

**FINAL**

**STATE BOARD OF EMERGENCY MEDICAL SERVICES  
OHIO DEPARTMENT OF PUBLIC SAFETY  
MEETING MINUTES  
August 18, 2010**

Chaired by James Davis

Board Meeting Date and Location: August 18, 2010, 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, Mr. James Holcomb, Mr. William Mallory, Mr. Daryl McNutt, Mr. James Parrish, Dr. Wendy Pomerantz, Mr. William Quinn, Mr. Mark Resanovich, Mr. Craig Self, Mr. William Vedra

Board Members Absent: Mr. John Kubincanek, Mr. Mark Marchetta, Dr. John Pakiela, Dr. Steve Steinberg

Staff Members Present: Alan Boster, Dr. Carol Cunningham, China Dodley, Joshua Engel, Tim Erskine, Heather Frient, Tom Gwinn, John Kennington, Thomas Macklin, Chuck Milam, Linda Mirarchi, Sue Morris, Doug Orahood, Ellen Owens, Carol Palantekin, Millie Pontious, Richard Rucker, Bob Ruetenik, John Sands, Joe Stack, Yvonne Tertel, Melissa Vermillion, Pam Watkins Diane Walton

Guest and Public Attendance: Jim Carney, Ohio Association of Professional Firefighters

Mr. Davis called the meeting to order at 11:30 AM.

Roll Call

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

**ACTION: Motion to approve the consent agenda as posted on the website, items including: June 16, 2010 EMS Board minutes; EMS certifications granted for the period of June 1 through June 30, 2010 and continuing education extensions granted for the period of June 1, 2010 through July 31, 2010; and initial and renewal applications for education certificates of approval and accreditation for the period of June 1, 2010 through June 30, 2010.** Pomerantz first. Collins second. None opposed. No abstentions. Motion approved.

#### OPEN FORUM

Mr. Davis invited anyone in the audience who would like to address the Board regarding Senate Bill 58. Mr. Jim Carney, Ohio Association of Professional Firefighters, suggested that the vote by the EMS Board on the Senate Bill 58 rules be delayed for a month in order to give more time for interested parties to review them. He said he has worked on the legislation since it was introduced, and at all of the meetings with the legislators involved agreed that a blood draw for OVI evidence would only occur if the medics on scene were already going to draw blood for treatment. His other concerns included clarification of drawing blood from unconscious/deceased individuals and that there should be a training requirement that matches the Department of Health's forensic blood draw guidelines.

Mr. Engel said since the law goes into effect soon, they have an obligation to promulgate the rules to provide guidance and does not feel a vote should be delayed since there will be ample time for comments and amending the rules. Mr. Quinn asked if there is a statutory requirement as far as a time frame to when legislation is drafted and when rules have to be submitted to JCARR, or if the Board can wait to submit a set of rules to JCARR that would address all stakeholder concerns. Mr. Engel said there is no statutory requirement on this, but medical directors would be operating without sufficient guidance. Dr. Cunningham said it might be worthwhile to wait in order so medical directors can create the training portion or at least have it stated in rule that collecting blood for evidence be compliant with the standards of the Ohio Department of Health.

#### STAFF REPORTS

##### Chair Report, James Davis

Mr. Davis attended the National Registry's 40<sup>th</sup> anniversary celebration.

He said there have been multiple media reports that several agencies in southern and southwestern Ohio are enduring financial difficulties and there is concern of what the outcome will be.

He spoke with the Director of the Lodi Community Hospital regarding getting more people from that area involved in EMS Board committees.

Mr. Davis thanked the Rules committee and staff for their work on ensuring the rules were ready for presentation at today's public hearing.

State Medical Director Report, Dr. Carol Cunningham

Dr. Cunningham announced that Dr. Brian Barhorst (RPAB Region V) and Dr. Janardan Tallam (RPAB Region X) submitted applications to join the Regional Physician Advisory Board (RPAB) Regions V and X, respectively. She reported that RPAB Region X is working on developing regional protocols. At the upcoming RPAB Region Chair meeting September 8<sup>th</sup>, they will continue work on the SWOT analysis. They will also discuss SB 58 and Dr. Cunningham will share a sample protocol she developed for the local EMS system that she oversees.

The Ohio State Board of Pharmacy requested she present their letter which grants a waiver regarding national shortage of emergency drugs to the Board for approval to place on the EMS website. The waiver is effective August 9<sup>th</sup> allowing EMS agencies to use other sizes, forms, and strengths of the listed medications without actually amending their pharmaceutical license. These substitutions are only permitted during the shortage, and the waiver expires as soon as the national backorder is resolved. Ms. Owens said the Board of Pharmacy has already sent this letter to EMS agencies. Mr. Davis said in addition to placing it on the website, a mass e-mail should also be sent to EMS agencies and providers on this.

**ACTION: Motion by Mr. Davis to place the pharmacy waiver letter on the website.** Fiffick first. Pomerantz second. None opposed. Motion passed.

Dr. Cunningham will also provide periodic updates to the Board.

She will discuss the Medical Oversight Committee's (MOC) 12-Lead EKG training module they have been working on at the RPAB Chair meeting. The use of pre-hospital EKG in Ohio is fabulous, but there needs to be a backup in case transmission equipment is not working. Paramedics need to be able to interpret the 12-lead EKG and identify an acute myocardial infarction. The MOC is planning to develop a training module that can be posted on the EMS website or provide through Lectora© free-of-charge to our EMS providers.

Dr. Cunningham and Director Rucker will attend the National Association of the State EMS Officials (NASEMSO) annual meeting October 10<sup>th</sup>-15<sup>th</sup>.

Assistant Attorney General, Yvonne Tertel

Ms. Tertel said there are two Report and Recommendations which the Board will be deliberating on today. Hearings are scheduled at the end of September and she expects the resultant Report and Recommendations for them will be presented at the December meeting.

Legislative Liaison, Justin Long

Mr. Long was not present, but the legislative matrix report was distributed.

Executive Director, Richard Rucker

Mr. Rucker attended the Joint Committee on Agency Rule Review (JCARR) hearing on July 12<sup>th</sup> for the EMS rules, which were approved.

Six Board member terms expire in November. He reported that Dr. Collins, Mr. Fiffick, and Mr. Holcomb are not seeking reappointment and thanked them for their committed service.

Mr. Rucker reminded Board members, especially committee chairs, that it is very important to respond to e-mails from Division staff. With SPAM filters, unless a response is received, staff is not sure whether messages were received.

The upcoming National Highway Traffic Safety Association (NHTSA) reassessment in February will be very important for the Board and Division. Everyone will need to be engaged in the process and provide input when necessary in order to have a successful outcome.

Mr. Rucker reported the certification process will change with the upcoming implementation of the one card – one renewal date for all certifications. The background color of the cards issued for both EMS and Fire will change from blue to purple.

#### Education, John Sands

Mr. Sands read into the record that a signed Consent Agreement has been received for case number 2009-276-308, Pike County Career Center, Accreditation #215, for the EMT-Intermediate level.

#### Certifications, John Kennington

Mr. Kennington presented eight requests for exemption for continuing education from certificate holders due to active military service (certificate numbers 112192, 117772, 117542, 113715, 100764, 135324, 119246, 81583).

**ACTION: Motion to approve the request(s) for exemption(s) for continuing education for individuals serving on active military duty during the certification period.** Collins first. McNutt second. None opposed. Motion approved.

### COMMITTEE REPORTS

#### Education Committee, James Holcomb

Mr. Holcomb distributed the Education Committee's report highlighting proposed changes to curriculum to comply with the National EMS Scope of Practice Model in order to meet the minimum standards of the National EMS Education Standards. Items listed in the report included changes in the depth of study, the addition of pathophysiology for all levels, and removal of endotracheal intubation from the EMT-Basic program. Minimum hours have been added to all levels except for the EMT-Basic. The committee would like the Board's approval because the scope of practice and the curriculum do not match. Once that is changed, then the rules can be changed. Ms. Bradshaw said the changes provide for more curriculum continuity across all levels. Dr. Cunningham and Mr. Holcomb commended the Education Committee and outside representatives for their hard work, especially on the creation and provision of the education curriculum gap analysis.

**ACTION: Motion to adopt the changes as presented.** Quinn first. Dahl-Grove second. None opposed. Motion approved.

EMS-Children, Dr. Wendy Pomerantz

The committee is working with the Ohio chapter of the Emergency Nurses Association to conduct a workgroup for the EMSC Emergency Department Pediatric Preparedness program. The Case Western Reserve University Hospital system in Cleveland will pilot the project. Joseph Stack is preparing a survey for EMS agencies and hospitals to be released in September or October.

The committee is reviewing the “Planning for the Needs of Children in a Disaster” document from the Ohio Pediatric Disaster Preparedness Committee regarding developing an annex to the Ohio EMA Emergency Operations Plan.

The committee has drafted their SWOT analysis and goals for the next five years.

Firefighter and Safety Inspector Committee, Doug Orahood for Phil McLean

Mr. Orahood reported that the Firefighter Safety and Inspector (FFSI) committee and the Division of EMS submitted the application to become ProBoard-accredited for Firefighter I and II. The ProBoard site visit and review is scheduled for the week of October 15<sup>th</sup> and the hope is to receive accreditation by January 1, 2011. The committee is in the process of developing rules for the practical skills testing. ProBoard will be an optional accreditation for schools who would like to give that option to their students.

The FFSI committee is creating a workgroup to discuss creating an additional certification level of HAZMAT technician. The committee is also involved in updating several fire rules, including the NFPA 1001 standard for Firefighter I, which has been revised from Hazmat Awareness to Hazmat Operations. The hours will need adjusted in rules to include the course in the FF I level and remove it from the FF II level.

Mr. Orahood announced that the first Division of EMS Fire awards will be presented October 7<sup>th</sup> at 8:30 AM at the Ohio Department of Transportation Auditorium during the Division’s annual Fire and EMS conference. The awards will honor fire educators and lifetime achievements.

Homeland Security, Mark Resanovich

The committee worked on reviewing the last two National Highway Traffic Safety Administration (NHTSA) evaluations in preparation for the upcoming review in 2011 and continued working on a disaster plan. Carol Jacobson of the Ohio Hospital Association gave a presentation on the OHTrac triage tagging system that was approved at the February Board retreat.

The Homeland Security Committee has been working on the SWOT analysis for presentation to the Board in October.

TEMS, Mark Resanovich

The committee prepared the SWOT analysis report and is waiting for comments before submitting their report to Mr. Self.

Legislative Committee, Ellen Owens for William Quinn

Mr. Quinn was not present at the last meeting. Ms. Owens reported the committee worked on the SWOT analysis, goals, and discussed several legislative bills that have been introduced. Mr. Davis was not sure if all Board members were aware of the proposed stroke bill recently introduced. He said the bill could change the scope of practice for EMS and require a certain amount of continuing education. Ms. Owens said it proposes EMS agencies would need to report data to the Ohio Department of Health and concerns regarding the lack of EMS representation on the group making recommendations on the triage assessment tools were raised.

Medical Oversight, Deanna Dahl-Grove

The committee worked on their SWOT analysis report, discussed Senate Bill 58 draft rules, and previewed a 12-Lead EKG presentation that Dr. Cunningham will also present to the RPABs.

Recruitment and Retention Committee, Daryl McNutt

Mr. McNutt reported that the Ohio Fire Chief's grant program looks positive.

National Accreditation, Linda Mirarchi

Ms. Mirarchi outlined the implementation plan to assist the program director; communication to program directors; application toolkit; and application workshop with Committee on Accreditation of Educational Programs for the Emergency Medical Services Professions (CoAEMSP) executive director. The Division will hold five (5) regional workshops to be facilitated by one of the currently CoAEMSP national accredited institutions who have agreed to serve as mentors in non-competitive regions of the state. It was decided to work toward a cooperative application and accreditation review process to streamline for everyone involved. Mr. Davis said the Board discussed making the CoAEMSP accreditation application information available on the Division website and would entertain a motion to approve putting a link on the website so this information is available to agencies affected by national accreditation.

**ACTION: Motion to put a link to CoAEMSP's website on the Division's website so agencies impacted by national accreditation can access information regarding the accreditation application process.** Quinn first. Bradshaw second. None opposed. Motion approved.

Research and Grants, Dr. Thomas Collins

Dr. Collins said the grant monies available for disbursement were \$500,000 less than projected, and all grants were adjusted and distributed for this year.

Currently, approximately \$60,000 a year from Priority 1 funds is used for continuing education training. There was a lengthy discussion regarding the use of Priority 1 grants for professional development, specifically attendance at the Ohio Fire Executive Course. The committee would like a representative from the Ohio Fire Executive Course to make a presentation to the Board.

The five-week course is given in residence over the course of three years and focuses on professional development and leadership. However, it is not specific to Ohio rules and regulations, fire grounds, or medical operations. The tuition is approximately \$8,000, half of which is for room and board, which is an issue because no public funds are to be used to pay for room and board. In general, the committee felt professional development and leadership in the area of EMS should be supported, but the question is should Priority 1 funds be used for all types of professional development courses at the discretion of the EMS agencies receiving them. Ms. Owens said the only rules that deal with education are approval of initial training for initial certification or what is acceptable as continuing education for EMTs to renew their certification. Professional development is not something that for which the EMS Board or the Division has regulatory authority. The history of how and why this specific management course was originally approved was discussed. Ms. Owens said it was brought forth by Chief Walenczak to include it in the grant list, and his rationale was that the leadership portions of the program were applicable to both EMS and Fire. She said concerns are being raised as to whether or not EMS people who do not possess fire certificates are eligible to take the course. Dr. Collins said they are eligible and a handful of providers who are primarily EMS management have taken the course; however, the promotional literature indicates being a fire officer is a requirement to enroll. Mr. Resanovich said this was discussed eight years ago and was presented by a retired fire chief at the request of the EMS Board to seek financial assistance for the course. At that time, 76% of rural service in Ohio was fire-based, the Board had fire representatives, and the FFSI committee was responsible for the fire instructor course. Mr. Resanovich said members chose to allow professional development to be paid for through grant money as it was relevant to future leaders for EMS and Fire service. Mr. Fiffick thought only a certain percentage could be approved at one time, and there was no guarantee that the agencies would receive the same amount of grant funding to cover the tuition for the three-year period. Dr. Collins said the Research and Grants Committee believes supporting professional development is an appropriate action for the Board in relation to leadership. He asked the Board approve Priority 1 grants for professional development and leadership courses.

**ACTION: Motion to allow Priority 1 grants to be used for professional development courses.** Collins first. Fischer second. None opposed. Motion approved.

Dr. Collins asked that the rule of not paying for room, board, and meals apply, and those taking the course be at least an EMT and a Firefighter Level II provider. Mr. Vedra asked if there are enough safeguards to make sure that the person making the decision is not personally benefiting from the grant to send themselves to class. Some Board members felt there would be enough oversight as a chief, mayor, or trustee would have to approve for the individual to attend. Mr. Davis said that grant money administration cannot discriminate toward one agency or the other (EMS or Fire).

None opposed. Motion passed.

Chief McNutt asked when the effective date of the Priority 1 professional development courses would be. Dr. Collins thought it would be effective with the January 1, 2011 application.

Dr. Collins said the committee began preparing their SWOT analysis. At their next meeting, they will review the computer and software purchases that currently are made with Priority 1 funding. When electronic reporting was initially required, an emphasis was placed on such purchases to ensure agencies would comply with reporting requirements.

Strategic Planning/NHTSA, Craig Self

Mr. Self reported that the initial committee met and with good participation from organizations outside the Board. If any committee needs assistance on their SWOT analysis, please let them know and thanked committee chairs for all the work required to complete the analysis. Mr. Self said the committee will be meeting in early October and will consolidate all the SWOT reports into a single document.

Mr. Davis said there are more committee reports, but suspended them in order to meet the timeline set for the Report and Recommendation.

EMS Report and Recommendation

Mr. Davis said the Board will be deliberating on one Report and Recommendation, Case Number 2009-580-102, Donald R. Kinsel, EMS ID #179892. He recognized Principal Assistant Attorney General Yvonne Tertel to give a brief synopsis of the case. Ms. Tertel said Mr. Kinsel was not present. She said Mr. Kinsel applied for certification and had prior convictions involving sexual abuse of a young child. Even though the charges were very old, their circumstances were very egregious and proceeded with the hearing. The individual did not deny the conviction and the Hearing Examiner recommended denial of the application. Ms. Tertel requests the Board's approval to deny based on the seriousness of the underlying violations.

**ACTION: Motion to go into Private Session for the purpose of quasi-judicial deliberation on this matter at 12:50 PM.** Pomerantz first. Mallory second.

Roll Call

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

Ohio Department of Public Safety  
State Board of Emergency Medical Services  
August 18, 2010  
**FINAL**

Mr. William Quinn, Jr.        Here  
Mr. Craig Self                Here  
Dr. Steve Steinberg  
Mr. William Vedra            Here

The Board returned from private session at 12:55 p.m.

**ACTION: In the matter of EMS Case #2009-580-102, Donald R. Kinsel EMS ID #179892, Applicant, the Board accepts the findings of fact, conclusions of law, and the recommendation issued by the hearing examiner to deny Mr. Kinsel's application for certification as an EMT for his conviction for *Attempted Sexual Battery*, in violation of Florida Statutes, a capital felony, in violation of Ohio Administrative Code Section 4765-10-03(B)(2)(a). Dahl-Grove first. Pomerantz second. None opposed. Fiffick, Holcomb abstained. Motion passed.**

**\*\*\* Mr. Resanovich and Mr. Vedra left at 12:55 PM \*\*\***

**\*\*\* Lunch 12:55 PM to 1:15 PM \*\*\***

GOLDMAN PROCEEDINGS

The Goldman proceedings were called to order at order at 1:20 PM.

Roll Call

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

Mr. Davis said a majority of Board members were present. One adjudication proceeding will be heard today, EMS Case #2008-497-102 Mark E. Humphrey, EMS Certificate #26779. The proceedings are 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 respondent 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 before the Board.

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 Mr. Humphrey was not present and did not request a hearing. The case indicates a serious domestic incident that went out of control involving various family members and resulting in a gunpoint abduction. Mr. Humphrey received felony convictions for this. Ms. Tertel said his card expired in October 2009, and under 119., individuals can practice under their previous certification while disciplinary matters are pending. She said Mr. Humphrey has applied for renewal and the recommendation from case review is to revoke the licensures, thereby denying this renewal.

**ACTION: Motion to admit the sworn affidavit and accompanying exhibits in the aforementioned case into evidence.** Pomerantz first. Dr. Collins second. None opposed. None opposed. Motion passed.

There being no further evidence to come before the Board, these proceedings are now closed at 1:25 PM The procedural and jurisdictional matters having been satisfied, we will now continue with the proceedings by deliberation on the sworn affidavit and exhibits. A written copy of the Board's decision will be mailed to the respondent.

**ACTION: Motion to go into Private Session for the purpose of quasi-judicial deliberation on this matter at 1:25 PM.** Pomerantz first. Dahl-Grove second. None opposed. Motion approved.

Roll Call

Mr. James Davis	Here
Mr. Mark Resanovich	
Ms. Pamela Bradshaw	Here
Dr. Thomas Collins	Here
Dr. Deanna Dahl-Grove	Here
Mr. David Fiffick	Here
Ms. Joyce Fischer	Here
Ms. Vickie Graymire	Here

Mr. James Holcomb	Here
Mr. John Kubincanek	
Mr. Daryl McNutt	Here
Mr. William Mallory	Here
Mr. Mark Marchetta	
Dr. John Pakiela	
Mr. James Parrish	Here
Dr. Wendy Pomerantz	Here
Mr. William Quinn, Jr.	Here
Mr. Craig Self	Here
Dr. Steve Steinberg	
Mr. William Vedra	

The Board returned from private session at 1:30 PM.

**ACTION:** In the matter of EMS Case #2008-497-102 Mark E. Humphrey, EMS Certificate #26779, the Board finds that Mr. Humphrey was convicted of *Abduction*, a third-degree felony; and *Improperly Handling Firearms in a Motor Vehicle*, a fourth-degree felony, in violation of Ohio Administrative Code Section 4765-10-03(B)(2)(a). Furthermore, Mr. Humphrey was convicted of *Domestic Violence*, a first-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 revoke Mr. Humphrey's EMT certificate to practice. Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion passed.

#### COMMITTEE REPORTS (Continued)

##### Trauma Committee, Tim Erskine for Dr. John Crow

The Committee has dropped the 48-hour rule from the Trauma Registry's inclusion criteria. This means all admitted trauma patients will now be reportable. The inclusion criteria will now include hip fractures that are not frailty-related.

The Committee recommends the Board adopt the Distracted Driving white paper that the Central Ohio Trauma System developed at the request of the Trauma Committee regarding texting while driving. A presentation was given at the February 2010 Board retreat on this. Mr. Davis said the Board reviewed the presentation at that time, and today they are presenting the final paper. Even though the Board has not seen the final draft, he said the content is that same. Mr. Davis said Director Rucker will ensure a final copy of the paper is distributed to the Board members' respective organizations.

**ACTION:** Motion to adopt the "Distracted Driving" white paper. Graymire first. Self second. None opposed. Motion passed.

Mr. Erskine reported the recent closure of two trauma centers, one of which was located in southeastern Ohio and is a critical loss. For a number of years, the Division has sent a trauma

center closure tool to hospitals to complete that identifies the factors that led to their abandonment of their trauma program. The Trauma committee would like to develop an exit closure tool to obtain more in-depth information regarding the closure.

Trauma Visionary Committee, Vicki Graymire

Ms. Graymire reported that the workgroup is finalizing the Model Trauma System Framework document. Two new sections have been added to the document to address special populations and professional education. The committee will work on defining who the "lead trauma agency" should be. The committee discussed the cost to have the state trauma system reviewed by the American College of Surgeons (ACS), and this discussion led to the issue of funding. Members felt it would be important to have the ACS assessment to validate what is being included in the Model Trauma System Framework document. The committee will present the framework to the Board in October and will send out the revised plan to all the stakeholders so they can see their input was incorporated. Mr. Self said the ACS assessment of Ohio would complement what the Board is trying to do with the National Highway Traffic Safety Administration (NHTSA) five-year plan and hopes the Board will support this when the committee presents it.

Rules, William Mallory

The committee discussed the instructor rule which needs to be presented to our legal counsel and a five-year rule review is coming up.

Mr. Mallory said the committee discussed the issue of reinstatement versus reciprocity. The Board had previously asked the rules be reviewed to identify any flaws and to propose alternative changes that might work administratively to work in favor of the providers. Ms. Vermillion said staff received direction from the Rules Committee to prepare the proposal, which has not been approved by the Rules Committee (copies distributed). She said there is some urgency to get approval at the October Board as the five-year rule filing deadline is quickly approaching, and the committee is urgently seeking guidance from the Board as to the direction they would like to take.

The committee and staff had two options: the rule can remain as is or the proposed changes below could be instituted:

<b>Time Lapsed Since Expiration</b>	<b>Requirements for Reinstatement</b>
0 to 90 days ( <i>if completed CE during certification cycle</i> )	<ul style="list-style-type: none"> <li>▪ CE or current NREMT certification</li> <li>▪ \$75 application fee</li> </ul>
0 to 90 days	<ul style="list-style-type: none"> <li>▪ Current NREMT certification or reinstatement test</li> <li>▪ \$75 application fee</li> </ul>
90 days to 3 years	<ul style="list-style-type: none"> <li>▪ Current NREMT certification or reinstatement test</li> </ul>
3 years to 6 years	<u>Option 1</u> <ul style="list-style-type: none"> <li>▪ Current NREMT certification and current state card in another state</li> </ul> <u>Option 2</u> <ul style="list-style-type: none"> <li>▪ Reinstatement test and Ohio refresher course</li> </ul> <u>Option 3</u> <ul style="list-style-type: none"> <li>▪ Current NREMT certification and Ohio refresher course</li> </ul>
6 years or more	<ul style="list-style-type: none"> <li>▪ Complete entire course or reciprocity</li> </ul>

Ms. Vermillion explained that the committee added the option of current National Registry card in the handout. The provider only needs to meet one of the three options in the 3 year to 6 year category. Mr. Quinn did not understand why the \$75 application fee is only in the 0 to 90 day timeframe and suggested the fee apply to all time frames. Mr. Davis said the Board has not received a significant objections with regard to the \$75 fee for reciprocity, and Mr. Kennington explained that this is because they would have to pay \$130 to take the National Registry exam.

Mr. Davis asked why and how the options were derived. Mr. Kennington said Staff was trying to find a consistent manner for reinstatement for those individuals who maintained their National Registry and certification in another state who had once been certified in Ohio and allowed that card to expire to be able to reenter without having to take a refresher class and retest with National Registry when they already have a card. Mr. Davis said this is similar to the one the Board implemented a few years back where if an individual's card expired, but they maintained their CE, they could recertify their card by paying a \$75 fine. Mr. McNutt said as for recruitment and retention in Ohio, anything that makes the process easier to keep certified EMTs or firefighters in the state is a positive measure. Mr. Kennington said the situation at hand has only occurred a few times.

**ACTION: Motion to draft rules around the concept of the proposed reinstatement rule handout and to charge \$75 fee for all scenarios.** Pomerantz first. Collins second. None opposed. Motion passed.

#### Senate Bill 58

Mr. Rucker addressed the Board regarding the SB 58 bill discussed earlier this morning. Mr. Mallory does not want to present the rules to JCARR with the possibility of discord and prefers to make any amendments in the draft rules prior to JCARR hearing. He asked the Board for direction on how to proceed.

Mr. Rucker said if the Board approves the rules today, a public rules hearing will be held in October for public comment. Changes can still be made, and if approved today, the earliest the rule would go into effect would be December. Mr. Rucker said the law is scheduled to go into effect September 17<sup>th</sup>, and it would be advantageous for medical directors around the state who waiting for Board action to at least have draft rules to review. Mr. Rucker said there will also be the avenue for additional stakeholder input during the planned regional training sessions that will get law enforcement, EMTs, and medical directors communicating on this issue.

A lengthy discussion ensued regarding definition of implied consent of unconscious or unresponsive individuals, confusing language contained in 4765-6-06(D)(3), protocol/training issues for 4765-16-04(B)10, and blood withdrawal supervision and techniques. Dr. Dahl-Grove suggested grouping the "shalls" and "shall nots" together in the rule to make the language less confusing. Mr. Holcomb and Mr. Quinn agreed to send back to committee for revision. Mr. Quinn said that the draft rules should be posted to the website to allow for stakeholder comments.

**ACTION: Motion to send back to the Rules Committee for further revisions.** Quinn first. Pomerantz second.

Mr. Fiffick and Mr. Self proposed approving the rules as written today to provide some direction to medical directors and squads since the law goes into effect in a month. Mr. Self said that by not providing some form of direction, the Board could create conflicts as to what should be done. Dr. Cunningham doesn't think the draft rules are perfect, but agrees that a form of direction is needed, especially for medical directors writing protocols, and suggested it be voted on today. Mr. Davis was trying to determine if the rules could be approved but with a contingent amendment of fixing these issues. Mr. Engel said it sounds like the Board has consensus on the rules with some language changes made. Mr. Davis said the Board can't approve this and then have legal counsel write in the language changes without the Board having knowledge of it as it. This would place Board members in a bad position when reporting to their respective organizations about their votes. Mr. Engel suggested a motion to approve the rules be made and delegate the Rules committee make the changes. Mr. Rucker said before the rules would be sent to JCARR, there will still be a public rules hearing at the October Board meeting. Ms. Tertel said the Board would have the opportunity to revise the rules. Mr. Davis said if the Board approves today, it will go back to committee for revisions discussed today, the public forum would be in October, the Board would make additional modifications during the October meeting, and then go to JCARR.

**ACTION: Motion to withdraw previous motion to send back to the Rules Committee for further revisions.** Quinn first. Mallory second. None opposed. Motion passed.

**ACTION: Motion to accept the draft rules as written.** Bradshaw first. Holcomb second. None opposed. Motion passed.

Mr. Davis said the two RPAB applications discussed during Dr. Cunningham's report needed to be approved.

**ACTION: Motion to approve as medical directors for the Regional Physician Advisory Board (RPAB): Dr. Brian Barhorst (Region V) and Dr. Janardan Tallam (Region X).** Pomerantz first. Bradshaw second. None opposed. Motion passed.

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 2:30 PM.** Bradshaw first. Mallory second. None opposed. Motion approved.

Roll Call

Mr. James Davis	Here
Mr. Mark Resanovich	
Ms. Pamela Bradshaw	Here

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

**\*\*\*\*\* Board returned from private session at 2:40 PM \*\*\*\*\***

2010-362-E300
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**ACTION: Motion to issue a Notice of Opportunity for Hearing(s) and grant permission for the Assistant Attorney General to negotiate a consent agreement for the above listed case.**  
 Dahl-Grove first. Mallory second. Fiffick, Holcomb abstain. None opposed. Motion approved.

2010-60-E300	2010-170-BE100	2010-219-E300	2010-307-E300
2010-62-BE100	2010-172-E100	2010-234-E100	2010-314-E300
2010-91-E100	2010-184-E400	2010-267-E300	2010-341-E300
2010-152-E100	2010-189-E300	2010-294-E100	2010-348-E100

**ACTION: Motion to accept the Consent Agreement(s) for the above listed case(s).**  
 Dahl-Grove first. Bradshaw second. Fiffick, Holcomb abstained. None opposed. Motion approved.

2009-620-102 (re-open if convicted)	2010-200-E100 2010-280-E100
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**ACTION: Motion to close the above listed case(s).** Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion approved.

2010-175-BE500
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**ACTION: Motion to close the above listed case and refer to local medical director/department.** Dahl-Grove first. Mallory second. Fiffick, Holcomb abstained. None opposed. Motion approved.

2009-409-102
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**ACTION: Motion to close the above listed case, re-open if subject reapplies.** Dahl-Grove first. Mallory second. Fiffick, Holcomb abstained. None opposed. Motion approved.

2006-209-602	2007-208-101	2007-424-304	2009-587-101
2006-241-102	2007-345-304	2008-104-304	
2007-102-301	2007-349-304	2008-105-304	
2007-141-101	2007-374-304	2009-393-101	

**ACTION: Motion to close the above listed cases, individuals have met the stipulations of their Consent Agreements.** Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion approved.

2009-748-301	2010-112-E100
2009-760-101	2010-186-E300
2010-49-E100	2010-191-E300
2010-92-E100	

**ACTION: Motion to issue Notices of Opportunity for Hearings for the above listed case, re-open if subject re-applies.** Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion approved.

2010-167-E100	2010-311-E100	2010-340-E100	2010-366-BE100
2010-229-E100	2010-315-E300	2010-346-E100	2010-368-E100
2010-282-E100	2010-319-BE100	2010-347-E100	2010-371-BE100
2010-287-E100	2010-320-E100	2010-349-E100	2010-372-BE100
2010-292-E100	2010-323-BE100	2010-350-E100	2010-374-E100
2010-297-BE100	2010-328-E100	2010-351-E100	2010-375-B100
2010-300-E100	2010-329-E100	2010-352-E100	2010-380-BE100
2010-302-BE100	2010-331-E100	2010-355-E100	2010-358-E100
2010-303-E100	2010-335-E100	2010-361-B100	2010-387-E100
2010-309-E300	2010-337-B100	2010-364-E300	2010-388-E100
2010-310-E300	2010-339-E100	2010-365-BE100	2010-391-BE100

**ACTION: Motion to close the following cases due to 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.** Dahl-Grove first. Pomerantz second. Fiffick, Holcomb abstained. None opposed. Motion approved.

ADJOURNMENT

**ACTION:** Motion to adjourn with the exception of the Fire Board members, who will remain for discussion of fire issues. Mallory first. Holcomb second. None opposed. Motion approved. The meeting was adjourned at 2:40 PM.

FIRE BOARD MEMBERS

Mr. Davis brought the meeting of the EMS Fire Board members to order at 2:45 PM.

**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 149.43 at 2:45 PM. Mallory first. McNutt second. None opposed. Motion approved.

Roll Call

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

**\*\*\*\*\*Fire Board returned from Executive Session at 2:50 PM \*\*\*\*\***

2010-162-F100	2010-274-F100	2010-279-F100
2010-170-BF100	2010-275-F100	
2010-252-F100	2010-276-F100	

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

2009-750-702	2010-254-F100	2010-301-F100
2010-150-F100	2010-255-F100	2010-308-F100
2010-205-F100	2010-270-F100	2010-333-F100
2010-244-F100	2010-284-F100	

**ACTION:** Motion recommending that the Executive Director close the above Fire case(s). Mallory first. McNutt second. Holcomb abstained, Parrish abstained 2009-750-702. None opposed. Motion approved.

2010-175-BF500
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**ACTION: Motion recommending that the Executive Director close the above Fire case and refer to local medical director or department.** Mallory first. McNutt second. Holcomb abstained. None opposed. Motion approved.

2009-410-702
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**ACTION: Motion recommending that the Executive Director close the above case(s) and reopen if reapplies as the individual has convictions, but their certification has expired.** Mallory first. McNutt second. Holcomb abstained. None opposed. Motion approved.

2009-473-701	2010-18-F100
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**ACTION: Motion recommending that the Executive Director close the above case(s) as the individuals have met the stipulations of their Consent Agreements.** Mallory first. McNutt second. Holcomb abstained. None opposed. Motion approved.

2009-761-701	2010-121-F100	2010-217-F100
2010-20-F100	2010-134-F100	2010-250-F100
2010-56-F100	2010-135-F100	

**ACTION: Motion recommending that the Executive Director Issue Notices of Opportunity for Hearings for the above Fire case(s).** Mallory first. McNutt second. Holcomb abstain. None opposed. Motion approved.

2010-243-F100	2010-306-F100	2010-343-F100
2010-251-F100	2010-318-F100	2010-344-F100
2010-283-F100	2010-319-F100	2010-345-F100
2010-285-F100	2010-323-F100	2010-365-F100
2010-288-F100	2010-324-F100	2010-366-F100
2010-289-F100	2010-325-F100	2010-371-F100
2010-291-F100	2010-326-F100	2010-372-F100
2010-295-F100	2010-327-F100	2010-375-F100
2010-297-F100	2010-332-F100	2010-380-F100
2010-299-F100	2010-334-F100	2010-391-F100
2010-302-F100	2010-337-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. Holcomb abstained. None opposed. Motion approved.

REPORT AND RECOMMENDATION

Jim Davis, Chairman of the State Board of Emergency Medical Services, on behalf of the Firefighter and Fire Safety Inspector Training Committee, said the Committee will be

deliberating on one Report and Recommendation in the matter of Fire Case #2009-161-706, Fire Applicant #177477, John R. Howell, Jr. Mr. Davis noted that Executive Director Richard Rucker was present.

Mr. Davis recognized Principal Assistant Attorney General, Yvonne Tertel for the purpose of providing a brief synopsis of the case. Ms. Tertel noted that Mr. Howell was not present and did not submit objections to the Report and Recommendation. She said he indicated a conviction on his application, but did not submit the required documents. Therefore it was considered an incomplete application. A Notice for an Opportunity of Hearing was sent, Mr. Howell requested a hearing but did not attend, the Hearing Examiner found in favor of denying Mr. Howell's application for certification, and recommendation is for approval.

Due to time constraints, members moved into the Fire Goldman hearings, and deliberations for both the Report and Recommendation and Goldman's will be done at the same time.

#### FIRE GOLDMAN PROCEEDINGS

The Goldman Proceedings were called to order at 2:56 PM.

#### Roll Call

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

Mr. Davis noted that a majority of the members are present as well as Executive Director Richard Rucker. There will be two adjudication proceedings today in the matter of Fire Case Number 2008-492-702, Mark E. Humphrey, Fire Certificate Number 26779, and Fire Case Number 2009-497-706, Justin R. McKinniss, Fire Identification Number 179338.

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 respondents.

Mr. Davis recognized Principal Assistant Attorney General Yvonne Tertel for the purpose of providing a brief synopsis of the cases. Ms. Tertel said both cases were incomplete applications and the recommendation is to deny. Mr. Humphrey's case is the same as was heard on the EMS side, the only difference is he is a Level II Firefighter and Fire Safety Inspector. In Mr. McKinniss' case, he applied to be a volunteer firefighter and has a prior felony theft conviction

and obstruction of official business. She said Mr. McKinniss has not supplied the required documentation, he did not ask for a hearing, and recommendation is to deny his application.

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

Mr. Davis said there being no further evidence to come before the Board, these Proceedings were closed at 3:00 PM.

**ACTION: Motion to go into private session for the purpose of quasi-judicial deliberations on the Report and Recommendation and Goldman's by roll call vote at 3:00 PM.** Quinn first. Parrish second. None opposed. Motion approved.

Roll Call

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

**\*\*\*\*\*Fire Board returned from Private Session at 3:05 PM \*\*\*\*\***

**ACTION: In the matter of Fire Case #2009-161-706, John R. Howell, Jr., Fire ID #177477, Applicant, the Committee recommends to the Executive Director to accept the findings of fact, the conclusions of law, and the recommendation issued by the hearing examiner, to deny Mr. Howell's application for certification as firefighter. Mr. Howell failed to meet the certification requirements, in violation of Ohio Administrative Code Section 4765-23-02(A)(2).** Mallory first. McNutt second. Holcomb abstained. None opposed. Motion passed.

**ACTION: In the matter of Fire Case #2008-492-702 Mark E. Humphrey, Fire Certificate #26779, the Committee finds that Mr. Humphrey was convicted of *Abduction*, a third-degree felony, and *Improperly Handling Firearms in a Motor Vehicle*, a fourth-degree felony, in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(a). Furthermore, Mr. Humphrey was convicted of *Domestic Violence*, a first-degree misdemeanor. The Committee concludes that this misdemeanor involves moral turpitude, in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(c). The Committee recommends to the Executive Director to revoke Mr. Humphrey's Level II Firefighter and Fire Safety Inspector certifications.** Mallory first. Fischer second. Holcomb abstained. None opposed. Motion passed.

**ACTION:** In the matter of Fire Case #2009-497-706, Justin R. McKinniss, Fire ID #179338, the Committee finds that Mr. McKinniss was convicted of *Theft*, a fifth-degree felony, in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(a). Furthermore, Mr. McKinniss was convicted of *Obstructing Official Business*, a second-degree misdemeanor, and *Petty Theft*, a first-degree misdemeanor. The Committee concludes that these misdemeanors involve moral turpitude, in violation of Ohio Administrative Code Section 4765-23-02(A)(1)(c). The Committee recommends to the Executive Director to deny Mr. McKinniss' application for firefighter. Mallory first. Parrish second. Holcomb abstained. None opposed. Motion passed.

**ACTION:** Motion to approve the minutes from the June 4 Special Fire Committee meeting as corrected. Holcomb first. Fischer second. None opposed. Motion passed.

No old or new business was brought forward.

**ACTION:** Motion to adjourn the Fire Board members portion of the meeting. Parrish first. Fischer second. None opposed. Motion passed.  
The meeting adjourned at 3:10 PM.