

FINAL

**STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
April 18th, 2007**

Chaired by Carl Jordan

Board Meeting Date and Location: April 18th, 2007 Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223

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

Board Members Absent:

Staff Members Present: Richard Rucker, Dr. Carol Cunningham, Heather Reed Frient, Karen Unver, Melissa Vermillion, Ellen Owens, John Kennington, Alan Boster, Doug Orahod, Thomas Macklin, Tim Erskine, Diane Walton, Aleta Dodson, Carol MacDowell, Karen Mack, Thomas Gwinn, Bob Ruetenik, Sue Morris, Joe Stack, John Sands, Linda Mirarchi, Chuck Milam, and Jacqueline Tunson

Guest and Public Attendance: Daniel Reil, David Miller, Art Olah, Henry Arnett, David Kavanaugh and Mark Sanders

Mr. Jordan called the April 18th, 2007 meeting to order at 10:05 a.m.

Roll Call

Mr. Daryl McNutt	Here
Mr. Carl Jordan	Here
Mr. Mark Resanovich	Here
Mr. Mark Marchetta	Here
Mr. Mark Burgess	Here
Mr. James Holcomb	Here
Mr. David Fiffick	Here
Ms. Vickie Graymire	Here
Ms. Charlene Mancuso	Here
Mr. Michael Senter	Here
Dr. Jonathan Groner	Here
Ms. Pamela Bradshaw	Here

Ohio Department of Public Safety
State Board of Emergency Medical Services
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Dr. Thomas Collins	Here
Mr. James Davis	Here
Mr. John Kubincanek	Here
Mr. William Vedra	Here
Mr. Mark Mankins	Here
Dr. Wendy Pomerantz	Here
Dr. John Pakiela	Here
Mr. William Mallory	Here

WELCOME AND INTRODUCTIONS

Mr. Jordan welcomed all the visitors in attendance for the April EMS Board Meeting, welcomed a meeting. Mr. Jordan introduced new employee Emerald Hernandez, Assistant Legislative Liaison, Office of the Director for Public Safety and a new Board member, Mr. William Mallory.

REVIEW AND APPROVAL OF THE MARCH 21st, 2007 EMS BOARD MINUTES

ACTION: Motion to approve the March 21st, 2007 EMS Board minutes. Burgess first. Marchetta second. None opposed. Motion approved.

OPEN FORUM

No comments brought forward.

CHAIR'S REPORT, CARL JORDAN

Mr. Jordan stated that he had spoken with Executive Director Richard Rucker to discuss some projects that we would like to initiate. We talked about the research committee and also on-line continuing education and a number of other topics. Mr. Jordan spoke with Dr. Collins with regard to chairing the research committee and stated he would like to meet after the Board meeting to discuss some information that has been put together. We are going to attempt to get the research committee off the ground and rolling and would like his input initially, so that we can get things going. Ms. Graymire had mentioned that she would be interested in serving on the committee as well.

The chairman stated that a list of projects that are currently active and in process. We will periodically assess the progress of these projects and communicate their status to the committee chairs.

STATE EMS MEDICAL DIRECTOR'S REPORT, DR. CAROL CUNNINGHAM

Dr. Cunningham presented four applications for RPAB approval. Dr. Charles McIntosh of Region II, Dr. Jeffrey Cooper of Region IV, and Dr. Richard Gradisek, and Dr. Christ Kyriakadas for Region VIII.

ACTION: Motion to approve new membership for Dr. Charles McIntosh of Region II, Dr. Jeffrey Cooper of Region IV, and Dr. Richard Gradisek, and Dr. Christ Kyriakadas for Region VIII as members of the Regional Physician's Advisory Board. Burgess first. Collins second. None opposed. Motion approved.

Dr. Cunningham said the next RPAB Chair Meeting is scheduled for May 9th, and that if the Board had any issues to go to them to please let her know.

Dr. Cunningham stated that during the last Board meeting, the EMS Board passed a resolution for a letter of thanks to Drew Dawson the chief of NHSTA in regard to the final product of the National EMS Scope of Practice model. The letter was sent via mail as well as e-mail and shared the response she received with the Board.

Dr. Cunningham said the ODH is putting together the Tiers of Care Plan for the Pandemic Flu and have involved EMS by asking her input. Dr. Cunningham recommended to them was to use the start triage system's color matrix when it comes to triaging patients with pandemic flu. The project is not finalized, but Carol Jacobson the OHA would like to get the Board's comments and any suggestions that you may have.

ASSISTANT ATTORNEY GENERAL, KAREN UNVER

Nothing to report.

EMS STAFF LEGAL COUNSEL, HEATHER REED FRIENT

Ms. Reed Frient shared with the Board that she had filed Chapter 4765-4 as no change rules. Those are the trauma registry rules. Mr. Erskine will be looking at these rules and also the EMSIRS rules in Chapter 4765-13 and looking to see how we can combine those two chapters.

Ms. Frient updated the Board on a few bills, one of which was SB129 (vehicle removal). This bill was introduced at the end of the last general assembly, but apparently there was not enough time to bring the bill to a vote. The bill permits local law enforcement agencies and fire departments to remove motor vehicles from the road after a motor vehicle accident and provides immunity to those personnel for the removal of damaged or inoperable vehicles from the road way.

Ms. Frient summarized SB43 (the volunteer bill). She stated that John Lang is aware that the Board does not support the bill and that there are individuals who testified against the bill last year who are willing to testify again. Ms. Frient is planning to meet with Mr. Lang to address the Board's concerns in more detail.

Ms. Frient stated that HB145 (assault bill) has been reintroduced and is in the Criminal Justice Committee. This bill was introduced toward the end of the last general assembly. The bill imposes the same criminal penalties for assaulting a resident participating in a ride-along patrol program that are already imposed for assaulting a police officer. Last year, the EMS Board had wanted firefighters and EMTs to be added to the bill; that way, assaulting a firefighter or EMT would carry stronger criminal penalties. Ms. Frient asked the Board if it was still their intent to try and add EMTs and firefighters to the code sections covered in the bill. The Board stated that it was. Ms. Frient stated that she would meet with Mr. Lang and make him aware of the Board's desire.

EXECUTIVE DIRECTOR’S REPORT, RICHARD RUCKER

Mr. Rucker directed the Board’s attention to a copy of the Division of EMS goals and objectives that the staff worked on for several days, and they will be presented to Director Guzmán on Thursday, April 19th.

Mr. Rucker stated that the Division received an Interagency Agreement (MOU) from ODH for the second part of the HRSA Grant. The first part of the grant was used for the CHEMPAK project last year. We received this document very late and if accepted, there is much work to do in a short period of time. Mr. Mike Glenn had been working with ODH on this, and since his departure, Mr. Tom Macklin will now be the point person for the project. Everything is scheduled to be completed by June 30th. Mr. Rucker doesn’t believe there is enough time for that. Both Directors still need to approve and sign the agreement and the amount of the grant is for \$92,000.

STAFF REPORTS

- **Recommendation of Continuing Education Site Approvals, Ellen Owens**

Renewals

	Approval #	Exp Date	Name	County
1.	1040	4-30-2007	Spencerville Ambulance Service, Inc.	Allen
2.	1054	4-30-2007	Lafayette-Jackson Township F.D.	Allen
3.	1063	4-30-2007	Lima Memorial Hospital	Allen
4.	1039	4-30-2007	Samaritan Regional Health Center	Ashland
5.	2050	04-30-07	Morgan Township	Butler
6.	1089	04-30-07	Middletown Division of Fire	Butler
7.	1118	04-30-07	Williamsburg Twp.	Clermont
8.	2037	4-30-2007	Lifeteam EMS	Columbiana
9.	1020	4-30-2007	Negley Fire EMS	Columbiana
10.	1043	4-30-2007	East Palestine Fire Dept.	Columbiana
11.	1134	4-30-2007	Cleveland Clinic Foundation	Cuyahoga
12.	1062	4-30-2010	Lakewood Hospital EMS CE Program	Cuyahoga
13.	1297	4-30-2007	Marymount Hospital	Cuyahoga
14.	1134	4-30-2007	Cleveland Clinic Foundation	Cuyahoga
15.	1099	4-30-2007	Shaker Heights F.D.	Cuyahoga
16.	1005	4-30-2007	West Shore Area Rescue Association	Cuyahoga
17.	1001	04-30-07	Wayne Hospital	Darke
18.	1002	4-30-2007	Delaware County EMS	Delaware
19.	1055	4-30-2007	Liberty Township Fire Department	Delaware
20.	1049	4-30-2007	Huron Fire Division, City of	Erie
21.	1113	4/30/2007	Violet Township Fire Department	Fairfield
22.	1094	4/30/2007	Norwich Township Fire Department	Franklin
23.	1085	4/30/2007	MedFlight	Franklin
24.	1114	4/30/2007	Worthington Fire Department	Franklin
25.	1051	4/30/2007	Jefferson Township Fire Department	Franklin
26.	1099	4-30-2007	Plain Township Fire Department	Franklin
27.	1145	05-31-07	Greene County EMS	Greene
28.	1046	04-30-07	Green Township Fire Department	Hamilton
29.	1105	04-30-07	Reading Fire Department	Hamilton
30.	1127	05-31-07	Rural/Metro Ambulance	Hamilton
31.	2044	04-30-07	Sycamore Township EMS & Fire Dept.	Hamilton

Accreditation Renewals

Accred #	Exp Date	Name	County	Level(s)
1. 115	1/31/2007	Greene County Career Center	Greene	EMT-B
2. 115	9/30/2006	Greene County Career Center	Greene	EMT-I
3. 123	12/31/2006	Ohio Hi-Point Career Center	Logan	FR, EMT-B
4. 348	12/31/2006	Toledo Fire and Rescue	Lucas	FR, EMT-B

ACTION: Motion to approve the above listed accreditation renewal without contingencies. Pomerantz first. Fiffick second. None opposed. Motion approved.

Off-Site Training Requests

Accred #	Name	County	Off-Site Location	County	Level(s)
1. 108	Columbiana County Career Center	Columbiana	West Point Fire Department	Columbiana	FR
2. 316	Jefferson Community College	Jefferson	Columbiana County Career Center	Columbiana	EMT-I
3. 326	Sinclair Community College	Montgomery	SCC Courseview Campus Center	Warren	FR, EMT-B

ACTION: Motion to approve the above listed off-site training. Pomerantz first. Collins second. None opposed. Motion approved.

• **Extensions, John Kennington**

ACTION: Motion to ratify extensions that were processed for the period of March 1, 2007 through March 31, 2007 as requested. Burgess first. Collins second. None opposed. Motion approved.

ACTION: Motion to approve the requests for exemptions regarding continuing education for three individuals serving on active military duty. Davis first. Mankins second. None opposed. Motion approved.

ACTION: Motion to approve the request for exemption regarding part of continuing education for one individual due to an injury sustained on the job during the time period in which he was attending class. Holcomb first. Collins second. None opposed. Motion approved.

• **Certifications, John Kennington**

ACTION: Motion to ratify the 1,086 active EMS Certifications issued for the period of March 1, 2007 through March 31, 2007. Marchetta first. Davis second. None opposed. Motion approved.

COMMITTEE REPORTS

- **Firefighter and FSI Committee, Doug Orahod**

Mr. Orahod informed the Board that the fire committee has been busy writing the rules for HB401 which became law on April 4th, 2007. The committee has scheduled another 2-day workgroup session on May 10th and 11th to continue the development of the rules. On March 8th, web-based testing became available and is currently testing volunteer, firefighter 1 and 2. It is now ready to provide testing for the Public Safety instructor technique exam for EMS and fire instructors' course. Over 200 individuals have completed the web-based testing since the on-line testing process has become available.

- **Data, Tim Erskine**

Mr. Erskine said that we have a programmer assigned to finish the EMSIRS-2 project. The individual started last week, but we still do not have a firm estimate on when the program will be ready to be rolled out. However, a January 2008 goal as the start of the implementation period is not unreasonable at this point.

In regards to the Trauma Registry, the new national trauma data standards have been established and these same standards of data collection have been adopted by the American College of Surgeons as the criterion to become a level 1 or 2 trauma center starting in 2008. Level 1 and 2 trauma centers will collect data which will be different from what we are currently collecting in the Ohio Trauma Registry. The TRAS began looking at the data elements that are required in the national trauma data standard and what we are currently collecting in the Ohio trauma registry with an eye towards aligning Ohio with the national standard. We're looking at January 2009 as a potential date to get this done.

- **Education Committee, Jim Holcomb**

The committee is working on the rules and working with legal to make certain that the rules are properly done. The web-based application for the certificate of accreditation along with the self-study and annual report should be ready to pilot this summer. The final version will be determined by final rules.

Ms. Mirarchi has been working with IT on the electronic evaluation tool and hopefully it will be finalized with the final rules.

The committee can now begin work on parameters for on line continuing education.

Ms. Mirarchi has a meeting scheduled with IT Friday, April 20th to finalize the application.

- **EMS-C Committee, Dr. Wendy Pomerantz**

| The committee last met on March 20th, 2007 and the next meeting is May 15th.

The Ohio Pediatric Disaster Preparedness Subcommittee did not meet in March. The next meeting will be May 11th.

The committee has added some new EMSC Committee members. They are Carol Jacobson of the Ohio Hospital Association and Gordon Gillespie of the Ohio State Council of the Emergency Nurses Association. The new committee members will help bring the committee in line with the EMSC Performance Measures.

The Ohio Department of Health has completed the update for the Emergency Guidelines for Schools publication. The electronic version will be posted on the EMSC website and hard copy can be requested from ODH.

There are a total of 160 mannequins to distribute, and the new deadline for the grant application is April 30th. There were 39 applications received initially from continuing education sites for pediatric training mannequins by the original February 28th deadline. A notice was sent to EMS agencies and over 100 requests for information have been received to date.

Ohio Safe Kids chapters submitted an application for the Safe Kids Buckle Up program grant this week, requesting \$11,000 from Safe Kids Worldwide. The grant process has changed from an event-based application to an annual plan.

The EMSC Committee has created a summary of the Emergency Department Survey.

Mr. Joe Stack delivered a presentation about the Emergency Department Preparedness Survey. The survey was designed to assess the readiness of Ohio's hospital emergency departments to deal with pediatric cases and to determine the hospitals' acceptance of a voluntary categorization system. The survey determined that the majority of hospitals responding have most of the pediatric equipment and medicine doses needed for treating children, but they would like assistance in developing pediatric protocols and pediatric quality assurance programs. The EMSC Committee is working on developing a categorization system and offering assistance in these areas in exchange for participation.

- **Grants Committee, Mark Burgess**

The office received 768 applications for this year's grants cycle. The staff will take a look at those to make sure they comply with eligibility issues. There were 3 applications for Priority 2, 3 applications for Priority 3, and 4 applications for Priority 4. The Trauma Committee will rate priorities 2, 3 & 4 applications with their objective scoring data. There were six agencies from the past two grant cycles that were sent denial letters for this year due to not reconciling previous grant invoices.

Mr. Burgess said we need to get more feed back from providers on the grant process. There are two processes that are being planned are the Post Award Survey and the open forum which is coming up in October.

The committee worked on the survey at their last meeting and would like to have each Board member to distribute it to at least three agencies in their area to complete and return to Mr. Alan Boster at EMS by fax, mail or e-mail. We would like to have that done by next Board meeting.

For the open forum in October, the committee plans to have an announcement go out with the award letter that goes with this grant cycle. EMS agencies will receive the survey, the award letter including an announcement for the open forum, and advertisement will be ongoing until the October Board meeting.

The next meeting is scheduled for May 15th at 3:30 p.m. at the Ohio Department of Public Safety.

- **Homeland Security Committee, Mark Resanovich**

The committee met on April 17th and is moving forward with completing the PowerPoint presentation on the EMS CHEMPACK, and hopefully a draft will be completed soon.

The committee is trying to find someone to do the voice over. The video has been added to it from the actual full scale drill that was done last year. Mr. Resanovich said he felt it would be very helpful to all EMS providers to understand that federal program works.

- **Medical Oversight Committee, Dave Fiffick**

At last month's committee meeting one of the things presented was the restraint white paper written by Dr. Cunningham. Mr. Fiffick said he hoped the Board had a chance to review because he would like to get it passed at this month's meeting and asked if there were any questions.

Ms. Frient asked if the intent was to post it on the web site.

Mr. Jordan answered yes.

Dr. Cunningham stated that the guidelines will be incorporated in the State of Ohio Guidelines and Procedures document.

Ms. Frient asked if there was a statement within the document clarifying that the procedures were not mandatory; they were just guidelines.

Dr. Cunningham stated that the whole document is guidelines and procedures.

Mr. Davis congratulated everyone who worked on it. Mr. Davis said his concern is not what the intent is, but the practicality of EMS providers and whether or not we are setting them up with a policy that they can not possibly follow. Mr. Davis stated that it should be edited in such a way that it allows them the flexibility to transport with the patients when possible, but also allow

them to use reasonable standards of care to make sure that they are within proximity to immediately release that device if necessary.

Dr. Cunningham said that this is not a policy; it is a document of guidelines. Dr. Cunningham suggested changing the word “must” in item D to “shall”.

Mr. Burgess said coming from a rural area he stated he liked the term “shall”. He thought it needed to be in there for the protection of our responders.

Mr. Fiffick said the Medical Oversight Committee will take another look at it next month. Ms. Frient stated that she would work on some language that would make it clear that the document is not mandatory.

*******Lunch Break 11:40 a.m. – 12:15 p.m.*******
*******Mr. Vedra arrived during lunch break*******

Mr. Fiffick said that one of the other issues the committee handled is the 12-lead EKG study.

Mr. Fiffick and Dr. Collins are putting together a survey that will be sent to basic and advanced squads and possibly to all squads with the intent to identify EMS agencies that may be interested in doing this type of program before we look at including it in the Scope of Practice.

The committee discussed some of the Scope of Practice issues, specifically medications. Initially, we were looking at developing a list of medications that could or could not be administered, but resolved that we need to address the medications that are approved by the medical director.

Ms. Owens has set up a meeting for May 15th and we’re going to meet with the State Board of Pharmacy, Nursing Board, Medical Board and Ohio Medical Transportation Board.

Mr. Marchetta provided an overview of the pre-hospital CPAP study conducted by Aultman Hospital. It was a 12 month study and abstracts have been printed in Pre-hospital Emergency Care and JEMS magazines. Mr. Marchetta requested that the committee consider including CPAP in the EMT-Basic scope of practice and that CPAP equipment be included in the upcoming grant cycle approved equipment list.

- **Rules Committee, Bill Vedra**

Mr. Vedra gave an update on the different rules that are being worked on by various workgroups.

Mr. Vedra distributed a handout to Board members diagramming how we can better keep track of what the workgroups are doing, make it more process driven, and hopefully, accomplish more.

Mr. Vedra thanked Ms. Vermillion and Ms. Frient for their help in getting the handout put together.

Mr. Vedra went through the handout page by page with the Board.

- **Trauma Committee,**

Mr. Erskine stated that at the last committee meeting a representative from the Ohio Hospital Association asked to address the committee. The Hospital Association has the initiative to combine funding for trauma centers. This would be done through the General Assembly asking them to earmark four million dollars of Medicaid funds to go towards helping to defray the cost of operating the trauma center. If this is done, the federal government would match the funds with an additional 6.2 million dollars providing in excess of ten million dollars to help defray the cost. The details of the plan at that point had not been worked out and the disbursement strategies would be done through the rule making process. They asked the committee members to contact their legislators to express their support to this particular initiative. Mr. Erskine has not received any follow up where this currently stands in the budget process.

The work on the geriatric trauma triage criteria continues. We are still looking for the needed support to validate our findings. However we do have the initial validation that seventy is the appropriate age to define the starting point on geriatric community based on the gross mortality.

The trauma triage continuing education project had been delayed at the beginning of the year due to some confusion of some of the committee members with regards to the Board's intentions. The Board's intentions were clarified at the Board retreat but there was additional time lost due to the transition of the trauma coordinators. The work has begun again and we are starting to look at technology that will allow us to post the continuing education on a website and to test through a web site. Education and trauma staff will collaborate to insure the course content is current and valid and determine how the certificates would be distributed after taking that particular test.

State Trauma Plan Retreat that was originally planned to develop a state trauma plan using the model trauma systems planning and evaluation guidelines has been cancelled due to a lack of funding.

GOLDMAN PROCEEDINGS

Goldman Proceedings were called to order at 12:55 p.m.

Roll Call

Mr. Daryl McNutt	Here
Mr. Carl Jordan	Here
Mr. Mark Resanovich	Here
Mr. Mark Marchetta	Here
Mr. Mark Burgess	Here

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

A majority of the Board members were present. Four adjudication proceedings were held for EMS Case #2006-354-101, Bradley A. Gibson, EMS Certificate Number 154005, EMS Case #2006-425-304, Jane E. Layton EMS Certificate Number 67880, EMS Case #2006-439-102, Frank E. Thomas, EMS Applicant Number 162254, and EMS Case #2006-424-304, Bruce E. Barber, EMS Certificate Number 29933.

In lieu of a stenographic record being made, the original sworn affidavits and exhibits will be kept as the official record of proceedings in the aforementioned matter in the Board office.

ACTION: Motion to admit the sworn affidavits and the accompanying exhibits in the aforementioned case into evidence. The social security number that is on the case will be redacted. Groner first. Pomerantz second. None opposed. Motion approved.

Since no further evidence was submitted to the Board, the Goldman Proceedings were closed at 1:00 p.m.

ACTION: Motion to go into Executive Session in order to deliberate and make final adjudication and disciplinary rulings in the EMS Case #2006-354-101, Bradley A. Gibson, EMS Certificate Number 154005, EMS Case #2006-425-304, Jane E. Layton EMS Certificate Number 67880, EMS Case #2006-439-102, Frank E. Thomas, EMS Applicant Number 162254, and EMS Case #2006-424-304, Bruce E. Barber, EMS Certificate Number 29933 by roll call vote at 1:01 p.m. Groner first. Pakiela second. None opposed. Motion approved.

Roll Call

Mr. Daryl McNutt	Here
Mr. Carl Jordan	Here
Mr. Mark Resanovich	Here

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

*******Board returned from Executive Session at 1:07 p.m.*******

ACTION: In the matter of EMS Case Number 2006-354-101, Bradley A. Gibson, EMS Certificate Number 154005, the Board finds that Mr. Gibson was convicted of *Sexual Impostion*, and concluded this misdemeanor conviction involves moral turpitude, which violates Ohio Administrative Code Section 4765-10-03(B)(2)(c), therefore the Board moves to revoke Mr. Gibson's certificate to practice as emergency medical technician. Pomerantz first. Burgess second. None opposed. Fiffick and Holcomb abstained. Motion approved.

ACTION: In the matter of EMS Case Number 2006-424-304, Bruce E. Barber, EMS Certificate Number 29933, the Board finds that Mr. Barber 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 he had satisfied the requirements to renew his certificate to practice in violation of violated Ohio Administrative Code Sections 4765-10-03(A), 4765-10-03(B)(1), 4765-9-01(I), 4765-8-04(A)(2)(b) and 4765-12-08, therefore the Board moves to revoke Mr. Barber's emergency medical technician certificate to practice. Pomerantz first. Groner second. None opposed. Davis, Fiffick and Holcomb abstained. Motion approved.

ACTION: In the matter of EMS Case 2006-425-304, Jane E. Layton EMS Certificate Number 67880, the Board finds that Ms. Layton 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 violated 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. Layton's emergency medical technician certificate to practice. Pomerantz first. Burgess second. None opposed. Fiffick and Holcomb abstained. Motion approved.

ACTION: In the matter of EMS Case Number 2006-439-102, Frank E. Thomas, EMT Applicant Number 162254, the Board finds that Mr. Thomas committed fraud, misrepresentation or deception in applying for a certificate to practice as an emergency medical technician, has been convicted of a felony, *Cultivation of Marijuana* and has been convicted of two misdemeanors, *Receiving Stolen Property*, and *Assault*. The Board has concluded these misdemeanor convictions involve moral turpitude. Furthermore, Mr. Thomas did not provide certified copies of police and court records with his application. Therefore the Board moves to deny Mr. Thomas' application for certification to practice as emergency medical technician. Pomerantz first. Burgess second. None opposed. Fiffick and Holcomb abstained. Motion approved.

REPORT AND RECOMMENDATIONS

The Report and Recommendation is in regard to EMS Case #2005-444-102, David C. Miller, EMS Certificate Number 105984, and EMS Case #2003-363-102, David K. Kavanaugh, EMS Certificate Number 68403.

Objections to the Report and Recommendations were filed in the Kavanaugh case; however objections were not filed in regard to the Miller case.

Ms. Unver stated there was a hearing on the matter and updated the Board. Mr. Kavanaugh entered into a consent agreement with the Division of EMS on May 23rd, 2005. This was based upon a fifth degree felony conviction for possession of cocaine. The terms of the consent agreement were that Mr. Kavanaugh would receive a revocation of his license stayed on a certain series of conditions, two of which were: (1) he provide a BCI&I check within 120 days after the consent agreement was fully signed; and (2) that he provide full disclosure of the consent agreement to his employer and also receive written authorization from the medical director and the administrative head of his employer. Mr. Kavanaugh failed to do both conditions yet continued to practice. He did receive some interdepartmental discipline on the particular incident, but he continued to practice. It was not until he learned from the Division of EMS personnel that he had failed to meet the above conditions that he took the steps needed to get into compliance with the consent agreement. However, by then he was already in breach of the consent agreement and this case came to hearing on that breach of the consent agreement terms. Ms. Unver recommended following the original consent agreement punishment, that being to have the revocation take effect because that was stayed pending completion of all the proper conditions which Mr. Kavanaugh did not complete.

Mr. Kavanaugh told the Board that he was present to ask for help from the Board. He stated he was torn emotionally because he was upset with himself that he didn't get everything done in a timely manner. Although he did ultimately complete the requirements of the consent agreement,

he admitted that he did not complete them in a timely manner and knew there was going to be some sort of punishment because of that. He asked the Board not to revoke his license. He said it would jeopardize his employment as a professional firefighter with the City of Cincinnati, which is how he provides for his family. Mr. Kavanaugh said he realized that the Board has other pressing issues to deal with, and apologized to the Board for placing them in the situation where a choice has to be made.

Mr. Kavanaugh thanked the Board for the opportunity to come before them and speak. He then asked the Board if they had any questions for him.

Ms. Mancuso asked if he was currently practicing.

| Mr. Kavanaugh said yes.

Ms. Mancuso asked him to clarify if there had only been one period of time his department had suspended his certificate to practice.

Mr. Kavanaugh said where he should not have been practicing. He said if he was aware of it or knew he should not have been practicing, he would not have been. He said there were a lot of things going on in his life at that time. He stated that his life was somewhat chaotic, but that things are much better now and hopefully this will never happen again

Mr. Davis asked if he had completed all his CE requirements, to which Mr. Kavanaugh replied that he had.

Mr. Mankins asked Mr. Kavanaugh if he had legal counsel throughout the whole process.

Mr. Kavanaugh said he didn't have counsel until the last meeting he had with the Division.

Ms. Unver cited the Miller case. In 2005 while working for the City of Lebanon Fire Department, Mr. Miller stole six vials of morphine from the department which he used for himself because he was suffering from a back injury. He was caught and readily admitted his involvement, and in January 2006, he pled guilty to three counts of felony theft and three counts of theft in office. In this matter the court stayed the criminal proceedings and placed Mr. Miller in an intervention in lieu of conviction program. Mr. Miller completed the in-patient drug treatment program that was ordered by the court and all other court-ordered requirements. The court did in fact drop the conviction for the intervention which was successfully completed. The criminal proceedings were terminated as of the beginning of 2007. However, administrative proceedings were brought against Mr. Miller". He did not show up for the hearing that was held in his absence, but he did provide to the hearing examiner a letter explaining and supporting his situation. This is the only contact that we have had with Mr. Miller about the administrative proceeding matter. Ms. Unver asked for revocation as recommended in the hearing which is for violation of 4765-10-03(B)(2).

ACTION: Motion to go into Executive Session in order to deliberate and make final adjudication and disciplinary rulings for the Report and Recommendations in the matter of EMS Case #2005-444-102, David C. Miller, EMS Certificate Number 105984, and EMS Case #2003-363-102, David K. Kavanaugh, EMS Certificate Number 68403, by roll call vote at 1:25 p.m. Pomerantz first. Marchetta second. None opposed. Motion approved.

Roll Call

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

*******Board returned from Executive Session at 1:55 p.m.*******

ACTION: In the matter of EMS Case #2005-444-102, David C. Miller, EMS Certificate Number 105984, the Board accepts the findings of fact, the conclusions of law and the recommendation issued by the hearing examiner to revoke Mr. Miller's EMT certificate to practice for violating a Ohio Administrative Code 4765-10-03(B)(2). Pomerantz first. Burgess second. None opposed. Fiffick and Holcomb abstained. Motion approved.

ACTION: In the matter of EMS Case #2003-363-102, David K. Kavanaugh, EMS Certificate Number 68403, the Board accepts the findings of fact, but would modify the recommendation issued by the hearing examiner to suspend Mr. Kavanaugh's EMT certificate to practice for one year with (9) months stayed for violating the terms of the consent agreement he entered into with the Board. Mr. Kavanaugh is in violation of Ohio Administrative Code 4765-10-03(B)(8). The Board modifies the conclusions of law

replacing Ohio Administrative Code 4765-10-03(B)(6) with 4765-10-03(B)(8), because the hearing examiner cited to a newer version of the Ohio Administrative Code in the report and recommendation rather than Ohio Administrative Code 4765-10-03 (B)(8), the version in effect at the time of Mr. Kavanaugh's violation. Mr. Kavanaugh will additionally be placed on probation for 3 years with the requirement of a letter from his employer, supervisor or designee on May 30th of every year for 3 years saying he is in compliance with drug and alcohol policies and procedures of the department. The Board feels the recommendation was too severe, and although he was late Mr. Kavanaugh did meet all the requirements of the consent agreement and gave testimony before the Board. Pomerantz first. Mancuso second. None opposed. Fiffick and Holcomb abstained. Motion approved.

OLD BUSINESS

No comments brought forward.

NEW BUSINESS

No comments brought forward.

ACTION: Motion to go into Executive Session for the purpose of discussing an Education issue by roll call vote at 2:00 p.m. Mankins first. Pomerantz second. None opposed. Motion approved.

Roll Call

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

Ohio Department of Public Safety
State Board of Emergency Medical Services
Date: April 18th, 2007
FINAL

*******Board returned from Executive Session at 1:55 p.m.*******

OPEN FORUM

No comments brought forward.

ADJOURNMENT

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

The meeting adjourned at 2:35 p.m.