

FINAL

**STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
March 18, 2009**

Chaired by Mark Burgess

Board Meeting Date and Location: March 18, 2009, Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223

Board Members in Attendance: Ms. Pamela Bradshaw, Dr. Thomas Collins, Dr. Deanna Dahl-Grove, Mr. James Davis, Mr. David Fiffick, Ms. Joyce Fischer, Ms. Vickie Graymire, Dr. Jonathan Groner, Mr. James Holcomb, Mr. John Kubincanek, Mr. William Mallory, Mr. Mark Marchetta, Mr. Daryl McNutt, Dr. John Pakiela, Dr. Wendy Pomerantz, Mr. Mark Resanovich, Mr. Craig Self, Mr. William Vedra

Board Members Absent: Mr. William Quinn

Staff Members Present: Alan Boster, Dr. Carol Cunningham, Aleta Dodson, Tim Erskine, Thomas Gwinn, John Kennington, Carol Palantekin, Thomas Macklin, Chuck Milam, Linda Mirarchi, Sue Morris, Doug Orahood, Ellen Owens, Richard Rucker, Bob Ruetenik, John Sands, Joe Stack, Yvonne Tertel, Melissa Vermillion, Diane Walton

Guest and Public Attendance: Thomas Ullom, Westerville Division of Fire

Mr. Burgess called the March 18, 2009 meeting to order at 10:01 AM.

Roll Call

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

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Mr. Craig Self Here
Mr. William Vedra Here

REVIEW AND APPROVAL OF THE FEBRUARY 18, 2009 EMS BOARD MINUTES

ACTION: Motion to approve the February 18, 2009 EMS Board minutes. Marchetta first. Pomerantz second. None opposed. Motion approved.

OPEN FORUM

Mr. Tom Ullom, Westerville Division of Fire, addressed the Board regarding the firefighter certification renewal deadline and expressed concern not enough was done to contact non-affiliated firefighters who might not know their cards expire February 24, 2009 [*NOTE: deadline date was January 24, 2009*]. He said local schools did not notify students about the renewal deadline. He wanted to know if there is an opportunity to deal with this challenge and if there a desire to do so. He asked the Board to consider how many others will apply to a fire department only to discover their card is expired. Mr. Ullom does not believe this was the intent of the change and was wondering if there was a way to rectify this situation.

Mr. Burgess said the Board undertook this very seriously and will work through this with the Fire committee as things progress. He assured Mr. Ullom the Board does look at things within the rules and considers what is best for certificate holders, communities, and citizens. He thanked Mr. Ullom for his time. Board members requested a written copy of the letter that Mr. Ullom provided to Ms. Dodson.

*******Ms. Graymire arrived at 10:04 AM *******

STAFF REPORTS

Chair's Report, Mark Burgess

Mr. Burgess reminded members they are required to attend an Ethics course this year and need to sign up to attend one of the scheduled classes.

The Board is reforming the Legislative Committee which Mr. Quinn will chair. Mr. Burgess asked all committee chairs to prepare updated rosters and notify him and Ms. Dodson of any changes in membership. Each Board member received a three-ring binder which can easily facilitate roster updates.

State Medical Director, Dr. Cunningham

Dr. Cunningham recommended appointing two individuals to the Regional Physicians Advisory Board (RPAB): Dr. Tammy Parker, Region III, and Dr. Howard Dickey-White, Region X.

ACTION: Motion to approve appointing the following to the Regional Physicians Advisory Board (RPAB): Dr. Tammy Parker, Region III, and Dr. Howard Dickey-White, Region X. Pomerantz first. Marchetta second. None opposed. Motion approved.

Dr. Cunningham received an email from Kevin McGinnis regarding the federal bill HR 978, Helicopter Medical Services Patient Safety, Protection and Coordination Act. She will forward

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the e-mail to Ms. Dodson to forward to Board members and encouraged them to contact their house members to support the bill.

She said Laura Tiberi, Executive Director of the Ohio American College of Emergency Physicians, reported that a bill will be proposed to the Ohio House regarding immunity for physicians responding to disasters. A draft of the bill was distributed to Board members.

*******Dr. Groner arrived at 10:15 AM *******

While at the National Association of EMS Physicians (NAEMSP) meeting, Dr. Cunningham saw a poster regarding an abstract published out of the University of Rochester challenging Ohio's geriatric triage findings. Dr. Cunningham and the Trauma Committee asked her to draft a rebuttal to be submitted to the magazine. The abstract was published in the *Prehospital Emergency Care* magazine's January/March 2009 issue. She distributed the draft rebuttal and requested Board review and approval.

ACTION: Motion to approve rebuttal to be submitted to the *Prehospital Emergency Care* magazine. Pomerantz first. Marchetta second. None opposed.

Dr. Cunningham will speak at the Ohio Ambulance Medical Transportation Association conference June 11th and the Ohio Fire Chiefs' Association conference on July 24th. In April she will attend a Homeland Security meeting as part of their EMS Steering Committee regarding EMS medical direction in fire-based services and give a brief discussion on what Ohio has done regarding fire-based testing and certification.

Principal Assistant Attorney General, Yvonne Tertel

Ms. Tertel reported three hearings will take place over the next several weeks. She gave a brief synopsis of the process for the new Board members. Ms. Tertel estimates the report and recommendations will probably be submitted to the Board in June or July.

EMS Staff Legal Counsel, Heather Frient

There was no report given as Ms. Frient was out of the office.

EMS Legislative Liaison, John Lang/Tonia Fitros

Ms. Dodson reported Senate Bill 66, providing benefits to survivors of volunteer firefighters killed in the line of duty, has been reintroduced in the new legislature and has been assigned to the Insurance, Commerce and Labor committee.

Mr. Rucker reported the entire Department of Public Safety (DPS) budget was removed from the Transportation bill and moved into House Bill 1, which is the general revenue fund. Mr. Rucker said the primary seatbelt bill and speed cameras in construction zones were removed altogether and not introduced elsewhere. He will update the Board on future developments.

Mr. Rucker reported Chief Bates, Ohio Fire Chiefs' Association legislative liaison, said there is an amendment in the budget that requires paramedics to draw blood for law enforcement OVI purposes. Mr. Rucker wanted to let the Board know about this since the Board already has taken

the position this is not an emergency event. Dr. Collins asked Mr. Rucker to send the amendment information to Board members.

Executive Director's Report, Richard Rucker

Mr. Rucker reintroduced the discussion on requiring background checks prior to issuing certifications and wanted the Board's opinion on looking into legislation. He provided a list of sixteen state licensing boards required by HB 104 to carry out criminal record checks on certain license applicants. Mr. Rucker said this issue had been presented to the Board several years ago, but due to concerns over volunteer recruitment and retention issues, decided not to require background checks. Mr. Davis asked what it would take to open the bill back up and include EMS in it. Ms. Vermillion said this would be new legislation as the other bill has been in effect for two years. Mr. Davis said it could be written into rules and Mr. Rucker said it could be included with future TEMS legislation.

Members discussed issues including the fact that some schools, agencies, and hospitals require BCI and/or FBI checks. Applicants may have to pay twice for a background checks since the Board cannot force schools or agencies to forward this information to them. Ms. Vermillion said the cost of BCI checks varies from \$20 using the BCI web check, but county agencies providing them can attach additional fees. Ms. Bradshaw said her school will accept a BCI check less than a year old that is submitted to them from another agency on behalf of the student, but will not accept it directly from the student.

Mr. Fiffick asked what would happen if the report came back with charges from ten or twenty years ago. Mr. Rucker said nothing would change except that it might keep some people who do not honestly report their convictions from slipping through the cracks and getting certified.

ACTION: Motion to proceed instituting the requirement of criminal background checks on applicants prior to issuing EMT and Fire certifications. Fiffick first. Davis second. None opposed. Motion passed.

Mr. Rucker distributed a draft of a proposed position statement on Ohio Senate Bill (SB) 129 he and Mr. Burgess prepared for the Board's review and approval.

ACTION: Motion to approve the position paper regarding SB 129. Pomerantz first. Marchetta second. None opposed. None abstained. Motion passed.

Mr. Rucker will have the position paper posted to the EMS website and put in the next quarterly issue of the SIREN newsletter.

Mr. Rucker reminded Board members they need to submit their travel reimbursement forms within thirty days of the event to ensure they are reimbursed.

Mr. Rucker presented a letter he received from Mr. Westerfield expressing dissatisfaction with rule 4765-8-15 (reciprocity) and the response from Tonia Fitros, DPS Legislative Liaison, to Board members. Mr. Kennington gave Board members an overview of the reciprocity process. He said there is a packet available on the website for each level for the individual to access.

They have to be certified in a state, have a current National Registry card for the certificate level they are seeking reciprocity for, fill out the application and verification of EMT status forms (which is sent to each state they have certification in), and need to complete a criminal history form. Any training they lack would need to be made up (only applicable in the Basic and Intermediate levels). Mr. Kennington said in most cases, it is an advanced airway course. If the individual has a current National Registry card, they do not have to take the test. If they don't have one, they would have to take the National Registry exam. Mr. Davis sees this as a long term recruitment issue and recommended it be forwarded to the Recruitment and Retention committee for review. The committee will draft a proposal for the Board on any changes they feel need made.

Education, John Sands

Accreditations

Accred #	Exp Date	Name	County	Level(s)	Contingencies
323	12/31/2008	Parma Community General Hospital	Cuyahoga	FR, EMT-B, EMT-I, EMT-P	None

ACTION: Motion to approve the above listed renewal accreditation site(s) without contingencies. Marchetta first. Pomerantz second. None opposed. Motion approved.

Mr. Sands reported there were no initial or off-site requests.

2009 Statistics to Date:	Total Accredited Institutions to Date - 95	Accredited Institutions Renewed to Date - 4
	Total Certificates of Accreditation - 276	Initial Accredited Institutions to Date - 1
	Accredited Institutions Expiring - 37	Additional EMS Level Accredited - 0
		Accredited Institutions Reinstated - 0
		Accredited Institutions Inactivated - 0

Certificates of Approval

Initial Approvals

Name	Personnel	Contingencies	County
LifeFleet Ambulance Training Center	Program Coordinator – Deb Felger Sr. Medical Director – Philip Harrison, D.O.	None	Mahoning

ACTION: Motion to approve the above listed certificate of approval initial request with no contingencies. Marchetta first. Pomerantz second. None opposed. Motion approved.

Renewals

Approval #	Exp Date	Name	Contingencies	County	
1.	2251	03-15-2009	Apple Creek F.D. Emergency Medical Services	None	Wayne
2.	1294	03-31-2009	Defiance County EMS Council	None	Defiance
3.	1263	11-30-2008	Delphos Fire & Rescue	None	Allen
4.	1279	03-31-2009	Tallmadge Fire Dept	None	Summit
5.	2252	03-15-2009	Christiansburg Fire Co.	None	Champaign
6.	2130	03-31-2009	Delaware Division of Fire	None	Delaware
7.	1270	11-30-2008	ProMedica Transportation Network	None	Lucas
Total: 7					

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ACTION: Motion to approve the above listed certificate of approval renewal(s) with no contingencies. Marchetta first. Pomerantz second. None opposed. Pakiela Abstained #4. Motion approved.

Mr. Sands said #1068 Fayette County Emergency Medical Services canceled their continuing education program due to their EMS being acquired by a hospital organization.

2009 Statistics:	New Programs – 2	# Certificate of Approvals due to renew in 2009: 97
	Renewals – 22	# Certificate of Approvals left to renew in 2009: 76
	Reinstatements – 0	

Certifications, John Kennington

ACTION: Motion to approve the request for extension(s) processed for the period February 1, 2009 through February 28, 2009. Bradshaw first. Pomerantz second. None opposed. Motion approved.

ACTION: Motion to approve the requests for exemptions regarding continuing education for four individuals serving on active military duty during the certification period. Pomerantz first. Kubincanek second. None opposed. Motion approved.

ACTION: Motion to ratify the 1,295 active EMT Certifications issued for the period of February 1, 2009 through February 28, 2009. Marchetta first. Collins second. None opposed. Motion approved.

Mr. Kennington said Ohio Senate Bill (SB) 61 was introduced requiring no fees for certificates or licenses for military veterans during the first six months after discharge. He said this bill will not impact EMS as no fee is charged.

COMMITTEE REPORTS

Data, Tim Erskine

Mr. Erskine said there was no report.

Education Committee, James Holcomb

Mr. Holcomb said the committee did not meet, but the ad hoc committees for all EMT levels are working on reviewing curriculum for changes and updates based upon the new National EMS Education Standards.

EMSC Committee, Dr. Wendy Pomerantz

The Pediatric Preparedness for Emergency Departments' workgroup is preparing a white paper on the topic to present the EMSC project to the Ohio chapter of American College of Emergency Physicians and the Ohio Hospital Association.

The EMSC National Resource Center is holding a webinar on Thursday, March 26th to discuss the efforts to update the AAP/ACEP Joint Guidelines for Pre-Hospital Equipment. This is the list of equipment used as the basis for Performance Measure #66B as well as the Ohio EMS Agency Survey.

Ohio EMSC will mail information from the Ohio EMS Agency Survey and the Ohio EMS Pediatric Guidelines and Procedures Manual to Ohio EMS agencies and medical directors to try to improve the survey results that indicated only 69% of BLS ambulances have off-line pediatric medical direction available at the scene of an emergency.

All of the EMSC workgroups will hold conference calls in April.

The Health Resources and Services Administration have approved Ohio's EMSC grant application for the 2009-2012 period.

EMSC is looking at partnering with local Kiwanis groups to promote pediatric trauma using an "adopt a hospital" or "adopt a squad" program to assist in receiving donated pediatric equipment.

Firefighter and FSI Committee, Phil McLean (Doug Orahood)

The ad hoc committee working on the National Fire Protection Association (NFPA) 1403 live burn standard for instructors will hold two meetings with instructors and programs to receive input on how proposed changes will impact them.

The FFSI committee is developing an instruction resource page for the EMS website where instructors can post their training programs online to share with other instructors and CE sites. Mr. Orahood and Ms. Mirarchi will review the courses submitted. He anticipates the webpage will be ready by May 1, 2009.

Homeland Security Committee, Mark Resanovich

The Homeland Security committee and TEMS subcommittee did not meet due to the national accreditation afternoon presentation. Mr. Resanovich requested Board members serving on HLS and TEMS to let him know if they still plan on participating as he is updating the rosters.

Medical Oversight Committee, Dr. John Pakiela

Dr. Pakiela presented the Burden of Stroke results. The committee recommended the Education committee review stroke related protocols and emphasize the time critical nature. Dr. Cunningham will work with the Regional Physicians Advisory Board (RPAB) to put this into the state guidelines.

Questions about whether it is appropriate for paramedics to be called to establish or replace IV catheters or other such medical devices at extended care facilities have been raised. The committee believes this is not an emergency and outside the scope of practice. Dr. Cunningham will prepare an article on this for the SIREN and EMS website addressing the issue. Board members discussed that many extended care facilities might transport patients to hospitals if not allowed to call them to initiate IVs. Paramedics could be independently contracted by extended care facilities to provide such services. The authority to dispatch an EMS provider to the facility would be with the local department or agency. If a paramedic is initiating the IV and there are complications, it is a liability issue for the agency.

The committee is addressing the issue of complaints that providers are not leaving EMS charts at the patient bedside after transport to hospitals. Unless a law change is made, the EMS Board has

no authority on this issue. The committee will draft a white paper addressing this as a continuity of care issue and define what minimum information must be left with the hospital. Dr. Pakiela requested Board members submit language they would like included in the position paper to him.

Recruitment & Retention Committee, Daryl McNutt

The committee referred an issue regarding EMT-I to EMT-P course credit to the Education Committee. Even though the law says schools “may give credit”, most are not doing so. Mr. Holcomb believes it is the option of the school, but the Education committee will review it.

Mr. McNutt said they posted a request on the website for additional information and have not received anything. He said Mr. Stack will put a notice in the SIREN requesting links and materials for their website.

Mr. McNutt will meet with Ohio Representative Wagner regarding HB 66 that proposes providing benefits to families of volunteer firefighters who were killed in the line of duty.

Research & Grants Committee, Dr. Tom Collins

There was no meeting this month.

Rules Committee, William Mallory (Jim Holcomb)

The committee presented the following amended rules to the Board for review and recommendation on final filing with the Joint Committee on Agency Rule Review (JCARR): 4765-8-01 (certificate to practice); 4765-8-15 (reciprocity); 4765-18-08 (reinstatement for EMS instructor); 4765-18-13 (fire instructor seeking EMS Instructor); and 4765-19-03 (extension). In addition, the following new rules were presented for review and recommendation on final filing with JCARR: 4765-6-03 (additional services in a declared emergency) and 4765-6-05 (exposure to a nerve or organophosphate agent).

ACTION: Motion to approve the above listed rules for filing with JCARR. Holcomb first. Pomerantz second. None opposed. Motion approved.

Additionally, amended rules previously approved in January will be sent to JCARR for filing at the same time: 4765-2-04 (public notice of rules adoption/rescission); 4765-15-03 (EMT-basic continuing education); 4765-16-03 (EMT-intermediate continuing education); and 4765-17-02 (EMT paramedic continuing education).

Trauma Committee, Dr. John Crow (Tim Erskine)

The Ohio Department of Health (ODH) appointed Forrest Smith, MD, Senior Epidemiologist, as the new liaison to the Trauma committee.

The over/under triage workgroup is working on creating a definition of what is over triage and what is under triage, but a lack of robust data sources is impeding their progress. One of the limitations of the Ohio Trauma Registry is the 48-hour rule where only records of patients who were admitted to hospitals for 48 hours or more are sent to the Trauma Registry. The reconsideration of the 48-hour rule is being referred to the registry subcommittee to review factors affecting the ability of hospitals to collect and send data on stays of less than 48 hours.

It has been identified that some emergency departments are using the EMS field triage criteria which could contribute to over-triage. As the EMS Board has no hospital jurisdiction, they have requested the Ohio Hospital Association to help rectify this situation with their membership by creating guidelines for secondary triage (when a trauma victim is triaged in the hospital Emergency Room to determine whether they need to go to a higher level trauma center). The Ohio chapter of the American College of Emergency Physicians will assist on this project.

A year ago, the model trauma system planning and evaluation was completed. The committee is working on creating a state trauma plan based on the weaknesses and deficiencies found in the evaluation. A format has been chosen to create the plan. They are working on inserting the weaknesses and strategies to overcome them and making them Ohio-specific. Mr. Erskine said this will be a long term project.

Mr. Erskine reported Ohio has two new trauma centers: Fisher-Titus Medical Center in Norwalk, Huron County, and Firelands Regional Medical Center in Sandusky, Erie County. Both have provisional Level III status. Mr. Burgess asked for clarification in the difference in the trauma center levels. Level I is responsible for providing all levels of trauma care from injury prevention, acute care, rehabilitation, provide trauma research, and act as regional resource center. Level II provides comprehensive trauma care and acts as regional resource center when there is no Level I facility. Level III has limited resources and transport to Level I or II facilities may be necessary. Level IV has a 24-hour emergency department with good transfer agreements. Mr. Erskine said 60% of injured patients taken to a Level III trauma center remain there.

Mr. Erskine reported the Center for Disease Control's field triage guidelines were released around the same time Ohio released their modified field triage criteria. These will be reviewed on a side-by-side comparison to determine any changes advisable in Ohio's field triage criteria.

Mr. Erskine attended several continuing education courses on geriatric triage and found instructors need more guidance on the issue. He will work with the education staff to create a document to address this.

National Accreditation Committee, Mr. Mark Burgess

The committee attended a presentation from PSI, a company providing testing in Ohio and other states for a variety of licenses as an alternative to National Registry. The committee will look at options available and use information from yesterday's meeting to assist in decision making.

Mr. Burgess recommended two individuals be appointed to the committee, Mark Marchetta and Scott Martin. As a program director from an accredited site, he believes Mr. Martin's viewpoint will be important to keep the committee diverse.

ACTION: Motion to approve Mark Marchetta and Scott Martin to the National Accreditation committee. Burgess first. Pomerantz second. None opposed. Motion approved.

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OLD BUSINESS

Mr. Burgess said the Board continues to move forward addressing the national accreditation issue.

NEW BUSINESS

Mr. Burgess recommended appointing Mr. Bob Bates, Ohio Fire Chiefs' Association legislative committee member, to the EMS Board's Legislative committee.

ACTION: Motion to appoint Bob Bates to the Legislative committee. Resanovich first. McNutt second. None opposed. Motion approved.

Mr. Sands said the online Ohio trauma triage course is being converted to Lectora® and will hopefully be online soon. The CHEMPACK course is online and over 100 individuals took the course during the first week it was available.

Mr. Sands presented ten revised Division forms for review and approval.

ACTION: Motion to approve the above ten Division forms. Resanovich first. Pomerantz second. None opposed. Motion approved.

Ms. Mirarchi provided an updated Power Point presentation showing the total responses and percentages to questions regarding the national accreditation survey. The survey was open to all 40,000 certified EMS providers and only 356 responded. Of those respondents, 68 identified themselves as holding a National Registry card, which was only 20% of the respondents (25 EMT-Basic, 10 EMT-Intermediate, and 33 paramedics). Only 13% of the paramedics were nationally registered and Ms. Mirarchi said this percentage is significantly lower than the 68% the National Registry reports of Ohio paramedics who retain their national accreditation. 82% of nationally registered and 65% of those not nationally registered said it would be a disadvantage if they could not be certified as a paramedic elsewhere in the U.S. Ms. Mirarchi said that is a statistically significant number.

Ms. Mirarchi also distributed copies of a survey created to gather input from program coordinators regarding the impact national accreditation could have on their programs. The survey contains twenty questions and allows for additional comments. She distributed a map identifying the location of Ohio paramedic programs by county.

Ms. Bradshaw provided results from the survey that the Ohio Instructors group completed regarding national accreditation. Schools listed in red are nationally accredited and ones in blue completed the survey. Out of 53 schools, 25 responded. Sixteen of those responding plan to become nationally accredited. The six schools who do not plan on becoming nationally accredited are Belmont Tech, City of Cleveland Public Safety EMS Training Institute, Parma Community General Hospital, Southeast Ohio EMS, Central Ohio EMS Training, and Stark State College of Technology. Cincinnati State was already in the process of becoming nationally accredited.

***** Lunch 11:38 AM to 12:21 PM *****

*******Mr. Mallory arrived at 12:15 PM *******

In conjunction with the Ohio Department of Health, a two-hour EMS/Hospital CHEMPACK training will take place at each of the eight Homeland Security regions. One will be held after the EMS Town Hall meeting on April 29th from 1:30 PM to 3:30 PM at the Ohio Department of Transportation, 1980 W. Broad Street in Columbus. Mr. Rucker asked Board members to share the information with their organizations.

GOLDMAN PROCEEDINGS

The Goldman Proceedings were called to order at 12:24 PM.

Roll Call

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

A majority of the Board members were present. Four adjudication proceedings will be held in the matters of EMS Case Number 2007-281-101, Leesa M. Whitt, EMS Applicant Number 169121; EMS Case Number 2008-195-304, Angela L. Starr, EMS Certification Number 114490; EMS Case Number 2008-116-304, Julie M. Ober, EMS Certification Number 106227; and EMS Case Number 2008-120-304, Darla A. Church, EMS Certification Number 81264.

The Board reviewed evidence, including exhibits and affidavits from EMS investigators and/or staff, associated with the aforementioned cases. In lieu of a stenographic record being made, let the minutes reflect that the original sworn affidavits and exhibits shall be kept as the official record of the proceedings in the aforementioned matters in the office of the Division of EMS. Mr. Burgess recognized Principal Assistant Attorney General Yvonne Tertel for the purpose of providing a brief synopsis of the cases and a recommendation for disciplinary action.

Ms. Tertel said out of the four cases, three are continuing education random audit cases where the individuals have failed to respond to the Division and recommended their certificates be revoked. As for the application case for Ms. Whitt, she has some misdemeanor convictions, but has not responded to the Division and recommends her application be denied.

ACTION: Motion to admit the sworn affidavit(s) and the accompanying exhibit(s) in the aforementioned case(s) 2007-281-101, 2008-195-304, 2008-116-304, and 2008-120-304 into evidence. Pakiela first. Marchetta second. None opposed. Motion approved.

There being no further evidence to come before the Board, the Goldman Proceedings were closed at 12:29 PM. Mr. Burgess asked for a motion to deliberate on the sworn affidavits and exhibits. He noted that a written copy of the Board's decision will be mailed to the respondents.

ACTION: Motion to go into private session for the purpose of quasi-judicial deliberations on these matters by roll call vote at 12:29 PM. Pomerantz first. Pakiela second. None opposed. Motion approved.

Roll Call

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

The Board returned from private session at 12:31 PM.

ACTION: In the matter of EMS Case Number 2007-281-101 Leesa M. Whitt, EMS Applicant Number 169121, the Board finds that Ms. Whitt applied for certification as an EMT-basic. She failed to submit documentation of her criminal convictions, as required, pursuant to Ohio Administrative Code 4765-10-03(B)(1) and 4765-8-02(E). Furthermore, the Board finds that Ms. Whitt was convicted of Theft, a first-degree misdemeanor; and

Passing Bad Checks, a first-degree misdemeanor. The Board concludes that these misdemeanors involve moral turpitude, which violates Ohio Administrative Code Section 4765-10-03(B)(2)(c); therefore the Board moves to deny Ms. Whitt's application for certification as an EMT. Pomerantz first. Mallory second. None opposed. Fiffick, Holcomb abstained. Motion approved.

ACTION: In the matter of EMS Case Number 2008-195-304, Angela L. Starr, EMS Certification Number 114490, the Board finds that Ms. Starr committed fraud, misrepresentation, or deception in applying for a certificate to practice as an emergency medical technician; and failed to accurately document all continuing education requirements, after attesting to the fact that she had satisfied the requirements to renew her certificate to practice; in violation of Ohio Administrative Code Sections 4765-10-03(A), 4765-10-03(B)(1), 4765-9-01(I), 4765-8-04(A)(2)(b) and 4765-15-03; therefore the Board moves to revoke Ms. Starr's emergency medical technician certificate to practice. Pomerantz first. Mallory second. None opposed. Fiffick, Holcomb abstained. Motion approved.

ACTION: In the matter of EMS Case Number 2008-116-304, Julie M. Ober, EMS Certification Number 106227, the Board finds that Ms. Ober committed fraud, misrepresentation, or deception in applying for a certificate to practice as an emergency medical technician; and failed to accurately document all continuing education requirements, after attesting to the fact that she had satisfied the requirements to renew her certificate to practice in violation of Ohio Administrative Code Sections 4765-10-03(A), 4765-10-03(B)(1), 4765-9-01(I), 4765-8-04(A)(2)(b) and 4765-17-02; therefore the Board moves to revoke Ms. Ober's emergency medical technician certificate to practice. Pomerantz first. Mallory second. None opposed. Fiffick, Holcomb abstained. Motion approved.

ACTION: In the matter of EMS Case Number 2008-120-304, Darla A. Church, EMS Certification Number 81264, the Board finds that Ms. Church committed fraud, misrepresentation, or deception in applying for a certificate to practice as an emergency medical technician; and failed to accurately document all continuing education requirements after attesting to the fact that she had satisfied the requirements to renew her certificate to practice in violation of Ohio Administrative Code Sections 4765-10-03(A), 4765-10-03(B)(1), 4765-9-01(I), 4765-8-04(A)(2)(b) and 4765-117-02; therefore the Board moves to revoke Ms. Church's emergency medical technician certificate to practice. Pomerantz first. Mallory second. None opposed. Fiffick, Holcomb abstained. Motion approved.

Investigations, Melissa Vermillion

ACTION: Motion to go into Executive Session for the purpose of discussing proposed disciplinary action(s) against certificate holder(s) which is pending or imminent court action under Revised Code 121.22(G)(3) and involve matter(s) that are required to be kept confidential under Revised Code 4765.102(B) at 12:38 PM. Marchetta first. Pomerantz second. None opposed. Motion approved.

Roll Call

Mr. Mark Burgess	Here
Dr. John Pakiela	Here
Ms. Pamela Bradshaw	Here
Dr. Thomas Collins	Here
Dr. Deanna Dahl-Grove	Here
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Mr. Craig Self	Here
Mr. William Vedra	

******* Board returned from Executive Session at 12:49 PM *******

2008-24-102	2009-2-101
2008-89-101	2009-20-301
2008-98-101	2009-63-304
2008-269-102	2009-66-304
2008-715-101	2009-84-102

ACTION: Motion to accept the Consent Agreement(s) for the above listed case(s). Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

2008-545-602	2009-80-304
2008-626-401	2009-97-501
2008-678-307	2009-104-501

ACTION: Motion to close the above listed case(s) and reopen if subject(s) reapply. Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

2002-38-302	
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ACTION: Motion to close the above listed case(s) and reopen if applies for certification. Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

2006-29-301	2008-680-101
2006-133-101	2009-72-305
2006-323-102	

ACTION: Motion to close the above listed case(s). The individual(s) have met the stipulations in their Consent Agreement(s). Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

2008-248-304	2009-62-102
2008-556-101	2009-70-305
2008-709-101	

ACTION: Motion to issue Notice(s) of Opportunity for Hearing(s) for the above listed case(s). Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

2009-23-101	2009-95-101
2009-78-101	2009-96-101
2009-60-305	2009-101-101
2009-79-101	2009-106-101
2009-85-101	2009-112-101
2009-86-101	2009-120-101
2009-87-101	

ACTION: Motion to close the above listed case(s) 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. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

ADJOURNMENT

ACTION: Motion to adjourn with the exception of the Fire Board members, who will remain for discussion of fire issues. Pakiela first. Bradshaw second. None opposed. Motion approved. The meeting was adjourned at 12:52 PM.

FIRE BOARD MEMBERS

GOLDMAN PROCEEDINGS

The Goldman Proceedings were called to order at 12:53 PM.

Roll Call

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

Mr. Burgess noted that a majority of the members are present. There will be one adjudication proceeding today. Also present is Executive Director Rich Rucker. The proceeding is in the matter of Fire Case Number 2008-111-702, Robert S. Johnson, Fire Certificate Number 17201.

The Board reviewed evidence, including exhibits and affidavits from EMS investigators and/or staff, associated with the aforementioned cases. In lieu of a stenographic record being made, let the minutes reflect that the original sworn affidavits and exhibits shall be kept as the official record of the proceedings in the aforementioned matters in the office of the Division of EMS. A written copy of the executive director's decision will be mailed to the respondent. Mr. Burgess recognized Principal Assistant Attorney General Yvonne Tertel for the purpose of providing a brief synopsis of the case.

Ms. Tertel said Mr. Johnson did not request a hearing and is not here today. She said while on duty with a fire department, Mr. Johnson responded to a residence for a medical emergency. During this run, he stole the patient's wallet and later spent the six dollars it contained. Mr. Johnson was convicted of Theft, a fifth degree felony in violation of Ohio Administrative Code 4765-23-02(A)(1)(a). Due to the level of trust that is incumbent upon a person in this profession, the recommendation is to deny the renewal application for Level II firefighter and permanently revoke Mr. Johnson's level II firefighter certification.

ACTION: Motion to admit the sworn affidavit(s) and the accompanying exhibit(s) in the aforementioned case(s) 2008-111-702 into evidence. Mallory first. McNutt second. None opposed. Motion approved.

There being no further evidence to come before the Board, the Goldman Proceedings were closed at 12:57 PM.

ACTION: Motion to go into private session for the purpose of quasi-judicial deliberations on these matters by roll call vote at 12:58 PM. Mallory first. Fischer second. None opposed. Motion approved.

Roll Call

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

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

******* Fire Board returned from Private Session at 1:02 PM *******

ACTION: In the matter of Fire Case Number 2008-111-702, Robert S. Johnson, Fire Certificate Number 17201, the committee recommends to the Executive Director to deny the renewal application for Level II firefighter and permanently revoke Mr. Johnson's Level II firefighter certification. This recommendation is based on the findings that Mr. Johnson was convicted of Theft, a fifth degree felony in violation of Ohio Administrative Code 4765-23-02(A)(1)(a). Mallory first. McNutt second. None opposed. Holcomb, Resanovich abstained. Motion approved.

ACTION: Motion to go into Executive Session for the purpose of discussing proposed disciplinary actions against fire certificate holders which is pending or imminent court action under Revised Code 121.22(G)(3) and involves matters that are required to be kept confidential under Revised Code 4765.102(B) at 1:04 PM. Fischer first. Mallory second. None opposed. Motion approved.

Roll Call

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

*******Fire Board returned from Executive Session at 1:14 PM *******

2008-235-706	2008-686-706
2008-532-702	2008-690-702
2008-596-701	2008-716-701
2008-597-706	2009-1-701
2008-617-701	2009-110-701
2008-663-702	

ACTION: Motion recommending that the Executive Director accept the above Fire case(s) consent agreement(s). Mallory first. McNutt second. None opposed. Holcomb, Resanovich abstained. Motion approved.

2008-310-706 *Rescind Notice of Opportunity	2008-420-702
2008-384-702	2008-707-701

ACTION: Motion recommending that the Executive Director close the above Fire case(s). Mallory first. McNutt second. None opposed. Holcomb, Resanovich abstained. Motion approved.

2008-422-702 2008-473-702	2008-652-702 2009-21-701
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ACTION: Motion recommending that the Executive Director close the above Fire case(s) and reopen if reappplies. Mallory first. McNutt second. None opposed. Holcomb, Resanovich abstained. Motion approved.

2008-586-706 2008-689-702	2008-698-706 2008-708-701
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ACTION: Motion recommending that the Executive Director issue Notice(s) of Opportunity for Hearing(s) for the above Fire case(s). Mallory first. McNutt second. None opposed. Holcomb, Resanovich abstained. Motion approved.

NEW BUSINESS

A discussion was held regarding non-affiliated firefighters and the renewal deadline. Mr. Davis said an appeal process should be in place to address non-affiliated firefighters and others with extenuating circumstances, such as being in the military. Mr. Resanovich seconded that, stating the Board did not know how many firefighters who are not an employee or a member of an organization or agency. He knows of an entire fire brigade who did not know they had to renew. Mr. Rucker said 200 to 250 pleas on this issue have been heard and rejected. The FFSI committee and the rules require anyone who was not certified by the deadline must retest. Mr. Rucker has already responded to state legislators and organizations on this issue and does not see how this could be changed. Mr. Davis understands and respects Mr. Rucker's position, but said there are over 200 individuals looking for answers to rectify this issue. Mr. Davis said this is not changing the rules, but ensuring that individuals have an appeal process. Mr. Mallory said at the last FFSI committee meeting, five cases requesting exemptions were presented and the committee denied all of them. The \$75 reinstatement fee was rescinded due to rules, but he believes the fee will resurface when continuing education is required. Mr. Resanovich said his advice and counsel to Mr. Rucker is to take the "do no harm" approach. He also pointed out that since Fire certifications had no expiration date and the EMS card does, this could be a plausible argument.

Mr. Rucker said the Fire Board members need to communicate this issue with their designees because he does not want to attend another FFSI meeting where the designees have not been informed of Board member proposals.

Mr. Holcomb suggested Mr. Rucker and Mr. Kennington identify a group of people who are not affiliated with a department but have an active firefighter certification, map out an appeal process, define parameters that do not conflict with those who have already appealed and been denied, and present to the Fire Board members. Mr. McNutt said if this is done, it needs to go the FFSI committee for discussion.

ACTION: Motion to have Mr. Rucker develop an appeals procedure for non-affiliated individuals or those with extreme circumstances to present to both the EMS Fire Board members and the FFSI committee members. Holcomb first. Fischer second.

A discussion regarding the proposed motion ensued. Mr. Rucker said nearly 52,000 individuals have met the deadline. As discussed when the rules were being drafted, there is no way Mr. Kennington can cross reference the old database housing 100,000 firefighters to narrow it down to notify non-affiliated individuals. Additionally, attempts were already made to obtain past student rosters from accredited schools, but too many of the schools had no records.

Mr. Kennington said there are five Troy firefighters who have been suspended without pay. If this issue is revisited, they may have a legitimate complaint against their shift commander who did not inform them of the deadline raising the possibility that their agency may have to reimburse their held pay. Ms. Tertel said Mr. Davis's intention is to come up with legal and disciplinary guidelines for various scenarios that would warrant exemption from the rule. She said due process must be provided.

Mr. Davis said the Board has identified an issue that needs sent to the FFSI committee for their recommendation. The Board has a responsibility and owes it to the state to look at such issues. Mr. Rucker said he hears everyone's concerns and, because he does act upon the advice and counsel of the Board and the FFSI committee, he would like them to develop an appeals policy. If the Board approves, then present to Mr. Rucker as a recommendation.

The earlier motion was revised as follows.

ACTION: Motion to have the Fire Committee develop an appeal process to deal with extenuating circumstances regarding not meeting the January 24, 2009 firefighter renewal deadline for presentation to the Board for approval, and once approved, present to the Executive Director. Holcomb first. Fischer second. None opposed. Motion passed.

Mr. Burgess said each Fire Board member needs to discuss this issue with their designees. The next FFSI meeting is the same day as the Board committee meetings (April 14th) and he encouraged Fire Board members to attend.

ADJOURNMENT

ACTION: Motion to adjourn the Fire Board members portion of the meeting. Burgess first. Davis second. None opposed. Motion approved.

The meeting adjourned at 1:50 PM.