-Specific Response and Maintenance Plan. This written plan, including written practice protocols, is required and must be made available to DoHMH upon request.
- Designate specific locations for the placement of the AED. AEDs are required to be located prominently and placed so that the equipment can be accessed quickly at all times by persons trained in their operation.
- Have appropriate AED signage. AED signage is required to appear on the wall informing the public as to the availability of an AED at that location and on the face of the storage container in which the AED is contained.
- Have appropriately trained staff. Every facility mandated to have an AED must identify and arrange to have employees trained in its operation and in CPR by a training facility that has been approved by New York State Department of Health. The number of trained responders in each public place shall be commensurate with the size and configuration of the facility to permit rapid response during regular business hours.
- Have procedures to be followed to notify the emergency medical services system through 911.

Among its many responsibilities, the audit subject, the New York City Department of Transportation (DOT), owns and operates the Staten Island Ferry and works with other City agencies and private ferry operators to promote the use of New York City waterways for transportation. Ferries owned and operated by the City of New York with a passenger capacity of 1,000 or more persons and the ferry terminals that serve them are required to have AEDs readily available in specific locations and quantities deemed adequate by law.

In addition, all DOT ferries require a Certificate of Inspection issued by the United States Coast Guard (USCG). A valid Certificate of Inspection indicates that USCG Marine Inspectors have found the vessel to be in compliance with USCG regulations, applicable Code of Federal Regulations (CFR), and NYCDOT Safety Management System requirements. USCG Marine Inspectors conduct inspections on a quarterly basis for each vessel. Inspections include machinery, hull and equipment inspections, as well as crew practical demonstrations for equipment operation and emergency response. This includes use of emergency and lifesaving equipment such as AEDs.

The Staten Island Ferry operates 24 hours a day, 7 days a week, and travels from Whitehall Station in Manhattan to St. George Terminal in Staten Island. The Whitehall Station is also known as South Ferry. The Staten Island Ferry averages over 22 million passengers annually for the 25-minute trip. The Staten Island Ferry fleet consists of eight vessels whose capacities range from 1,107 passengers to 5,200 passengers.

¹ REMSCO-NYC is the emergency health care provider for New York City.

Objective

The objective of the audit was to determine whether New York City Department of Transportation is in compliance with Local Law 20 regarding the training and certifying of City personnel on the use of AEDs, the placement of AEDs on DOT-owned and operated ferry terminals and ferries, and whether DOT's Site-Specific Response and Maintenance Plan includes the required elements.

Scope and Methodology Statement

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

To achieve our audit objectives, we reviewed Local Law 20 and other pertinent documents, interviewed key DOT personnel, and conducted site visits (between February 2, 2016, and March 15, 2016) at the terminals and on the vessels that provide public services. Please refer to the detailed scope and methodology at the end of this report for the specific procedures and tests that were conducted.

Discussion of Audit Results

The matters covered in this report were discussed with officials from DOT and the Mayor's Office of Operations during and at the conclusion of this audit. On May 2, 2016, we submitted a draft report to DOT with a request for written comments. We received a written response from DOT on May 11, 2016. In their written response, DOT officials generally agreed with the audit and the results of our report stating, "DOT recognizes the importance of maintaining compliance with all applicable laws, policies and procedures, rules and regulations, especially those pertaining to public safety."

The full text of DOT's response is included as an addendum to this report.

FINDING AND RECOMMENDATION

We found that DOT generally complied with Local Law 20 and New York State Public Health Law §3000-b regarding the training and certifying of City personnel on the use of AEDs, and the placement of AEDs on DOT owned and operated ferry terminals and on ferries. DOT has appropriate AED signage, operational AEDs and adequate supplies as required by Local Law 20 and NYS Public Health Law §3000-b. Employees are appropriately trained in AED/CPR. DOT maintains inspection reports and device registrations and the collaborative agreement with REMSCO-NYC are current. We also reviewed other documentation that demonstrated that DOT was in compliance with the USCG requirements concerning emergencies. (See Appendices I and II for additional details regarding the results of our audit procedures.)

DOT Generally Complied with Local Law 20 and New York State Public Health Law §3000-b

DOT generally complies with Local Law 20, New York State Public Health Law §3000-b and the collaborative emergency health care provider agreement. On the entrance doors for each terminal there is signage indicating the location of each AED. Each terminal waiting room has an accessible AED with the appropriate signage containing emergency contact information and instructions to call 911. (See Appendix III.) These AEDs are accessible to the public as required by Local Law 20. The AEDs located in the dock office of each terminal and the AED located in the ferry maintenance facility on Staten Island (which are not in a public area) also have the appropriate signage. The AED signage on the vessels indicates the location of the AED.² As of February 2016, DOT had 374 ferry employees that have been trained in CPR/AED and emergency response as required by Local Law 20. DOT's Site-Specific Response and Maintenance Plan details the procedures its employees should follow in case of an emergency.

DOT's current collaborative agreement has all the required elements of Local Law 20. This includes specific plans for training employees; compliance with REMSCO; compliance with NYS Public Health Law §3000-b; procedures to notify 911 when an AED is used; and maintenance and testing of AEDs.

In addition, we found evidence that DOT is in compliance with the USCG's requirements that its crews be able to demonstrate equipment operation and emergency responses. Crew members perform emergency response demonstrations for the USCG quarterly. This includes the use of AEDs as part of its emergency and lifesaving equipment. (See Appendices I and II for additional details regarding the results of our audit procedures.) In connection with this audit, the crews for the three vessels that we inspected demonstrated their use of AEDs to us.

We found that DOT is generally in compliance with Local Law 20 and its placement of AEDs. Therefore, we do not offer any recommendations at this time.

² This signage is for alerting the public and DOT personnel of the AED location. These AEDs are accessible to crew members only.

DETAILED SCOPE AND METHODOLOGY

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. This audit was conducted in accordance with the audit responsibilities of the City Comptroller as set forth in Chapter 5, §93, of the New York City Charter.

We reviewed DOT's Site-Specific Response Plan and other pertinent documents, interviewed key DOT personnel, and conducted site visits (between February 2, 2016, and March 15, 2016) at the two ferry terminals and three of the eight vessels that provide public services.

To achieve our objectives, we performed the following:

- Received training in CPR/AED;
- Reviewed Local Law 20;
- Reviewed New York State Public Health Law §3000-b;
- Reviewed DOT's Standard Operating Procedures for AED usage;
- Reviewed all AED training course materials;
- Reviewed and analyzed DOT's list of ferries/vessels with a passenger capacity of 1,000 or more persons;
- Reviewed DOT's list of AED-trained employees and determined their certification numbers;
- Determined whether the individuals giving AED training had proper qualifications;
- Reviewed and ensured whether the Site-Specific Response Plan was in place;
- Reviewed and analyzed Monthly/Daily logs of AED inspections to ensure compliance with Local Law 20;
- Reviewed and observed all signage related to AED locations and emergency contacts;
- Inspected AEDs located at the Whitehall Ferry Terminal (South Ferry) and St. George Ferry Terminal to determine if they were operational and if necessary supplies were available;
- Inspected AEDs on three vessels—the Sen. John J. Marchi, the Samuel I. Newhouse, and the Alice Austen—to determine if they were operational and if necessary supplies were available;
- Reviewed the list of employees responsible for verifying that AEDs are operable at the passenger terminals (Whitehall and St. George) and on the vessels;
- Reviewed a copy of device registration and the collaborative agreement with REMSCO-NYC; and
- Reviewed valid Certificates of Inspection issued by the USCG for each vessel.

TEST RESULTS OF LOCAL LAW 20 AED COMPLIANCE

Location/ Vessel	Number of AEDs for Each Location	AED SIGNAGE CORRECT (YES/NO)	AED SERVICE LIGHT OPERATIONAL (YES/NO)	SPARE BATTERY EXPIRED (YES/NO)	AED PADS EXPIRED (YES/NO)	REQUIRED SUPPLIES ATTACHED (Pocket mask, gloves, razors and gauze)
Whitehall Terminal (South Ferry)	2	YES	YES	NO	NO	YES
St. George Terminal and Maintenance Facility	3	YES	YES	NO	NO	YES
Samuel I Newhouse (capacity 5,200)	4	YES	YES	NO	NO	YES
Sen John J. Marchi (capacity 4,427)	5	YES	YES	NO	NO	YES
Alice Austen (capacity 1,107)	2	YES	YES	NO	NO	YES

TEST RESULTS OF LOCAL LAW 20 AND NYS PUBLIC HEALTH LAW
§3000-b COMPLIANCE

Did the Site-Specific Response Plan specify the following information:	In Compliance (Yes/No)
<u>Trained Responder Information:</u>	
1. A list of trained responders	YES
2. The specific training they received	YES
3. How they can be contacted	YES
4. The location of the trained responders at the site	YES
The provider of the AED/CPR training received by each trained responder, the date the training was received as well as the due dates for training recertification of each trained responder	YES
The specific location(s) of the AED(s) at the public place. The AED(s) shall be in a location(s) accessible to the trained responder(s).	YES
The party responsible for verifying that the AED(s) is in operable condition and for ensuring that the equipment is maintained in conformity with the manufacturer’s recommendations	YES
The placement and exact locations of the signs required by along with the information on how to contact the site’s trained responder(s)	YES
<u>Medical Emergency Information:</u>	
1. Instructions on how to identify an on-site medical emergency	YES
2. A listing of procedures to be followed to notify trained responders of the existence of that emergency	YES
Procedures to be followed to notify the emergency medical services system as to the existence of an on-site medical emergency	YES
How the trained responder(s) will be dispatched to the location of the medical emergency	YES
The procedures to be followed by the trained responder(s) at the location upon their response to a medical emergency	YES
Procedures to be followed by trained responders upon their transfer of care of an emergency to the emergency medical services system	YES
Instructions on how to document each use of an AED and immediately report such usage in accordance with Public Health Law §3000-b	YES

STATEN ISLAND ST. GEORGE TERMINAL



WHITEHALL STREET (SOUTH FERRY)





Department of Transportation

POLLY TROTTEBERG, Commissioner

May 11, 2016

Ms. Marjorie Landa
Deputy Comptroller for Audit
Office of the New York City Comptroller
1 Centre Street, Room 11 00
New York, N.Y. 10007

Re: The New York City Comptroller's Draft Audit Report on the Department of Transportation's Compliance with Local Law 20 and the Placement of Automated External Defibrillators (SZ16-092A).

Dear Ms. Landa:

Thank you for the opportunity to comment on the Draft Audit Report on the Department of Transportation's Compliance with Local Law 20 and the Placement of Automated External Defibrillators. The Department of Transportation (DOT) is pleased that there were no findings as a result of this audit. DOT recognizes the importance of maintaining compliance with all applicable laws, policies and procedures, rules and regulations, especially those pertaining to public safety. As the NYC Comptroller's Office audit has not identified any improvement recommendations and has determined that DOT is in compliance with Local Law 20, we have no additional comments in response the audit report

Best Regards,

A handwritten signature in cursive script that reads "Amy Hutner".

Amy Hutner
Auditor General
NYC Department of Transportation

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