



Ohio Department of Public Safety  
John Born, Director

Division of Emergency Medical Services  
Melvin R. House, Executive Director



Division of Emergency Medical Services  
1970 West Broad Street  
P.O. Box 182073  
Columbus, Ohio 43218-2073  
(614) 466-9447 • (800) 233-0785  
www.ems.ohio.gov



State Board of Emergency Medical, Fire,  
and Transportation Services  
Daryl McNutt, Chair  
Rebecca Baute, Vice-Chair  
Dr. Carol Cunningham, State Medical Director

**FIREFIGHTER AND FIRE SAFETY INSPECTOR TRAINING COMMITTEE  
STATE BOARD OF EMERGENCY MEDICAL SERVICES  
OHIO DEPARTMENT OF PUBLIC SAFETY  
MEETING MINUTES  
February 20, 2014  
~ Final ~**

**Committee Meeting Date and Location:** Thursday, February 20, 2014 at the OSU Wexner Medical Center Biomedical Research Tower, 460 West 12<sup>th</sup> Avenue, Conference Room 115 Columbus, Ohio 43210.

**Committee Members Present:** James Davis, Deanna Harris, Mark Resanovich, and Dudley Wright II

**Committee Members Absent:** Daryl McNutt

**EMS Staff Present:** Jean Booze, Anna Firestone, Thomas Gwinn, Sherry Harkness, Melvin House, Doug Orahood, Ellen Owens, Robert Ruetenik, John Sands, and Melissa Vermillion.

**Assistant Attorney General:** Summer Moses

**Guest and Public Present:** None

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Mr. Resanovich called the meeting to order at 12:39 p.m

**ROLL CALL**

|                   |         |                      |         |
|-------------------|---------|----------------------|---------|
| Mr. James Davis   | Present | Mr. Resanovich       | Present |
| Ms. Deanna Harris | Present | Mr. Dudley Wright II | Present |
| Mr. Daryl McNutt  | Absent  |                      |         |

Mr. Resanovich noted for the record that a quorum was present to conduct business.

**WELCOME AND INTRODUCTION**

**OPEN FORUM** ~ None

**REVIEW AND APPROVAL OF CONSENT AGENDA**

Mr. Resanovich requested a motion to approve the Consent Agenda items including the December 18, 2013 meeting minutes that were distributed prior to the meeting.

**ACTION:** Motion to approve the Consent Agenda items including the December 18, 2013 Meeting Minutes, FIRE certifications, accreditations and CE Site requests for the December 12, 2013 through February 9, 2014. Mr. Harris – First. Ms. Davis – Second. None opposed. None abstained. Motion approved.

## **COMMITTEE REPORTS**

### **Firefighter and Fire Safety Inspector Training Sub-Committee, Executive Director Mel House**

Fire Education Rules have been filed with the Joint Committee on Agency Rule Review (JCARR); Public Hearing was Tuesday, February 18, 2014; Effective date is April 3, 2014; Synopsis being developed for roll-out to the Fire Charters. The pilot project was delayed and will take place next week. The course materials are due on March 31, 2014 and provided to the Fire charters by April 1, 2014 (free of charge).

DEMS is hiring a Fire Program Specialist (Program Administrator 2). If anyone from the Committee knows anyone that has the expertise in fire training and are interested in working with the ODPS, DEMS, you are asked to refer them to the website to complete and submit an application or contact Executive Director House or Doug Orahood.

DEMS is assembling subject matter expert panels to validate examination questions. They will initially concentrate on the Volunteer Fire Fighter I & II due to the additions and the publisher revisions effective with the new rules on April 3, 2014. The tests need to be updated to coincide with the publishers. Ultimately all the questions will be reviewed for the Fire Safety Inspector and Instructor.

The practical skills sheets have been updated and posted to the DEMS webpage in preparation with the new rules. The new rules will require practical skill evaluation. The next issue will address the Fire Safety Inspector, potentially adding the Company Level certification.

Tom Gwinn, a DEMS Education staff member, has reviewed and revised the charter review process. The process has been adapted to closely mirror the EMS process. DEMS is cross-training staff to complete both charter and education reviews.

### **Legislative Needs**

The Committee reviewed and discussed the proposed legislative needs, which were distributed to all the EMFTS Board/Fire Committee members prior to the meeting. The EMFTS Board members reviewed and approved the dual (Fire & EMS) proposed legislative needs on February 19, 2014. Also included is the list are items related to Fire only. The list however, is not all inclusive and items may be added or revised as necessary. (Attachment 1.) If the Committee agrees to move forward with the changes, the changes will be drafted by Legal Services and brought back to the Committee for final approval before being submitted for proposed Legislative change.

### **Legislative Need – Dual (EMS & Fire)**

- 1) *Language providing confidentiality in EMS and Fire cases (Protection of complainant/protection of uncharged suspect when case closed). Discussion: the EMFTS Board said that since the complaint can be filed anonymously there was no need to make any changes. The Board all agreed not to move forward. **The Committee agreed with the EMFTS Board's recommendation. Leave as is.***
- 2) *BCI checks for all applicants (not just those disclosing conviction) as with other boards: Discussion: The EMFTS Board asked for additional information before moving forward. The EMFTS Board assigned the tasks to the EMS Systems Development Committee to research and report back. The Committee discussed the options and burdens of requiring BCI checks, the financial impact to the students, schools, etc. Also discussed the possibility of assigning the BCI checks to the DEMS staff. If allowed, DEMS then*

could charge fee for BCIs that would be retained in DEMS's budget. The EMFTS Board had agreed to place on hold for further review and the Committee agreed. Anyone that may have ideas how to proceed, please forward to Jim Davis. **The Committee agreed with the EMFTS Board's recommendation ~ assigned to the EMS System Development Committee**

- 3) *Add impaired practitioners language similar to other health professions: Discussion:* Currently, there is no avenue to address such issues other than revoking the individual's certification. With the addition of this language, the Committee would be able to address this issue as needed, i.e., place the individual in an inactive status, suspend their certification, etc. The EMFTS Board Agreed to move forward with no objections. **The Committee agreed with the EMFTS Board's recommendation.**
- 4) *Need language allowing for inactive status of certificates: Discussion: same as #3 above.* EMFTS Board Agreed to move forward with no objections. **The Committee agreed with the EMFTS Board's recommendation.**

#### Legislative Need – Fire

- 1) *Remove references to fire certificates issued under 3303. Clarify need for current certificate to function (to ensure does not impact retirement system). Remove reference to certificates recognized by fire marshal. Discussion:* Law was written when FF was lifetime certificate - certificates issued under 3303 are no longer valid. Need to update to reflect 47655.55. **The Committee agreed with no objections.**
- 2) *Increase penalty for impersonating firefighter. Discussion:* The change will make the penalty comparable to other similar professions. *The penalty will also include those impersonating a volunteer firefighter.* **The Committee agreed with no objections.**
- 3) *Add language allowing for application fees for fire certificates. Discussion:* The change would give DEMS the option to add application fees. Currently the option is available for the EMS certificates, but DEMS has chosen not to charge a fee. The Committee did not wish to pursue the change. **Committee Disagreed, leave as is.**
- 4) *Expand membership on FF & FSI Training Committee. Discussion:* The EMS Board and OMTB merger resulted in a loss of fire positions in the Committee. The Committee would increase to from six to nine members. **The Committee agreed with no objections.**

The Committee had no additional items at this time to add to the proposed legislative needs.

#### Report and Recommendation

Mr. Resanovich began the deliberation and noted that Executive Director Melvin House was also present. The Committee will be deliberating on one *Report and Recommendation* in the matter of:

- Fire Case Number 2012-78-F100, Steven W. Spicer, Fire Applicant Number 180174

The respondent did not file objections to the *Report and Recommendation* in the case. Mr. Resanovich recognized Assistant Attorney General Summer Moses for the purpose of providing a brief synopsis of the case and a recommendation for disciplinary action.

AAG Moses requested that the Committee uphold the report and recommendation of Mr. George Ellis to deny Mr. Spicer's application for a Volunteer Firefighter certificate. Mr. Spicer was convicted of unlawful sexual conduct with a minor and contributing to the unwillingness or the delinquency of a child and Mr. Ellis felt that the burden of proof was met.

It was noted that neither Mr. Spicer nor his attorney was present.

Mr. Resanovich requested a motion to adjourn the meeting for the purpose of entering into quasi-judicial deliberations on the following matters that are required to be kept confidential under R.C. 4765.102(B). The Committee will reconvene following deliberations.

***ACTION: Motion to adjourn and go into Private Session for the purpose of quasi-judicial deliberation on these matters that are required to be kept confidential under R.C. 4765.102(B). Mr. Davis – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.***

### **ROLL CALL**

|                   |         |                      |         |
|-------------------|---------|----------------------|---------|
| Mr. James Davis   | Present | Mr. Resanovich       | Present |
| Ms. Deanna Harris | Present | Mr. Dudley Wright II | Present |
| Mr. Daryl McNutt  | Absent  |                      |         |

The Committee returned from private session at 1:04 p.m.

***ACTION: In the matter of Fire Case Number 2012-78-F100, Steven W. Spicer, Fire Applicant Number 180174 the Committee recommends to the Executive Director to confirm and approve the findings of fact, conclusions of law, and the recommendation issued by the hearing examiner to deny Mr. Spicer's application for a Volunteer firefighter certificate. Mr. Harris – First. Mr. Davis – Second. None opposed. Mr. Resanovich – abstained. Motion denied.***

### **GOLDMAN PROCEEDINGS**

Mr. Resanovich called the proceedings to order at 1:04 p.m. on February 20, 2014, at the Ohio State University Wexner Medical Center, Biomedical Research Tower, 460 West 12th Avenue, Conference Room 115, Columbus, Ohio, 43210. Fire Members of the Board present for these proceedings are:

### **ROLL CALL**

|                   |         |                      |         |
|-------------------|---------|----------------------|---------|
| Mr. James Davis   | Present | Mr. Resanovich       | Present |
| Ms. Deanna Harris | Present | Mr. Dudley Wright II | Present |
| Mr. Daryl McNutt  | Absent  |                      |         |

Mr. Resanovich noted for the record that a majority of members were present to conduct business. There were 4 adjudication proceedings. Also present was Executive Director Melvin House. The proceedings are in the matter of:

- Fire Case Number 2009-182-706, Ryan P. Quinn, Fire Certificate Number 119416,
- Fire Case Number 2010-213-F100, Brett L. Fuqua, Jr., Fire Applicant Number 183185,
- Fire Case Number 2011-751-F100, Keith A. Joslin, Fire Applicant Number 154475, and
- Fire Case Number 2011-1288-F100, Derick J. Mayes, Fire Applicant Number 190540

These proceedings shall be affidavit-based adjudication relative to the Notification of Opportunity for Hearing mailed to the respondents in the aforementioned cases and believe to have been properly served according to the Administrative Procedures Act (Chapter 119 of the Ohio Revised Code).

As the respondents did not properly request a hearing in the case, these proceedings will be held today pursuant to *Goldman verses State Medical Board of Ohio*. The individuals do not have the ability to present written or oral testimony today but may be present to hear the proceedings and outcome.

All have received a sworn affidavit from the EMS Investigators and accompanying exhibits for the Goldman Proceedings in the board packet. The affidavits contain the evidence and testimony upon which you will deliberate. Mr. Resanovich stated that all have had an

opportunity to review the affidavits, accompanying exhibits, if not, time was allowed review them. No additional review time was required.

In lieu of stenographic record being made, the minutes shall reflect that the original sworn affidavits and exhibits shall be kept as the official records of the proceedings in the adjudication matters in the office of the Division of EMS.

Mr. Resanovich recognized Assistant Attorney General Summer Moses for the purpose of providing a brief synopsis of each case and recommendation for disciplinary action. AAG Moses was asked to present the first case.

AAG Moses stated that in the matter of Fire Case Number 2009-182-706, Ryan P. Quinn, Fire Certificate Number 147582, that Mr. Quinn has applied for renewal of his Level II Firefighter certificate; however Mr. Quinn violated the conditions of a consent agreement issued by the Executive Director. Therefore it was requested that his certificate to practice as a Level II Firefighter be revoked.

In the matter of Fire Case Number 2010-213-F100, Brett L. Fuqua, Jr., Fire Applicant Number 183185, Mr. Fuqua applied for renewal of his Level I Firefighter certificate and has applied for his initial Level II Firefighter certificate. However he failed to submit completed applications. It was later discovered that he was also convicted of Attempted Aggravated Possession of Drugs. Therefore it was requested Mr. Fuqua's certificate to practice as a Level I Firefighter be revoked and his application for Level II Firefighter be denied.

In the matter of Fire Case Number 2011-751-F100, Keith A. Joslin, Fire Applicant Number 186822, Mr. Joslin has applied for his initial Volunteer Firefighter certificate; however he failed to submit completed applications. It was later discovered that Mr. Joslin was also convicted of Assault, a first-degree misdemeanor. Therefore it was requested that Mr. Joslin's application for certificate to practice as a Volunteer Firefighter be denied.

In the matter of Fire Case Number 2011-1288-F100, Derick J. Mayes, Fire Applicant Number 190540, Mr. Mayes has applied for his initial Level II Firefighter certificate; however Mr. Mayes was convicted of Permitting Drug Abuse, a first-degree misdemeanor. Therefore it was requested Mr. Mayes' application for certificate to practice as a Level II Firefighter be denied.

Having heard Ms. Moses's synopsis and recommended disciplinary action for each case, Mr. Resanovich requested a motion to admit the sworn affidavit and the accompanying exhibits in the aforementioned cases into evidence.

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***ACTION: Motion to admit the sworn affidavits and accompanying exhibits in the aforementioned cases into evidence.*** Mr. Davis – First. Ms. Harris – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

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There being no further evidence, these proceedings are now closed at 1:11 p.m.

The procedural and jurisdictional matters have been satisfied, the proceedings will continue by deliberation on the sworn affidavits and exhibits. A written copy of the Executive Director's decision will be mailed to the respondent.

Mr. Resanovich requested a motion to recess the meeting for the purpose of entering into Quasi-Judicial deliberations on the following matters pursuant to Ohio Revised Code Chapter 119 and that are required to be kept confidential under R.C 4765.102(B). The committee will reconvene following deliberations.

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***ACTION: Motion to recess and go into Private Session for the purpose of quasi-judicial deliberation on these matters.*** Ms. Harris – First. Mr. Davis – Second. None opposed. None abstained. Motion approved.

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#### Roll Call

|                   |         |                      |         |
|-------------------|---------|----------------------|---------|
| Mr. James Davis   | Present | Mr. Resanovich       | Present |
| Ms. Deanna Harris | Present | Mr. Dudley Wright II | Present |
| Mr. Daryl McNutt  | Absent  |                      |         |

The Committee returned from private session at 1:14 p.m.

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***ACTION: In the matter of Fire Case Number 2009-182-706, Ryan P. Quinn, Fire Certificate Number 147582, the Committee finds that Mr. Quinn has applied for renewal of his Level II Firefighter certificate; however Mr. Quinn violated the conditions of a consent agreement issued by the Executive Director in violation of Ohio Administrative Code Section 4765-23-02(A)(3), therefore the Committee recommends to the Executive Director to revoke his certificate to practice as a Level II Firefighter.*** Ms. Harris – First. Mr. Davis – Second. None opposed. Mr. Resanovich abstained. Motion approved.

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***ACTION: In the matter of Fire Case Number 2010-213-F100, Brett L. Fuqua, Jr., Fire Applicant Number 183185, the Committee finds that Mr. Fuqua applied for renewal of his Level I Firefighter certificate and has applied for his initial Level II Firefighter certificate; however he failed to submit completed applications. He failed to supply documentation of his criminal conviction to include the court records, law enforcement report and the background check. These actions are in violation of sections 4765-23-02(A)(2) & 4765-20-02(A)(1) and 4765-20-04(D) of the Ohio Administrative Code. The Committee also finds that Mr. Fuqua was convicted of Attempted Aggravated Possession of Drugs, a fourth-degree felony in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(a), therefore the Committee recommends to the Executive Director to revoke Mr. Fuqua's certificate to practice as a Level I Firefighter and deny his application for Level II Firefighter.*** Ms. Harris – First. Mr. Davis – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

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***ACTION: In the matter of Fire Case Number 2011-751-F100, Keith A. Joslin, Fire Applicant Number 186822, the Committee finds that Mr. Joslin has applied for his initial Volunteer Firefighter certificate; however he failed to submit completed applications. He failed to supply documentation of his criminal conviction to include the court records, law enforcement report and the background check. These actions are in violation of sections 4765-23-02(A)(2) & 4765-20-02(A)(1) and 4765-20-04(D) of the Ohio Administrative Code. The Committee also finds that Mr. Joslin was convicted of Assault, a first-degree misdemeanor in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(c), therefore the Committee recommends to the Executive Director to deny Mr. Joslin's application for certificate to practice as a Volunteer Firefighter.*** Ms. Harris – First. Mr. Wright – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

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***ACTION: In the matter of Fire Case Number 2011-1288-F100, Derick J. Mayes, Fire Applicant Number 190540, the Committee finds that Mr. Mayes has applied for his initial Level II Firefighter certificate; however Mr. Mayes was convicted of Permitting Drug Abuse, a first-degree misdemeanor in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(c), therefore the Committee recommends to the Executive Director to deny Mr. Mayes' application for certificate to practice as a Level II Firefighter.*** Ms. Harris – First. Mr. Davis – Second. None opposed. Mr. Resanovich – abstained. Motion approved.

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The Committee returned from private session at 1:14 p.m.

**FIRE INVESTIGATIONS, STAFF**

***ACTION: Motion to adjourn to Executive Session for the purpose of discussing proposed disciplinary action against certificate holders pursuant to Ohio Revised Code Section 121.22(G)(1) or pursuant to 121.22(G)(5) that involve matters required to be kept confidential under Ohio Revised Code Section 149.43(A)(2) or 4765.102(B). Ms. Harris – First. Mr. Davis – Second. None opposed. None – abstained. Motion approved.***

**Roll Call**

|                                 |                                   |
|---------------------------------|-----------------------------------|
| Mr. James Davis ..... Present   | Mr. Mark Resanovich.....Present   |
| Ms. Deanna Harris ..... Present | Mr. Dudley Wright II .....Present |
| Mr. Daryl McNutt ..... Absent   |                                   |

***ACTION: Motion to recommend to the Executive Director to accept the following Consent Agreements: Mr. Davis – First. Ms. Harris – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.***

|               |                               |
|---------------|-------------------------------|
| 2013-584-F100 | 2014-5-F500 *non-disciplinary |
|---------------|-------------------------------|

***ACTION: Motion to recommend to the Executive Director to render these applications incomplete and close the following cases: Mr. Davis – First. Ms. Harris – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.***

|               |               |
|---------------|---------------|
| 2013-148-F100 | 2013-285-F100 |
|---------------|---------------|

***ACTION: Motion to recommend to the Executive Director to close the following cases: Mr. Davis – First. Mr. Wright – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.***

|                                 |   |
|---------------------------------|---|
| 2012-519-F100<br>2012-737-BF100 | 2013-37-F100 *Rescind NOH and Accept Withdrawal<br>2013-313-BF100 |
|---------------------------------|---|

***ACTION: Motion to recommend to the Executive Director to close the following cases and reopen if reappplies: Mr. Davis – First. Ms. Harris – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.***

|                               |                                 |
|-------------------------------|---------------------------------|
| 2010-19-F100<br>2010-57-BF100 | 2010-274-F100<br>2010-585-BF100 |
|-------------------------------|---------------------------------|

***ACTION: Motion to recommend to the Executive Director to close the following cases; individuals have met the stipulations of their Consent Agreements: Mr. Davis – First. Ms. Harris – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.***

|                |                |                |               |
|----------------|----------------|----------------|---------------|
| 2009-326-503   | 2012-956-BF100 | 2013-305-F100  | 2013-376-F100 |
| 2010-123-F100  | 2013-147-BF100 | 2013-317-BF100 | 2013-446-F100 |
| 2010-569-BF100 | 2013-202-F100  | 2013-323-BF100 | 2013-447-F100 |
| 2012-445-BF100 | 2013-205-F100  | 2013-341-BF100 |               |
| 2012-719-F100  | 2013-271-BF100 | 2013-352-BF100 |               |

***ACTION: Motion to recommend to the Executive Director to Issue Notices of Opportunity for Hearings for the following cases: Mr. Davis – First. Mr. Wright – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.***

|   |                |               |
|---|----------------|---------------|
| 2009-506-101  | 2012-225-BF100 | 2013-394-F100 |
| 2010-162-F100   | 2012-772-F100  | 2013-518-F300 |
| 2010-252-F100   | 2013-134-F100  | 2013-521-F300 |
| 2011-1089-F300  | 2013-143-F300  | 2013-542-F100 |
| 2013-145-BF100*Abstained Ms. Harris,<br>No Recommendation | 2013-293-F100  |               |

***ACTION: Motion to recommend to the Executive Director to close the following 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 issues, and grandfathering issues of certification/conviction. Mr. Davis – First. Ms. Harris – Second. Abstain – Mr. Resanovich. None opposed. Motion approved.***

|                |                |                |               |
|----------------|----------------|----------------|---------------|
| 2012-739-BF300 | 2013-650-F100  | 2013-708-F100  | 2014-32-F500  |
| 2013-621-F100  | 2013-651-F100  | 2013-713-E100  | 2014-34-F100  |
| 2013-623-F100  | 2013-653-F100  | 2013-721-BF100 | 2014-65-F100  |
| 2013-625-F100  | 2013-654-F100  | 2013-722-BF100 | 2014-68-F100  |
| 2013-627-F100  | 2013-655-F100  | 2013-728-BF100 | 2014-71-F100  |
| 2013-635-F100  | 2013-656-F100  | 2013-735-F100  | 2014-74-BF100 |
| 2013-637-F100  | 2013-703-BF100 | 2013-744-F100  | 2014-78-BF100 |
| 2013-643-F100  | 2013-705-F100  | 2014-14-BF100  | 2014-81-F100  |
| 2013-644-F100  | 2013-706-F100  | 2014-30-F100   | 2014-82-F100  |
| 2013-646-F100  | 2013-707-F100  | 2014-31-F100   |               |

## **FIRE CERTIFICATIONS & EXEMPTION REQUESTS, Jean Booze**

### **Certification, Jean Booze**

Ms. Booze reported on the military and medical certified exemption request with a total of two dual certified CE exemptions requests, three fire only; four due to military deployment and one due to medical condition requests. The staff recommends approval and requests a motion to ratify the requests.

***ACTION: Motion to approve medical and military exemptions. Mr. Davis – First. Ms. Harris – Second. None opposed. None abstained. Motion approved.***

Ms. Booze requested to close an exemption request previously approved in August 2012. The request is due to the failure of a dual certified provider to submit the reinstatement application as requested. The staff recommends approval to rescind the exemption and requests a motion to ratify the request:

***ACTION: Motion to approve to rescind the exemption. Mr. Davis – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.***

**Old Business** ~ None.

### **New Business**

The Committee discussed the concern with the University of Cincinnati granting Fire CEs (where no EMS CEs are granted) to students attending the community paramedicine training program. The Committee has no jurisdiction over the fire chiefs allowing the CEs to be earned. It was suggested that the Committee take their concerns back to their respective agencies for further discussion.

## **ADJOURNMENT**

***ACTION: Motion to adjourn. Mr. Davis – First. Ms. Harris - Second***