

FINAL

**STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
February 20, 2008**

Chaired by Mark Burgess

Board Meeting Date and Location: February 20, 2008, Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223

Board Members in Attendance: Mr. Mark Burgess, Mr. James Davis, Dr. Thomas Collins, Mr. David Fiffick, Ms. Vickie Graymire, Mr. James Holcomb, Mr. Carl Jordan, Mr. John Kubincanek, Mr. Daryl McNutt, Mr. William Mallory, Mr. Mark Marchetta, Dr. John Pakiela, Dr. Wendy Pomerantz, Mr. Mark Mankins, Mr. Mark Resanovich, Mr. Michael Senter and Mr. William Vedra

Board Members Absent: Ms. Pamela Bradshaw, Dr. Jonathan Groner, and Ms. Charlene Mancuso

Staff Members Present: Dr. Carol Cunningham, Aleta Dodson, Tim Erskine, Heather Friend, Thomas Gwinn, Carol MacDowell, Chuck Milam, Linda Mirarchi, Sue Morris, Ellen Owens, Millie Pontious, Bob Ruetenik, John Sands, Yvonne Tertel, Katie Toole, Melissa Vermillion, and Diane Walton

Guest and Public Attendance: Melanie Arum, American Heart Association (AHA), Doug Daugherty and Judy Falcone, Auburn Career Center

Mr. Burgess called the February 20, 2008 meeting to order at 10:00 a.m.

Roll Call

Mr. Mark Burgess	Here
Mr. James Davis	Here
Ms. Pamela Bradshaw	
Dr. Thomas Collins	Here
Mr. David Fiffick	Here
Ms. Vickie Graymire	Here
Dr. Jonathan Groner	
Mr. James Holcomb	Here
Mr. Carl Jordan	Here
Mr. John Kubincanek	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Ms. Charlene Mancuso	
Mr. Mark Mankins	Here
Mr. Mark Marchetta	Here

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Dr. John Pakiela	Here
Dr. Wendy Pomerantz	Here
Mr. Mark Resanovich	Here
Mr. Michael Senter	Here
Mr. William Vedra	Here

REVIEW AND APPROVAL OF THE JANUARY 16-18, 2008 EMS BOARD MINUTES

ACTION: Motion to approve the January 16-18, 2008 EMS Board minutes. Collins first. Marchetta second. None opposed. Motion approved.

OPEN FORUM

Ellen Owens introduced two new staff members. Millie Pontious is assisting Richard Rucker and primarily working with the Investigations Section. She previously worked in the Attorney General's office and brings cross-cultural experience to assist the Division in those areas. Katie Toole was introduced next. She is an Administrative Assistant working primarily in the Education section and previously worked in the DPS Revenue Management section.

STAFF REPORTS

Chair's Report, Mark Burgess

A draft 2008 Master Calendar of committees and subcommittee meetings was distributed for the Board members to review to ensure there are no conflicts in the various committees meeting dates/times. The Research Committee will only meet on the even months. If any changes need made, contact Aleta Dodson or Mr. Burgess.

A sheet containing Board members and their contact information was circulated for review to ensure information is up to date.

Mr. Burgess said each committee chair is responsible for the composition and submission of meeting minutes which will be posted to the website as part of public record. Mr. Burgess said Mr. Rucker's report indicated that a list of committee members with their contact information (e-mail, phone, address) does not exist. All committee chairs need to compile a current list of membership of their committee and submit the information to Aleta Dodson.

Mr. Burgess said Mr. Jordan gave him a notebook that contains the 2007 Board contact information and committees with the times they meet. Once the master calendar is completed and committee rosters are updated, each board member will receive a similar notebook, which should be available at the March meeting.

Mr. Burgess reminded committee chairs that they can appoint members to their committees, but then Board approval is needed.

The Education committee is now chaired by James Holcomb and the list of proposed committee members are as follows:

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Board Members:

Pam Bradshaw
James Davis
John Kubincanek
Mark Mankins
Mark Marchetta

EMS Staff:

John Kennington
Lorrie Laing
Chuck Milam
Linda Mirarchi
Ellen Owens
John Sands
Melissa Vermillion

Outside Members:

Dan Beil – Tri-C
Kevin Edmund – Lakeland Community College
Dave Miller – Cleveland Division of EMS
Chuck Sowerbrower – Sinclair Community College

ACTION: Motion to approve the above listed individuals as members of the Education Committee. Jordan first. Pomerantz second. None opposed. Motion passed.

Ms. Graymire requested committee membership information be posted to the EMS website.

State Medical Director, Dr. Cunningham

Melanie Arum, State Health Alliance Director for the American Heart Association (AHA), was introduced. She said she is new in the position and attended today to introduce herself to the Board members and learn more about EMS. She looks forward to working with members on future projects.

Dr. Cunningham presented two Regional Physician Advisory Board (RPAB) applications for approval. The first one is Dr. Randy Marriott of Region II, who has been the Chair of Region II for quite some time. The second is Dr. Lauren Fredrickson for RPAB Region X.

ACTION: Motion to approve two RPAB membership renewals: Dr. Randy Marriott, Region II, and Dr. Lauren Fredrickson, Region X. Fiffick first. Jordan second. None opposed. None abstained.

The first RPAB Chair meeting will be in March and Dr. Cunningham would like to spend the bulk of that meeting discussing potential avenues for the revision to legislation for the RPAB. She would like to have their opinions by the fall of 2008, when the RPAB rules are scheduled for review.

Last week Dr. Cunningham received an invitation from the Department of Homeland Security (DHS) and the Federal Emergency Management Association (FEMA) to speak with their EMS credentialing and resource typing workgroup. This group has been involved in the management of the federal response of EMAC. They have looked at the flow of finances, but never really considered some of the issues with Medical Oversight. She is not part of the workgroup, but will take part in the discussion. She spoke with Mr. Rucker and Mr. Resanovich, and has received input from a few other state EMS medical directors. If any Board members have any issues they would like brought up to this group, please contact her.

Dr. Cunningham is excited about the Geriatric Triage Trauma report that was released and posted on the EMS website. She has received a significant response of interest from other state medical directors. She received an invitation to speak at the Pennsylvania State EMS Conference in August, 2008, and they specifically want her to discuss what Ohio has done in terms of the research on geriatric trauma and the changes being made in state legislation. Mr. Burgess said Dr. Cunningham being invited to share this information with other states shows we can lead EMS in Ohio and the nation as well.

Principal Assistant Attorney General, Yvonne Tertel

Ms. Tertel said last month she mentioned additional procedural changes might occur and that includes today's Goldman affidavit process. One of the changes is omitting the case review recommendations from the affidavit itself. Ms. Tertel says she wants to keep the testimony separate from the recommendation, and felt it was not appropriate to have the recommendation included in the affidavit. Starting today, and in the future, she will present the case review recommendation to the Board. The affidavit itself will still reflect all the factual information and testimony given by the staff investigator. When the Board goes into deliberation, Dr. Pomerantz will have the written recommendation for referral. This process will be carried forward in an attempt to keep the process moving in a streamlined manner.

Mr. Burgess asked for an update on the caseload backlog. Ms. Tertel said the cases that need tried are due to people being non-responsive, and those are being calendared. No hearings have been held because once the cases are calendared, the case catches the individual's attention and then they begin communicating with the Division, usually resulting in consent agreements.

EMS Staff Legal Counsel, Heather Frient

There are a number of rules to vote on today, but they will be presented later during the Rules Committee report. The rules up for consideration today will be filed in March, a few weeks prior to the Board meeting. She apologized for the late notice in bringing the rules before the Board today, but the Five-year rule review is at the end of March. Based on the filing timeline, there would not have been enough time to file them any other way. The public hearing for these rules will be held in April.

An Executive Order released last week mandates guidelines to follow when drafting rules. The agency needs to contact local businesses that will be affected by any proposed rule changes and keep in mind the challenges they might impose on them. The rules affecting EMTs will probably not be applicable. However, fire rules and rules affecting schools will need to take this additional factor into consideration. Ms. Frient will forward the order to Board members.

Ms. Frient and Mr. Burgess discussed setting aside time at each Board meeting for her to go over general legal issues with the Board, such as updates in public record laws and open meetings. Ms. Frient will have something prepared for presentation next month.

Executive Director's Report, Richard Rucker (Ellen Owens)

Ms. Owens reported \$5,400 was saved by conducting the EMS Board retreat at the BWC Occupational Health & Safety Building as opposed to a state park facility. Mr. Burgess asked if much feedback was received from Board members from the survey Mr. Rucker distributed. Aleta Dodson said Mr. Rucker has received comments, but due to his absence at today's Board meeting due to illness, that information was not available for this Board meeting, but should be for the March meeting.

A letter from Battle Run Fire District and EMS offering thanks for the grant money they received from the Division was distributed.

The 2007 Division of EMS accomplishments were posted to the EMS website.

Effective February 1, 2008, changes in travel reimbursement have been made. A sheet detailing the allowable expenses was distributed.

Education, Lorrie Laing (Linda Mirarchi)

• **Recommendation of Continuing Education Site Approvals**

Initial Approvals

Name	Personnel	Contingencies	County
Scioto Twp Fire & EMS	Program Coordinator Kelly D. Hill Medical Director Brad Cotton MD	None	Ross
Total: 1			

ACTION: Motion to approve the above listed site without contingencies. Holcomb first. Jordan second. None opposed. Motion approved.

Renewals

Approval #	Exp Date	Name	Contingencies	County
1.	1209	3-31-2008	Bluffton EMS	None Allen
2.	1177	11-30-2007	Akron Children's Hospital	None Summit
3	2216	2-16-2008	East Ohio Regional Hospital EMS CE Training Program	None Belmont
4.	2214	2-16-2008	The OSU Med Ct./Center for EMS	None Franklin
5.	2218	2-16-2008	Dayton Heart Hospital	None Montgomery
6.	2211	12-15-2007	Hillsboro Fire & Rescue	None Highland
7.	1196	11-30-2007	Emergency Care Institute	None Franklin
8.	1205	03-31-2008	Little Miami Joint Fire and Rescue	None Hamilton

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9.	2080	03-31-2008	Clayton Fire Department	None	Montgomery
10.	1081	04-30-2007	Madeira and Indian Hills	None	Hamilton
11.	2209	12-31-2007	Good Samaritan Hospital	None	Montgomery
12.	2049	3-31-2007	Newton Township Fire	None	Muskingum
13.	2010	1-30-2008	Clinton Township Division of Fire	None	Franklin
14.	2082	03-31-2008	West Union Volunteer Life Squad	None	Adams
Total:	14				

ACTION: Motion to approve the above listed renewals without contingencies. Dr. Collins first. Holcomb second. None opposed. Motion approved.

Expired or Relinquished Programs: Franklin County Coroner's Office #2078 requested to be inactivated effective 1/24/2008.

2008 Statistics: New Programs – 3 # Certificate of Approvals due to renew in 2008: 157
Renewals – 21 # Certificate of Approvals left to renew in 2008: 145
Reinstatements – 0

Accreditations, Lorrie Laing (Linda Mirarchi)

Accreditation Renewals

Accred #	Exp Date	Name	County	Level(s)	Contingencies	
1.	324	11/30/2007	Summa St. Thomas Hospital Paramedic Education Program	Summit	EMT-I EMT-P	None

ACTION: Motion to approve the above listed renewals without contingencies. Kubincanek first. Jordan second. None opposed. Motion approved.

Ms. Mirarchi entered into the record signed consent agreements for the following accreditation cases:

In the matter of Case #2007-320-308, Collins Career Center, EMT-Basic level; 2007-379-308, Licking County Career and Technical Center, EMT-Basic level; 2007-380-308, Robinson Memorial Hospital, First Responder level; 2007-328-308, Warren County Career Center, EMT-Basic level; 2007-418-308, Owens Community College, First Responder level; 2007-432-308, Lorain County Community College, EMT-Paramedic level; and 2007-399-308, Buckeye Career Center, First Responder.

Mr. Burgess asked if these cases were not included in the Board packet because they came in recently. Ms. Mirarchi confirmed they came in after the Board packet was mailed out. She said she wanted to enter them into the record in order to have a quick turn around.

At the January meeting, Ms. Mirarchi had reported schools in consent agreements decreased from 62 to 41; today there are 39 in consents.

Certifications, John Kennington (Ellen Owens)

ACTION: Motion to ratify the 1,194 active EMS Certifications issued for the period of January 1, 2008 through January 31, 2008. Jordan first. Davis second. None opposed. Motion approved.

ACTION: Motion to approve the request for exemption regarding continuing education for one individual serving on active military duty during the certification period. McNutt first. Dr. Collins second. None opposed. Motion approved.

Firefighter and FSI Committee, Phil McLean (Mark Mankins)

Since the rules went into place in January, eight town meetings were scheduled and four have been conducted. The meetings have averaged over 100 attendees, with nearly 150 at the meeting in Bowling Green. Response overall has been very good. The duration of the meetings have averaged around two hours. Several issues raised include driver training, continuing education (CE), volunteer issues, and fire brigades. At the February Fire Committee meeting, several of these issues were discussed and the committee will work with some organizations to resolve them.

Currently the committee is working on assistant instructor rules. Assistant fire instructors are now required to attend an eight-hour course and take a test. They are working on the content of the eight-hour course. With the new Lectora software, there was discussion about making this course available On-line.

The committee continues to work on the live-burn standard for fire service instructors.

John Sands and Summer Boyer attended the Lectora software training and gave a presentation at the February Fire committee meeting. The committee felt there are a lot of good things EMS and Fire can do with the software.

Data, Tim Erskine

EMSIRS 2 went on-line January 1, 2008, and to date, over 6,000 records have been entered by approximately 150 agencies. There are some bugs that are being worked out. The reception to the program is not necessarily overly positive, but is a lot better than the initial rollout. It has yet to be determined how many agencies were using version 1 direct entry and have yet to start entry in version two.

The validations for the new trauma registry dictionary that align with the National Trauma Data Standard have been finalized.

Education Committee, Jim Holcomb

The committee met on February 6 and approved the continuing education rules. They have been passed to the Rules Committee. Once it gets back from the Rules Committee, it will be presented to the Board for approval.

Potential changes in the curriculum were reviewed and discussed. Chapters 12, 15, 16 17, and 19 have been approved with no changes. They will be examined at a later date along with the scope of practice and national curriculum.

Work has started on the EMT-Intermediate rules Mark Mankins will assign a small group to review the curriculum since the EMT-Intermediate is in the Ohio scope of practice, but is not included in the National EMS Scope of Practice Model. James Davis and the Fire Committee will look at Instructor Rule 18. Most of the committee's time was spent discussing the on-line and distance learning component of the additional training as this is a new rule.

The committee meets again March 27, 2008, and plans on a three or four hour meeting to go over these issues.

EMS-C Committee, Dr. Pomerantz

The EMS-C Survey of Pediatric Pre-Hospital Care Policies and Equipment and the EMS-C Survey of Pediatric Inter-facility Transfer Agreements and Guidelines have been released to select EMS agencies and hospitals. Responses are being returned and will continue through February 29. The surveys will help give the committee data concerning pediatric medical direction and pediatric equipment carried on ambulances, as well as information about hospital practices concerning the transfer of pediatric patients.

The EMS-C Committee has requested data from the EMS Data Center to study trends in pediatrics similar to the recent geriatric trauma study. That information should be available to analyze at the March committee meeting.

The Ohio Injury Community Planning Group (ICPG) met on January 25, 2008, and discussed priority areas for injury prevention programming. The Ohio Department of Health (ODH) is leading this large, interdisciplinary group to coordinate efforts across agency lines and more effectively use data to drive decisions in injury prevention activities. Christy Beeghly is currently the group Chair. The next meeting is March 13, 2008.

Ohio Safe Kids is working with the Ohio Department of Public Safety (ODPS) Legislative Liaison office and local Safe Kids coalitions and chapters to promote child passenger safety, particularly looking at legislation currently in the Ohio House of Representatives concerning booster seat usage. Both the House and Senate have bills on booster seats, so maybe this year legislation will be passed. Ms. Frient discussed these bills, House Bill 320 and Senate Bill 27, with representatives from the National Highway Transportation Safety Agency (NHTSA), the Governors Highway Safety Office (GHSO) and the Ohio Department of Public Safety (ODPS) Legislative Liaison. She believes House Bill 320 will move faster than Senate Bill 27. The issue at hand is whether the bills would be defined as secondary or primary enforcement. If the bills are considered primary, GHSO will stand to receive more grant funding. SB 27 was interpreted by DPS as being secondary. HB 320 was interpreted by DPS as being primary, but according to NHTSA a few changes would need to be made in order for NHTSA to consider it primary for purposes of funding. The legislative liaisons are looking into this issue regarding any potential changes.

Grants Committee, Carl Jordan

Yesterday the committee met and reviewed the current formula on the eligibility indicators. They are considering changing some of them. They were ordered to change the amount of money given to transporting and non-transporting entities. Non-transporting entities will receive a minimum of \$1,500 and transporting agencies will receive a minimum of \$2,500. One of the other changes being considered is putting the per capita information back into the eligibility formula. The committee wants to remove the voluntary versus paid category. The committee still wants to collect the information, but not use it in the grant funding allocation formula.

The impact of grant percentages on budget requests was discussed. Attempts were made to compare this information, but it is difficult to tell how accurate the information is as it fluctuates greatly from year to year. This will be looked at more in-depth. The committee is looking to put in place a different weighting system for the per capita category in the formula.

Any proposed changes will be presented to the Board at the March meeting.

Homeland Security, Mark Resanovich

The committee is working with the Ohio Department of Health (ODH), utilizing their Ohio Public Health Analysis Network (OPHAN) that uses mathematical equations to quickly identify where assets should be moved throughout Ohio based on probability of exposure, population density and hospital density. This system is currently used in flu outbreaks, is currently operational, and available 24/7. This software will be used from the time the initial incident occurs until Emergency Operating Centers (EOCs) become operational.

The ODH CHEMPACK full scale drill has tentatively been scheduled on May 1, 2008. This is an aggressive timeline, but the host city requested that date in order to combine with another drill they are hosting that day. If anyone is interested in being an evaluator during this event should contact Mark Resanovich. The outline of the drill has been submitted and there are four local hospitals that will be participating. The drill must be completed prior to the ODH MOU deadline of June 30, 2008. Once this drill occurs and is analyzed for any necessary changes, the rest of the hospitals in the state will be trained accordingly.

The All-Hazards Committee is reviewing the final draft of the Hospital CHEMPACK prior to submission to the Ohio Department of Health (ODH) in compliance with the memorandum of understanding (MOU). Training of hospitals on the CHEMPACK should begin shortly. The training will be held in each of the Homeland Security regions. The goal is to offer two training sessions per location, one in the morning and one in the afternoon. Due to the limited number of CHEMPACK assets in the state of Ohio, they will need separated. Chicago has a plan where they separate the assets and put them into duffle bags with wheels and color coding to make the loading and separation of assets during an emergency a quicker process. The committee is looking at adopting this plan.

Mr. Resanovich thanked Tom Macklin for all his hard work on this project and Dr. Collins for his leadership in working with this sub-committee. A lot of work has been done in a very short period of time in order to meet the requirements of the MOU.

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Mark Burgess met with Jim Davis, who will now chair the All Hazards sub-committee.

The Tactical EMS (TEMS) workgroup met yesterday for the first time. A lot of different ideas were discussed including organizations that have specific training requirements in place as well as the “three guys and a bag” that are operating in Ohio and the liability that poses for Ohio. Assignments were made after the meeting and a lot of research is going to take place over the next several months to develop a model. Ms. Frient advised the group on how the legislative process would work if new legislation needs to be written.

Since this is a new committee, Mr. Resanovich needs approval from the Board to place these people on the committee. This is not a complete list as other people are still being recruited from the Ohio Chiefs of Police, Ohio Buckeye Association and OPOTA. Below is a list of the current TEMS members:

EMS Board members:

Mark Resanovich – Chair
Dr. Tom Collins
Dr. Carol Cunningham
John Kubincanek
Dr. John Pakiela

EMS Staff:

Heather Frient
Chuck Milam
Ellen Owens
Robert Ruetenik
John Sands

Outside members:

Jeff Bronhite
Bob Ehart
Matt Evanhouse
Gregory Evanovich – Euclid
Howard Mell, MD, MPH - Assistant Professor of Emergency Medicine at The Ohio State University College of Medicine
Ralph Portier
Lt. Steve Rosta – Ohio State Highway Patrol
Dr. Drew Stevens

ACTION: Motion to accept the above listed individuals as members of the Tactical EMS (TEMS) sub-committee of Homeland Security. Resanovich first. Marchetta second. None opposed. Motion approved.

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Medical Oversight, Dr. John Pakiela

The committee's last meeting was in November and the next meeting will be in March. The scope rules were discussed, input was received and that feedback was presented to the Rules committee yesterday.

The committee is continuing work on the inter-hospital transport staffing issue. Dr. Cunningham's article was sent out by Ohio Medical Transportation Board (OMTB) as well.

Rules, William Mallory

Mr. Mallory chaired his first Rules committee meeting and is still getting acclimated. Ms. Frient referred to the handout containing all the rules that were revised and need the Board's approval today. Because 4765-6-04 (the research rule) impacts the scope of practice, other rules with scope of practice in them had to also be revised. Ms. Frient briefly summarized the changes to each rule. For rule 4765-12-04 (First Responders), (B)(2) is new language that refers back to the research rule and basically says that in addition to the scope of practice, other services pursuant to a research study can be performed. Paragraph D clarifies that EMTs whose initial training did not include the procedures in that paragraph must have subsequently received the training approved by the local medical director prior to performing such services. There are other minor revisions that have been presented to the Board in the past.

Similar scope of practice changes have also been included in 4765-15-04 (Basic), 4765-16-04 (Intermediate), and 4765-17-03 (Paramedic).

Chapters 4765-15, 4765-16, 4765-17, and 4765-19 are also due for a five year review concerning curriculum, continuing education and bridge courses. Chapter 19 only needs the continuing education exam, exemption and extension rules reviewed since the general CE rule (including online CE) was amended in December 2007.

ACTION: Motion to accept the rule changes presented today for filing with JCARR and to file the remaining rules in chapters 4765-15, 4765-16, 4765-17, and 4765-19 that are up for the five year rule review with no changes. Davis first. Fiffick second. None opposed. Motion approved.

As a courtesy to the Medical Oversight Committee (MOC), Mr. Davis said a few changes were made yesterday including adding CPAP to the Basic curriculum. Under the Intermediate curriculum, the medications of Valium and Ativan were consolidated into one class of drugs, benzodiazepines. Dr. Pakiela was in agreement with those changes.

Ms. Frient said she will file the rules with JCARR on March 13, 2008, the public hearing will be in April during the Board meeting, and the rules should go into effect in May.

Trauma Committee, Dr. Crow (Tim Erskine)

No report.

Research Committee, Dr. Tom Collins

Dr. Collins reported Dr. Cunningham has recruited members from the Regional Physician Advisory Boards (RPABs) for this committee. The first full committee meeting is scheduled for April and a report will be presented at the April Board meeting. Dr. Collins, Mark Burgess and Tim Erskine will meet to go over guidelines and rules for the committee.

Ms. Tertel brought to the Board's attention there were people in the audience for a Goldman hearing. Due to the weather, the Board might respectfully consider holding the Goldman hearing now instead of adjourning for lunch. Mr. Burgess asked if there were any objections, and there were none.

GOLDMAN PROCEEDINGS

Goldman Proceedings were called to order at 11:02 AM

Roll Call

Mr. Mark Burgess	Here
Mr. James Davis	Here
Ms. Pamela Bradshaw	
Dr. Thomas Collins	Here
Mr. David Fiffick	Here
Ms. Vickie Graymire	Here
Dr. Jonathan Groner	
Mr. James Holcomb	Here
Mr. Carl Jordan	Here
Mr. John Kubincanek	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Ms. Charlene Mancuso	
Mr. Mark Mankins	Here
Mr. Mark Marchetta	Here
Dr. John Pakiela	Here
Dr. Wendy Pomerantz	Here
Mr. Mark Resanovich	Here
Mr. Michael Senter	Here
Mr. William Vedra	Here

A majority of the Board members were present. Two Goldman adjudication proceedings were held for EMS Case Number 2005-428-308, Auburn Career Center, Accreditation Number 302, a renewal application at the Emergency Medical Technician Paramedic level, and EMS Case Number 2005-326-308, Pickaway Plains Ambulance Services, Inc., Approval Number 1239, renewal application.

The Board reviewed evidence, including exhibits and affidavits from EMS investigators and/or staff, associated with the aforementioned cases. Mr. Burgess recognized Principal Assistant Attorney General Yvonne Tertel for the purpose of providing a brief synopsis of each case and the disciplinary action recommended from case review.

Ms. Tertel started with Case Number 2005-428-308, Auburn Career Center. She introduced Doug Daugherty, Director of Adult Education, and Judy Falcone of Auburn Career Center. They are not represented by counsel, so Ms. Tertel has been able to engage in some discussion of the process and status of the case.

The violations that occurred in this particular instance involve a passing rate percentage, failure to demonstrate documentation of in-class practical skills, failure to maintain affiliation agreements, failure to ensure ongoing review and evaluation of instructors, failure to establish an advisory committee which included the program medical director, and failure to provide EMT Paramedic refresher courses in accordance with required objectives, hours, and skill evaluation. The school has not conducted paramedic classes since September 1, 2007. Through case review, the following should be taken into consideration by the Board and urge adoption of this disciplinary recommendation.

The recommendation is to renew the certificate of accreditation (2005) due at the end of August, 2008, but the terms of the recommendation for discipline would carry into the next three-year cycle, expiring in 2011. However, a three-year suspension is requested, with a stay of two years, until compliance of all terms of order are met. One year of active suspension would be imposed from September 1, 2007, through August 31, 2008, with the idea being that the school would not be overly prejudiced since they have not been holding classes in response to our interactions with them, and gives us time to work with them to remedy the issues mentioned earlier. During the suspension, they could not conduct, offer or start any new classes. At the conclusion of the suspension and prior to resuming classes, Auburn will come before the Board and provide a status report. The certificate of accreditation at the paramedic level would be placed on probation, commencing on the journalization of the order and ending August 31, 2011. Throughout this period, current and prospective students would be informed of the terms of the adjudication order. A reprimand would be issued, and within 60 days of the order, Auburn would evaluate its current program, develop an education improvement plan, provide a plan addressing the violations to the Board in a format approved by the Division of EMS, and be required to submit semi-annual reports to the Division. Auburn would be subject to mandatory yearly on-site reviews by Division personnel and obey all local, state and federal laws. Those are the terms of the recommendation that Case Review has vetted and feels appropriate.

Ms. Tertel then presented the second case, EMS Case Number 2005-326-308, Pickaway Plains Ambulance Services, Inc., Approval Number 1239, renewal application. Pickaway failed to meet their requirements for renewal of certificate of approval, specifically ensure all continuing education programs were provided or taught by certified instructors, failed to maintain records for each continuing education program offered, and failed to ensure all continuing education programs offered were developed under the direction of a physician specializing in emergency medicine. The recommendation is to deny their renewal application.

Mr. Burgess asked for a motion to admit the sworn affidavits and the accompanying exhibits into evidence.

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ACTION: Motion to admit the sworn affidavits and the accompanying exhibits in the aforementioned cases (2005-326-308 and 2005-428-308) into evidence. Jordan first. Mankins second. None opposed. Motion approved.

Ms. Tertel wanted to make the Board aware that a new affidavit was circulated for the Pickaway Plains case. The one sent in the board packet had technical errors in the exhibit listing and those were corrected. The substance of the new affidavit remains the same.

There being no further evidence to come before the Board, the Goldman Proceedings were closed at 11:13 AM

Mr. Burgess asked for a motion to deliberate on the sworn affidavit and exhibits. He noted that a written copy of the board's decision will be mailed to the respondent.

ACTION: Motion to go into private session for the purpose of quasi-judicial deliberations on the aforementioned cases by roll call vote at 11:13 AM Pomerantz first. Pakiela second. None opposed. Motion approved.

Roll Call

Mr. Mark Burgess	Here
Mr. James Davis	Here
Ms. Pamela Bradshaw	
Dr. Thomas Collins	Here
Mr. David Fiffick	Here
Ms. Vickie Graymire	Here
Dr. Jonathan Groner	
Mr. James Holcomb	Here
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Mr. Mark Resanovich	Here
Mr. Michael Senter	Here
Mr. William Vedra	Here

*****Board returned from private session at 11:38 AM*****

ACTION: In the matter of EMS Case Number 2005-428-308, Auburn Career Center's renewal application at the Emergency Medical Technician Paramedic level, Accreditation

Number 302, the Board finds that Auburn Career Center failed to meet the requirements for renewal of the Certificate of Accreditation. Specifically, Auburn Career Center violated Ohio Revised Code § 4765.18(A) and Ohio Administrative Code §§ 4765-7-07(C)(3), 4765-17-01(D), 4765-7-02(A)(5), 4765-7-02(A)(1)(b), 4765-7-02(A)(4), and 4765-17-01(C) and (D).

Therefore the Board moves to impose the following disciplinary sanctions:

- 1. Auburn Career Center's certificate of accreditation at the paramedic level shall be renewed; however this certificate shall be suspended for a period of three years.**
 - o Two years of the suspension shall be stayed and held in abeyance until full compliance of all terms of the Board's Adjudication Order. One year of active suspension will be imposed from September 1, 2007 through August 31, 2008.**
 - o During the period of active suspension, Auburn Career Center shall not start, conduct, or offer any new classes at the paramedic level; in addition, it shall not promote its paramedic training program until approved by the Board.**
 - o Prior to the conclusion of the suspension, and prior to resuming training, Auburn Career Center shall appear before the Board to provide a status report on progress in correcting program deficiencies.**
- 2. The Certificate of Accreditation at the paramedic level shall be placed on probation.**
 - o The probation period shall commence upon journalization of the Adjudication Order by the Board and shall run throughout this and the next accreditation cycles, ending August 31, 2011.**
 - o Throughout the period of probation, Auburn Career Center shall inform all EMT students and prospective EMT students, of the terms of the Adjudication Order.**
- 3. Auburn Career Center shall be reprimanded.**
- 4. Within sixty (60) days of the journalization of the Adjudication Order, Auburn Career Center shall evaluate its current program of instruction and operation, develop an educational improvement plan, and provide this plan in a format approved by the Board to the Division of EMS. The educational improvement plan must address all violations set forth in the Adjudication Order.**
- 5. Auburn shall submit semi-annual reports to the Division throughout the period of probation, to include progress of the educational improvement plan.**
- 6. Auburn Career Center shall be subject to mandatory yearly on-site reviews by the Division of EMS.**
- 7. Auburn Career Center shall obey all federal, state, and local laws, as well as all laws and rules governing the certificate of accreditation to operate training programs in the State of Ohio.**

Any violation of the terms of the adjudication order shall result in the issuance of a notice of opportunity for hearing for revocation of Auburn Career Center's Certificate of Accreditation. Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

ACTION: In the matter of EMS Case Number 2005-326-308, Pickaway Plains Ambulance Services, Inc., Approval Number 1239, renewal application, the Board finds

that Pickaway Plains Ambulance Service, Inc., failed to meet the requirements for renewal of the Certificate of Approval, specifically, failed to ensure all continuing education programs provided were taught by appropriately certified instructors, failed to maintain records for each continuing education program offered, and failed to ensure all continuing education programs offered were developed under the direction of a physician who specializes in emergency medicine, for continuing education classes for which Pickaway Plains Ambulance Services, Inc., had issued certificates of completion during the approval cycle August 1, 2002 – July 31, 2005. Accordingly, Pickaway Plains Ambulance Services, Inc., violated Ohio Revised Code § 4765.18(A) and 4765.16(A) and Ohio Administrative Code §§ 4765-7-09(B)(3) and 4765-7-09(C)(1)(2)(3) and (4); therefore the Board moves to revoke and deny Pickaway Plains Ambulance Service’s renewal application for a certificate of approval. Pomerantz first. Marchetta second. Fiffick and Holcomb abstained. None opposed. Motion approved.

*******Lunch 11:44 AM – 12:15 PM*******

ACTION: Motion to go into Executive Session for the purpose of discussing proposed disciplinary action against certificate holders which is pending or imminent court action under Revised Code 121.1.22(g)(3) and involves matters that are to be kept confidential under Revised Code 4765.102(b) at 12:15 PM. Jordan first. Collins second. None opposed. Motion approved.

Roll Call

Mr. Mark Burgess	Here
Mr. James Davis	Here
Ms. Pamela Bradshaw	
Dr. Thomas Collins	Here
Mr. David Fiffick	Here
Ms. Vickie Graymire	Here
Dr. Jonathan Groner	
Mr. James Holcomb	Here
Mr. Carl Jordan	Here
Mr. John Kubincanek	Here
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Ms. Charlene Mancuso	
Mr. Mark Mankins	Here
Mr. Mark Marchetta	Here
Dr. John Pakiela	Here
Dr. Wendy Pomerantz	Here
Mr. Mark Resanovich	Here
Mr. Michael Senter	Here
Mr. William Vedra	

*******Board returned from Executive Session at 12:29 PM *******

ACTION: In the matter of EMS Case No. 2008-8-308, the Board moves to renew the EMT-Intermediate accreditation contingent upon submission, in writing, within sixty (60) days and prior to starting a new class, a plan for ensuring student records will include documentation of in-course skill evaluations. Further move to issue a Notice of Opportunity for Hearing at the First Responder, EMT-Basic and EMT-Paramedic levels, and authorize the Assistant Attorney General to negotiate a Consent Agreement. Pomerantz first. Jordan second. None opposed. Holcomb, Fiffick abstained. Motion approved.

ACTION: In the matter of EMS Case No. 2007-329-308, the Board moves to authorize the Assistant Attorney General to negotiate a Consent Agreement. Pomerantz first. Jordan second. None opposed. Holcomb, Fiffick abstained. Motion approved.

2006-100-305	2007-442-102
2007-192-101	2007-477-304
2007-315-302	2008-6-304
2007-362-102	

ACTION: Motion to accept the Consent Agreements for the above listed cases. Pomerantz first. Jordan second. None opposed. Holcomb, Fiffick abstained. Motion approved.

2007-125-602	2007-445-201
2007-284-101	2007-457-101
2007-297-101	2007-459-101
2007-309-406	2007-476-401
2007-367-101	2008-16-101
2007-436-401	

ACTION: Motion to close the above listed cases. Pomerantz first. Jordan second. None opposed. Holcomb, Fiffick abstained. Motion approved.

2003-225-101	2005-114-304
2004-279-102	2005-149-304
2005-4-101	2005-182-304
2005-35-101	

ACTION: Motion to close the above listed cases. The individuals have met the stipulations in their Consent Agreements. Pomerantz first. Jordan second. None opposed. Holcomb, Fiffick abstained. Motion approved.

2006-256-102	2007-382-305
2007-281-101	2007-448-101
2007-359-305	

ACTION: Motion to issue Notices of Opportunity for Hearings for the above listed cases. Pomerantz first. Jordan second. None opposed. Holcomb, Fiffick abstained. Motion approved.

2007-94-101	2008-12-305
2007-385-101	2008-13-101
2007-404-101	2008-14-101
2007-412-304	2008-15-305
2007-454-102	2008-20-101
2007-462-305	2008-23-305
2007-463-305	2008-30-101
2008-1-305	2008-36-101
2008-3-305	2008-38-101
2008-4-101	2008-40-305
2008-7-304	2008-41-101
2008-10-305	2008-42-101
2008-11-305	

ACTION: Motion to close the above listed cases for 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. Pomerantz first. Jordan second. None opposed. Holcomb, Fiffick abstained. Motion approved.

OLD BUSINESS

Dr. Collins said the American College of Emergency Physicians (ACEP) Star of Life award deadline for nominations is February 29, 2008. He encouraged Board members to make nominations and asked the staff to notify the Regional Physicians Advisory Board (RPAB) Chairs as well.

Dr. Collins noticed the Board packet contained several statistical reports from the National Registry. One sheet included the Ohio first time pass rate for 2007 for paramedics comparing nationally accredited training institutions to those that are not.

Ellen Owens said after the January 2008 retreat, Mr. Rucker had requested information regarding the National Registry study showing the difference between pass rates of nationally accredited and non-nationally accredited programs, specifically training programs in Ohio. These reports are what the National Registry provided to us. Ms. Owens cautioned that when looking at these, keep in mind the National Registry stats did not differentiate between approved first attempts versus people who missed the first attempt. When the computer adapted testing conversion occurred, they reset the computers, so the data might include someone who tested four times on pen and paper test, but the computer adapted testing might only show them as testing once.

Dr. Cunningham said the Board still needs to hear from NHTSA and National Registry as to what qualifies as a nationally accredited program. The draft of the education standard says “CoAEMSP accreditation or equivalent”, but that has yet to be defined. After discussion, it was decided Dr. Cunningham will draft a letter to both the National Registry and NHTSA asking for clarification. Mr. Davis recommended that after their response is received, the Board hold an open session for the programs to address their concerns. Ms. Owens said there are only five nationally accredited schools for the paramedic program in Ohio. Mr. Senter said part of his issue is not whether the schools are accredited or not, but if it might exacerbate the problems in southern Ohio who are already having trouble getting qualified EMTs. The Board requested staff provide a geographic chart showing nationally accredited schools in Ohio that offer the paramedic program.

Dr. Pakiela said to remember if the Board does not go along with the National Registry, the state will have to administer and fund testing. Mr. McNutt said his issue is the five-year timeline and how this will impact every department in the state of Ohio who has paramedics. Dr. Cunningham said she spoke with Randy Kuykendall of Council on Accreditation (CoAEMSP) who said they were not consulted in the National Registry decision before NREMT agreed to mandate a five-year deadline for the national accreditation requirement for paramedics. He is concerned they will not have enough staff to handle the additional accreditation process for the significantly increased number of new programs applying to CoAEMSP to comply with NREMT’s national accreditation requirement.. Mr. Burgess said the National Registry’s decision to only test paramedics who attended nationally accredited sites needs to be kept on the page if the Board is going to do something regarding this issue. Dr. Pakiela recommended this item be kept on the agenda.

NEW BUSINESS

Mr. Burgess said one of the Board’s goals for 2008 is to continue improving service to customers. It was determined every month, the Board will review its position papers. There are approximately twelve, so one will be reviewed every month to see if they are current or need revisions. This month, the *Policy on EMS Provider Pre-Hospital Transport of Patients with Pre-Existing Medical Devices or Drug Administration* is being reviewed. Dr. Pakiela said it is acceptable as written, but needs to specify “not for inter-office transfer”. Dr. Cunningham said the last sentence before the conclusion addresses it. Dr. Pakiela said it is implied, but needs to be more specific. Mr. Burgess said the Medical Oversight Committee (MOC) is reviewing this and for now, is valid as it stands. The MOC will bring information about it back to the Board.

Additional discussion was held concerning the annual Ethics Financial Disclosure form that Board members need to file. Mr. Burgess said each member will receive a report on their expenses in 2007 from Diane Walton via e-mail. Ms. Frient said there was a problem with the forms last year, but it was not in regard to how the forms were filled out. While waiting for all Board members to turn their forms in, the Division of EMS did not meet the filing deadline. Ms. Frient wrote a letter to the Ethics Commission requesting the associated fines be waived; she has not heard a decision yet from the Commission. Mr. Fiffick asked if all investments they have need to be listed on Questions 7 and 8. Ms. Tertel said you do not have to list the amount with the exception of each investment that is over \$1,000 in value. Ms. Frient asked Ms. Dodson if Mr. Rucker indicated where the forms should be turned in, and Ms. Dodson believes they should

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be turned in to the Division. The deadline is April 15, 2008 and Board members can turn forms in at the March Board meeting. The question was raised if a friend buys you dinner, must you disclose that, or is it only if they do business with the state of Ohio? Ms. Frient will look into the definition of gifts in more detail and e-mail the Board members with her findings. Ms. Frient said if there are additional questions, please contact her.

ADJOURNMENT

ACTION: **Motion to adjourn.** Pomerantz first. Fiffick second. None opposed. Motion approved.

The meeting adjourned at 1:00 PM