

FINAL

**STATE BOARD OF EMERGENCY MEDICAL SERVICES
OHIO DEPARTMENT OF PUBLIC SAFETY
MEETING MINUTES
June 16, 2010**

Chaired by James Davis

Board Meeting Date and Location: June 16, 2010, Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223

Board Members in Attendance: Ms. Pamela Bradshaw, Dr. Thomas Collins, Mr. James Davis, Mr. David Fiffick, Ms. Joyce Fischer, Mr. John Kubincanek, Mr. William Mallory, Mr. Mark Marchetta, Mr. Daryl McNutt, Dr. John Pakiela, Mr. James Parrish, Dr. Wendy Pomerantz, Mr. William Quinn, Mr. Mark Resanovich, Mr. Craig Self, Mr. William Vedra

Board Members Absent: Dr. Deanna Dahl-Grove, Ms. Vickie Graymire, Mr. James Holcomb, Dr. Steve Steinberg

Staff Members Present: Alan Boster, Dr. Carol Cunningham, China Dodley, Aleta Dodson, Joshua Engel, Tim Erskine, Tom Gwinn, John Kennington, Karen Mack, Ellen Owens, Millie Pontious, Bob Ruetenik, John Sands, Joe Stack, Thomas Stickrath, Yvonne Tertel, Melissa Vermillion, Diane Walton, Pam Watkins

Guest and Public Attendance: Dan Fitzpatrick, Ohio Fire Chiefs' and Ohio State Firefighters' Associations; Bill Hills, Joint Committee on Agency Rule Review (JCARR)

Mr. Davis called the meeting to order at 10:02 AM. Ms. Ellen Owens was acting Executive Director in Mr. Richard Rucker's absence.

Roll Call

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

Dr. Steve Steinberg
Mr. William Vedra Here

ACTION: Motion to approve the consent agenda items including: May 19, 2010 EMS Board minutes; EMS certifications and continuing education extension granted for the period of May 1, 2010 through May 31, 2010; and initial and renewal applications for education certificates of approval and accreditation for the period of May 1, 2010 through May 31, 2010. Marchetta first. Fischer second. None opposed. Motion approved.

OPEN FORUM

Mr. Davis called to order the public hearing of the Ohio State Board of Emergency Medical Services, herein referred to as the Board at 10:02 AM.

Roll Call

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

Mr. Davis noted for the record there was a quorum to conduct business. The purpose of the hearing is to receive comments or testimony regarding the following:

Amendment of 4765-1-01 (Definitions), 4765-7-07 (Renewal of a certificate of accreditation), 4765-7-09 (Approval of Ohio EMS continuing education programs), 4765-7-10 (Reinstatement of a revoked certificate of accreditation or approval or provisional certificate of accreditation or approval), 4765-8-15 (Certification by reciprocity), 4765-18-02 (General provisions), 4765-18-06 (Renewal of a certificate to teach as an EMS instructor), 4765-18-16 (Renewal requirements for a certificate to teach continuing education), and 4765-18-19 (Renewal of a certificate to teach as an assistant EMS instructor).

Adoption of 4765-7-01 (Merging of certificates of accreditation and general provision), 4765-7-03 (Provisional certificates), 4765-7-08 (Reinstatement of a certificate of accreditation, or approval or provisional certificate of accreditation or approval), 4765-8-06 (Issuance of EMS certificate to practice and EMS certificate to teach), and 4765-8-07 (Merging of EMS and Fire certificates to establish a mutual expiration date).

Rescission of 4765-7-08 (Reinstatement of a certificate of accreditation or certificate of approval). Rule 4765-1-01 is being amended to clarify the definitions for the establishment of a mutual expiration date for all fire and EMS certificates and certificates of approval and accreditation. Additionally, the new definitions are being adopted to allow for a provisional certificate of accreditation or approval. Rule 4765-7-01 is being adopted as a new rule to reflect the merging of all EMS programs into one certificate of accreditation, which will have a mutual expiration date. Additionally, this rule sets forth the parameters allowing for the board to issue a five year accreditation cycle, when an institution meets all requirements for such. Rule 4765-7-03 is being adopted to establish the parameters for the board to issue provisional certificates of accreditation or approval to institutions that are in substantial compliance with the applicable laws and rules. Rule 4765-7-07 is being amended for clarification purposes in regard to the mutual expiration date for an accredited program. Rule 4765-7-08 is being rescinded and adopted as a new rule to reflect that time parameters for reinstatement of a certificate of accreditation, certificate of approval or provisional certificates of accreditation or approval. Rule 4765-7-09 is being amended to set forth the parameters allowing for the board to issue a certificate of approval that is valid for five years when an institution meets all requirements for such. Rule 4765-7-10 is being amended to change the time parameters for which a holder of a certificate of accreditation, approval or provisional certificate of accreditation or approval is eligible to reinstate. Rule 4765-8-06 is being adopted so the board can issue a common expiration date, the individual's birthday, to all EMS and fire certificate holders. Rule 4765-8-07 is being adopted to allow the board to merge the expiration dates of all current EMS and fire certificates to a common expiration date, the individual's birthday. Rule 4765-8-15 is being amended to remove the reference to a three year certification cycle, therefore allowing a common expiration date for all EMS and fire certificate holders. Rule 4765-18-02 is being amended to remove the reference to a two year certification cycle, therefore allowing a common expiration date for all EMS and fire certificate holders. Rule 4765-18-06 is being amended to remove the reference to a two year certification cycle, therefore allowing a common expiration date for all EMS and fire certificate holders. Rule 4765-18-16 is being amended to remove the reference to a two year certification cycle, therefore allowing a common expiration date for all EMS and fire certificate holders. Rule 4765-18-19 is being amended to remove the reference to a two year certification cycle, therefore allowing a common expiration date for all EMS and fire certificate holders.

The public hearing was held in conformity with Chapter 119 of the Ohio Revised Code. Mr. Davis recognized Mr. Joshua Engel, ODPS legal counsel, for the purpose offering evidence in compliance with Chapter 119 of the Ohio Revised Code.

Mr. Engel reported no written testimony was received, nor did anyone in the audience address the Board. The hearing concluded at 10:10 AM.

ACTION: Motion to accept the rules as written for final filing with the Joint Committee on Agency Rule Review. Pomerantz first. Marchetta second. None opposed. Motion passed.

A court reporter was present and full transcripts are available upon request.

Mr. Davis recognized Director Thomas Stickrath, the new Director for the Department of Public Safety. Mr. Stickrath wanted to stop to introduce himself and, more importantly, to thank Board members for their work. Director Stickrath stated that he is looking forward to working with the EMS Board.

GOLDMAN PROCEEDINGS

The Goldman Proceedings were called to order at 10:12 AM.

Roll Call

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

Mr. Davis said a majority of Board members were present. Two adjudication proceedings were presented in the matters of EMS Case Number 2009-272-101 Morris L. Willis, EMS Identification Number 178039 and EMS Case Number 2009-547-101 Jason M. Fleming, EMS Identification Number 179685. The proceedings were an affidavit-based adjudication relative to a Notice of Opportunity for Hearing mailed to the respondents and served according to the Administrative Procedures Act (Chapter 119. of the Ohio Revised Code). As the respondents did not properly request a hearing, they do not have the ability to submit written or oral testimony today, but may be present to hear the proceedings and outcome.

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, 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. Davis recognized Principal Assistant Attorney General Yvonne Tertel for the purpose of providing a brief synopsis of the cases and recommendations for disciplinary action.

Ms. Tertel said both were issues where the applicants did not respond nor did they request a hearing. Recommendation is to deny their applications. Neither of the applicants was in attendance.

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

There being no further evidence to come before the Board, the Goldman Proceedings were closed at 10:19 AM. Mr. Davis asked for a motion to deliberate on the sworn affidavits and exhibits. 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 10:20 AM. Mallory first. Marchetta second. None opposed. Motion approved.

Roll Call

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

The Board returned from private session at 10:28 AM.

ACTION: In the matter of EMS Case Number 2009-272-101 Morris L. Willis, EMS Applicant Number 178039, the Board finds that Mr. Willis was convicted of Aiding and Abetting Wire Fraud, a felony, in violation of Ohio Administrative Code 4765-10-03(B)(2)(a). Additionally, Mr. Willis was convicted of Receiving Stolen Property, a first-degree misdemeanor and Criminal Damaging, a second-degree misdemeanor. The Board concludes that these misdemeanors involve moral turpitude, which violates Ohio Administrative Code Section 4765-10-03(B)(2)(c). The Board moves to deny Mr. Willis' application for certification as an EMT. Pomerantz first. Marchetta second. None opposed. Fiffick abstained. Motion passed.

ACTION: In the matter of EMS Case Number 2009-547-101 Jason M. Fleming, EMS Applicant Number 179685, the Board finds that Mr. Fleming was convicted of Disorderly Conduct, a fourth degree misdemeanor. The Board concludes that this misdemeanor involves moral turpitude, which violates Ohio Administrative Code Section 4765-10-03(B)(2)(c). The Board moves to deny Mr. Fleming's application for certification as an EMT. Pomerantz first. Mallory second. None opposed. Fiffick abstained. Motion passed.

STAFF REPORTS

Chair Report, James Davis

Mr. Davis attended the 40th anniversary celebration of National Registry.

Thank you notes were received from many of the EMS Award winners recognized during the National EMS Week festivities. Mr. Davis said the event seemed well received and we will make an effort to conduct this event again in conjunction with the American College of Emergency Physicians (ACEP) Star of Life Awards next year.

State Medical Director Report, Dr. Carol Cunningham

Dr. Cunningham received an initial Regional Physician Advisory Board (RPAB) Region VI application for Dr. Stuart Chow and recommends for Board approval.

ACTION: Motion to appoint Dr. Stuart Chow to RPAB Region VI. Marchetta first. Pomerantz second. None opposed. Motion passed.

Dr. Cunningham said the RPAB chair meeting discussed updating the state guidelines to transition to the National EMS Scope of Practice Model as a minimum foundation and to assess the skill of intubation at the EMT-Basic level. They have requested data from Mr. Erskine regarding EMT-Basic intubation success rates and to compare those rates before and after CPAP was added to the scope of practice.

Dr. Cunningham attended the mid-annual NASEMSO meeting and two projects were highlighted: HITS (Highway Incident and Transportation Systems) and the culture of safety in EMS. HITS is focused on mass casualty dispatch, resource utilization, and response in remote areas. There are federal grants available for those wishing to participate in studies on the culture of safety in EMS.

The July/September 2010 issue of Prehospital Emergency Care had a joint position statement by ACEP, NAEMSP, and NASEMSO on the Role of State medical Directors. Dr. Cunningham was primary author of the associated resource document, and she worked closely with Dr. Keith Wesley, her counterpart in Minnesota. It highlighted where EMS is now compared to 2003 nationwide. She said there are still states that do not have state EMS medical directors. She distributed copies of a resource document that will be partnered with the position statement. The Federal Interagency Committee on Emergency Medical Services (FICEMS) has made the recommendation that state EMS medical direction be a required for states to be eligible for federal grants related to EMS.

Assistant Attorney General, Yvonne Tertel
Ms. Tertel had no report.

EMS Staff Legal Counsel, Joshua Engel

Mr. Engel distributed copies of a draft memorandum regarding SB 58 authorizing EMTs to perform OVI blood draws. He noted that the bill says OVI blood draws can only take place in the course of providing medical service. The Governor is expected to sign the bill Saturday and it would become effective 90 days after that, making it difficult for the Board to have rules in place. Mr. Engel said the Board could issue a statement saying the Board is in the process of drafting rules so they know information is forthcoming. It was the Board's consensus that Dr. Cunningham will draft a letter, have Mr. Engel review it, and send to affected parties. To expedite the process, staff will start writing draft rules which will be reviewed by the Medical Oversight and Rules committees. Draft rules would be presented at the August Board meeting.

Mr. Davis said the Board needs to decide what issues they want addressed in rule. Board members felt Mr. Engel's draft was a good starting point and a lengthy discussion of what other issues should be included in rule ensued. Items suggested included medics cannot be called to a scene just for the purpose of obtaining an OVI blood draw, the performance of an OVI blood draw should not delay transport and care of patient, medical director/agency/provider immunity, training for chain of custody, skin preparation, and specimen handling procedures, consent and confidentiality issues, and an OVI draw through an IV or needle puncture being done only if the person requires an IV or needle puncture for medical treatment. The rule as written says skills in paragraph B can be done with physician authorization, but does not refer to skills in Paragraph D, which refer to the OVI blood draw. Some items could be considered unfunded mandates such EMTs having to testify in court, training/retraining of staff to do blood draws/skin preparation/chain of custody/specimen handling, and cost of blood draw kits.

Mr. Davis said when he and Mr. Rucker met with the Senator who introduced the bill, his comment was that his intent was to ensure that if EMS drew blood that it would be admissible as in court, not to create an unfunded mandate. Mr. Fiffick said it is an agency's choice to do OVI blood draws as they cannot be mandated to do it.

Dr. Pakiela asked if the draft document on SB 58 Mr. Engel passed out today could be shared. Mr. Engel said if it can be sent with a caveat that this is a first review of the bill and could change. Ms. Owens will resend to Board members.

Legislative Liaison, Justin Long

Ms. Dodson said Mr. Long was at a meeting and could not attend, but the legislative matrix report is in the handouts today. Mr. Fiffick said he liked the new format of the report.

Legislation discussed included:

- Mr. Fiffick said he saw a draft document that goes along with the “do not resuscitate” form (HB 241). Ms. Owens said the task force developed a form for hospital use only on an interim basis until legislation is passed; EMS cannot use the form until it is in law.
- Dr. Pomerantz asked if Senator Carey had responded regarding the proposed grant priorities I through VI. Ms. Owens said there was a meeting and the Senator had follow up questions which have been answered. Mr. Long will be following up on this.
- Ms. Fischer asked about SB 158 requiring health care professionals to complete a cultural competency instruction. Ms. Owens said she does not know, but will get clarification and let the Board know.
- Mr. Self asked if the positions on these bills are those of the Board or of ODPS. Ms. Owens said they are the Board’s position.
- Mr. Quinn said HB 433, HB 449, and SB 104 were consolidated as they were similar in content addressing the disparity of 24-hour shifts of firefighters on military leave. This was passed June 4th and can be removed from the matrix.

Executive Director, Richard Rucker (Ellen Owens)

Ms. Owens reported that Governor Strickland appointed Thomas J. Stickrath as Director of the Ohio Department of Public Safety (ODPS) on May 26th. Director Stickrath served as the interim director of ODPS in 2002. Since 2004, Mr. Stickrath served as the director of the Ohio Department of Youth Services. Prior to that, he served as assistant director of the Department of Rehabilitation and Correction. While there, he helped restructure the department's correctional mental health care system and developed it into a national model. Ms. Owens said Director Rucker has met with the Director and advised him of the issues currently facing the Division.

The terms of six Board members expire November 12th and letters have been sent to the nominating organizations.

Ms. Owens reported a conference call was held on June 9th with Susan McHenry and Donna Smith of the National Highway Traffic Safety Agency (NHTSA) to discuss the re-assessment process. Director Rucker requested that the review be held the week of February 14th with the intent to have the review in conjunction with the annual Board work session. This would allow Board members to participate in portions of the review process and be present for the exit report. Alternate dates are the weeks of February 7th or 21st.

A Franklin County Common Pleas Judge ruled that the increase in fees for certified abstracts issued by the BMV violated the state constitution. ODPS is appealing the decision and exploring all possible scenarios regarding the possibility of loss of funding. ODPS wants to ensure that all of the Divisions' operations continue without impact. Mr. Resanovich said the ruling indicated fees collected had to be used for highway safety; however, since EMS falls under the Department of Transportation on the federal level, it can be argued that EMS falls under highway safety.

Certifications, John Kennington

Mr. Kennington presented one request for exemption for continuing education by a certificate holder due to active military service.

ACTION: Motion to approve the request(s) for exemption(s) for continuing education for individual(s) (certification number 11802) serving on active military duty during the certification period. Pakiela first. Quinn second. None opposed. Motion approved.

Mr. Kennington presented a request for exemption from continuing education (CE) due to medical hardship. Normally he reviews such applications with John Sands and Melissa Vermillion, but he received this today and wanted to present today because their extension expires at the end of July. He read the individual's letter that said they were injured on the job in September 2009. Their card expired April 10, 2010, and their current extension expires at the end of July. Mr. Kennington said the individual plans on taking a refresher course, but currently has no CE credit hours in this certification period. He said the Board can exempt them from none, part or all of their required CE hours. Mr. Resanovich asked what the rules are regarding granting a medical hardship extension until a person recovers and Mr. Kennington said there is no time frame restriction. Ms. Fischer asked if the individual could acquire the CE necessary while in rehab. Mr. Kennington said if they did, it might jeopardize their disability insurance.

ACTION: Motion to provide a 90 day extension for the individual's certification cycle for another 90 days due to medical hardship, but must complete all CE hours prior to returning to service. Collins first. Fiffick second.

Mr. Resanovich suggested adding 90 days after release date from the BWC in order for the individual to provide time to complete the CE. Ms. Owens asked if they wanted this to be a functioning or non-functioning extension. Mr. Quinn would like to add a stipulation it would be a non-functional extension with a definitive time period.

ACTION: Motion to withdraw previous motion. Collins first. Fiffick second. None opposed. Motion passed.

ACTION: Motion to grant a non-functioning extension through the period until the individual is released back to duty, and 90 days beyond that to complete the required CE. Resanovich first. Fiffick second.

Mr. Fiffick said the individual would need released from the doctor, not the BWC. Mr. Vedra asked if it is still a non-functioning 90 days after release from BWC and Mr. Quinn said that provides incentive to complete the CE without diminishing what the requirements are.

None opposed. Motion passed.

Mr. Kennington asked as a point of order if the Board needs a motion to deny the exemption. Mr. Engel said the initial exemption request needs to be denied.

ACTION: Motion to deny the request for exemption from all continuing education requirements for this renewal period due to mitigating circumstances for medical hardship. Pakiela first. Self second. None opposed. Motion passed.

Education, John Sands

Mr. Sands had one accreditation site for approval that was scheduled to come before the Board in August. The school requested this be approved before then in order to accommodate a student who was granted an extension to go into the military while they complete their paramedic training. The military would not accept the school's certificate of accreditation due to their May expiration date. The school said the student cannot wait until August when the school's certificate of accreditation was scheduled to be renewed. The school has met all the requirements, staff has reviewed, and request approval.

ACTION: Motion to approve renewal of certificate of Accreditation for site number 401. Collins first. Pakiela second. None opposed. Motion passed.

***** Lunch 11:45 AM to 12:26 PM *****

COMMITTEE REPORTS

Education Committee, James Holcomb (John Kubincanek)

The committee hopes to present all four curriculum revisions to the Board in October. The First Responder and Paramedic curriculums are completed and only need minor revisions. The committee is looking to exclude intubation from EMT-Basic curriculum and the skill at this certification level will also need to be removed from the Ohio EMS Scope of Practice as well. The committee discussed at length the hours required for the paramedic curriculum and decided on a minimum of 900 hours. The committee based the recommendation on standards and studies from the National Scope of Practice, Department of Health and Education, and the National Association of EMTs.

The committee revisited the reciprocity issue of an individual that was discussed at the May Board meeting. Mr. Kubincanek said one of the alternatives for the individual would be to do a non-violation consent agreement. Once signed, it would be brought back for the Board's approval. Committee members felt this situation was an unintended consequence of OAC 4765-8-15 and propose the rule be sent to the Rules committee for review to prevent similar situations.

ACTION: Motion to draft a non-disciplinary consent agreement for reciprocity for the individual discussed at the May Board meeting. Kubincanek first. Bradshaw second.

Mr. Kubincanek said the individual let their Ohio certification expire when they moved out of state. They have their National Registry card, ACLS, and meets the various training modes. Ms. Owens said an application from the individual is needed in order for the Board to vote on this.

While waiting for Mr. Kennington to return to the meeting, Mr. Davis said at last month's meeting, Mr. Self agreed to conduct the refresher program in the Dayton area and look at the individual's CE, and, according to Mr. Kennington, that is being done. At the Education

Committee, staff suggested a non-violation consent agreement could be used. Mr. Davis said staff is not trying to undermine the Board's prior decision, but more information was gathered since then. Mr. Resanovich said history demonstrates that whenever the Board tried to stretch the rules to approve actions similar to what is proposed, it has led to reprimand and retract of the EMS Board's actions. There is a process in place for re-instatement where the Board can identify individuals meet the requirements. The documentation in the reciprocity application Mr. Kennington received can be reviewed. Ms. Owens said the motion at the last meeting was the individual needs to apply for reinstatement in order for the Board to consider a non-disciplinary consent. Ms. Dodson offered to read the minutes from the last meeting when this was discussed.

Mr. Resanovich thought when the Board left last month that it was a legal interpretation of the way the rule was written and that if they met the "or" portion of it, they could be reinstated. He said Ms. Frient was going to research the subject. Mr. Engel said he was not familiar with the issue. Ms. Tertel said she was not aware this issue was coming before the Board and was uncomfortable discussing the consent agreement without it going through the 119 process. Until the individual submits an application, there is no action that needs to be taken, and the request could be tabled until that is received. Ms. Owens said under the existing rule, the person would still need to take the test because they are past the three-year time frame.

Mr. Kennington arrived and Mr. Davis updated him on the motion on the floor. Mr. Kennington said the individual was to speak with a local program director who would review the refresher classes he had taken for his National Registry exam to ensure they met Ohio's requirements. Mr. Kennington has not heard from the individual or the program director since last Thursday. Within the confines of the current rule, the individual needs to take a refresher class, the Board can determine equivalent education for the refresher class, and the individual would need to take the National Registry exam. Since the individual has a National Registry card, the Board could agree to a consent agreement and waive the necessity of testing. Mr. Kennington said the only application filed was the reciprocity application which was incomplete. Any incomplete application is returned and not acted upon. Mr. Kubincanek said this should be tabled as he was under the impression the individual had made application.

ACTION: Motion to table the non-disciplinary consent agreement motion. Kubincanek first. Bradshaw second. None opposed. Motion passed.

Mr. Davis said the issue will be placed on the August agenda under old business and asked Mr. Kennington to assist in getting the process moving. Mr. Davis will let Mr. Holcomb know that the Board wants OAC 4765-8-15 reviewed.

Mr. Kubincanek said there is an issue with the EMS Instructor knowledge exam not being specific. By definition, once an individual has failed the instructor test three times, they must wait six months before reattempting the test. An individual who has taken this test over a six-year period and, after six failed attempts, is requesting to take again for the seventh time. The committee is asking if the Rules committee intended for there to be a cut off period of if their intent was to permit an individual to be able to take the knowledge exam repeatedly without a limitation to pass it. Mr. Resanovich said these rules have been in place for a long time and the Board does not have to amend a rule every time someone has a problem with it. Ms. Owens said

there are two issues: The individual who tested six times and wants to test again, and the current rule is not written clearly. It says a person gets three attempts and if they fail, they have to wait six months until testing again, but does not specify how many times in how many cycles are permitted. Legal will need to make an interpretation of the rule in a defensible manner. This will be sent back to the Rules Committee for clarification.

In 2009, the Board approved amending the CE instructor rule to include physicians with an MD training certificate or a DO training certificate which would allow them to be CE instructors without requiring that an EMS Instructor be present until they receive their physician's license and become eligible to apply for the full EMS Instructor certification. Mr. Davis said since that time, the committee was made aware that there is a conflict with the Medical Board rules, causing the Board to re-look at our rule as rewritten several months ago. He said Ms. Vermillion and her staff researched this and presented it to the Education committee. Based on that, a revised draft of rule (4765-18-09) for Certificate of Training as Physicians to become CE Instructor was distributed for Board approval of the concept. Ms. Owens said our rule was saying they could teach anywhere in the state as long as they are training underneath the auspices of an accredited or CE site, but if they did that, they could be disciplined by the Medical Board. Mr. Davis said the motion is to approve the conceptual aspect of the draft rules and would need vetted by the Board, Legal counsel and the Medical Board. If approved, this would go to the Rules committee.

ACTION: Motion to approve and move forward with the concept presented regarding physician in training certificate. Fiffick first. Collins second. None opposed. Motion passed.

EMS-Children, Dr. Wendy Pomerantz

The committee is trying to facilitate adult hospitals becoming pediatric prepared. The University Hospitals of Cleveland's emergency department quality task force is interested in partnering with Ohio EMSC on implementing the project throughout their system. Mr. Stack will present information about the program to the Ohio State Council of the Emergency Nurses Association at the August 6th meeting to get their involvement.

The EMSC performance measures at the federal level are being changed. They are considering the addition of the NHTSA Model Trauma System language to measure #75 (hospital recognition system for pediatric trauma) and a pediatric continuing education requirement for First Responders.

Surveys will be sent to EMS agencies and hospitals concerning the EMSC Performance Measures like what was done several years ago. Copies of the Ohio EMS Pediatric Guidelines and Equipment for ambulances will be sent to EMS agencies and medical directors. Surveys should be released in September.

The committee continues to review the "Planning for the Needs of Children in a Disaster" document from the Ohio Pediatric Disaster Preparedness Committee and the 2009-1010 committee goals with the intention of setting five-year goals as requested by the EMS Board.

Homeland Security, Mark Resanovich

They will review the SWOT analysis at the next meeting to present to the Board in October.

Recruitment and Retention Committee, Daryl McNutt

Mr. McNutt said the meeting was cancelled. Mr. Stack will be contacting members about their intention for committee participation. Mr. Davis said he, Mr. Resanovich, and Mr. Rucker will set a meeting to discuss committee issues with Mr. McNutt.

Research and Grants Committee, Dr. Thomas Collins

Priorities 2, 3, and 4 grants were distributed for review and the committee recommends three grants be funded. A list of Priority 1 grant recipients was included in the Board packet and the committee recommends for approval. Dr. Collins said this year they would like a special amendment be included as there is a variable tied to the abstract drivers license fee regarding how much money Fiscal will permit to be distributed this year. Normally there is \$4 million available for grants, but it might be decreased by \$1 million due to the possible loss of abstract drivers license fees.

ACTION: Motion to approve the Priority 1, 2, 3, and 4 grants as they are outlined today with the condition that in the event that program is funded at a reduced amount as determined by the Ohio Department of Public Safety Fiscal office, each grant amount will be adjusted by reducing the award by the percentage reduction in overall funds available for all priorities. Collins first. Marchetta second

Dr. Collins said the reason this is being requested today as opposed until waiting until the August Board meeting is that Fiscal may determine the award amount that can be distributed well ahead of the August Board meeting.

Mr. Boster said a motion should be made separately for Priority 1 grants, and another motion for Priority 2, 3, and 4 grants.

ACTION: Motion to amend the motion above for Priority I grant list approval with stipulation that in the event that the grant program is funded at a reduced amount by the Ohio Department of Public Safety Fiscal office, each grant amount will be adjusted by reducing the award by the percentage reduction in overall funds available for all priorities. Collins first. Fischer second.

Some members thought approval should be delayed until the abstract fee is resolved, but Mr. Engel said a court appeal would take years, not months. Dr. Collins said these grants come from seat belt fines, but part of the Division's operating budget comes from the abstract drivers license fees. Mr. Davis said before approving this, we need this discussion because he believes the last thing Board members want to do is send out letters telling people they have received money from the state that won't be able to be fulfilled. Alan Boster, Grants Manager, grant awards cannot be mailed until the amount for 2010-2011 grants is determined. Mr. Davis identified this potential action as part of the problem because if the Board approves the motion, it will be in the minutes and records and people will start looking for their award amount. Mr. Engel suggested tabling

the motion. Mr. Boster said if the ODPS fiscal office has not informed EMS of the amount available by July 1, the Division will inform all grant applicants of the delay.

Mr. Self said the motion is to approve the grant pending the Fiscal office decision on the amount of money available. He doesn't think anyone would read the minutes and expect to receive a specified amount of money. He believes the committee is trying to expedite the process by having the Board approve the grants, and once the money becomes available, the process keeps moving versus having to wait until August for them to be approved. Mr. Vedra feels that if less money is going to be distributed, the next worse thing to do is to delay the process.

Dr. Collins said once Fiscal determines how much money is available for the grants, there is no further action required by the Board if this motion is approved. Mr. Boster said the grant awards can quickly be recalculated on any percentage reduction in funding.

None opposed. Members abstaining: Bradshaw – 73-E008; Collins – 67-003, 18-015, 18-023, 18-025, 18-053, 18-079, 18-081, 18-085, 28-127, 18-086; Fischer – 13-111, 13-115, 13-123, 13-203, 13-E014; Mallory – 25-117; Marchetta – 34-201; McNutt – 48-021; Pakiela – 77-001, 77-105, 77-127; Parrish – 79-043; Quinn – 09-015. None opposed. Motion passed.

***** Mr. Self left at 1:30 PM *****

ACTION: Motion to approve Priorities 2, 3, and 4 grant awards with condition that in the event that the grant program is funded at a reduced amount by the Ohio Department of Public Safety Fiscal office, each grant amount will be adjusted by reducing the award by the percentage reduction in overall funds available for all priorities. Collins first. Marchetta second. Pomerantz abstained on Priority 3, Cincinnati Children's Hospital Medical Center. None opposed. Motion passed.

A list of the top five Priority 1 grant recipients receiving \$15,000 each was distributed with a short bio of each agency.

Strategic Planning Committee, Craig Self (Ellen Owens)

Ms. Owens said Mr. Self had to leave for an emergency meeting, but wanted to remind each committee to have their goals determined by October 1st.

Trauma Committee, Dr. John Crow (Tim Erskine)

The Trauma Committee is receiving responses about the Trauma System Framework that was distributed after the Board's directive to do so. Deadline for comments is July 15th.

The Registry sub-committee is working on the definition of the word "admitted" for the inclusion criteria into the Trauma Registry. The current definition says anyone admitted for 48 hours or more for treatment of an injury is included.

The committee has formed a new sub-committee on System Performance by combining two existing committees (Performance Improvement and Over/Under Triage). They will be called

the System Performance Sub-committee and one of their tasks will be to define over and under triage so it can be identified within Ohio's system.

The Trauma Committee identified their strengths and weakness using the SWOT Analysis of the Model Trauma System. They will now evaluate their opportunities and threats. The committee will discuss their goals and the standard operating procedures reviewed through their own standard operating procedure to do that every two years.

As the result of a NHTSA traffic records assessment, funding for upgrading the Ohio Trauma Registry to the national trauma data standard has been given top priority from the Highway Safety grants. The awards for the 408 grant will not be known until late summer or early fall.

A local Cleveland area hospital will discontinue operating as a Level II trauma center due to insufficient volume to maintain necessary skills. There are many trauma centers in its area, and will be a low-impact closure. Mr. Erskine said the hospital has the necessary information on how to shut down a trauma center and the closure is going according to procedure.

The following committees did not meet and had nothing to report: Firefighter and Fire Safety Inspector, Legislative, Medical Oversight, National Accreditation, and Rules.

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 1:37 PM. Bradshaw first. Parrish second. None opposed. Motion approved.

Roll Call

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

Dr. Steve Steinberg
 Mr. William Vedra Here

******* Board returned from private session at 1:55 PM *******

2009-127-101	2010-57-BE100	2010-102-E300	2010-156-E300
2009-371-101	2010-77-BE100	2010-103-E300	2010-157-E100
2009-735-302	2010-88-E100	2010-114-E100	2010-187-E300
2010-44-E100			

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

2008-256-102	2010-129-E100	2010-140-E100
2009-738-101	2010-133-BE100	2010-141-E100
2010-119-E100		

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

2010-73-E400	2010-74-E400
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ACTION: Motion to close the above listed case(s) and refer case to local medical director/department. Pomerantz first. Marchetta second. Fiffick abstained. None opposed. Motion approved.

2010-101-E200

ACTION: Motion to close the above listed case(s) and refer case to local prosecutor. Pomerantz first. Marchetta second. Fiffick abstained. None opposed. Motion approved.

2006-281-101	2007-219-304
2006-313-101	2010-100-E200
2006-452-101	

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

2006-402-101	2007-25-302	2009-45-101	2009-437-101
2006-458-302	2007-266-304	2009-147-101	

ACTION: Motion to close the above listed case(s) as the individuals have met the stipulations of their Consent Agreement(s). Pomerantz first. Marchetta second. Fiffick abstained. None opposed. Motion approved.

2009-663-102	2009-749-102
2009-745-102	2010-143-BE100

ACTION: Motion to issue a Notice of Opportunity for Hearing(s) for the above case(s). Pomerantz first. Marchetta second. Fiffick abstained; Parrish abstained 2009-749-102. None opposed. Motion approved.

2010-198-E300

ACTION: Motion to grant permission for the Assistant Attorney General to negotiate a consent agreement for the above case(s). Pomerantz first. Marchetta second. Fiffick abstained. None opposed. Motion approved.

2008-704-301

ACTION: Motion to accept EMT-I as continuing education and close the above case. Pomerantz first. Marchetta second. Fiffick abstained. None opposed. Motion approved.

2009-273-102

ACTION: Motion to draft consent agreement for the above case. Pomerantz first. Marchetta second. Fiffick abstained. None opposed. Motion approved.

2010-70-E600

ACTION: Motion to amend the Notice of Opportunity for hearing and add the additional convictions for the above case. Pomerantz first. Marchetta second. Fiffick abstained. None opposed. Motion approved.

2010-105-E300

ACTION: Motion to draft consent agreement for the above case. Pomerantz first. Marchetta second. Fiffick abstained. None opposed. Motion approved.

2010-131-E100	2010-197-BE100	2010-227-E100	2010-262-BE100
2010-144-E100	2010-208-E100	2010-233-E100	2010-263-BE100
2010-179-E100	2010-209-BE100	2010-236-E100	2010-264-E100
2010-180-BE100	2010-211-BE100	2010-237-E100	2010-265-E100
2010-183-BE100	2010-212-E100	2010-239-E100	2010-268-BE100
2010-185-E100	2010-215-BE100	2010-240-E100	2010-269-E100
2010-192-E100	2010-216-E100	2010-257-E100	2010-272-E100
2010-193-E100	2010-220-E100	2010-258-E100	2010-273-BE100
2010-194-E100	2010-222-E100	2010-259-BE100	
2010-195-E100	2010-223-E100	2010-260-E100	

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. Fiffick abstained. None opposed. Motion approved.

OLD BUSINESS

No old business was brought forward.

NEW BUSINESS

Mr. Kennington prepared a notice regarding the rule change and one card process that will be posted on the website, published in the SIREN, and mailed out to each EMT to inform them that if their certification is active on that date and by receiving the notice, they will be directly affected by the change. Mr. Kennington will email the notice to Board members. The approximate cost to mail the notification will be around \$15,000. Ms. Owens said First Responders need to be included on the mailing list. Mr. Kennington said the notice will be passed out at conferences and meetings and will be distributed through the Listservs for EMS agencies and EMS training institutions Mr. Quinn inquired if a reminder could be added to the notice informing individuals that they can renew their certifications online. Mr. Kennington said reminders are still mailed out to EMTs.

ADJOURNMENT

ACTION: Motion to adjourn with the exception of the Fire Board members, who will remain for discussion of fire issues. Pomerantz first. Collins second. None opposed. Motion approved. The meeting was adjourned at 2:06 PM.

FIRE BOARD MEMBERS

Mr. Davis brought the meeting of the EMS Fire Board members to order at 2:11 PM.

Roll Call

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

ACTION: Motion to approve the minutes from the June 4 Special Fire Committee meeting. McNutt first. Mallory second.

Mr. Davis said Under the Notice of Opportunity for Hearing on a fire case it does not have him as abstaining. He asked Ms. Tertel if he has to or if he just does not vote as Chair. Ms. Tertel said do not vote unless there is a tie, but if you would like to reflect that you abstained that is fine Ms. Dodson will make the change to the minutes.

None opposed. Motion passed.

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 2:12 PM. Quinn first. Parrish second. None opposed. Motion approved.

Roll Call

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

*******Fire Board returned from Executive Session at 2:31 PM *******

2009-352-706	2010-99-F100
2009-695-706	2010-123-F100
2010-57-BF100	2010-151-F100
2010-77-BF100	2010-182-F100

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

2008-257-702	2010-130-F500
2009-739-701	2010-133-BF100

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

2009-44-701	2009-438-101
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ACTION: Motion recommending that the Executive Director close the above Fire case(s) as the individuals have met the stipulations of their Consent Agreements. Mallory first. McNutt second. None opposed. Motion approved.

2009-664-702	2009-731-701
2009-696-706	2010-143-BF100

ACTION: Motion recommending that the Executive Director issue(s) a Notice of Opportunity for Hearing for the above Fire case(s). Mallory first. McNutt second. None opposed. Motion approved.

2009-115-706

ACTION: Motion recommending that the Executive Director draft a consent agreement for the above Fire case(s). Mallory first. McNutt second. None opposed. Motion approved.

2009-274-702

ACTION: Motion recommending that the Executive Director draft a consent agreement for the above Fire case(s). Mallory first. McNutt second. None opposed. Motion approved.

2010-188-F500

ACTION: Motion recommending that the Executive Director issue a cease and desist order for the above Fire case(s). Mallory first. McNutt second. None opposed. Motion approved.

2010-110-F100	2010-203-F100	2010-246-F100
2010-115-F100	2010-204-F100	2010-248-F100
2010-127-F100	2010-206-F100	2010-249-F100
2010-136-F100	2010-209-B100	2010-253-F100
2010-164-F100	2010-211-B100	2010-259-B100
2010-169-F100	2010-214-F100	2010-262-B100
2010-180-B100	2010-215-B100	2010-263-B100
2010-181-F100	2010-225-F100	2010-268-B100
2010-183-B100	2010-231-F100	2010-271-F100
2010-197-B100	2010-232-F100	2010-273-B100
2010-199-F100	2010-235-F100	2010-278-F100
2010-201-F100	2010-242-F100	2010-281-F100
2010-202-F100	2010-245-F100	

ACTION: Motion recommending that the Executive Director Close the above Fire cases due to one of the following reasons: inadvertently marked yes to conviction question, misdemeanor convictions that have previously been deemed “not involving moral turpitude”, local non-patient care issues, and grandfathering issues of certification/conviction. Mallory first. McNutt second. None opposed. Motion approved.

No old or new business was brought forward.

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

The meeting adjourned at 2:35 PM.