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To: Ohio EMS providers, EMS medical directors, and EMS agencies
From: Carol A. Cunningham, M.D., FAAEM, FACEP
State Medical Director
Ohio Department of Public Safety, Division of EMS
Date: July 26, 2016
RE: The Ohio EMS Scope of Practice

Due to a recently issued opinion from the Attorney General's Office regarding mobile integrated healthcare and several demonstrated gaps in understanding during the provision of emergency medical services (EMS) that have come to light, I want to emphasize the importance of functioning within the Ohio EMS scope of practice.

The legislated authorized EMS services that can be provided by EMS providers and the requirements to perform them are cited in the Ohio Revised Code. The citations in the Ohio Revised Code are laws and, as such, these laws cannot be changed or waived without a legislative change. The legislated authorized services that can be provided by a certified Ohio emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT), and a Paramedic are cited in Ohio Revised Code 4765.35, 4765.37, 4765.38, and 4765.39 respectively. Medical direction is mandatory for the performance of these services for all levels of Ohio EMS certification, and medical direction must be provided by a physician as noted in the Ohio Revised Code 4765.42. By law, allied healthcare professionals (e.g. nurses, physician assistants, Ohio EMS providers) cannot authorize an EMS provider to perform emergency medical services nor can they serve as a primary, secondary, or alternate medical director.

The Ohio Revised Code has designated the State Board of Emergency Medical, Fire, and Transportation Services (EMFTS Board) as the authoritative body that determines and approves the rules for EMS providers, including the Ohio EMS scope of practice. The current scope of practice for the certified Ohio EMR, EMT, AEMT, and Paramedic is cited

Mission Statement

"to save lives, reduce injuries and economic loss, to administer Ohio's motor vehicle laws and to preserve the safety and well being of all citizens with the most cost-effective and service-oriented methods available."

Ohio Administrative Code 4765-12-04, 4765-15-04, 4765-16-04, and 4765-17-03 respectively. By law, the EMFTS Board is the only body that can determine or amend the Ohio EMS scope of practice which is applicable to both the emergency and non-emergency situations. The EMFTS Board has also determined that the medical director of an EMS agency must meet the qualifications cited in Ohio Administrative Code 4765-3-05.

While the EMFTS Board determines the Ohio EMS scope of practice, the medical director of an Ohio EMS agency retains the authority to restrict or limit parameters that are included in the Ohio EMS scope of practice. However, regardless of the provision of additional training, a written protocol, or verbal, visual, and/or electronically transmissible guidance (e.g. telemedicine), EMS medical directors, including myself, have not been granted the legislative authority to independently exceed the scope of practice. The only avenue where the Ohio EMS scope of practice can be exceeded is for the purpose of research, and this requires approval and a waiver from the EMFTS Board as cited in Ohio Administrative Code 4765-6-04.

The most important fact to remember is that the holder of the Ohio EMS certificate to practice is the sole individual who is primarily responsible for maintaining knowledge of and compliance with the Ohio EMS scope of practice for the associated level of EMS certification. As a licensed physician in the State of Ohio, I am the sole person who is responsible for performing the requirements to maintain my medical license, and I cannot delegate this task to another party. In relationship to scope of practice, if someone asked me to perform a root canal on a patient, it is my responsibility and duty to decline to do the procedure. While I have been trained to perform dental blocks to provide pain relief for patients with a toothache, the performance of a root canal is an oral surgical procedure that lies outside of my scope of practice as an emergency physician. Likewise, it is ultimately the responsibility of the Ohio EMS certificate holder to decline the performance of services that exceed the EMS provider's associated Ohio EMS scope of practice regardless of the originator of the order or request. Ohio EMS providers who perform services that exceed the defined parameters of Ohio EMS scope of practice will be subject to the investigative process. Unfortunately, this can lead to penalties ranging from fines, citations, or suspension or permanent revocation of one's Ohio EMS certification.

The EMFTS Board undergoes a rigorous process of evaluation and research to determine the Ohio EMS scope of practice. Evidence-based

medicine and improved patient outcomes are a driving force as demonstrated by the amendments made to the Ohio EMS scope of practice over the years. If there is a patient intervention that is outside of the Ohio EMS scope of practice that you or your EMS agency believe may have merit, I strongly encourage you to design a research study on the topic, exercise the parameters in Ohio Administrative Code 4765-6-04, and seek a temporary waiver of the Ohio EMS scope of practice from the EMFTS Board to perform the research. There are already several wonderful examples where quality research performed by Ohio EMS has been a critical factor in advancement of the Ohio EMS scope of practice.

I sincerely hope that you will take the time to read and review the specific sections of the Ohio Revised Code and the Ohio Administrative Code that apply to your level of EMS certification as well as Ohio Administrative Code 4765-6 which cites additional services (e.g. administration of immunizations (which is only permitted during a gubernatorial declaration of emergency that affects public health), nerve agent and organophosphate antidotes). I also hope that you realize that this memo is meant to be supportive and not punitive. The EMFTS Board truly cares about the Ohio EMS certificate holders, and it is their sincere desire that no one enters the investigative process inadvertently due to lack of knowledge of one's scope of practice or from accepting requests, protocols, or orders that exceed the Ohio EMS scope of practice.

If you have any questions or concerns, please feel free to contact me or a member of our staff at the Ohio Department of Public Safety, Division of EMS at (800) 233-0785. As always, I thank you for the dedicated and unselfish service that you provide to Ohio each and every day.