DRAFT

STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
October 20, 2010

Chaired by James Davis

Board Meeting Date and Location: October 20, 2010, Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223

Board Members in Attendance: Ms. Pamela Bradshaw, Dr. Thomas Collins, Dr. Deanna Dahl-Grove, Mr. James Davis, Mr. David Fiffick, Ms. Vickie Graymire, Mr. James Holcomb, Mr. John Kubincanek, Mr. William Mallory, Mr. Daryl McNutt, Mr. James Parrish, Dr. Wendy Pomerantz, Dr. John Pakiela, Mr. Mark Resanovich, Dr. Steve Steinberg, Mr. William Vedra

Board Members Absent: Ms. Joyce Fischer, Mr. Mark Marchetta, Mr. William Quinn, Mr. Craig Self

Staff Members Present: Alan Boster, Dr. John Crow, Dr. Carol Cunningham, China Dodley, Aleta Dodson, Tim Erskine, Tom Gwinn, John Kennington, Thomas Macklin, Vanessa Mertz, Linda Mirarchi, Rachel Moore, Sue Morris, Doug Orahood, Ellen Owens, Brian Pfeffer, Rita Risner, Richard Rucker, Bob Ruetenik, John Sands, Joe Stack, Yvonne Tertel, Melissa Vermillion, Anne Vitale, Pam Watkins

Guest and Public Attendance: Crecha Auck-Foley, American Heart Association; Nancie Bechtel, Central Ohio Trauma System; Jim Carney, Ohio Association of Professional Firefighters; Jay Clevenger, Ohio Fire Academy; Dr. John Crow, EMS Board Trauma Committee; Dan Fitzpatrick, Ohio Fire Chiefs' and Ohio State Firefighters' Associations; Greg Fouche, Joint Committee on Agency Rule Review (JCARR) Interim Director; Henry Hilow; Suzanne Hoholik, Columbus Dispatch; Jill Niese, The Ohio State University; Daniel Peter; Michelle Peter; Terrie Stewart, Ohio State Medical Center; Lory Winland, American Heart Association

OPEN FORUM

Mr. Davis called the public rules hearing to order at 9:05 AM.

Roll Call

Mr. James Davis	Here
Mr. Mark Resanovich	Here
Ms. Pamela Bradshaw	Here
Dr. Thomas Collins	Here
Dr. Deanna Dahl-Grove	Here
Mr. David Fiffick	Here
Ms. Joyce Fischer	
Ms. Vickie Graymire	
Mr. James Holcomb	Here
Mr. John Kubincanek	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here

Mr. Mark Marchetta	
Dr. John Pakiela	Here
Mr. James Parrish	
Dr. Wendy Pomerantz	Here
Mr. William Quinn, Jr.	
Mr. Craig Self	
Dr. Steve Steinberg	
Mr. William Vedra	

Mr. Davis noted for the record there was a quorum to conduct business. The purpose of the hearing is to receive comments or testimony regarding the following:

Amendment of 4765-10-06 (Medical Director), 4765-16-04 (EMT-Intermediate Scope of Practice), and 4765-17-03 (EMT-Paramedic scope of practice); and **Adoption** of 4765-6-06 (Withdrawing of blood for evidence collection).

The public hearing was held in conformity with Chapter 119. of the Ohio Revised Code. Mr. Davis recognized Ms. Anne Vitale, ODPS legal counsel, for the purpose offering evidence in compliance with Chapter 119. of the Ohio Revised Code. No written testimony was received, but one audience member addressed the Board (Jim Carney, representing the Ohio Association of Professional Firefighters). The hearing concluded at 9:27 AM.

ACTION: Motion to approve the rules as written. Fiffick first. Bradshaw second. None opposed. None abstained. Motion approved.

A court reporter was present and full transcripts are available upon request from the Division of EMS.

Mr. Davis said since the rules hearing is closed, the Board will now move forward with the agenda of the EMS Board meeting.

<u>Roll Call</u>

Mr. James Davis	Here
Mr. Mark Resanovich	Here
Ms. Pamela Bradshaw	Here
Dr. Thomas Collins	Here
Dr. Deanna Dahl-Grove	Here
Mr. David Fiffick	Here
Ms. Joyce Fischer	
Ms. Vickie Graymire	
Mr. James Holcomb	Here
Mr. John Kubincanek	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Mr. Mark Marchetta	
Dr. John Pakiela	Here

Mr. James Parrish
Dr. Wendy Pomerantz Here
Mr. William Quinn, Jr.
Mr. Craig Self
Dr. Steve Steinberg
Mr. William Vedra

Mr. Davis noted for the record there was a quorum to conduct business.

ACTION: Motion to approve the consent agenda as posted on the website, items including: August 18, 2010 EMS Board minutes; EMS certifications granted for the period of August 1, 2010 through September 30, 2010 and continuing education extensions granted for the period of August 1, 2010 through September 30, 2010; and initial and renewal applications for education certificates of approval and accreditation for the period of August 1, 2010 through September 30, 2010. Pomerantz first. Pakiela second. None opposed. Bradshaw abstained from accreditation renewal #005 Collins Career Center. Motion approved.

STAFF REPORTS

Chair Report, James Davis
Mr. Davis reported that the Ohio Society of Trauma Nurse Leaders has concerns regarding the proposed SB 302 language regarding grant funding changes, specifically concerned with the lowering of the priority for grant trauma research. He said an opportunity to solve the issue has been identified and hopes to move forward.

Last month Mr. Davis met with the Franklin County Police Chiefs Association regarding SB 58 and gave a presentation to the Ohio Association of EMS. He fielded several questions regarding the one card/one expiration date changes. Mr. Davis said members need to get this information to those serving in their areas.

Mr. Davis reported a flight paramedic passed away last night while on duty and asked everyone keep his family in their thoughts.

State Medical Director Report, Dr. Carol Cunningham
Dr. Cunningham presented and recommended approving the appointment of Dr. Michael McGraff to Regional Physician Advisory Board (RPAB) Region VI.

ACTION: Motion to approve application for Dr. Michael McGraff as medical director for the Regional Physician Advisory Board (RPAB) Region VI. Pomerantz first. Collins second. None opposed. Motion passed.

The RPAB all member (10:00 AM) and chair (1:00 PM) meetings will be held November 9th. Following the meetings, notifications for expiring terms will be sent out.

Dr. Cunningham and Director Rucker attended the National Association of the State EMS Officials (NASEMSO) annual meeting October 10 – 15, 2010. Highlights of the meeting of the state medical director council project included: developing wild fire emergency response team protocols, using the National Highway Traffic Safety Agency (NHTSA) evidence based guidelines for states. As an addendum to the Role of the State EMS Medical Director document that was published in pre-hospital emergency care, NASEMSO requested state medical directors conduct a compensation survey that will only be available to internally to state directors to assist them in creation of medical director positions in their states as well as contract development. Dr. Cunningham has been serving in the chair elect position of the NASEMSO State Medical Director Council and will serve as president for the next two years.

Also during the NASEMSO conference, the National Registry transition calendar was determined for the paramedic exam and she will forward to everyone when she receives the electronic version. New helicopter EMS requirements were recommended to improve safety which she had Aleta Dodson forward to Board members. A position statement on specialty care by the NASEMS Physicians highlighting the need for defined scopes of practice, protocols, continuing education, and qualified medical director requirements based on the skills and care provided based on the specialty to be provided (critical care, tactical, etc.).

The Highway Mass Casualty project has two components: event response readiness assessment and minimum inventory of emergency care elements. The group is in the beginning stages of working with On-Star to determine if their computer can determine high impact crashes. The American Board of Medical Specialty has approved EMS as a sub-specialty and will be a Board certification through ABEM. An EMS task force was formed to write the first exam with a target date of fall of 2013 and there will be a grandfather period for existing medical directors who meet the qualifications. After that, a physician would have to be Board certified in Emergency Medicine as well has have completed an EMS Fellowship to sit for the exam. Dr. Cunningham was selected as part of the examination task force.

The National Incident Management System (NIMS) workgroup summit will meet November 15 through 19 and she will attend as a member of the EMS Responder Credentialing workgroup.

Dr. Cunningham was accepted into the National Preparedness Leadership Initiative at the Harvard Kennedy School of Executive Education. She will be attending December 5 – 10. If anyone needs anything reviewed by her for the December Board meeting, please get to her by November 30th.

The 2010 American Heart Association (AHA) guidelines were released and she emailed a matrix showing the changes to Board members.

<u>Assistant Attorney General, Yvonne Tertel</u>
Additional hearings are being scheduled and are on track.

<u>EMS Staff Legal Counsel, Ann Vitale for Heather Frient</u>
No report was given.

Legislative Liaison, Justin Long
An updated copy of the EMS legislative matrix report was distributed.

Executive Director, Richard Rucker
Mr. Rucker reported the Board nominations for the upcoming vacancies were delivered to the Governor's office and expects to receive those by November.

A copy of the annual report for the trauma program at Nationwide Children's Hospital was distributed. Highlights include over 1,500 injured children were admitted from the emergency department and over 700 of those required the resources of a trauma alert activation.

Senate Bill 302 (ambulance staffing) was introduced. The bill creates a new grant funding priority to assist paramedic programs wishing to become CoAEMSP nationally accredited.

For the December Board meeting, committee chairs are requested to have their annual report (goals accomplished), a list of future/pending projects, and list of committee members for approval at the December Board meeting. If this can be done, it will save time at the NHTSA reassessment/Board retreat in February, which will be held February 15 – 17, 2011. The location has yet to be determined.

With the implementation of HB 648, DPS has instituted safety measures to ensure personal data remains confidential. Board members will receive investigation case information on encrypted CDs. Any e-mails from Division staff containing personal or non-public information will be sent via secure e-mails. All Board members should have received an e-mail from Ms. Dodson that was sent in mid-September to set up their security access.

Additionally, the position paper on OVI blood draws that the Board approved in 2008 was removed from the EMS website as it was no longer valid. Mr. Rucker asked members if they would like to revise that position paper or are the rules being promulgated sufficient.

Eleven regional meetings are scheduled throughout the state to educate constituents on SB 58 issues. Mr. Rucker encouraged Board members to attend meetings in their areas. Information on the meetings has been sent out via Listservs and the Law Enforcement SIMS system, as well as being posted on the Division's website.

Mr. Rucker welcomed Division of EMS employee Brian Pfeffer back from nearly five years of military deployment.

Certifications, John Sands for John Kennington
Mr. Sands presented two requests for exemption for continuing education from certificate holders due to active military service (certificate numbers 138439 and 72368).

ACTION: Motion to approve two request(s) for exemption(s) for continuing education for individuals serving on active military duty during the certification period. Collins first. Dahl-Grove second. None opposed. Motion approved.

Education, Linda Mirarchi
Ms. Mirarchi distributed copies of two additional accreditation program requests for approval.

ACTION: Motion to approve two additional programs for accreditation approval. Pomerantz first. Dahl-Grove second.

Ms. Mirarchi reported the first time pass rate report for the first three quarters of 2010: First Responder - 73%, Basic - 72%, Intermediate - 81%, and Paramedic - 69%. All are above the national averages except for paramedic, which is just below the national average.

COMMITTEE REPORTS

Education Committee, James Holcomb
The committee report was in the committee report agenda; they continue to work to ensure the rules are changed based upon the Board's approval of the curriculum.

EMS-Children, Dr. Wendy Pomerantz
The University Hospital system is working with the EMS-C committee to pilot the Emergency Department Pediatric Preparedness program. Eight hospitals in the system have been sent the program guidelines and applications. Joseph Stack is working with NEDARC to prepare surveys and sample populations for Ohio EMS agencies and hospitals, which is a repeat of the simpler version sent out last year. NEDARC will provide a list of agencies and hospitals randomly selected to send the surveys to.

The committee is planning a pediatric disaster preparedness stakeholder meeting for the spring of 2011 and hope to incorporate pediatrics into the existing plans.

Ohio EMS is working closely with Rainbow Babies' and Children's Hospital on the 2011 Pediatric Trauma Symposium. Dr. Deanna Dahl-Grove and Dr. Amyna Sabir will present on hospital disaster preparedness, and Joe Stack and Dr. Sabir will present on the Emergency Department Pediatric Preparedness program.

The EMSC committee is requesting more data from the EMS Data Center regarding pediatric outcomes, particularly looking at the use of the simplified motor score, which were excluded from Dr. Caterino's adult study. They also want to look at IV starts and intubation results.

The EMSC committee received resignations from Brian Pio and Dr. Jerri Rose, and would like to add Dr. Amyna Sabir and Tami Wires to the committee.

ACTION: Motion to approve Dr. Amyna Sabir and Tami Wires to the EMSC committee. Dahl-Grove first. Fiffick second. None opposed. None abstained. Motion approved.

***** Ms. Graymire arrived at 9:58 AM *****

Firefighter and Safety Inspector Committee, Doug Orahood for Phil McLean
Mr. Orahood distributed a site visit report submitted from the Pro Board accreditation team. Last week's visit went well and they will recommend approving the Division. This is an optional national accreditation for firefighters. The site reviewers were complimentary of Ohio and noted we are the only state that can inform individuals if they passed immediately following their test. Mr. Rucker thanked Mr. Orahood, his staff, and the Certification staff for their work.

The FFSI committee continues working on the development of the National Fire Protection Association (NFPA) 1403 live burn training for instructors. The initial hours for the course were twenty-four hours, but it might increase to thirty-two hours.

***** Mr. Parrish arrived at 10:01 AM *****

Homeland Security, Mark Resanovich
The SWOT analysis was completed and will be forwarded to Mr. Self. The committee will be taking on the task of the EMS component for altered standards of care and disaster preparedness for the state through the Medical Coordination Planning Committee. This piece needs completed by May 31, 2011, and will schedule monthly meetings with a five to six hour time block.

With Dr. Collins and Dave Fiffick retiring from the Board, the committee needs additional members. He recommends approval to add Tim Hughes, retired firefighter and EMS coordinator for Fairview Park Medical Center, and Greg Smith, EMS Coordinator of Medina Community Hospital and Assistant Fire Chief of Valley City Fire Department. Mr. Smith is the only EMS representative other than me who sits on the Medical Coordinator Planning Committee.

ACTION: Motion to approve adding Tim Hughes and Greg Smith to the Homeland Security Committee. Pomerantz first. Collins second. None opposed. None abstained. Motion approved.

Specialty Care, Mark Resanovich
The SWOT analysis was completed and will forward to Mr. Self.

Legislative Committee, William Quinn
There was no meeting, so no report was given.

Medical Oversight, Deanna Dahl-Grove
Due to a highway traffic jam, many of the members could not get to the meeting and it was cancelled.

The committee's SWOT analysis was submitted October 1st.

A copy of the 12-lead EKG training program that the committee would like placed on the Division of EMS website was in the Board packet and the committee is requesting Board approval. Any copyrighted information in the packet will be replaced with the committee's own product.

ACTION: Motion to approve the 12-lead EKG training program to be placed on the Division of EMS website. Kubincanek first. Pomerantz second. None opposed. None abstained. Motion passed.

National Accreditation, James Davis
Senate Bill 302 was introduced which changes EMT vehicle configuration as well as grant priority changes to include assisting programs wishing to become nationally accredited. The committee is looking at its impact.

***** Dr. Steinberg arrived at 10:07 AM *****

Recruitment and Retention Committee, Daryl McNutt
No meeting was held, but a discussion about reorganizing the committee will be held with the Board chair and Mr. Rucker.

Research and Grants, Dr. Thomas Collins
The bulk of the meeting was spent completing their SWOT analysis and will send to members not in attendance for their review before submitting. Additionally, will have Trauma Committee members review since they have concerns about the wording of Priorities 2, 3, and 4. Mr. Davis said a workable solution has been reach that would not require significant rewording of the bill.

Rules, William Mallory
Included in the Board packet was the reinstatement rule that the committee is requesting Board approval that includes the changes requested by the Board.

ACTION: Motion to approve rule 4765-8-18 as presented in the Board packet. Pomerantz first. Dahl-Grove second. None opposed. None abstained. Motion passed.

The committee has completed and submitted their SWOT analysis. They are now discussing the five-year rule review.

Strategic Planning/NHTSA, Craig Self
No report was given.

Trauma Committee, Dr. John Crow
Nancie Bechtel, member of Trauma Visionary group and Vice-chair of the TRAS committee, reported that the TRAS sub-committee has been working to make amendments to the State Trauma Acute Care Registry, which collects data from hospitals about their trauma patients. The Board has previously approved the inclusion criteria. A memo in the Board packet, documents staff gaps to maintain the registry. The data registry dictionary has been completely revised and will be presented for Board approval in December. It is now more compliant with the National Trauma Data Standard.

Ms. Bechtel referred the Board to a memo dated October 7, 2010, addressed what is the intent of Ohio's acute care registry and what needs changed to implement that intent. One of the main items requests Board approval to take part in a NHTSA 408 grant the state received for revising

the existing database with the purchase of commercial database software. The existing system got the state started in collecting data, but believes improvements need made to eliminate gaps, tie-in with the older system, and be more easily programmable. An RFP will need put out before end of the year for vendors but what items need included in the grant proposal still need to be determined. Mr. Erskine said NHTSA reviewed Ohio's traffic records and recommended that the Trauma Registry be brought up to the national standard. This was raised to the level of number one priority and funds are available. Mr. Davis reminded Board members that the Board tasked the committee to clean up the data registry and obtain data from it, and they need the proper software to do it. He said the sub-committee is presenting today prior to Trauma Committee review due to the grant time constraints. Dr. Crow said the timeline is the reason why the Trauma committee members did not see it yet. Mr. Davis said a motion is needed for Board approval to allow EMS to move forward to acquire grant money for the purchase of database software.

ACTION: Motion to allow EMS to move forward to acquire NHTSA 408 grant money for the purchase of database software. Graymire first. McNutt second.

Dr. Collins asked if the Division will be able to move forward with the new software in future years without additional grant funding. Mr. Erskine said they will purchase several extra years worth of technical support in the grant.

None abstained. None opposed. Motion passed.

Mr. Davis asked Ms. Bechtel to thank the TRAS members for all their work over the past year. Dr. Crow said the committee requests approval for the final draft of *A Framework for Improving Ohio's Trauma System* which was included in the Board packet.

ACTION: Motion to approve the final draft of *A Framework for Improving Ohio's Trauma System*. Steinberg first. Bradshaw second.

Ms. Graymire said many years of hard work have gone into this and Dr. Crow said further work might require legislative changes to implement. He said the next step will be a review by the American College of Surgeons (ACS).

None opposed. None abstained. Motion passed.

Dr. Steinberg thinks the Trauma Visionary committee that consists of five Board members and five Trauma committee members should be charged with carrying the project forward.

Dr. Crow said the committee has concerns regarding the changes proposed in Senate Bill 302 to the grant structure of Priorities 2, 3, and 4. Mr. Davis said Priority 4 grants (rehabilitative grants) are never requested and the money could be utilized elsewhere. Dr. Crow said Trauma committee members should be on the Research/Grants committee. Mr. Rucker thought there are Trauma committee members in the Grants Committee. Alan Boster reported that Ms. Graymire, member of both the Board and Trauma Committee, and Kathy Haley, Trauma Committee

member, are both on the Research and Grants committee. Dr. Crow suggested the information disconnect be looked into and Mr. Davis said he will discuss with Dr. Collins.

Dr. Crow has been term-limited as the Trauma committee chair and will be stepping down. Vice-Chair Kathy Haley has been nominated for chair and John Saxe has been nominated for Vice-Chair. Mr. Rucker thanked Dr. Crow for his leadership and dedication to the committee and Mr. Davis thanked him on behalf of the Board.

Investigations, Melissa Vermillion

ACTION: Motion to go into Executive Session for the purpose of discussing proposed disciplinary action(s) against certificate holder(s) which is pending or imminent court action under Revised Code 121.22(G)(3) and involve matter(s) that are required to be kept confidential under Revised Code 4765.102(B) at 10:48 AM. Pomerantz first. Pakiela second. None opposed. Motion approved.

Roll Call

Mr. James Davis	Here
Mr. Mark Resanovich	Here
Ms. Pamela Bradshaw	Here
Dr. Thomas Collins	Here
Dr. Deanna Dahl-Grove	Here
Mr. David Fiffick	Here
Ms. Joyce Fischer	
Ms. Vickie Graymire	Here
Mr. James Holcomb	Here
Mr. John Kubincanek	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Mr. Mark Marchetta	
Dr. John Pakiela	Here
Mr. James Parrish	Here
Dr. Wendy Pomerantz	Here
Mr. William Quinn, Jr.	
Mr. Craig Self	
Dr. Steve Steinberg	Here
Mr. William Vedra	

******* Board returned from executive session at 11:15 AM *******

2009-724-304	2010-322-BE100	2010-378-E300
2009-726-102	2010-338-E300	2010-379-E300
2010-190-E100	2010-353-E100	2010-381-E100
2010-256-E100	2010-354-E100	2010-392-BE100
2010-304-E100	2010-356-E100	2010-430-E100
	2010-377-E300	

ACTION: Motion to accept the Consent Agreement(s) for the above listed case(s). Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained; Parrish abstained 2009-749-102. None opposed. Motion approved.

2009-749-102 2010-196-E100 2010-207-BE100	2010-238-E100 2010-290-E100 2010-342-BE100 2010-359-E500	2010-369-E100 2010-373-BE100 2010-389-E600 2010-390-E100

ACTION: Motion to close the above listed case(s). Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained; Parrish abstained 2009-749-102. None opposed. Motion approved.

2007-219-304 2007-319-304 2007-336-503	2007-356-304 2008-121-304 2010-394-E300

ACTION: Motion to close the above listed case, re-open if subject reapplies. Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion approved.

2005-418-304 and 2007-443-304 2007-1-102 2007-123-101 2007-229-305 2007-357-304	2007-403-304 2007-413-304 2007-477-304 2008-6-304	2008-134-304 2009-607-101 2010-44-E100 2010-114-E100

ACTION: Motion to close the above listed cases; individuals have met the stipulations of their Consent Agreements. Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained; Davis abstained 2009-7-501. None opposed. Motion approved.

2009-7-501 2009-574-304 2009-692-304 2010-166-E100	2010-174-BE100 2010-312-E300 2010-321-E300 2010-376-E300

ACTION: Motion to issue Notices of Opportunity for Hearings for the above listed case, re-open if subject re-applies. Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained; Davis abstained 2009-7-501. None opposed. Motion approved.

2010-113-E100 2010-357-B100 2010-395-E100 2010-396-BE100 2010-398-E100 2010-399-E100 2010-402-E100 2010-405-E100	2010-406-E100 2010-408-E100 2010-409-E100 2010-414-E100 2010-421-E100 2010-422-BE100 2010-425-BE500 2010-428-E100	2010-434-E100 2010-435-E100 2010-437-BE100 2010-451-E100 2010-453-BE100 2010-456-BE100 2010-462-E100 2010-463-E100	2010-464-E100 2010-465-E100 2010-473-E100 2010-476-E100 2010-488-BE100

ACTION: Motion to close the following cases due to one of the following reasons: inadvertently marked yes to conviction question, misdemeanor convictions which the Board has previously deemed "not involving moral turpitude," continuing education cases which now meet the requirements, local non-patient care issues, and grandfathering issues of certification/conviction. Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion approved.

2010-60-E300	2010-170-BE100	2010-219-E300	2010-307-E300
2010-62-BE100	2010-172-E100	2010-234-E100	2010-314-E300
2010-91-E100	2010-184-E400	2010-267-E300	2010-341-E300
2010-152-E100	2010-189-E300	2010-294-E100	2010-348-E100

ACTION: Motion to issue Notices of Opportunity for Hearings for the above listed cases and grant permission for the Attorney General to negotiate a consent agreement. Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion approved.

ACTION: In the matter of 2009-206-304, the Board moved to not amend the previously issued adjudication order. Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion approved.

EMS Report and Recommendation

Mr. Davis said the Board will be deliberating on two Report and Recommendations, EMS Case Number 2009-429-101, Daniel S. Peter and EMS Case Number 2009-251-102, Bryan R. Ware. He recognized Principal Assistant Attorney General Yvonne Tertel to give a brief synopsis of the case. Ms. Tertel said the Board would be deliberating on two cases, but will do one at a time so as to avoid any confusion.

Ms. Tertel said Mr. Peter was convicted of public indecency issues at a community college on several occasions. The Hearing Examiner found that act did constitute moral turpitude and request the Board to approve the finding of facts and the conclusions of law in regard to that matter. Ms. Tertel said the Hearing Examiner put Mr. Peter on probation until June 17, 2011, and deferred to the Board for any constraints to effectuate that. Case review requested revocation, but recognized that testimony was presented at hearing that was not presented at case review. Ms. Tertel requested that the Board approve the Hearing Examiner's Findings of Fact and Conclusions of Law, but consider modifying the disposition regarding the probation period ordered in the disposition portion of the Report and Recommendation.

Mr. Peter's attorney, Henry Hilow, addressed the Board. He said Mr. Peter self-reported this 2009 offense to Mr. Gwinn, accepted responsibility for this, and pled to misdemeanor of fourth degree (disorderly conduct). His client completed his year probation in six months, but continues to receive counseling. Both his Chief and pastor testified for him at the hearing.

ACTION: Motion to go into Private Session for the purpose of quasi-judicial deliberation on this matter at 11:32 AM. Pomerantz first. Steinberg second.

Roll Call

Mr. James Davis	Here
Mr. Mark Resanovich	Here
Ms. Pamela Bradshaw	Here
Dr. Thomas Collins	Here
Dr. Deanna Dahl-Grove	Here
Mr. David Fiffick	Here
Ms. Joyce Fischer	
Ms. Vickie Graymire	Here
Mr. James Holcomb	Here
Mr. John Kubincanek	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Mr. Mark Marchetta	
Dr. John Pakiela	Here
Mr. James Parrish	Here
Dr. Wendy Pomerantz	Here
Mr. William Quinn, Jr.	
Mr. Craig Self	
Dr. Steve Steinberg	Here
Mr. William Vedra	

******* Mr. Vedra arrived during private session *******

The Board returned from private session at 12:16 PM.

ACTION: In the matter of EMS Case Number 2009-429-101, Daniel S. Peter, EMS Certificate Number 75252, the Board accepts the findings of fact and conclusions of law; however, modifies the recommendation issued by the hearing examiner based upon the egregious nature of moral turpitude. The Board Ordered stipulations to include a revocation stayed; a fit-for-duty evaluation, as determined by a licensed mental health professional, annually for two certification cycles; a BCI&I background check at renewal for two certification cycles; immediate notification to the Division of EMS of any further criminal charges; and a letter of continued approval to practice from the employer or medical director, at the time of renewal for two certification cycles. Dahl-Grove first. Pomerantz second.

ACTION: Motion to amend to include that the letter of continued approval to practice be from both the employer and medical director. Collins first. Steinberg second. None opposed. Fiffick, Holcomb abstained. Motion passed.

ACTION: In the matter of EMS Case Number 2009-429-101, Daniel S. Peter, EMS Certificate Number 75252, the Board accepts the findings of fact and conclusions of law; however, modifies the recommendation issued by the hearing examiner based upon the egregious nature of moral turpitude. The Board Ordered stipulations to include a revocation stayed; a fit-for-duty evaluation, as determined by a licensed mental health

professional, annually for two certification cycles; a BCI&I background check at renewal for two certification cycles; immediate notification to the Division of EMS of any further criminal charges; and a letter of continued approval to practice from the employer AND medical director, at the time of renewal for two certification cycles. Dahl-Grove first. Pomerantz second. Resanovich opposed. Fiffick, Holcomb abstained. Motion passed.

Ms. Tertel said in the case of Mr. Ware, the Division received no notification from him and he is not present today. Mr. Ware was convicted of a misdemeanor violation for sending a nude text photo to a minor. The case review asked for revocation, but the Hearing Examiner believed the incident was more of a joke and recommended a one year probationary period, starting at the time of conviction. Ms. Tertel said even if it was a joke, the text was sent to a minor. The probation period defined by the Hearing Examiner is over, so basically Mr. Ware was practicing during that time and the recommendation is to approve, but that the time of suspension not be retroactive.

ACTION: Motion to go into Private Session for the purpose of quasi-judicial deliberation on this matter at 12:25 PM. Pomerantz first. Bradshaw second.

Roll Call

Mr. James Davis	Here
Mr. Mark Resanovich	Here
Ms. Pamela Bradshaw	Here
Dr. Thomas Collins	Here
Dr. Deanna Dahl-Grove	Here
Mr. David Fiffick	Here
Ms. Joyce Fischer	
Ms. Vickie Graymire	Here
Mr. James Holcomb	Here
Mr. John Kubincanek	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Mr. Mark Marchetta	
Dr. John Pakiela	Here
Mr. James Parrish	Here
Dr. Wendy Pomerantz	Here
Mr. William Quinn, Jr.	
Mr. Craig Self	
Dr. Steve Steinberg	Here
Mr. William Vedra	Here

The Board returned from private session at 12:35 PM.

ACTION: In the matter of EMS Case Number 2009-251-102, Bryan R. Ware, EMS Certificate Number 75252, the Board accepts the findings of fact and conclusions of law, and the recommendation issued by the hearing examiner. The Board modifies the recommendation based upon the egregious nature of moral turpitude and Board Ordered

to revoke Mr. Ware's certificate to practice. Dahl-Grove first. Pomerantz second. None opposed. Fiffick, Holcomb abstained.

OLD BUSINESS
No old business was brought before the Board.

NEW BUSINESS
Mr. Davis said the agenda for the Board retreat is being drafted and will be held February 15, 16, and 17, 2011.

***** Dr. Pakiela left at 12:37 PM *****

On behalf of the Board, Mr. Rucker and Mr. Davis presented certificates of appreciation for outgoing members Dr. Thomas Collins, David Fiffick, and James Holcomb, and expressed their appreciation to them for their dedication.

Mr. Davis said nominations for Chair and Vice-chair for next year will be made today and will be voted on at the December Board meeting. Mr. Davis opened the floor for nominations for the Board Chair.

ACTION: Motion to nominate James Davis for Chair. Collins first. Resanovich second.

Mr. Davis opened the floor up for nominations of Board Vice-Chair.

ACTION: Motion to nominate Mark Resanovich for Vice-chair. Pomerantz first. Fiffick second.

ADJOURNMENT
ACTION: Motion to adjourn with the exception of the Fire Board members, who will remain for discussion of fire issues. Pomerantz first. Dahl-Grove second. None opposed. Motion approved. The meeting was adjourned at 12:48 PM.

FIRE BOARD MEMBERS
Mr. Davis brought the meeting of the EMS Fire Board members to order at 12:56 PM.

Roll Call

Mr. James Davis	Here
Ms. Joyce Fischer	
Mr. James Holcomb	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Mr. James Parrish	Here
Mr. William Quinn, Jr.	
Mr. Mark Resanovich	Here

ACTION: Motion to go into Executive Session for the purpose of discussing proposed disciplinary actions against fire certificate holders which is pending or imminent court action under Revised Code 121.22(G)(3) and involves matters that are required to be kept confidential under Revised Code 4765-102(B) at 12:57 PM. Mallory first. McNutt second. None opposed. Motion approved.

Roll Call

Mr. James Davis	Here
Ms. Joyce Fischer	
Mr. James Holcomb	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Mr. James Parrish	Here
Mr. William Quinn, Jr.	
Mr. Mark Resanovich	Here

*******Fire Board returned from Executive Session at 1:24 PM *******

Mr. Davis reported there would not be a quorum with the members absent and the abstention by Mr. Holcomb from sitting on case review. Therefore, voting will be done by ballot.

2010-96-F100 2010-247-F100	2010-322-BF100 2010-392-BF100

ACTION: Motion recommending that the Executive Director accept the above Fire case(s) consent agreement(s). Mallory first. McNutt second. Holcomb abstained. None opposed. Ms. Dodson reported five yes votes. Motion approved.

2008-317-705 2010-188-F500 2010-207-BF100	2010-342-BF100 2010-367-F100 2010-373-BF100	2010-382-F200 2010-383-F200

ACTION: Motion recommending that the Executive Director close the above Fire case(s). Mallory first. McNutt second. Holcomb abstained. None opposed. Ms. Dodson reported five yes votes. Motion approved.

2009-608-701	2009-695-706

ACTION: Motion recommending that the Executive Director close the above case(s) as the individuals have met the stipulations of their Consent Agreements. Mallory first. McNutt second. Holcomb abstained. None opposed. Ms. Dodson reported five yes votes. Motion approved.

2010-161-F100 2010-174-BF100	2010-266-F100

ACTION: Motion recommending that the Executive Director Issue Notices of Opportunity for Hearings for the above Fire case(s). Mallory first. McNutt second. Holcomb abstain. None opposed. Ms. Dodson reported five yes votes. Motion approved.

2010-305-F100	2010-425-BF500	2010-456-BF100
2010-357-BF100	2010-427-F100	2010-460-F100
2010-396-BF100	2010-429-F100	2010-477-BF100
2010-401-F100	2010-436-F100	2010-479-F100
2010-422-BF100	2010-437-BF100	2010-481-F100
2010-423-F100	2010-441-F100	2010-488-BF100
2010-424-F100	2010-453-BF100	

ACTION: Motion recommending that the Executive Director Close the above Fire cases due to one of the following reasons: inadvertently marked yes to conviction question, misdemeanor convictions that have previously been deemed "not involving moral turpitude", local non-patient care issues, and grandfathering issues of certification/conviction. Mallory first. McNutt second. Holcomb abstained. None opposed. Ms. Dodson reported five yes votes. Motion approved.

2010-431-F500	2010-446-F500
2010-445-F500	2010-467-F500
2010-447-F500	2010-468-F500
2010-448-F500	2010-469-F500
2010-449-F500	2010-470-F500

ACTION: Motion recommending that the Executive Director Issue Notices of Opportunity for Hearings in between meetings for the above Fire reinstatement case(s). Mallory first. McNutt second. Holcomb abstained. None opposed. Ms. Dodson reported five yes votes. Motion approved.

REPORT AND RECOMMENDATION

Mr. Davis said the Fire Board members will be deliberating on two Report and Recommendations, Fire Case Number 2009-403-701, Daniel S. Peter and Fire Case Number 2009-248-702, Bryan R. Ware. Neither respondent filed objections to the Report and Recommendations. Mr. Davis recognized Principal Assistant Attorney General Yvonne Tertel for the purpose of providing a brief synopsis of these cases.

Ms. Tertel said members already heard the case information during the EMS portion of the meeting. Neither Mr. Ware nor Mr. Peter and his attorney were in attendance.

ACTION: Motion to go into private session for the purpose of quasi-judicial deliberations on these matters at 1:33 PM. Mallory first. Parrish second. None opposed. Motion approved.

Roll Call

Mr. James Davis Here
Ms. Joyce Fischer
Mr. James Holcomb Here

Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Mr. James Parrish	Here
Mr. William Quinn, Jr.	
Mr. Mark Resanovich	Here

*******Fire Board returned from Private Session at 1:34 PM *******

ACTION: In the matter of Fire Case Number 2009-430-701, Daniel S. Peter, Fire Certificate Number 58865, the committee recommends to the Executive Director to accept the findings of fact and conclusions of law. However, the Executive Director modifies the recommendation based upon the egregious nature of moral turpitude. The Executive Director Ordered stipulations on Mr. Peter's firefighter certification to include a revocation stayed; a fit-for-duty evaluation, as determined by a licensed mental health professional, annually for two certification cycles; a BCI&I background check at renewal for two certification cycles; immediate notification to the Division of EMS of any further criminal charges; and a letter of continued approval to practice from the employer and medical director, at the time of renewal for two certification cycles. Mallory first. McNutt second. Holcomb abstained. None opposed. Ms. Dodson counted four yes and one no ballots. Motion did not pass and was tabled until the December Board Meeting.

ACTION: In the matter of Fire Case Number 2009-248-702, Bryan R. Ware, Fire Certificate Number 75252, the committee recommends to the Executive Director to accept the findings of fact and conclusions of law; however, recommends modifying the recommendation issued by the hearing examiner. The Executive Director modifies the recommendation based upon the egregious nature of moral turpitude and the Executive Director Ordered to revoke Mr. Ware's firefighter and fire inspector certifications. Mallory first. McNutt second. Holcomb abstained. None opposed. Ms. Dodson counted five yes ballots. Motion passed.

No old or new business was brought forward.

ACTION: Motion to adjourn the Fire Board members portion of the meeting. Resanovich first. Mallory second. None opposed. Motion passed.

The meeting adjourned at 1:38 PM.