



STATE BOARD OF EMERGENCY MEDICAL, FIRE, AND TRANSPORTATION SERVICES
DIVISION OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY

MEETING MINUTES
May 18, 2016

~ FINAL~

Board Meeting Date and Location: Wednesday, May 18, 2016 (10:00 a.m.) at the Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio.

Board Members Present: Thomas Allenstein, Kent Appelhans, Karen Beavers, Beth Calcidise, James Davis, Geoff Dutton, Deanna Harris, Susan Kearns, Mark Resanovich, Julie Rose, Dr. Hamilton Schwartz, Diane Simon, Dr. Thomas Tallman, and Thomas Wappner.

Board Members Absent: Steven Jones and Dudley Wright

DPS and EMS Staff Members Present: Jean Booze, Beverly Cooper, Dr. Carol Cunningham, Tim Erskine, Dave Fiffick, Melvin House, Valerie Koker, Rick Miller, Ellen Owens, Carol Palantekin, Johanna Pickett, Bryan Reardon, Joseph Stack and Michael Wise.

Assistant Attorney General: Rico Barrera

Public Present: Barry Seth, LaGrange Fire and Rescue

EMFTS Board Meeting

Welcome and Introduction

The meeting began at 10:00 a.m.

Roll Call

Table with 4 columns: Name, Status, Name, Status. Lists board members and their attendance status.

Open Forum ~ None

Consent Agenda

Ms. Harris requested a motion to approve the Consent Agenda items that were distributed prior to the meeting including the April 20, 2016 EMFTS Board meeting minutes, Certificates of Approval for the period of April 21, 2016 to May 17, 2016. Ms. Beavers abstained from Case number 2015-681-BE100.

***ACTION: Motion to approve the Consent Agenda items that were distributed prior to the meeting including the April 20, 2016 EMFTS meeting minutes, Certificates of Approval for the period April 21, 2016 to May 17, 2016. Dr. Tallman – First. Mr. Davis– Second. None opposed. No abstain. Motion approved.***

**Report and Recommendation** ~ None

**Goldman Proceedings** ~ None

**EMS Investigations** ~ None

## **REPORTS:**

### **Chair Report, Deanna Harris**

The Code Green campaign is raising awareness of the high rates of mental health issues, substance abuse, and suicide among first responders. Ms. Harris suggested that if you know of someone who is silently struggling to reach out to that person.

The EMS Star of Life Awards will be held in the ODOT auditorium on May 18, 2016 at 1:00 p.m. Ms. Harris recognized the work of the EMS staff with the EMS Star of Life Awards.

### **EMS Legislative Liaison, Alex Lapso**

Mr. Lapso reported that the language regarding the EMS scope of practice in SB 165 has been amended. The MOLST bill (Medical Order for Life Sustaining Treatment) conflicted with the Ohio Revised Code 4765. The bill is awaiting the committee in the House. Eventually the MOLST will replace the Ohio DNR (do not resuscitate) Comfort Care.

HB 110 was amended where EMS providers would have to provide the identity of the person who received the administration of naloxone. The original bill sought to increase the penalty for failure to stop after a traffic accident that resulted in the death of a person or serious physical harm. The Department of Public Safety is neutral regarding this bill.

HB 113 requires instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator. The bill passed the House and may soon be passed by the Senate.

HB 187, the animal stabilization bill, was reported out from the committee and is slated to be on the Senate floor in the near future.

SB 123 allows for emergency personnel in public safety vehicles to report traffic law violations if that vehicle is preventing the forward movement of emergency services vehicles. This bill passed the Senate and scheduled for a House floor vote on May 18, 2016.

HB 365 is the ambulette licensing bill and has not had a hearing since February 10, 2016. It is anticipated this bill will die in the House committee.

HB 488 and SB 292; permit EMS providers among other healthcare providers to provide volunteer services to indigent and uninsured patients in exchange for continuing education credits. Many concerns have been raised in the sponsor hearings.

HB 503 and SB 303; both of which have been introduced by JCARR, are directed at agency rule-making reform with legislative review. JCARR has authority in validating rules if the rule is considered an unfair financial burden on the regulated industry, i.e. if the rule is not easily comprehended or understood, or if the rule is considered unnecessary under ORC Section 121.75(B). Both bills have received multiple hearings.

### **State EMS Medical Director Report, Dr. Carol Cunningham**

Dr. Cunningham informed the board that Dr. Bruce Ashley passed away on May 5, 2016. Dr. Ashley was an original RPAB member and served as a medical director in Adams County.

Dr. Cunningham reported that the RPAB Chair meeting held on May 11, 2016 focused on the revision of the State of Ohio EMS Guidelines and Procedures Manual. The next meeting will be September 14, 2016.

On May 13, 2016, Dr. Cunningham, Director Born and Executive Director House participated in a live webchat regarding naloxone and Ohio's opiate crisis on Ohio Government TV.

The Ohio EMS Conference hosted by OhioHealth was held on May 16, 2016. Dr. Cunningham was a guest speaker at the conference.

The National Association of State EMS Officials (NASEMSO) EMS Compass project has two other performance measures for sudden cardiac arrest and STEMI. The public comment period is open until June 3, 2016. Dr. Cunningham encouraged the board members to participate in the public comment.

### **Assistant Attorney General, Rico Barrera**

AAG Barrera reported that currently there are not any active court cases. He is working with Michael Wise, EMS legal counsel, and EMS staff on eight administrative cases.

### **EMS Legal Counsel, Michael Wise**

Michael Wise had two issues to report; one being the first responder waiver and the request for an opinion from the attorney general.

Stuebenville Fire Chief Steve Carlo Capaldi requested an EMR waiver for 39 firefighters. One of the conditions is that the applicant must be a volunteer for a non-profit EMSO or non-profit fire department. This condition can be waived if the applicant makes a written request to the Board that the applicant has a compelling need to become a first responder and that becoming a first responder will benefit the applicant's workplace or community. The Board has the discretion to evaluate the waiver application and determine if the applicant meets the compelling need of the workplace or community benefit standard.

A procedural question was discussed at the April board meeting as to whether the Board can accept a written request for a waiver submitted by a fire chief on behalf of the fire department's employees. In this case the fire chief requested a waiver on behalf of all 39 applicants. The rule states that the Board may grant a waiver if "an applicant makes a written request to the Board..." The Board has the discretion to interpret its own rules. The Board may strictly construe that requirement as requiring only the applicant to make the written request, or broadly permit a written application to be submitted on the applicant's behalf, whether by the fire chief, attorney, or other person acting as the applicant's agent. It is also the Board's discretion to determine if it is appropriate to issue a waiver to the entire fire department.

A discussion ensued regarding whether the fire chief can submit the written request on behalf of the applicant. A suggestion was made that the Board think about the direction they would like to take in the future regarding the rules for the waivers. It was decided to invite the fire chief to the June Board meeting to discuss his request before a decision is made.

Pursuant to the previous discussion the EMS System Development committee will examine the issue of recruitment and retention of EMS providers.

The Board also inquired as to whether the Ohio Administrative Code 5507-1 was enacted in accordance with Sunshine Laws. The rules were enacted by the statewide emergency services internet protocol network steering committee. This committee was created in 2012 with the general purpose of advising the state on implementation, operation, and maintenance of a statewide emergency services internet protocol network that would support state and local government next-generation 9-1-1 and the dispatch of emergency service providers. The committee consists of the state chief information officer and appointees from the House of Representatives, Senate and Governor.

The question asked at the April 20, 2016 Board meeting was about the process used by the Committee to meet and approve the rules, and specifically about the committee being able to have a meeting without congregating in person. The committee has a specific statute that allows it to meet utilizing telecommunication-conferencing technology. As a result, the committee is not subject to the Open Meetings Act's general requirement that all public bodies meet in person.

The process used to enact the rules was done in compliance with law. The rules were originally filed with the Joint Committee on Agency Rule Review (JCARR) on February 19, 2016. The required public hearing was held on March 28, 2016. No one from the public offered any comments on the proposed rules. The hearing before the JCARR members was April 1, 2016, and no testimony was offered on the rules. By the time of the last EMFTS Board meeting on April 20<sup>th</sup>, the time period for comment had already past. The rules are effective as of May 12, 2016.

At the previous EMFTS Board meeting Dr. Cunningham inquired as to the definition of "local medical authority" in Rule 5507-1-09. This rule relates to emergency medical dispatching following a 9-1-1 call within a "public safety answering point" or PSAP. The PSAP is the facility that receives 9-1-1 system calls for a specific territory. Each PSAP is required to be operated by a subdivision or regional council of government. The rule that references "local medical authority" states that one way that a PSAP is deemed to have an acceptable emergency dispatching protocol is to have the protocol approved by the local medical authority. While local medical authority is not defined, it is reasonable to conclude that the local medical authority would include individuals involved in the provision of emergency services with the PSAP region. This could include medical directors, emergency medical services organizations in general, or anyone else in a position of medical authority in the provision of emergency medical services within the PSAP region. If the PSAP region includes multiple individuals that meet that criteria, then support among a majority of those individuals would constitute approval of the dispatch protocol. Such approval would then indicated that the PSAP had complied with the rule.

**ACTION:** Executive Director House to invite Rob Jackson, Ohio 9-1-1 Administrator, to the EMS System Development committee meeting.

A formal opinion was requested by the Fairfield County, Ohio Prosecutor to seek an interpretation of Ohio Revised Code 4765.361, regarding the performance of emergency medical services in non-emergency situation. This interpretation directly relates to the scope of practice of emergency medical technicians (EMT's) and whether the immunity that applies to EMTs who are acting within their scope of practice applies to non-emergency situations. The

Board requests the Attorney General to consider this memorandum in the preparation of the formal opinion. An AG formal opinion has the force and effect of law similar to Administrative Rule. **Attachment #1.**

The basic questions posed to the AG:

1. Can an EMT provide services in non-emergency situations within the scope of practice? (Ohio Revised Code 4765.361)
2. Does immunity apply in non-emergency situations? (Ohio Revised Code 4765.361)

A suggestion was made to make a notation of the new Ohio EMS certification titles:

<u>Previous Title</u>	<u>New Title</u>
First Responder	Emergency Medical Responder (EMR)
EMT-Basic	Emergency Medical Technician (EMT)
EMT-Intermediate	Advanced EMT (AEMT)
EMT-Paramedic	Paramedic

Michael Wise requests a motion to adopt the EMFSTS Board's position letter to the Ohio Attorney General in regards to the "request for opinion, 2016OPR006" with the addition of a notation of the new Ohio EMS Certification titles.

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***ACTION: Motion to adopt the EMFSTS Board's position letter to the Ohio Attorney General in regards to the "request for opinion, 2016OPR006" with the addition of a notation of the new Ohio EMS Certification titles. Dr. Tallman – First. Mr. Dutton– Second. None opposed. None abstain. Motion approved.***

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### **Executive Director and Staff Reports, Melvin House**

State Board of Emergency Medical, Fire, and Transportation Services (EMFSTS)

- Seat 10: EMS Provider - VACANT
- Vacant Expired seats (November 12, 2015)
  - Trauma Surgeon (Seat #2)
  - Volunteer Fire Chief (Seat #7)
  - EMS Provider (Seat #14)

#### Staff Vacancies

- *Program Administrator 2 – Fire/Education Section.* Dan Swords, Fire Education Coordinator has accepted a position at the Ohio Fire Academy and his last day with EMS was March 18, 2016. The position was posted on March 30<sup>th</sup> and the closing date is continuous. Initial interviews are scheduled for April 21, 2016.
- *Program Administrator 3 –* John Sands, Education and Testing Section Chief, submitted his resignation on March 18<sup>th</sup>. His last day with the Division of EMS was Friday, April 1, 2016. The position was posted on April 14, 2016 and the closing date was April 20, 2016.

### EMS Grant Program, Johanna Pickett

- 2016-17
- Applications received = 700
  - Supplemental Funding applications received = 116
  - Economic Hardship = 23
  - Board Priority = 46

There are eight board priority grant agencies who are in dire need to acquire waveform capnography equipment and five economic hardships who have requested the Lucas devices who have long transport times. To fully fund the requests of those 13 agencies, \$322, 844.16 is needed. We are seeking the Board's approval to exceed the supplemental funding of \$300,000.00 originally allotted by the Board to \$322,844.16 in order to finalize the grant list for approval in June.

***ACTION: Motion for approval to exceed the supplemental grant funding of \$300,000.00, originally allotted by the Board, to \$322.844.16.*** Mr. Davis – First. Mr. Resanovich– Second. None opposed. None abstain. Motion approved.

### DEMS Database Project

- Certifications Renewal – Roll-out May 24, 2016
- Education
- Grants

### Website Update – Roll-out May 24, 2016

### EMS Star of Life Awards Ceremony– May 18, 1:00 PM; ODOT Auditorium

- A list of winners were provided to the board members.
- The ceremony will be live streaming on the EMS Website and will be available to anyone who would like to post on their website for future viewing.

### Financial Disclosure

- All financial disclosures were filed by the deadline.

### EMS-Children Committee, Dr. Hamilton Schwartz

Dr. Schwartz reported that the Ohio Pediatric Disaster Preparedness Coalition met on May 6, 2016 at the Ohio Hospital Association. The meeting included a table-top exercise in family reunification. The coalition is continuing work on increasing pediatric capacity and reunification of minors.

The scheduled "Concepts in Process Improvement" Workshop at the Ohio Association of EMS Spring Conference in Marietta on April 30, 2016, was cancelled due to low registration. A workshop is planned for the OAEMS Summer Conference in August. A workshop was held at the Ohio EMS Conference in Columbus on May 17, with 16 participants. Several other locations are currently under consideration.

### EMS System Development Committee, Deanna Harris

The committee will review if an ad hoc committee is needed for retention and recruitment of EMS providers.

### **Homeland Security Subcommittee, Mark Resanovich**

Jeffrey Jackson, Chief of Sandusky County EMS, representing the northwest section of Ohio presented an application for the Homeland Security Subcommittee. Mr. Jackson has been vetted by EMS Staff. Mr. Resanovich made a motion to add Jeffrey Jackson to the committee.

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***ACTION: Motion to approve Jeffrey Jackson as a member of the Homeland Security Subcommittee.*** Mr. Resanovich - First. Mr. Wappner- Second. None opposed. None abstain. Motion approved.

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The following training modules have been completed for CHEMPACK:

- EMS
- Host hospital
- Non-host hospital
- Law Enforcement
- Administration

### **EMS Rural Committee, Karen Beavers**

No meeting was held. The next meeting will be held Tuesday, June 14, 2016.

The Southeastern Ohio Rural EMS group has formed a coalition to do a survey regarding the problems of rural EMS. The surveys are being sent out and once the results are completed a strategic plan and goals will be developed.

### **Medical Oversight Committee, Geoff Dutton**

No meeting was held. The next meeting will be held Tuesday, June 14, 2016.

### **Medical Transportation, Tom Allenstein**

Dave Fiffick disbursed the ambulance rules through the email system of every provider in the state and to stakeholders. Public comments are anticipated and will be reviewed.

The next meeting will be held Tuesday, June 14, 2016.

### **Critical Care Committee, Julie Rose**

No meeting was held. The next meeting will be held Tuesday, June 14, 2016.

### **Time Critical Committee, Geoff Dutton**

No meeting was held. The next meeting will be held Tuesday, June 14, 2016.

**EMS Star of Life Awards, Dr. Thomas Tallman**

Dr. Tallman praised Executive Director House, Division of EMS staff, and Valerie Koker for organizing the EMS Star of Life Awards.

**Trauma Committee, Diane Simon**

The meeting in May was cancelled due to quorum issues.

Mr. Tim Erskine reported that the data is being transferred from our system to the Digital Innovation System and will be ongoing.

EMSIRS 3 will go live soon and there will be a webinar, hosted by DIS for the users who do direct entry. The webinar will be recorded and will be available on the EMS website. The batch upload which affects most of the agencies is nearing completion for user acceptance testing. Several software developer companies will assist in the testing process to ensure that any errors occurring are actually with the data and not the system

**OLD BUSINESS**

~None~

**NEW BUSINESS**

~None~

**ADJOURNMENT**

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***ACTION: Motion to adjourn.*** Mr. Davis - First. Dr. Tallman – Second. None Abstained. None Opposed. Motion approved.

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The meeting adjourned at 11:12 a.m.

**NEXT MEETING:**

EMFTS Board Meeting, June 15, 2016, at the Ohio Department of Public Safety, Room 1106, 1970 West Broad Street, Columbus, Ohio 43223.