

**FINAL**

**STATE BOARD OF EMERGENCY MEDICAL SERVICES  
OHIO DEPARTMENT OF PUBLIC SAFETY  
MEETING MINUTES  
December 17, 2008**

Chaired by Mark Burgess

Board Meeting Date and Location: December 17, 2008, Ohio Department of Public Safety, 1970 West Broad Street, Columbus, Ohio 43223

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

Board Members Absent: Dr. Thomas Collins, Mr. William Quinn, Jr.

Staff Members Present: Alan Boster, Dr. Carol Cunningham, Aleta Dodson, Tim Erskine, Heather Frient, Thomas Gwinn, John Kennington, Carol MacDowell, Thomas Macklin, Linda Mirarchi, Ellen Owens, Millie Pontious, Richard Rucker, Bob Ruetenik, Joe Stack, Yvonne Tertel, Melissa Vermillion, Diane Walton

Guest and Public Attendance: Michele Bubemyre, St. Clair Township-New Miami; Bonnie Stich, Stark State College; Debbie Walker, Sycamore Township Fire Department; Harold Williams, West Licking Fire Department

Mr. Burgess called the December 17, 2008 meeting to order at 10:00 AM.

Roll Call

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

Ohio Department of Public Safety  
State Board of Emergency Medical Services  
December 17, 2008  
**FINAL**

|                        |      |
|------------------------|------|
| Dr. Wendy Pomerantz    | Here |
| Mr. William Quinn, Jr. |      |
| Mr. Mark Resanovich    | Here |
| Mr. William Vedra      | Here |

REVIEW AND APPROVAL OF THE NOVEMBER 19, 2008 EMS BOARD MINUTES

**ACTION: Motion to approve the November 19, 2008 EMS Board minutes.** Marchetta first. Pomerantz second. None opposed. Motion approved.

OPEN FORUM

No business was brought forward.

Mr. Burgess called to order the public hearing. Let the record show that the meeting was held at the Ohio Department of Public Safety, Room 134, 1970 W. Broad Street, Columbus, Ohio, at 10:03 AM. Mr. Burgess asked for a roll call for the Board members present during these proceedings.

Roll Call

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

A public hearing was held to receive comments and testimony regarding the following Ohio Administrative Code (OAC) rules:

**Amendment** of 4765-1-01 (Definitions), 4765-2-02 (Organization of the board), 4765-2-05 (Notice of meetings), 4765-2-06 (Personal information systems), 4765-3-02 (Regional physician advisory boards), 4765-7-02 (Accreditation of Ohio EMS training programs), 4765-7-11 (Continuing education course requirements for Ohio EMS accredited and approved institutions),

4765-8-02 (Application for certificate to practice), 4765-8-04 (Renewal of certificate to practice), 4765-8-19 (Reinstatement of revoked or suspended certificate to practice), 4765-9-02 (Professional standards of conduct for holders of certificate to teach), 4765-12-02 (First responder curriculum), and 4765-19-01 (Continuing education for first responder and EMTs);

**Adoption** of 4765-2-01 (Definitions), 4765-2-03 (Committees, subcommittees, and workgroups), 4765-3-03 (Operations of regional directors and regional physician advisory boards), 4765-3-04 (Responsibilities of regional directors and regional physician advisory boards), 4765-3-05 (Medical director requirements for each emergency medical services organization), 4765-7-07 (Renewal of a certificate of accreditation), 4765-7-09 (Approval of Ohio EMS continuing education programs), 4765-7-12 (Online education and distance learning delivery systems for EMS training programs offered through an accredited institution), 4765-18-02 (General provisions), 4765-18-03 (EMS instructor training program requirements for an accredited institution), 4765-18-04 (EMS instructor training program curriculum), 4765-18-05 (Qualifications for a certificate to teach as an EMS instructor), 4765-18-06 (Renewal of a certificate to teach as an EMS instructor), 4765-18-07 (Extension and exemption from continuing education for an individual holding a certificate to teach), 4765-18-08 (Reinstatement of a certificate to teach as an EMS instructor), 4765-18-09 (Qualifications for a physician to be certified as an EMS instructor), 4765-18-10 (Special topic instructor), 4765-18-11 (Reciprocity qualifications for a certificate to teach as an EMS instructor), 4765-18-12 (EMS instructor trainer qualifications), 4765-18-13 (Fire service instructor seeking certificate to teach as EMS instructor), 4765-18-14 (Applications for certificate to teach), 4765-18-15 (Qualifications for a certificate to teach as a continuing education instructor), 4765-18-16 (Renewal requirements for a certificate to teach continuing education), 4765-18-17 (Reinstatement of a certificate to teach as a continuing education instructor), 4765-18-18 (Qualifications for a certificate to teach as an assistant EMS instructor), 4765-18-19 (Renewal of a certificate to teach as an assistant EMS instructor), 4765-18-20 (Reinstatement of a certificate to teach as an assistant EMS instructor), 4765-18-21 (Upgrade process for certificate to teach as an assistant EMS instructor to EMS instructor), and 4765-18-22 (Reinstatement of a revoked certificate to teach);

**Rescission** of 4765-2-01 (Definitions), 4765-2-03 (Subcommittees and special committees), 4765-3-01 (Definitions), 4765-3-03 (Operations of regional physician advisory boards), 4765-3-04 (Responsibilities of regional physician advisory boards), 4765-3-05 (Medical director requirements), 4765-7-07 (Renewal of accreditation), 4765-7-09 (Approval of continuing education programs), 4765-18-01 (Definitions), 4765-18-02 (General provisions), 4765-18-03 (EMS instructor training program entrance requirements), 4765-18-04 (EMS instructor training program curriculum), 4765-18-05 (Criteria for a certificate to teach), 4765-18-06 (Renewal of a certificate to teach), 4765-18-07 (Extension of a certificate to teach), 4765-18-08 (Reinstatement of a certificate to teach), 4765-18-09 (Physician as an EMS instructor), 4765-18-10 (Special topic instructor), 4765-18-11 (Reciprocity criteria for certificate to teach), 4765-18-12 (EMS instructor trainer qualifications), and 4765-18-13 (Fire instructors seeking EMS instructor certification).

This public hearing was held pursuant to and in conformity with Chapter 119 of the Ohio Revised Code (ORC).

**\*\*\*\*\*Dr. Groner arrived at 10:11 AM \*\*\*\*\***

Ms. Frient only received one inquiry regarding all the proposed rule changes. The individual questioned rule 4765-03-02(B)(3) where it lists three criteria that Regional Physician Advisory Board (RPAB) members shall meet. The third criterion states "Board certified through a medical specialty board approved by the EMS board or board eligible by completion of a residency program recognized by the American board of medical specialties or the American osteopathic association." The individual questioned whether the EMS Board has a list of medical specialty boards it had already approved, if it was planning on approving any medical specialty boards, and if so, the mechanism that would be used. The person suggested the language be changed to remove the "approved by the EMS board" language and leave it as "Board certified through a medical specialty board supported by the American board of medical specialties or the American osteopathic association or board eligible by completion of a residency program recognized by the American board of medical specialties or the American osteopathic association."

**\*\*\*\*\*Dr. Dahl-Grove arrived at 10:15 AM \*\*\*\*\***

A public hearing was held on the above noted rules and concluded at 10:21 AM. A court reporter was present and full transcripts are available upon request.

**\*\*\*\*\* Break 10:22 – 10:27 AM \*\*\*\*\***

The meeting reconvened.

Roll Call

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

Mr. William Quinn, Jr.  
Mr. Mark Resanovich           Here  
Mr. William Vedra             Here

Mr. Burgess welcomed newly appointed Board member Dr. Deanna Dahl-Grove.

Ms. Frient proposed an amendment to 4765-03-02(B)(3) to change “board certified through a medical specialty board approved by the EMS board” to “board certified through a medical specialty board supported by the American board of medical specialties or the American osteopathic association.” The Board concurred.

**ACTION: Motion to accept the rules as presented today for submission to the Joint Committee on Agency Rule Review (JCARR) for final filing with the amendment to the language in rule 4765-03-02(B)(3).** Pakiela first. Pomerantz second. None opposed. Motion passed.

#### STAFF REPORTS

##### Chair’s Report, Mark Burgess

Mr. Burgess reported that the fire Board members had a meeting with the Firefighter and Fire Safety Inspector (FFSI) Training Committee this morning. He felt the meeting was beneficial and items were discussed and worked out. There a few items that need to be completed including correspondence and minor revisions to a chart. He appreciated the FFSI members and EMS Board fire members coming early to attend the meeting.

##### State Medical Director, Dr. Cunningham

Dr. Cunningham distributed copies of multiple Regional Physicians Advisory Board (RPAB) applications and renewals. They include: Dr. Brian Springer and Dr. Randy Woods (RPAB Region II); Dr. Jeffrey Boulter (RPAB Region III); Dr. Sheila Steer (RPAB Region VIII); Dr. David Levine and Dr. Craig Bates (RPAB Region IX). She recommended the Board approve all except for Dr. Bates due to lack of attendance at meetings.

**ACTION: Motion to approve the RPAB membership reappointment/application for the following: Dr. Brian Springer and Dr. Randy Woods (RPAB Region II); Dr. Jeffrey Bolter (RPAB Region III); Dr. Sheila Steer (RPAB Region VIII); Dr. David Levine (RPAB Region IX).** Pomerantz first. Fiffick second. None opposed. Pakiela abstained (Dr. Craig Bates - RPAB Region IX). Motion approved.

As a follow-up to the Burden of Stroke study, the Ohio Department of Health (ODH) selected the hospitals for the REACH telemedicine project. The spoke hospitals include: Riverside Hospital and the University of Toledo. The hub hospitals for Riverside Hospital are: Hocking Valley Community Hospital, Pike Community Hospital, and Doctors Hospital (Nelsonville). The hub hospitals for the University of Toledo are: Fulton County Health Center, Henry County Health Hospital and the Community Hospital in Williams County.

Principal Assistant Attorney General, Yvonne Tertel

Ms. Tertel reported that today there are four Goldman hearings and one Report and Recommendation. At the January retreat, there will be seven Goldman hearings and one Report and Recommendation.

EMS Staff Legal Counsel, Heather Frient

Ms. Frient said the rules filed last month went to the Joint Committee on Agency Rule Review (JCARR) and there were no questions about any of the rules, including the trauma rules. She and Mr. Erskine attended the meeting and she will be final filing those rules in the next few weeks and will inform the Board when they are effective. Today's rules are scheduled to go before JCARR on December 29, including the one amendment made today.

Ms. Frient has a meeting Thursday regarding Governor Strickland's Common Sense Executive Order (EO) and the direction the group will be heading. She will update the EMS Board on the results. A lot of the issues the EMS Board deals with impacts public health, which may be exempted per DPS policy in response to the EO.

EMS Legislative Liaison, John Lang/Tonia Fitros (Heather Frient)

Ms. Dodson did not have an update to distribute.

The Governor issued an Executive Order regarding accessing personal information maintained by the state at the end of November. This order was followed by House Bill 648. The bill was introduced after the Executive Order was issued. It requires each state agency to institute a number of security passwords for any databases containing personal confidential information. It defines personal confidential information as anything that is exempt from public records law, which is a broad definition. Ms. Frient said this would encompass the majority of databases that several divisions within the Ohio Department of Public Safety currently use, including EMT. addresses and phone numbers which are protected by law. The bill would require that logs be kept of which employees access database information and when. EMS staff and Mr. Rucker assisted Ms. Frient in drafting language to provide to the Legislative Liaisons outlining the Division's concerns and possible amendments to the bill. Ms. Frient reviewed highlights of the proposed bill and proposed amendments.

House Bill (HB) 212, the volunteer EMS bill, had not moved for nearly a year. Yesterday several Board members notified Ms. Frient that this bill was being attached to Senate Bill (SB) 129 (allows fire and EMS personnel to tow a vehicle at the scene of an accident). SB 129 was fairly innocuous and was moving along with no opposition, but at the last minute, several amendments were added to it. Ms. Frient believes the majority of the Board's concerns have been met; however, it does set a slightly different standard of staffing for volunteer organizations. Non-volunteer paid organizations require two EMTs and when so staffed, the ambulance can be driven by someone who is not a certified EMT. Organizations that are substantially staffed by volunteers would only require one first responder and one EMT. In these circumstances, the squad can be driven by the first responder. In October 2007, objection was made to the way in which a volunteer EMS organization was defined (one that used volunteers

during “any seven-day period”) because agencies could pick one week out of the whole year, use volunteers during that time, and qualify as a volunteer EMS agency. It is being proposed that the language be changed to define volunteer EMS agencies as ones in which volunteers are utilized on 50% or more of the runs being performed. Ms. Frient will update the Board on the final language that is included in the bill.

Dr. Pakiela expressed concerned about the booster seat bill (HB 320) not passing. He said this would be a travesty and raised the concern a month or two ago as to why the Department of Public Safety and the EMS Board had to be neutral on the bill and others. He requested Director Guzmán and Mr. Lang address the issue of neutrality as Dr. Pakiela believes in some cases, such as the booster seat bill, the Department and Board needed to aggressively support the bill. He said as advocates, he believes both the Department and Board let the children of Ohio down by not vigorously supporting the bill. Ms. Frient said the Department did take part in a teleconference with NHTSA to determine what language needed to be amended in order to make this a primary offense, and worked toward making that language part of the bill. Ms. Frient reported that the chair of the committee hearing this bill was not supportive of the primary offense language and felt that it could criminalize good people. She expects to receive a report of the exact language soon.

Executive Director’s Report, Richard Rucker

Mr. Rucker was pleased to congratulate Mr. Kubincanek, Mr. William Mallory, Dr. John Pakiela, and Dr. Pomerantz on their reappointment to the EMS Board. He indicated they should be receiving information from the Governor’s office making it official shortly. Mr. Rucker congratulated and welcomed Dr. Deanna Dahl-Grove on her initial appointment to the EMS Board. He reported Mr. William Quinn, Jr. has been appointed to the Board as well. The two remaining vacancies should be filled prior to the January retreat.

A copy of the draft retreat agenda was in the Board packet and Mr. Rucker asked members to review it. Please contact him or Ms. Dodson with any changes.

Copies of several articles regarding background checks and sexual abuse by EMTs were distributed to the Board. One of the articles cited that in the past eighteen months, over 129 ambulance attendants in the United States have been accused of a sexually related crime while on duty. Mr. Rucker said several years ago the board discussed requiring background checks before issuing certifications for EMS. He said the red flags are there and asked members to review the articles and think about the issue for discussion at the retreat.

Education, John Sands (Linda Mirarchi)

Initial Approvals

|    | Name                              | Personnel   | Contingencies | County |
|----|-----------------------------------|---|---------------|--------|
| 1. | Eastern Knox County Fire District | Program Coordinator – Rick Lanuzza<br>Medical Director – M. Bradley Smith | None          | Knox   |
| 2. | Porter Township                   | Program Coordinator – James M. Jenkins                                    | None          | Scioto |

|    |                  |   |      |       |
|----|------------------|---|------|-------|
|    | Rescue Squad     | Medical Director – Wayne B. Wheeler   |      |       |
| 3. | Meigs County EMS | Program Coordinator – Doug Lavender<br>Medical Director - Douglas Hunter M.D. | None | Meigs |
|    | <b>Total: 3</b>  |   |      |       |

**ACTION: Motion to approve the above listed initial certificate(s) of approval(s) with no contingencies.** Pomerantz first. Fiffick second. None opposed. Bradshaw abstained (#2 - Porter Township Rescue Squad). Motion approved.

Renewals

|                 | Approval # | Exp Date   | Name                             | Contingencies | County     |
|-----------------|------------|------------|----------------------------------|---------------|------------|
| 1.              | 2245       | 9-30-2008  | Rural Metro Ambulance            | None          | Mahoning   |
| 2.              | 1260       | 11-30-2008 | Mifflin Fire Department          | None          | Richland   |
| 3               | 2121       | 12-31-2008 | Pleasant Hill Volunteer F.D.     | None          | Jefferson  |
| 4.              | 2124       | 12-31-2008 | Wooster Community Hospital       | None          | Wayne      |
| 5.              | 1285       | 1-31-2009  | Oakwood Public Safety Department | None          | Montgomery |
| 6.              | 2123       | 12-31-2008 | Springfield Township Fire Dept.  | None          | Summit     |
| 7.              | 2239       | 11-16-2008 | Colgate-Palmolive Company        | None          | Guernsey   |
| 8.              | 2247       | 1-25-2009  | Miamisburg Fire Division         | None          | Montgomery |
| 9.              | 1259       | 11-30-2008 | Monroe Twp Continuing Education  | None          | Richland   |
| <b>Total: 9</b> |            |            |                                  |               |            |

**ACTION: Motion to approve the above listed certificate of approval renewal(s) with no contingencies.** Pomerantz first. Mallory second. None opposed. Motion approved.

Ms. Mirarchi said there were no offsite program or reinstatement requests to report.

|                  |                    |  |
|------------------|--------------------|--|
| 2008 Statistics: | New Programs – 27  | # Certificate of Approvals due to renew in 2008: 157 |
|                  | Renewals – 129     | # Certificate of Approvals left to renew in 2008: 35 |
|                  | Reinstatements – 5 |  |

Accreditation Renewals

|    | Accred # | Exp Date  | Name                 | County | Level(s)                   | Contingencies  |
|----|----------|-----------|----------------------|--------|----------------------------|--|
| 1. | 302      | 8/31/2008 | Auburn Career Center | Lake   | FR, EMT-B,<br>EMT-I, EMT-P | Submission of an updated handbooks / written policies which clearly and accurately reflect the requirements outlined in OAC 4765-7-02 (A)(20) prior to initiating a new class. Staff follow-up in approximately one year. EMS training program will follow Board approved adjudication order currently in place for EMT-P. |

**ACTION: Motion to approve the above listed renewal accreditation site(s) with contingencies.** Pomerantz first. Mallory second. None opposed. Motion approved.

|                          |  |  |
|--------------------------|--|--|
| 2008 Statistics to Date: | Total Accredited Institutions to Date - 95 | Accredited Institutions Renewed to Date - 27 |
|                          | Total Certificates of Accreditation - 274  | Initial Accredited Institutions to Date - 1  |
|                          | Accredited Institutions Expiring - 33      | Additional EMS Level Accredited - 9          |
|                          |  | Accredited Institutions Reinstated - 1       |
|                          |  | Accredited Institutions Inactivated - 6      |

Certifications, John Kennington

**ACTION: Motion to approve the request for extension(s) processed for the period November 1, 2008 through November 30, 2008.** Pomerantz first. Bradshaw second. None opposed. Motion approved.

**ACTION: Motion to approve five (5) requests for reinstatements that were processed for the period November 1, 2008 through November 30, 2008.** Resanovich first. Pomerantz second. None opposed. Motion approved.

**ACTION: Motion to ratify the 928 active EMT Certifications issued for the period of November 1, 2008 through November 30, 2008.** Pomerantz first. McNutt second. None opposed. Motion approved.

Mr. Kennington presented a special case for the Board's consideration which he and Ms. Tertel discussed earlier regarding a lapsed certificate of an individual who had a medical issue. He reported the Division received a report from the attending physician documenting the special circumstances and verifying the individual is now recovered. Mr. Kennington requested that the Board consider waiving the 90-day grace period and \$75 fee in order to reinstate this individual's card. The Board briefly discussed the matter.

**ACTION: Motion to approve reinstating the certificate holder and waiving the 90-day grace period and \$75 fee.** Holcomb first. Kubincanek second. None opposed. Motion approved.

COMMITTEE REPORTS

Data, Tim Erskine

Mr. Erskine was pleased to announce that after four years of effort, probabilistic linkage is now working. Disparate databases can be linked and have the capability to match EMS records to trauma records, which has huge potential for research. Mr. Erskine thanked Ms. Sue Morris, who worked hard to bring this project to fruition.

Education Committee, James Holcomb

There was no meeting this month and no report was given.

EMSC Committee, Dr. Wendy Pomerantz

Dr. Pomerantz reported that the application for the 2009-2012 EMSC Partnership Grant has been submitted to the Health Resources and Services Administration (HRSA).

The EMSC Committee will form three workgroups to address the EMSC Performance Measures: Pediatric Medical Direction, Pediatric Pre-hospital Equipment, and Pediatric Preparedness for Emergency Departments. Membership in these workgroups is open to all. Please contact Joe Stack if interested in any of these areas. All three groups will meet or hold a phone conference before the next EMSC Committee meeting, which is March 17, 2009.

Mr. Stack will have the information from the presentation on pediatric equipment broken down by EMS/Trauma region at the January retreat.

Grants Committee, Daryl McNutt

Mr. McNutt reported that the Priority I grants for the 2009-10 award year should again total \$3.6 million. The \$1,500 maximum for non-transporting agencies and \$2,500 minimum for transporting agencies remains in place. Funding for the remaining priorities is as follows: Priority II - \$350,000; Priority III - \$200,000; Priority IV - \$100,000. Totals for all categories in 2009 are \$4.25 million. The award amounts will be prorated if less than \$4.25 million is received.

The committee made minor changes to the application forms for Priorities II, III and IV. (The Priority I application form remains unchanged.) Dr. Pomerantz reported that the injury prevention section of the Priority II application form added changes as recommended by the Trauma committee, inserting language to give special consideration to focus on the geriatric population. Changes to the application forms for Priorities III and IV were minor typographical changes.

**ACTION: Motion to approve the changes to the Priority II, III and IV grant application forms as submitted and Priority I with no changes.** Pomerantz first. Resanovich second. None opposed. None abstained. Motion approved.

Mr. McNutt reported that there will be two grant recipients giving a report at the January retreat.

Homeland Security Committee, Mark Resanovich

Mr. Resanovich said they are waiting for Director Guzmán's signature on the Memorandum of Understanding (MOU) for the Ohio Department of Health (ODH) 2009 grant, which will offer CHEMPACK education to all Ohio Homeland Security regions.

The committee prepared their 2008 accomplishments and also established their 2009 goals which will be presented to the EMS Board at the retreat.

The Tactical EMS (TEMS) committee hopes to have some draft legislation prepared prior to then end of January so the committee can proceed to obtain sponsorship for the TEMS certification. He and Dr. Cunningham will give the Board a TEMS update at the retreat.

The All Hazards response survey has been completed and will make recommendations based on that information.

Ohio Department of Public Safety  
State Board of Emergency Medical Services  
December 17, 2008  
**FINAL**

Medical Oversight Committee, Dr. John Pakiela

There was no meeting this month and no report was given.

Recruitment & Retention Committee, Mr. Daryl McNutt

There was no meeting this month and no report was given.

Research Committee, Dr. Tom Collins

There was no meeting this month and no report was given.

Rules Committee, William Mallory

The committee did not meet, but Ms. Frient gave an update on the status of the continuing education (CE) rule 4765-6-03 (emergency declarations), which had been pulled for filing due to discrepancy with the Ohio Pharmacy Board on using the term “dispense”. Ms. Frient, along with representatives from the Emergency Management Agency (EMA), the Ohio Department of Health (ODH), the Emergency Medical Services (EMS), and Homeland Security (HLS), met with the Ohio Pharmacy Board to discuss this issue. She said the Board of Pharmacy seemed amenable to an amendment and requested she work with Steve Wagner of ODH on the language and present to them for review. In the meantime, since we are under a five-year rule renewal restriction, 4765-6-03 requires submission for approval prior to resolving the language issue. She asked for the Board’s clarification regarding issues surrounding Mark I kits in proposed new rule 4765-6-05. After a brief discussion, it was decided the rule needed to go to the Medical Oversight Committee as it might impact the scope of practice, and then forwarded to the Homeland Security Committee. Mr. Davis said the rule should be tabled until HB 212 is resolved, because if first responders are allowed to be a part of an ambulance crew, that might require expansion of their scope of practice.

**\*\*\*\*\* Break 11:25 AM – 11:30 AM \*\*\*\*\***

National Accreditation Committee, Mark Burgess

The committee is meeting at the 11:00 AM time slot that All Hazards used to occupy. The next committee meeting will be in February. They will gather information from the survey the EMS staff posted on the website and will look at other options in addition to creating our own tests. If anyone is interested in being on the committee, please let him or Ms. Dodson know. The deadline is looming and there is a lot of work to be done.

Trauma Committee, Dr. John Crow (Tim Erskine)

There was no meeting this month and no report was given.

GOLDMAN PROCEEDINGS

The Goldman Proceedings were called to order at 11:36 AM.

Roll Call

|                  |      |
|------------------|------|
| Mr. Mark Burgess | Here |
| Mr. James Davis  | Here |

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

A majority of the Board members were present. Four adjudication proceedings will be held in the matters of EMS Case 2006-117-101 LeAnn S. Mann, EMS Certificate Number 107740; EMS Case Number 2007-6-304, Daniel Gagliardi, EMS Certificate Number 23159; EMS Case Number 2007-159-602, Richard J. Gerbasi, EMS Certificate Number 123125; and EMS Case Number 2008-253-101 Tabatha I. Newlan, EMS Applicant Number 173046.

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

Ms. Tertel said these are straightforward affidavits. All the respondents failed to respond to the Division regarding their cases and none requested a hearing. Three of the certificate holders were in consent agreements but did not meet all the stipulations. The applicant did not submit the required documentation on their criminal conviction. Through case review, the recommendation is to revoke the three certificate holders (Mann, Gagliardi, Gerbasi) and deny the applicant (Newlan).

**ACTION: Motion to admit the sworn affidavit(s) and the accompanying exhibit(s) in the aforementioned case(s) 2006-117-101, 2007-6-304, 2007-159-602, and 2008-253-101 into evidence.** Vedra first. Pomerantz second. None opposed. Motion approved.

There being no further evidence to come before the Board, the Goldman Proceeding was closed at 11:42 AM. Mr. Burgess asked for a motion to deliberate on the sworn affidavits and exhibits. He noted that a written copy of the Board's decision will be mailed to the respondents.

**ACTION: Motion to go into private session for the purpose of quasi-judicial deliberations on these matters by roll call vote at 11:42 AM.** Pomerantz first. Mallory second. None opposed. Motion approved.

Roll Call

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

**\*\*\*\*\* Board returned from private session at 11:45 AM \*\*\*\*\***

**ACTION: In the matter of EMS case 2006-117-101 LeAnn S. Mann, EMS Certificate Number 107740, the Board finds that Ms. Mann violated the conditions of a consent agreement issued by the Board in violation of Ohio Administrative Code Sections 4765-10-03(B)(8); therefore, the Board moves to revoke Ms. Mann's certificate to practice as an emergency medical technician.** Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

**ACTION: In the matter of EMS Case Number 2007-6-304, Daniel Gagliardi, Emergency Medical Technician Certification Number 23159, the Board finds that Mr. Gagliardi violated the conditions of a consent agreement issued by the Board in violation of Ohio Administrative Code Sections 4765-10-03(B)(8); therefore, the Board moves to revoke Mr. Gagliardi's certificate to practice as an emergency medical technician.** Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

**ACTION: In the matter of EMS Case Number 2007-159-602, Richard J. Gerbasi, Emergency Medical Technician Certification Number 13125, the Board finds that Mr. Gerbasi violated the conditions of a consent agreement issued by the Board in violation of Ohio Administrative Code Sections 4765-10-03(B)(8); therefore, the Board moves to**

**revoke Mr. Gerbasi's EMT certificate to practice.** Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

**ACTION: In the matter of EMS Case Number 2008-253-101 Tabatha I. Newlan, EMS Applicant Number 173046, the Board finds that Ms. Newlan applied for certification as an EMT Basic and failed to submit documentation of her criminal conviction as required pursuant to Ohio Administrative Codes 4765-10-03(B)(1) and 4765-8-02(E); therefore, the Board moves to deny Ms. Newlan's application for certification to practice as an emergency medical technician.** Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

REPORT AND RECOMMENDATION

Mr. Burgess said the EMS Board will be deliberating on one Report and Recommendation (R & R) in the matter of EMS Case Number 2005-513-203, Merrilyn M. Barto, EMS Certificate Number 7192. No objection to the Report and Recommendation was filed. Mr. Burgess recognized Principal Assistant Attorney General, Yvonne Tertel, for the purpose of providing a brief synopsis and a recommendation for disciplinary action.

Ms. Tertel said Ms. Barto had not been in contact with the Division to attempt to reach a consent agreement for a continuing education violation. However, when she received the Notice of Opportunity for Hearing, she requested one and did attend. A revocation was requested and the Hearing Officer agreed. On page one of the R & R it refers to "Ms. Barto" as "Ms. Corbin".

**ACTION: Motion to go into private session for the purpose of quasi-judicial deliberations on this matter by roll call vote at 11:49 AM.** Bradshaw first. Pakiela second. None opposed. Motion approved.

Roll Call

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

Mr. Mark Resanovich            Here  
Mr. William Vedra             Here

**\*\*\*\*\* Board returned from private session at 11:51 AM \*\*\*\*\***

**ACTION:** In the matter of EMS Case Number 2005-513-203, Merrilyn M. Barto, EMS Certificate Number 7192, the Board accepts the findings of fact, the conclusions of law and the recommendation issued by the hearing examiner to revoke Ms. Barto's EMT certificate to practice for committing fraud or misrepresentation in applying for a certificate to practice in violation of Ohio Administrative Code Chapter 4765-8-04(A)(2)(b), with the correction of a typographical error on page one to replace "Corbin" with "Barto". Pomerantz first. Pakiela second. None opposed. Fiffick, Holcomb abstained. Motion approved.

Investigations, Melissa Vermillion

**ACTION:** Motion to go into Executive Session for the purpose of discussing proposed disciplinary action(s) against certificate holder(s) which is pending or imminent court action under Revised Code 121.22(G)(3) and involve matter(s) that are to be kept confidential under Revised Code 4765.102(B) at 11:57 AM. Pomerantz first. Pakiela second. None opposed. Motion approved.

Roll Call

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

**\*\*\*\*\* Board returned from Executive Session at 12:06 PM \*\*\*\*\***

|              |              |
|--------------|--------------|
| 2008-423-304 | 2008-536-101 |
| 2008-486-403 | 2008-555-101 |
| 2008-503-101 | 2008-582-305 |
| 2008-518-101 | 2008-595-304 |

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

|              |   |
|--------------|---|
| 2005-411-101 | 2008-472-602                                  |
| 2008-182-403 | 2008-607-602                                  |
| 2008-398-602 | 2008-591-405 **refer to local law enforcement |

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

|              |              |
|--------------|--------------|
| 2008-609-101 | 2008-606-602 |
|--------------|--------------|

**ACTION: Motion to close the above listed case(s) and refer to the local medical director or department.** Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

|              |              |
|--------------|--------------|
| 2005-247-102 | 2006-217-304 |
| 2005-344-101 | 2008-302-404 |
| 2006-60-304  | 2008-358-101 |

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

|              |              |
|--------------|--------------|
| 2007-350-102 | 2008-553-102 |
|--------------|--------------|

**ACTION: Motion to issue Notice(s) of Opportunity for Hearing(s) for the above listed cases.** Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained; Bradshaw abstained (2008-553-102). Motion approved.

|              |              |
|--------------|--------------|
| 2008-611-304 | 2008-636-101 |
| 2008-612-304 | 2008-637-101 |
| 2008-618-101 | 2008-640-101 |
| 2008-620-101 | 2008-655-101 |
| 2008-621-101 | 2008-657-602 |
| 2008-622-101 | 2008-658-101 |
| 2008-623-101 | 2008-661-602 |
| 2008-624-101 | 2008-676-101 |
| 2008-625-101 | 2008-677-101 |

|              |  |
|--------------|--|
| 2008-627-101 |  |
|--------------|--|

**ACTION: Motion to close the above listed case(s) for one of the following reasons: inadvertently marked yes to conviction question, misdemeanor convictions which the Board has previously deemed “not involving moral turpitude,” continuing education cases which now meet the requirements, local non-patient care issues, and grandfathering issues of certification/conviction.** Pomerantz first. Marchetta second. None opposed. Fiffick, Holcomb abstained. Motion approved.

Ms. Vermillion requested members return the CD that was in their Board packet to her.

Firefighter and FSI Committee, Phil McLean (Doug Orahood)

The committee is working on developing a certification for a Fire Hazards Recognition certification, which is approximately twenty-four (24) hours. Mr. Holcomb is working with the Ohio Fire Officials Association (OFOA) on developing a Fire Investigator course.

The revised Firefighter I and Firefighter II tests based on the new National Fire Protection Association (NFPA) 2008 standards will be available around the first of the year.

OLD BUSINESS

The election of officers for 2009 was held based upon the nominations submitted to the Board during the November meeting.

**ACTION: Motion to approve Dr. John Pakiela as EMS Board Vice-Chairman.** Resanovich first. Mallory second. None opposed. Pakiela abstained. Motion approved.

**ACTION: Motion to approve Mark Burgess as EMS Board Chairman.** Holcomb first. Graymire second. None opposed. Burgess abstained. Motion approved.

NEW BUSINESS

Mr. Rucker said Diane Walton will be coordinating the lunches for the January retreat. He asked that members let her or Ms. Dodson know whether they would be partaking. The cost is \$10 per day and will include soda and water as well.

ADJOURNMENT

**ACTION: Motion to adjourn with the exception of the Fire Board members, who will remain for discussion of fire issues.** Pomerantz first. Marchetta second. None opposed. Motion approved.

The meeting was adjourned at 12:14 PM.

FIRE BOARD MEMBERS

**ACTION: Motion to go into Executive Session for the purpose of discussing proposed disciplinary action against fire certificate holders which is pending or imminent court**

**action under Revised Code 121.22(G)(3) and involves matters that are to be kept confidential under Revised Code 121.22(G)(5) and 149.43 at 12:19 PM.** Mallory first. McNutt second. None opposed. Motion approved.

Roll Call

|                        |      |
|------------------------|------|
| Mr. Mark Burgess       | Here |
| Mr. James Davis        | Here |
| Mr. James Holcomb      | Here |
| Mr. Daryl McNutt       | Here |
| Mr. William Mallory    | Here |
| Mr. William Quinn, Jr. |      |
| Mr. Mark Resanovich    | Here |

**\*\*\*\*\*Fire Board returned from Executive Session at 12:21 PM \*\*\*\*\***

|              |  |
|--------------|--|
| 2008-585-706 |  |
|--------------|--|

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

|              |  |
|--------------|--|
| 2008-554-702 |  |
|--------------|--|

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

ADJOURNMENT

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

The Board fire members meeting adjourned at 12:22 PM.