

IN THIS ISSUE

- Seniors
- S&T Seminars
- HIPPA
- Nordic Fest
- EDSTS



Senior Moment?

by Jerry Sherman, Division Director

Actually I just want a moment of your time to talk about the Senior Program.

Have you ever thought about participating in the Senior Program but were turned off by the time commitment to complete both core components plus three electives? Are you willing to spend some preparation time either on your own or with a senior patroller at your area? Does the idea of spending a weekend working and playing with some of the best instructors the division has to offer interest you?

If you answered yes to just one of the above questions we might have a deal for you.

Both the Certified and Student Patroller programs have an annual weekend event where participants come prepared to show off and sharpen their skills. Why should they have all the fun? All the details are not ironed out yet but we plan to try a Senior weekend in at least one location in the Eastern Division this year. The idea is that senior candidates would complete some preliminary work and then attend this weekend where they could complete not only the core Senior components of S&T and EMM (OEC) but also three electives.

It would be a three-day weekend at a centrally located resort that has reasonably priced lodging. There will be a fee but we will do our

best to keep it affordable. There are many details to be worked out so watch the Eastern Division website for further information.

If you are interested please e-mail me and our Division S&T and OEC Supervisors. I did say at least one location so if we get lots of interest we could schedule two Senior weekends. Because we are getting a late start with this it is important that you express your interest as soon as you get this newsletter. Whether you participate in the Senior program or not please take a little extra time to get involved in some NSP training this season. Have a great year! * * * * *

Is This Your Final Trail Sweep?

by Al Pels, ED Alumni Coordinator

To all patrollers not reregistering this year...join the Alumni and continue receiving NSP publications. You can also stay involved on the patrol, region or division level by participating in NSP courses, Special Olympics, courtesy patrol, and alumni days.

Annual dues are \$27.00 and \$5.00 is returned, by national, to each region to support alumni activities. The first year is free for 20-year patrollers.

For more information and an application call me 603-525-6688 or e-mail pels@top.monad.net.



Ski and Toboggan Program Delivery

by Randy McNeil, S&T Supervisor

It's that time of year! Dig out your equipment and decide if you can get one more season out of it!! Skis and boards need to be sharpened and waxed ...and don't forget to have your bindings checked. Are your boots comfortable and warm...do they give you the performance you expect? And, last but certainly not least, are you in the proper physical condition to handle the new season?

Like you, the S&T staff is preparing for the new season. Are our calendars set? Are our programs consistent with present expectations? Are we reaching the right audience? How can we reach more patrollers with our programs? That's a good question. How CAN we reach more patrollers with our programs?



A publication of Eastern Division, published three times per year.

CHARTERED BY CONGRESS

TRAIL SWEEP

encourages submission of articles, pictures, and letters to the editor. All material becomes the property of the National Ski Patrol, and cannot be returned unless accompanied by a stamped, self-addressed envelope.

Jerry Sherman/*Eastern Division Director*

Laura Tucker/*Editor*

Jim Freeman & Barb DeMarco/*Production*

Editorial Office
23 Narragansett Ave.
Pittsfield, MA 01201
413-499-1795
e-mail: muthrtuckr@yahoo.com

What are the programs available to you as an everyday patroller? Read on! You may just be interested in some tips on how to benefit the most from the new equipment on the market today. Maybe you want to know what the current techniques are for running a toboggan that may be more efficient than your previous training. Or maybe you just want to work with some different trainers to hone your skills. An Enhancement Seminar is the answer!

We have Skier Enhancement, Tele Enhancement, Snowboard Enhancement, Women's S&T Enhancement, and Toboggan Enhancement. Not to mention the division's very active senior program.

In the past, we scheduled events in strategic locations so patrollers could find the most convenient event and have an "out of home mountain experience." The results of a survey by national have determined we may be missing a great audience by not taking our programs to the patrols at their home mountains. There are patrollers who may not have the time, money, or opportunity to travel to an event but still want the experience of skiing with a Level III PSIA instructor or running toboggans with an S&T staff person who has years of training experience to share.

A great example of this success is our women's program. This program started as a division event and evolved last year with 11 of our 15 regions holding a Women's Enhancement Seminar. What if we could do that with all of our programs?

Bob Bluff heads up our enhancement delivery staff. Deb Mithoefer, with Laura Tucker assisting, heads up the women's program. My challenge to you is this...if you are looking to participate in a particular program and you do not see one scheduled that works for you contact Bob (570-253-5556, bluff@ptd.net), Deb (802-228-5032, danielssurvey@adelphia.net), Laura (413-499-1795, muthrtuckr@yahoo.com), your Region S&T Advisor or Patrol Director, or you are welcome to contact me directly (440-352-3204, rjm@mcneilindustries.com). Let's have another great ski season and I hope to see you on the slopes. We want to hear from you!!!



Something for Everyone – 2004 S&T Program Registration Form

Return this form with a check for the appropriate amount, made payable to NSP Eastern Division, to the contact person listed below the event you plan to attend. Please make a separate copy of this form for each program.

Last _____ First _____

Address _____

City _____ State _____ ZIP _____

Phone _____ E-mail (required) _____

Patrol _____ Region _____ NSP # _____

Status (*check all that apply*): Candidate Auxiliary Patroller Senior Certified Candidate
 Certified Ski Snowboard Telemark

Patroller School or **Intro to Certified** – Ski Windham, Jan. 24-25 – \$50
(Gordie Bell, 210 Baugher Drive, Hanover, PA 17331-4006, 717-637-7216, ggbell505@earthlink.net)

SNOWBOARD

- Jan. 10** – Bromley – Toboggan Enhancement
- Jan. 11** – Bromley – Snowboard Senior Evaluation
- Jan. 31-Feb. 1** – Magic Mountain – Enhancement Seminar – \$75
- Feb. 14-15** – TBA EPA – Enhancement Seminar – \$75

NOTE: Contact each seminar coordinator for pricing!

(Contact for snowboard events: Jeff Burgess, 324 North 5th Street, Olean, NY 14760, 716-372-4155, S2532W@froggernet.com)

SKIER

- Jan. 9-11** – Jiminy Peak – Enhancement Seminar – \$95
(Eric Strom, 22 Springside Avenue, Danbury, CT 06810, 203-743-3025, eric@scudmunch.com)

TELEMARK

- TBD** – Hickory/Gore – S&T Enhancement Seminar
- Feb. 28-29** – Sugarbush – Enhancement Seminar - \$75
(Contact for telemark events: Kirby Van Vleet, 19 Amethyst Drive, Queensbury, NY 12804, 518-798-3962, kirbyvv@aol.com)

WOMEN'S S&T ENHANCEMENT SEMINARS

- Jan. 10-11** – WMASS – Bousquet
(Laura Tucker, 23 Narragansett Avenue, Pittsfield, MA 01201-1021, 413-499-1795, muthrtucker@yahoo.com)
- Jan. 24-25** – NJ – Hidden Valley
(Becky Burnside, 30 Breakneck Road, Vernon, NJ 07462, 973-764-6683, beckster@nac.net)
- Jan. 24-25** – WNY – Holimont/Holiday Valley
(Mary Lyn Boberg, 9906 Burns Hill Road, West Valley, NY 14171, 716-942-6334, luckydiamond99@yahoo.com)
- Jan. 31-Feb. 1** – NH – Dartmouth Skiway (contact Laura Tucker)
- Jan. 31-Feb. 1** – WAPP – Seven Springs
(Anna Toth, 2325 Players Pond Lane, Reston VA 20191, 703-437-0597, anna.toth@oracle.com)
- Feb. 7-8** – CNY – McCauley Mountain
(Dee Hameline, 3523 Mohawk St., Sauquoit, NY 13456, 315-737-5954, hameline@dreamscape.net)
- Feb. 7-8** – ENY – West Mountain (contact Laura Tucker)
- Feb. 21-22** – CT – Ski Sundown (contact Laura Tucker)
- Feb. 28-29** – EPA – Montage
(Sarah Keating, RR1, Box 173, Union Dale, PA 18470, 570-679-2426, sarah.keating@keystone.edu)
- March 13-14** – SNY – Belleayre (contact Laura Tucker)
- March 13-14** – GV – Hunt Hollow
(Pamm Ferguson, 125 Whitewood Lane, Rochester, NY 14618-3223, 585-473-1196, pamm.ferguson@rochester.edu)

Certified

by Steve Barnes, Chair

I would like to start by thanking the hosts of last April's Certified weekend; Sunday River, The Grand Summit Hotel, and Tim Bruce and the entire Sunday River Patrol. Their hospitality and support helped the weekend run smoothly and successfully.

And, better late than never...I would also like to congratulate the four new Certified members.

#606 - Sharon Friedel, Blue Mountain

#607 - Steve Forrester, Ski Windham

#608 - Christian Jaquith, Mad River Glen

#609 - Adam Cook, Sugarbush

Each one of them worked very hard and accomplished some outstanding results in some very difficult conditions, they should be very proud.

The site of next year's exam will be Smugglers' Notch, Vermont, on April 2-4. Specific lodging information will be available on the division website as soon as it is finalized. Check nspeast.org under programs for Certified information.

As I have said before, if anyone is interested in learning more about, or becoming actively involved in, the Certified Program, I encourage you to attend the Intro to Certified weekend held at Ski Windham in January. For more information contact Gordie Bell at 717-637-7216. This is an excellent opportunity to experience all facets of the program.

We also welcome anyone to the annual exam to just observe, or participate as helpers, sled riders, or "victims." In spite of everything that gets accomplished, crammed into three days, we still manage to have a great time!

For those of you planning on applying this year, I urge you to start now with the paperwork. There is nothing more frustrating for us than to see a qualified patroller have to wait until next year because the paperwork is incomplete.

Unless we have the application and all supporting material we can't start to process it. We have a 30-day cut-off before the test for accepting applications; this allows us to adequately prepare the resources to run the exam effectively. That means everything has to be in the hands of the Credentials Committee no later than March 1st.

On a lighter note, the Certified Program is "Desperately Seeking Pooh." Anyone in the Eastern Division who has had an actual Pooh sighting is urged to contact us at certifiedpatrol@yahoo.com.

We will plot times, dates, and locations of any sightings on a map on our website. Even if you have only had a near-Pooh sighting, as I have had, we encourage you to contact us.

I have mentioned the website a number of times throughout this article. This is because we are trying to make this our primary means of communication. It is both timely and cost effective. In the future we are hoping to make it a valuable resource for all patrollers in the division.

If there is any additional information not covered here or on the website, please don't hesitate to contact me, or any of the other Certified members who oversee parts of the program.



Senior S&T Trainer/Evaluator Clinics

This year Eastern Division will be holding two Senior T/E clinics, one on February 7-8 at Holiday Valley in WNY and one on March 6-7 at Killington in Vermont. Also, back by popular demand, a one-day training clinic for prospective T/E's will be held on January 3 at Stratton Mountain.

All clinics will be limited to the first 30 applicants and the cost for each of these events is \$40.

In order to sign up for these clinics please contact your Region S&T Advisor for the paperwork. You must have your advisor's approval to attend these events. Regions should plan on providing one toboggan for every three candidates.

If you have questions about any of these events please contact the following:

Division – Randy McNeil
440-352-3204
rjm@mcneilindustries.com

Stratton – Frey Aarnio
802-457-4527
faarnio@aol.com

Holiday Valley – Bela Musits
518-793-7694
bela@hvpv.com

Killington – Steve Barnes
603-433-9556
talyxst@aol.com



2004 Ski Windham Patroller School

The year's patroller school is scheduled for January 24 and 25, 2004. The school is for all registered patrollers and is a relaxed way to improve all your skiing and toboggan handling skills.

You will be given the opportunity to experiment and be assisted by expert ski instructors and Certified ski patrollers. Please wear civilian ski clothes. Talk to your friends. Come, have fun, and expand your horizons.

Ski Windham is a wonderful area to accomplish this. They have varied terrain that permits beginners to not be intimidated and expert terrain that is a challenge for the experts.

On Saturday after skiing we have a pizza party with Ski Windham's food service putting on quite a feed with beer and soda. This gives the participants time to socialize and talk about the day's successes and improvements.

Now, can you imagine all this for a registration fee of only \$50? Fill out the program registration form in this issue and send it to me! If you have any questions you can reach me at 717-637-7216 or ggbell505@earthlink.net.

PRE-REGISTRATION IS REQUESTED. Put yourself in my position. I must have sufficient staff to handle all of the participants. We try to keep the number in a group to no more than eight...preferably less. It is hard to do this if you don't know how many are going to attend.

Thank you in advance
for your cooperation.



HINT!

Want to refresh your ski boots overnight? Fill knee-high stockings with unused kitty litter, or place a couple teaspoons of baking soda in the center of a cotton cloth...tie securely and tuck in!

Lift Evacuation

by Doug Holler

Peter Koch of MEMIC, Buddy Cavicchi of Bretton Woods, and Doug Holler of Dartmouth Skiway presented a seminar about lift evacuation, fall prevention, and general high-angle rescue principles to a group of patrollers and mountain operations personnel at the recent NSAA/Ski Maine Fall Workshops and Trade Show at Bretton Woods and the Mount Washington Hotel.

Attendees were on hand from NY, PA, CT, MA, RI, NY, NH, VT, and ME. Over 50 folks attended the combination hands-on and lecture covering topics from lift evacuation planning to the fine art of light-line tossing and line flipping.

The session continued with a classroom presentation about risk assessment and mitigation with the goal of educating staff on fall prevention and protection. This session was a pre-requisite for a competency-based module for 30 participants to achieve a certificate of performance regarding fall protection. This module was hands-on and took place at Bretton Woods with participants performing required tasks to demonstrate proficiency ascending, tying-off, and descending a tower in an approved manner.

Intro to Certified

Ski Windham will also be hosting the annual Intro to Certified concurrent with the Patroller School. This is an excellent opportunity to get an up close and personal look at this challenging program. Come and meet certified members and examiners. Spend time with them on the hill. Ask questions. There's no better way to find out what this program is all about. This event will help you decide if you're ready to take the challenge. Again, if you have any questions contact Gordie Bell at 717-637-7216 or ggbell505@earthlink.net.

And...for those of you who decide this program is for you, mark these dates on your calendar:

Certified Pretests

February 1	Ski Windham
February 29	Sugarbush

Contact for both of these events is Ted Davis, 518-734-6348 or tdavis@skiwindham.com

Certified Exam

April 2-4	Smugglers' Notch
-----------	------------------

Contact Steve Barnes, 603-433-9556 or talyxst@aol.com

HIPAA: What Does It Mean to Patrollers?

by Bill Sachs, National Chair
and Bruce Ries, National Legal Counsel

Recently, many patrollers have expressed significant concern about their responsibilities under the Health Insurance Portability and Accountability Act (HIPAA) of 1996, a federal law that includes complex provisions for patient privacy. The reason people are talking about this now is because full compliance with the act was required by April 14, 2003. Since that date passed quietly around the time of many ski areas' final day last season, many people are looking ahead to the coming season and wondering how HIPAA will affect them.

Chances are, if you've heard that HIPAA affects you as a patroller, that advice was either distorted or simply wrong. To compound the misinformation surrounding HIPAA, there is an overwhelming amount of information on the act for those willing to look for it. One search engine yielded over 1,300,000 hits when "HIPAA" was entered. Additionally, an entire consulting industry has sprung up to "assist" the medical community in complying with HIPAA.

Despite some NSP members' almost alarmist response to this legislation, patrollers should not be concerned. For a number of reasons the National Ski Patrol has taken the position that each resort must determine if its operations fall under HIPAA and whether it must comply with the act. The following questions and answers are intended to help you better understand this legislation.

1. To whom does HIPAA apply?

For the purpose of this discussion, HIPAA only applies to healthcare providers who electronically bill for medical services using certain HIPAA-mandated transactions (these healthcare providers are referred to as "covered entities"). As a rule, if a healthcare provider does not charge for services, HIPAA simply does not apply. Additionally, even if the healthcare provider charges for services either on a cash basis or by accepting credit cards, HIPAA does not apply.

Clinics, hospitals, and physician practices are typically covered entities because they electronically bill for services. Therefore HIPAA may apply to your resort if it electronically bills for medical services, or combines such electronic billing for rescue and medical services.

There are numerous criteria for determining whether a healthcare provider must comply with HIPAA. In fact, entire websites are devoted to making this determination. One of them (which actually is a Federal Medicare site) does a great job of providing an assessment of whether HIPAA applies: (<http://cms.hhs.gov/hipaa/hipaa2/support/tools/decisionsupport/default.asp>). However, as discussed below, resort management—not NSP members and/or subunits—should make the determination of whether HIPAA applies to your ski patrol.

2. What does HIPAA require covered entities to do?

HIPAA requires that covered entities do such things as notify their patients about their privacy rights (and how their information can be used) and secure patient records so that records cannot be seen by those who do not need to see them. HIPAA also requires covered entities to identify a privacy official, adopt and implement privacy procedures, and train their workforce on these procedures.

While complying with HIPAA may appear straightforward, in practice, it can place substantial burdens on a covered entity. Therefore, in most cases, it would be unwise for a resort to decide to voluntarily comply with HIPAA if it is otherwise not required to do so. However, your resort may elect to comply with HIPAA for reasons which are only known to those making this decision. Again, only the resort may make this determination.

3. What if my resort operates a separate medical clinic that electronically bills for services?

HIPAA would likely not apply to a ski patrol that operates independently from the clinic. But, resorts that have both aid rooms and no-charge clinics must determine whether the on-the-hill and basic care or non-clinic/non-fee operations (as typically provided by the ski patrol) are sufficiently distinguished from their clinic's to exclude them from HIPAA. Such a determination would include evaluating whether the clinic is physically separated from the ski patrol or whether the clinic indicates in its HIPAA materials—which it is required to distribute to its patients—that it operates independently from the ski patrol.

4. Who is responsible for determining whether your patrol must comply with the HIPAA privacy rule?

Neither individual patrollers nor the National Ski Patrol are responsible for making this determination. Since resorts typically maintain significant

control over the operation of the resort's patrol and are ultimately responsible for patrol-related functions, it is the resort that must make the determination if its ski patrol and/or clinic is a covered entity. Additionally, because every ski area's ski patrol and emergency care operations are unique, the National Ski Patrol cannot provide evaluations to determine whether a specific resort department meets the criteria for a covered entity.

Patrollers would be well advised to remove themselves from discussions of HIPAA applicability and not to offer interpretations to management. If your resort has operations that make it a covered entity, it should have the sophistication to determine whether HIPAA applies and to comply with the regulations. It should also have the capability to provide its staff, including patrollers, with the appropriate training.

5. Where can I get additional information about HIPAA?

The U.S. government's website (<http://www.hhs.gov/ocr/hipaa>) is a good place to start. The website provides a wealth of materials, including FAQs and other reference materials.

6. What about existing state laws governing patients' rights and patient privacy?

HIPAA was not intended to override or replace state laws that provide additional privacy rights or protections to patients. So, if your ski patrol was required to comply with existing state laws on maintaining records, privacy, or confidentiality, it must still do so.

7. If HIPAA doesn't apply to my patrol, how may it affect us?

Since the law took effect in April, many emergency care workers—including police who once had easy access to hospital emergency rooms—have found even the most basic information hard to come by. Some patrols have established relationships with emergency rooms, hospitals, or clinics to receive follow-up information concerning patient injuries and care. Often patrols have used this information for training and educating patrollers. Patrols will likely find this information either impossible or much more difficult to obtain from covered entities.

Conclusion

While the current outpouring of concern over HIPAA may be unwarranted, the legislation has served as a catalyst for many ski patrols and patrollers to review with resort management their handling of patient information as well as their policies regarding patient privacy and record confidentiality.

All patrollers are encouraged to review, understand, and, of course, comply with their resort's policies on patient confidentiality. Regardless, we should always respect our patients' expectations that the care we provide will be delivered in a respectful and confidential manner.

JAN. 30-FEB. 1, 2004

NORDIC FEST

SPONSORED BY

Southern NY Region and
Eastern Division

HOSTED BY

Mountain Trails Nordic

SATURDAY:

Nordic Skier Enhancement
Seminar with a
PSIA Instructor

Nordic Toboggan
Enhancement Seminar

Waxing Demo

SUNDAY:

Improve your nordic
downhill skills at a lift
serviced area or tour the
trails at Mountain Trails
Cross Country Ski Area,
Tannersville, NY.

The cost for this fantastic weekend will be just \$95/double occupancy or \$123/single occupancy. This pricing includes two nights lodging, two breakfasts, and one dinner at the Latvian-EV Lutheran Church Camp, Elka Park, NY. Saturday only with dinner is \$35 and Sunday only is \$25.

Please send your pre-registration to:

Karl Kopans
1338 McKeel St.

Yorktown Heights, NY 10598
914-962-35, karlkopans@aol.com

NOVEMBER 2003

- 22-23 **MTR Fundamentals or Level I**
Spring Mountain, EPA
Bernie McManus, 610-692-3070
bmcmamus@voicenet.com
- 28 **Hunter Day**
Hunter Mountain, NY
Bob Hamilton, 607-754-0089
Hamilton@Belleayreskipatrol.org

JANUARY 2004

- 9-11 **Skier Enhancement Seminar**
Jiminy Peak, WMASS
Eric Strom, 203-743-3025
- 10 **Snowboard Toboggan Enhancement**
Bromley, SVT
Jeff Burgess, 716-372-4155
S2532W@froggernet.com
- 11 **Snowboard Senior Evaluation**
Bromley, SVT
Jeff Burgess, 716-372-4155
S2532W@froggernet.com
- 11-12 **Women's S&T Seminar**
Bousquet, WMASS
Laura Tucker, 413-499-1795
muthrtuckr@yahoo.com
- 24-25 **Women's S&T Seminar**
Hidden Valley, NJ
Becky Burnside, 973-764-6334
beckster@nac.net
- 24-25 **Women's S&T Seminar**
Holimont/Holiday Valley, WNY
Mary Lyn Boberg, 716-942-6334
- 24-25 **Patroller School & Intro to Certified**
Ski Windham, NY
Gordie Bell, 717-637-7216
ggbell505@earthlink.net
- 30-2/1 **Nordic Fest, Mountain Trails**
Tannersville, SNY
Karlis Kopans, 914-962-3511
karlkopans@aol.com
- 31 **Avalanche Awareness**
TBA
Dick Harding, 716-759-6613
rharding@acsu.buffalo.edu
- 31-2/1 **Women's S&T Seminar**
Dartmouth Skiway, NH
Laura Tucker, 413-499-1795
muthrtuckr@yahoo.com
- 31-2/1 **Women's S&T Seminar**
Seven Springs, WAPP
Anna Toth, 703-437-0597
anna.toth@oracle.com
- 31-2/1 **Snowboard Enhancement Seminar**
Magic Mountain, SVT
Jeff Burgess, 716-372-4155
S2532W@froggernet.com
- 31-2/1 **Avalanche Fundamentals & Rescue**
TBA
Dick Harding, 716-759-6613
rharding@acsu.buffalo.edu

FEBRUARY 2004

- 1 **Certified Pretest**
Ski Windham, NY
Ted Davis, 518-734-6348
tdavis@skiwindham.com

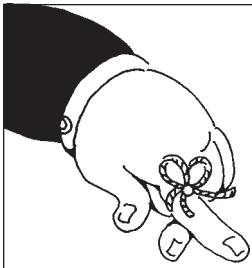
- 7-8 **Women's S&T Seminar**
McCauley Mountain, CNY
Dee Hameline, 315-737-5954
- 7-8 **Women's S&T Seminar**
West Mountain, ENY
Laura Tucker, 413-499-1795
muthrtuckr@yahoo.com
- 14-15 **Snowboard Enhancement Seminar**
TBA, EPA
Jeff Burgess, 716-372-4155
S2532W@froggernet.com
- 21-22 **Women's S&T Seminar**
Ski Sundown, CT
Laura Tucker, 413-499-1795
muthrtuckr@yahoo.com
- 28-29 **Women's S&T Seminar**
Ski Montage, EPA
Sarah Keating, 570-679-2426
sarah.keating@keystone.edu
- 28-29 **Nordic Senior**
Highland Forest, NY
Greg France 845-557-3340
bgfrance@warwick.net
- 28-29 **Telemark Enhancement Seminar**
Sugarbush, NVT
Kirby Van Vleet, 518-798-3962
kirbyvv@aol.com
- 29 **Certified Pretest**
Sugarbush, NVT (TBD)
Ted Davis, 518-734-6348
tdavis@skiwindham.com

MARCH 2004

- 6-7 **Level I Avalanche**
Mt. Washington, NH
AMC Reservations, 603-466-2727
- 13-14 **Women's S&T Seminar**
Belleayre, SNY
Laura Tucker, 413-499-1795
muthrtuckr@yahoo.com
- 13-14 **Women's S&T Seminar**
Hunt Hollow, GV
Pamm Ferguson, 585-473-1196
pamm.Ferguson@rochester.edu
- 19-22 **Student Training Seminar**
Gunstock Ski Area, Gilford, NH
Jerry Hyson, 978-464-5939
Hyski@juno.com

APRIL 2004

- 2-4 **Certified Examination & Annual Meeting**
Smugglers' Notch, NVT
Steve Barnes, 603-433-9556, talyxst@aol.com
- 3 **CRREL Seminar Cold Regions Research and Engineering Laboratory**
Hanover, NH
Butch MacQueen, 716-354-9235
macqueen@madbbs.com
Mary MacQueen, 716-354-9235
nitrogoldens@yahoo.com
Pete Snyder, 570-698-6173
psnyder@ptdprolog.net
- 23-25 **Division Officers' Meeting**
Desmond Americana, Albany, NY
Donna McGraw, 518-371-4843
donna.Insp@aol.com



Preservation of Evidence

by Bob Scarlett, Legal Advisor

Our patrol leaders and instructors, every year, go on and on about how we have to carefully fill out the accident forms. Don't they know that we just want to ski! If we are called to take care of an accident, we will, but why do we have to fill out all these forms?

You have to fill out the forms because you are not perfect. The forms allow you to preserve the evidence and, just as important, preserve the evidence which is favorable to you and your ski area. Simply put, ski patrollers do a good job. Documenting that good job at an accident scene is important because, even though we are great people, we are ordinary people and, with time, our memories of events fade.

Litigation is a slow process. A legal case might not be filed for two to three years after the accident and then take another two years to work itself through the court process. If an accident you work on becomes involved in litigation, you will appreciate the fact that the injured skier commented, at the time of the accident, how good a job the ski patroller had done (remember you did write that down on the accident form). You will appreciate the fact that the injured skier had commented, at the time of the accident, that the accident was his or her fault because he or she was skiing too fast on a slope which was beyond his or her ability (remember you did write that down on the accident form). You will appreciate the fact that you know who was the patroller helping you at the accident who could verify that you did a good job in caring for the injured skier (remember you did write that down on the accident form). Preserving good evidence is vital not only to win legal cases but also to prevent such cases from ever being filed.

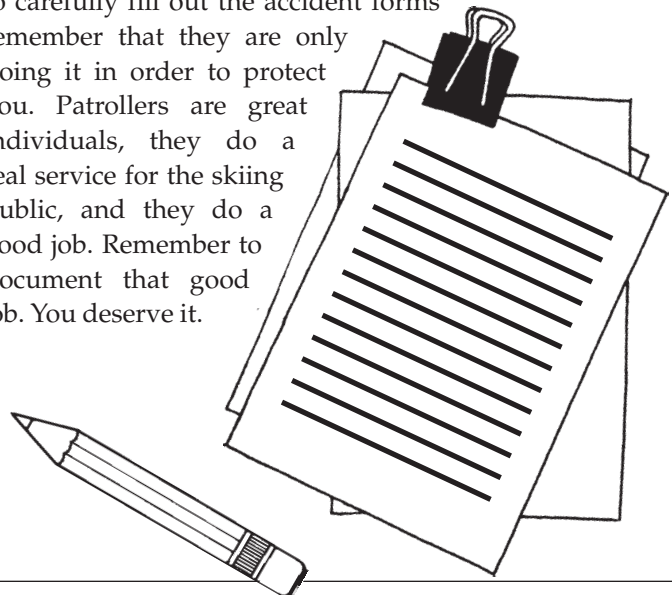
Preserving good evidence requires good sense, judgment, and lots of patience. In others words, take the time to do a thorough job. Especially for the more serious accidents, write everything down on the accident form neatly, completely, and with careful attention to preserving that evidence which

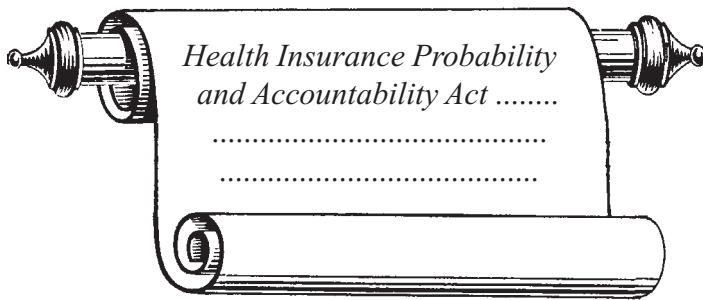
supports the fact that you did a good job. Remember that in many cases pictures might be appropriate to help you show, at a later date, the condition of the accident scene. Remember that witness statements are sometimes important to establish what happened to cause the accident (remember to pack your pen and paper).

Most ski areas have a risk management program to preserve this evidence. Talk to your area's risk manager. Understand what your ski area expects of you when there is a serious accident that requires more investigation and preservation of evidence than usual. Understand your ski area's risk management system, because, when the skier becomes injured, you will not have time to learn the system. You will have to know the system. Know when to ask for help. Know when to ask your fellow patrollers to help not only with the accident care but also with the care of preserving the evidence. Know when to ask for help from your area's risk manager.

The primary objective of the Eastern Division Legal Committee is to prevent legal actions. To accomplish this objective, the committee concentrates its efforts on the fact that patrollers are good people who do a good job. Remember, preserving the evidence of that good job is an important function of your patrol duties. Patrollers preserve that evidence through properly filling out the forms and making sure that, in difficult patrol situations, you have another patroller with you to preserve the evidence that what you did at the accident scene was proper given the situation.

So, the next time you sit through an OEC refresher and the OEC instructor is telling you to carefully fill out the accident forms remember that they are only doing it in order to protect you. Patrollers are great individuals, they do a real service for the skiing public, and they do a good job. Remember to document that good job. You deserve it.





Who's Afraid of a HIPAA?

by Bob Scarlett, Legal Advisor

Who's afraid of a HIPAA? We are ski patrollers; we are faster than a downhill ski racer; we are more powerful than a snow cat; we are able to jump over high mountains in a single bound. Then why should we be scared of a HIPAA? HIPAA stands for the Health Insurance Portability and Accountability Act of 1996. It is an Act of Congress whose purpose is to protect the privacy of an individual's medical information.

The question now presented to patrollers is "does this law apply to our patrolling activities?" The answer is – do not panic; I mean, really, do not panic!

First, it is very important to understand that the decision of whether HIPAA applies to your patrolling activities is a decision which must be made by your ski area. It is not an NSP decision.

Second, HIPAA probably does not apply to patrolling activities. The primary reason for this conclusion, and good news, is the fact that patrols do not receive compensation for the medical services they render to injured skiers on the slopes, combined with the fact that patrols generally do not electronically bill for medical services.

Recently, Bruce Reis, our National Legal Counsel, and our beloved national chairman (come on, you remember – his name is Bill Sachs), wrote an article on HIPAA, which was printed in *Ski Patrol Magazine*. The article should be read carefully. It represents the official position of NSP. A copy of the article is printed in this issue. In addition to the article, the lawyers in the Eastern Division Legal Committee have performed their own investigation of HIPAA and, with the help of John Houston, an attorney whose legal practice involves interpreting and applying HIPAA, have come up with

the following additional information:

My resort operates a medical clinic that must comply with HIPAA, does this mean that my patrol must also comply with HIPAA? No. But, your patrol should be careful that it distinguishes its operations from those of the clinic. This includes making sure that the clinic is physically separate from the patrol operations (though they can be within a common building), so that the public is able to differentiate between patrol operations and clinic operations. Additionally, the patrol should request that the clinic states within its "Notice of Privacy Practices" (a document that the clinic would provide to each of its patients) that the clinical is separate from and not affiliated with the patrol.

My patrol is not associated with a resort, what should I do? While the recent *Ski Patrol Magazine* article focused on issues related to "resort associated" patrols, some patrols have no resort association. In this case, the patrol itself may need to assess whether HIPAA applies to it. To do so, you should first ask, "does the patrol electronically bill insurance companies for medical services that it renders to injured skiers?" If you answered "no," then HIPAA simply does not apply. However, if your patrol provides services to any area, such as a state park, remember that it should find out how the area it patrols has decided to handle HIPAA, in that HIPAA decisions remain an area decision and concern, even if the "area" is not a ski resort.

What if my patrol simply charges patients for such things as "ACE" bandages or crutches? If such supplies are provided on a cash basis (or even if you accept credit cards), then HIPAA would not apply. HIPAA only applies to organizations that electronically bill insurance companies for services.

What if my patrol accepts donations from "grateful patients"? Donations are not considered compensation and would not trigger any HIPAA obligation by the patrol.

I have reviewed the above and I believe that HIPAA may apply to my non-resort associated patrol, now what should I do? You should seek further advice from your Region's Legal Advisor.

So, go ahead and enjoy patrolling. Follow what your ski area says with respect to the application of HIPAA to your patrolling activities and, generally, do not worry; that is not a HIPAA coming down the mountain after you.

Nordic Fest/Nordic Training Weekend

by Karl Kopans, SNY Region Nordic Advisor

The Eastern Division Nordic Fest will be held this year from January 30 to February 1, 2004, in the Northern Catskills. The event is being sponsored by the SNY Region and Eastern Division, and hosted by the Mountain Trails Nordic Ski Patrol.

Arrival, registration, and camaraderie will begin on Friday afternoon/night. After breakfast Saturday morning, the attendees will drive a short distance to Mountain Trails Cross Country Ski Area, in Tannersville, NY and divide into two groups. One group will participate in a Nordic (track/skate) Skier Enhancement Seminar with a PSIA instructor. The second group will participate in a Nordic Toboggan Enhancement Seminar, which will be run by Meg and Carl Smith. After lunch, the groups will switch.

At the end of the day, those interested will have an opportunity to join the Mountain Trails Patrol in the area sweep. Dinner will be served early in the evening and will be followed by a waxing demo/discussion presented by Jim Sampson.

Afterwards patrollers will kick back, watch some nordic ski flicks and enjoy each other's company. Following breakfast on Sunday morning, patrollers will have a choice of participating in either a nordic downhill (telemark) clinic at a nearby alpine area or in a nordic senior clinic or practicing the skills they learned the day before at Mountain Trails.

The cost for this fantastic weekend will be just \$95/double occupancy or \$123/single occupancy, which includes two nights lodging, two breakfasts, and one dinner at the Latvian Evangelical Church Camp in Elka Park, NY (minutes from Mountain Trails and Hunter Mountain). Saturday only with dinner is \$35 and Sunday only is \$25.

Mountain Trails hosted the 1998 Nordic Fest, which was well intended, and included four nordic patrollers from the Southern Division, as well as some alpine patrollers from our region. This one should be even bigger and better. Alpine/snowboard patrollers are welcome and invited to come, see, and learn what nordic patrolling is about.

If you have any questions feel free to contact me at: 914-962-3511 or karlkopans@aol.com. Hope to see you there!



2004 EASTERN DIVISION NORDIC FEST (Nordic Training Weekend) Jan. 30 – Feb. 1, 2004

Last _____ First _____

Address _____

City _____ State _____ ZIP _____

Phone _____ E-mail (required) _____

Patrol _____ Region _____ NSP # _____

- Number attending event @ \$95/person* double occupancy _____
- Number attending event @ \$123/person* single occupancy _____

**Includes two nights lodging, two breakfasts, and one dinner at the Latvian Evangelical Church Camp, Elka Park, NY.*

- Number attending Saturday only (with dinner) @ \$35/person _____
- Number attending Sunday only @ \$25/person _____

Arriving: Friday afternoon Friday evening Saturday morning Sunday morning

Status: Candidate Auxiliary Patroller Senior Alpine Nordic Snowboard Dual

I am interested in taking the Nordic Senior Clinic on Sunday: Yes No

Additional information and directions will be sent, prior to the event, to those who pre-register.

Please send your pre-registration with check made out to: Karlis Kopans, 1338 McKeel Street, Yorktown Heights, NY 10598-5005.

We've Come A Long Way Baby! *by Deb Mithoefer, ED S&T Steering Committee*

I would like to take this opportunity to say thank you for a job well done. Teamwork is a very powerful tool. Many members of our organization have worked with me, and each other, to brainstorm, create, plan, and implement a very successful version of the Toboggan and Skiing (sorry Riders, I am still politically incorrect) Enhancement Seminars.

The list of folks I want to publicly thank is longer than any list we hear on television during the Academy or Country Music Awards. So, instead of making a list and checking it twice and still forgetting names, I will only mention one special thanks to Dave Walker. Dave gave me the freedom to work outside of the box and allowed us all to create one terrific educational opportunity. I don't want to talk too much about how much fun we have at these clinics...but THANKS DAVE!!

"In the beginning," I identified three long-term goals for our Women's Clinics. One goal was to provide the opportunity to practice ski & toboggan handling skills in a fun and comfortable clinic format. Another goal was to help each of us learn how to identify our strengths and weakness and to then create a personal, comfortable strategy for success. My third long-term goal was to encourage as many women as possible to accept the challenge of personal improvement and to accept positions of leadership within the ski and toboggan programs of our division.

So many of our division members stepped forward and helped me realize all of these goals. As of the writing of this article, the various regions will be offering at least 12 women's clinics. These clinics are organized by women throughout the Eastern Division and are staffed by numerous women who are toboggan instructors, trainer evaluators, and division staff members. Please continue to go forth and multiply!!

I am changing my role within the women's clinics. I will leave the details of how the regions structure the clinics to "y'all." You know your needs better than I do. Please keep in mind that we are an educational organization with rules of the road. Consistency in clinic organization, teaching methodology and skills knowledge has contributed to the success of the enhancement seminars as well as other S&T programs offered by the division.

With this in mind, I ask the regions to please be sure to register clinics with the national office and to send copies of the clinic records to Laura Tucker and me. If you would like some help structuring your clinic or if you need a list of trainer evaluators or toboggan instructors in or near your region that just happen to be women, please email or call Laura or me and we will send you the list. Also, please remember that it is important to have at least one S&T trainer evaluator help organize and staff your event. Thanks...and have fun.

Some news from the outside...Central Division (out west?) is a big supporter of these clinics and has been offering variations of the women's enhancement seminars for almost as long as we have. Southern Division is so encouraged by the excitement and momentum we have created with the women's program "up north" that they are offering clinics of their own "down south." I was lucky enough to have traveled to Virginia last year and will be traveling to North Carolina this year to participate as a clinic staff member. Just like many of the women "up north," many of the women "down south" travel six or more hours to participate in a women's enhancement weekend clinic!!

Debra Daniels Mithoefer
310 South Hill Road
Ludlow, Vt. 05149
802-228-5032
danielssurvey@adelphia.net

Laura Tucker
23 Narragansett Avenue
Pittsfield, MA 01201-1021
413-499-1795
muthrtucker@yahoo.com

2004 EDSTS

by Jerry Hyson, Student Patroller Supervisor

This year's student seminar will be held at Gunstock in New Hampshire on March 19-22. We will be staying at the Gunstock Inn. Luckily we've been able to hold our pricing to that of previous years...so, this great experience will cost only \$250. If you have any questions please contact me at 978-464-5939 or Hyski@juno.com.

REGISTRATION DEADLINE FEBRUARY 23, 2004

Fill in completely and return with a \$250 check made payable to NSP Eastern Division to:
Jerry Hyson, Box 387, 124 Mountain Road, Princeton, MA 01541

Please type or legibly print all information except for signatures.

STUDENT PATROLLER SEMINAR REGISTRATION

Last _____ First _____
Address _____ Nickname _____
City _____ State _____ ZIP _____
Phone _____ E-mail _____
DOB _____ Age _____ Male Female
Patrol _____ Region _____ NSP # _____

Advisor/Chaperone (*print*) _____ Advisor/Chaperone (*signature*) _____
Attending adult advisor/chaperone must be at least 21 years of age and be endorsed by the student patroller's parent or guardian. No more than 5 students per advisor/chaperone

Parent/Guardian (*print*) _____ Parent/Guardian (*signature*) _____
The above named student patroller is a registered member of NSP and approved for the seminar.

Patrol Director (*print*) _____ Patrol Director (*signature*) _____

Your status (*check all appropriate*): Student Advisor Adult Chaperone Snowboard S&T T/E
 OEC T/E OEC Instructor Toboggan Instructor

To help us plan ahead please fill in the following:

I plan to: Clinic Compete Clinic Compete Clinic Compete I plan to ski: Friday Monday

Arrival (*date & time*) _____ Departure (*date & time*) _____

If student patroller is under 18 years of age the following medical authorization must be completed.

MEDICAL AUTHORIZATION FOR MINORS UNDER 18

This authorizes the ski patrol, EMS personnel, a licensed physician, surgeon, or other recognized hospital staff member to carry out emergency medical care deemed necessary for my child/ward in an emergency, when normal permission is unavailable.

Name of Minor _____

Parent/Guardian Signature _____ Parent Work # _____

Physician's Name _____ Physician's # _____

Insurance Company _____ Policy/Plan # _____

Special Emergency Information/Instructions _____

RELEASE AND INDEMNITY AGREEMENT — REQUIRED FOR ALL STUDENT PATROLLERS

The undersigned, as a participant, or as a parent or guardian of a minor who is participating in the 2004 Eastern Division Student Training Seminar, in consideration for being allowed to participate in such event, hereby releases the National Ski Patrol System, Inc. and the Eastern Division, Gunstock Ski Resort and any and all officers, members, volunteers, agents and employees thereof from any and all claims or liabilities of any kind whatsoever arising out of my or such minor's participation in the 2004 Eastern Division Student Training Seminar. I/we further release and waive any rights, causes of action, or claims against said Ski Patrol or Ski Area, and any officers, members, volunteers, agents, and employees thereof which I/we may have arising out of any personal injury, property loss or damage, or any other liability incurred during skiing and related activities of the 2004 Eastern Division Student Training Seminar. As further consideration for being permitted to participate in the 2004 Eastern Division Student Training Seminar, I, or we on behalf of said minor, hereby agree to indemnify and hold harmless the National Ski Patrol System, Inc. and the Eastern Division, Gunstock Ski Resort and any and all officers, members, volunteers, agents, and employees thereof from all damages, judgments, expenses (including attorney's fees) and costs whatsoever arising out of any claim or demand by the said minor or by persons acting for or on behalf of said minor in respect of the aforesaid injuries or damages.

Participant (*print*) _____ Participant (*signature*) _____

Parent/Guardian (*print*) _____ Parent/Guardian (*signature*) _____

Date _____ (*Required if participant is under the age of 18*)

MILTON FORTUNE



The Blandford and Butternut Ski Patrols of Western Mass Region, Eastern Division report with sadness and regret the passing of one of their most respected and loved patrollers, Milton Fortune, on June 30th, 2003. He was 85 and had been a patroller for 50 years with National Appointment #4777.

Many patrollers have been active at a succession of different patrols, but Milt was active at two areas at the same time and for a great many years. He patrolled weekends at Blandford and then two days midweek at Butternut, 30 miles to the west. And each patrol considered him one of their own.

Rumor had it that Milt was born on skis. We do know that right after WWII (of which he was a veteran) he and his wife, Dot, would board a train in their hometown of Springfield, MA with all their gear and lunch, ride some 50 miles to the city of Pittsfield where the train would stop just outside of town and Milt and Dot would get off, hike two miles to the Bousquet Ski Area, ski all day, then hike the two miles back in time to catch the train for home. Who would do that these days? Milt would. And probably could.

Milt used to race when he was younger and not so many years ago when he was over 80 he skied up to the starting gate of the Butternut slalom course, took off and finished the whole course with grace, style, assurance, and a certain élan. Great!

He was the gentlest of men, kept his own counsel, never raised his voice, and never ever complained (an occasional sigh of resignation, perhaps - been there, done that) yet he delighted in the give and take and camaraderie that is so much a part of patrolling. He was a friend, advisor, and mentor to several generations of patrollers. He was just always there.

Memoriams are difficult to write. So much to say, so little space in which to say it. Yet attention must be paid. Maybe it is best said by the words of the traditional NSP Service Awards and recognize him for "50 years of dedicated and humanitarian service." Amen to that, Milton.

*Chet Stover
Butternut Ski Patrol*

Awards

by Bill Boulter, Awards Advisor

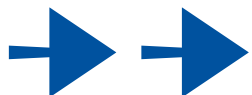
As most of you know this year's awards program was very successful. We not only had a banner year in general here in the division but also had success at the National level.

As this winter season comes around let me remind you of some important data. All nominations for the division's outstanding awards are due, this year and every year, on or before January 31. This gives the division awards committee time to review and judge the paperwork before it goes to national. The annual Division Awards Meeting will to be held in Albany, as it has been in the past, concurrent with the Division Officers' Meeting. This year we will meet on Saturday, April 24th at 10:00 a.m. This meeting is not limited to the awards committee...all patrollers are welcome...and a special invitation goes to the region awards coordinators.

We have had a great deal of success in the past few years recognizing and rewarding deserving patrollers. Please keep up the fine work. I know we can do better. And, feel free to ask for my help if you need it.

Now, a special request to all the Region Awards Coordinators: some of you are new, some of you I have never met, and some of you I have only talked to on the phone. It is very important that I have your current address, phone number, and email. Please email me (tenor1@gisco.net or bboulter@grenadierconstruction.com) by December to either confirm the information I have or give me any changes. Let's have a great year and let's reward those who need to be rewarded.





BROFORM.COM

TAHOE OFFICE PH:530-546-8110 FAX:413-502-8256 EMAIL:KYLE@BROFORM.COM

34th Annual Hunter Day

by Bob Hamilton, Special Projects Coordinator

As in past years, Hunter Day will be the Friday after Thanksgiving, Nov 28th. For those of you who do not know, Hunter Mountain and its owners, the Slutsky family, have been outstanding sponsors of National Ski Patrol and the Eastern Division.

For the last 34 years, the day after Thanksgiving, Hunter has opened its doors to the Eastern Division and NSP members. A limited number of free ski passes are available for the early birds. This year we are planning on 40 passes on a first-come, first-served basis. After that, tickets will be available at a reduced price. When you arrive, come to the Eastern Division booth in the main lodge. Present your membership card and you will be given your pass.

Last year Mother Nature was very kind and we had an outstanding turnout of skiers and patrollers. Patrol jackets are welcome but no packs should be worn. If you choose to bring your patrol jacket, I will have a visiting patroller armband for you to wear.

Following a day of what we hope will be wonderful early season skiing, Hunter will hold their annual induction into Hunter Mountain's Hall of Fame. At the end of that ceremony Hunter presents a donation check to Eastern Division. The amount of the check is based on that day's skier visits. Hunter has donated over \$100,000 to Eastern Division over the past 34 years.

This is a great way to start the season and a large patroller turnout is a great way to thank the Slutskys for their support. If anyone is willing to sit at the booth and talk to the public about Ski Patrol, let me know. I could use a few volunteers. I can be contacted at Hamilton@Belleayreskipatrol.org.

BroForm allows patrollers to purchase deeply discounted Outdoor & Action Sports gear.

BroForm.com is an Internet marketplace where qualified industry individuals have access to over 280 industry purchase programs – also called "Pro-Forms" – from Outdoor and Action Sports companies.

BroForm members have access to purchase equipment, clothing, and accessories typically at or as much as 20% below wholesale.

There is no cost or commitment to become a BroForm buyer member, the only requirements being that you must be an active NSP Patroller, have access to the Internet and an email address, and agree to use your membership for personal use only.

To get started you simply need to contact BroForm at kyle@broform.com with **full name, NSP ID number, and email address**. You can also call Kyle at 530-546-8110 with any questions and/or to get registered.

Once your NSP account is created, BroForm will email you your access login and password, to activate your personal membership and use whenever you wish.

WWW.BROFORM.COM

HELP WANTED

CROTCHED MOUNTAIN SKI PATROL

Bennington, NH

Become Involved With New Hampshire's Newest Ski Patrol

Qualified Patrollers Wanted
Weekday/Weekend/Weeknight
Volunteer and Paid Positions Available

Please Contact

Jeff Cady, *Patrol Director*
Crotched Mountain Ski Patrol
24 Dublin Road • Harrisville, NH 03450



EASTERN DIVISION NSP
23 NARRAGANSETT AVENUE
PITTSFIELD, MA 01201

Non-Profit Org.
U.S. Postage
PAID
National Ski Patrol
System, Inc.



WE NEED YOUR HELP!

If your address has changed
please **DO NOT** send it to *Trail Sweep*.
You need to notify the national office.

It would also be great if as many of you as possible updated your national records to reflect your current email address. If enough patrollers do this we may be able to utilize the Internet for delivery of *Trail Sweep* in the future instead of incurring the expense of printing and mailing. While we can't tell you this will lower your dues... it might help prevent them from going up!

