

**Minutes of the
EMERGENCY MEDICAL SERVICES
March 26, 2014**

The meeting of the Emergency Medical Services Board opened at 9:00 a.m. in the Iris Room at 665 Mainstream Drive, Nashville, Tennessee.

CALL TO ORDER/ROLL CALL

Members of the Board present:

Dr. Sullivan Smith, Chairman opened the meeting at 9 a.m. Roll call was taken following members present:

Chris Brooks	Kevin Mitchell	Robert Webb
Jeff Davis	James Ross	
Richard Holliday	Stephen Sutton	
Larry Hutsell	Robert W. Thurman JR	

Ten (10) members were in attendance, a quorum was established.

Board members not present:

Tim Bell and Tyler White

Also present:

Donna G. Tidwell, Director Office of Emergency Medical Services
Keith Hodges, Legal Counsel
Dr. Joe Holley, State Medical Director
Steve Hamby, Regional Consultant
Debbie Cox, Regional Consultant
Teddy Myracle, Regional Consultant
O'Neal Ellis, Regional Consultant
Ray Cook, EMS Consultant
Tory L Ferguson, Regulatory Board Administrative Assistant 2

APPROVAL OF DECEMBER 4, 2013 MINUTES

A motion to accept the minutes meeting was made by Mr. Davis and seconded by Dr. Brooks Motion passed with a voice vote.

RECOGNITION

Ms. Tidwell presented recognitions;

The family of Barney Beatty, the Radio Communication Analyst for the Office of EMS and the family of Ronnie Patterson, an instructor and service director were presented recognitions for their contributions to the citizens of the State of Tennessee. Dr. Eric Powell, Allen Nix, Randy White, and Dean Tim Strange were recognized for their work on the AEMT transaction course.

Dr. Smith recognized the schools present and Dr. Courtwright, the first EMS Fellow in the new

Fellowship a Erlanger from Chattanooga.

REPORT FROM THE OFFICE OF GENERAL COUNSEL

Conflict of Interest Policy

Mr. Keith Hodges, Legal Counsel reviewed with the Board the conflict of interest policy. Each member signed the conflict of interest policy.

General Counsel Report

Mr. Hodges reported on the number of open cases in his office. Mr. Hodges reported on the status of the ambulance service, equipment and immunizations rules. All are under review in the AG's office. Mr. Hodges disturbed a handout containing the bills currently in legislation. Mr. Mitchell reported the senate bill on Hep C that did not get out of the committee and asked everyone to keep it on their radar. Ms. Tidwell also reported on a bill that will require all state agencies have ability to complete applications online.

COMMITTEE REPORT

Committee on Pediatric Emergency Care (CoPEC)

Rhonda Phillippi provided a CoPEC report providing information as to which counties had been provided EZ IO through a grant. She reported the Annual Pediatric Conference would be held in Knoxville EMS for children will be celebrating their 20th anniversary and will be having a fundraiser on Friday. Ms. Phillippi announced the 6th annual Star of Life winners for each region.

REPORT FROM TENNESSEE PROFESSIONAL ASSISTANCE PROGRAM (TnPAP)

The Board was directed to the TnPAP report in the file for review. Mrs. Tidwell reported the TnPAP contract is up for review and they are asking for an increase in their budget of one thousand dollars (\$1,000.00). The current rate is sixteen thousand dollars (\$16,000) and this would raise the contract to seventeen thousand dollars (\$17,000). Mr. Mitchell asked if they had a breakdown of what the money was used for which was explained as administrative cost to provide tracking and reporting as well as coordinating services for the licensees.

Motioned to accept the one thousand dollar (\$1,000) increase made by Mr. Hutsell and seconded by Mr. Sutton. Roll Call vote:

Tim Bell-Absent
Chris Brooks-Aye
Jeff Davis-Aye
Richard Holliday-Aye
Larry Hutsell-Aye
Kevin Mitchell-Aye
Motion passed.

James Ross-Aye
Stephen Sutton-Aye
Robert Thurman-Aye
Robert Webb-Aye
Tyler White-Absent
Dr. Sullivan Smith-Aye

Mr. Mitchell inquired the length of the TNPAP contract. Ms. Tidwell advised three (3) to five (5) year contract, but would find out and report at next meeting. Mr. Sutton asked if they could see a copy of the contract and Ms. Tidwell stated she would see about getting it for him.

RECOGNITION

Ms. Tidwell introduced the new Deputy Director, Diona Layden. Dr. Smith welcomed and thanked Ms. Layden for being at the meeting.

AGREED ORDER

Respondent: Professional Medical Transport-Shelby County, 10070, Memphis, TN 38134

Dr. Brooks and Mr. Holliday recuse.

Respondent made a total of one hundred and thirty (130) transports in seven (7) ambulances that were not authorized to operate in Shelby County during the time of the transports. Respondent made a total of twelve (12) transports in an ambulance that the Department had taken out of service for failing inspection. Respondent allowed ambulance records to be falsified on at least two (2) occasions. An inspection conducted in or around September 2013 found Respondent had failed to safeguard protected health information. On multiple occasions during the last calendar year, Respondent has been unresponsive or unavailable when the Division has attempted to inspect or audit its operations or ascertain its compliance with the Act and Rules.

For the purpose of avoiding further administrative action with respect to this cause, the Respondent agrees to the **VOLUNTARY SURRENDER** of Respondent's license effective immediately upon ratification of this Consent Order by the Board. This **VOLUNTARY SURRENDER** is a formal disciplinary action that will have the same legal effect as a **REVOCATION** and may be reported to the Health Integrity and Protection Data Bank (HIPDB).

Motion to accept the **AGREED ORDER** as written was made by Mr. Davis and seconded by Mr. Mitchell.

Tim Bell-Absent
Chris Brooks-Recuse
Jeff Davis-Aye
Richard Holliday-Recuse
Larry Hutsell-Aye
Kevin Mitchell-Aye
Motion passed.

James Ross-Aye
Stephen Sutton-Aye
Robert Thurman-Aye
Robert Webb-Aye
Tyler White-Absent
Dr. Sullivan Smith-Aye

Respondent: Daniel J. Brock, 33874 EMT-IV, New Tazwell, TN 37824

On or about February 3, 2012, Respondent assaulted and forcibly restrained his paramedic girlfriend/coworker while the two (2) were at Grainger County Ambulance Service. On or about February 6, 2012, Respondent's employment with Grainger County Ambulance Service was terminated. On or about February 24, 2012, Respondent pleaded guilty to assault, a Class A misdemeanor. Respondent was ordered to receive anger management counseling and was placed on probation, both of which he completed. Respondent has been diagnosed with post-traumatic stress disorder and bipolar disorder and advised not to practice in the EMS profession.

For the purpose of avoiding further administrative action with respect to this cause, the Respondent agrees to the **VOLUNTARY SURRENDER** of Respondent's license to practice as an EMT-IV, effective

immediately upon ratification of this Consent Order by the Board. This **VOLUNTARY SURRENDER** is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPDB).

Motion to accept the **AGREED ORDER** as written made by Mr. Hutsell and seconded by Mr. Sutton.

Tim Bell-Absent
Chris Brooks-Aye
Jeff Davis-Aye
Richard Holliday-Aye
Larry Hutsell-Aye
Kevin Mitchell-Aye
Motion passed.

James Ross-Aye
Stephen Sutton-Aye
Robert Thurman-Aye
Robert Webb-Aye
Tyler White-Absent
Dr. Sullivan Smith-Aye

Respondent: Joey Lynn Jackson, 33850 Paramedic, Keiser, AR 72351

Mr. Holliday recuse

On or about July 19, 2011, Respondent and his partner responded to an emergency call at the home of a two-year-old patient with a high fever. Respondent advised mother to give over-the-counter medication to patient contrary to physician's orders and without first conducting a sufficient patient assessment, and falsified the patient care report to say no patient found. On or about August 17, 2011, Respondent and his partner responded to an emergency call involving a patient that had been stabbed in the head. Respondent failed to document that any patient assessment was conducted, failed to document the patient's refusal of care, and falsified the patient care report to say that no patient was found. On or about September 3, 2011, Respondent and his partner responded to an emergency call on a fight with a male and female. Respondent failed to document that any patient assessment was done or care administered and falsified the patient care report to say that no patient was found. On or about September 3, 2011, Respondent and his partner responded to an emergency call involving a female patient complaining of chest pain. Respondent informed the patient that she was having an anxiety attack, based on her statements, but without conducting a proper patient assessment and falsified the patient care report to say that no patient was found. On or about September 3, 2011, Respondent and his partner responded to an emergency call involving a female patient. Patient told Respondent and his partner that she was diabetic. Respondent did not conduct a patient assessment and falsified the patient care report to say that no patient was found. On or about September 5, 2011, Respondent and his partner responded to an emergency call involving a female patient. Patient informed them she did not want to go to the hospital. Respondent failed to document that any patient assessment was conducted, failed to document that the patient refused care, and falsified the patient care report to say that no patient was found.

For the purpose of avoiding further administrative action with respect to this cause, the Respondent agrees to the **SUSPENSION** of Respondent's license to practice as a Paramedic in the state of Tennessee, for two (2) years upon entry of this Order. The **SUSPENSION** of Respondent's license will be lifted automatically, without further Board action. Upon the lifting of said **SUSPENSION**, Respondent's EMT-P license shall be placed on **PROBATION** for not fewer than three (3) years and until the following conditions are met: In addition to the continuing education hours already required, Respondent shall complete a forty eight (48) hour paramedic refresher course. This course must include three (3) hours in Ethics. For the first six (6) months of said **PROBATION**, Respondent shall be supervised by another licensed EMT-P on the same ambulance. For the duration of said **PROBATION**, Respondent's service must submit quarterly quality improvement reports to the Division for all of Respondent's runs. Respondent shall pay the actual and reasonable costs of prosecuting this case. Any violation of the Act and/or regulations promulgated thereunder during the **SUSPENSION** or **PROBATION** period is a

violation of this Order. This **SUSPENSION** and **PROBATION** formal disciplinary action and may be reported to the Health Integrity and Protection Data Bank (HIPDB).

Mr. Jackson's attorney addressed the Board on his behalf and answered any of the Boards questions.

Motioned to accept the Agreed Order as presented was made by Mr. Ross and seconded by Mr. Davis.

Tim Bell-Absent
Chris Brooks-Aye
Jeff Davis-Aye
Richard Holliday-Rescue
Larry Hutsell-Aye
Kevin Mitchell-Aye
Motion passed.

James Ross-Aye
Stephen Sutton-Aye
Robert Thurman-Aye
Robert Webb-Aye
Tyler White-Absent
Dr. Sullivan Smith-Aye

DISCIPLINARY LIFTED

Joey Davidson came back before the Board to ask for the discipline on his license to be lifted. Dr. Smith recused himself and asked Mr. Ross to step in as Chair. Ms. Tidwell asked the Board to review the paperwork Mr. Davidson has submitted. Ms. Tidwell stated that he has completed all the requirements that were required by the Board order.

Motion to lift the discipline made by Mr. Hutsell and seconded by Mr. Sutton.

Tim Bell-Absent
Chris Brooks-Aye
Jeff Davis-Aye
Richard Holliday-Aye
Larry Hutsell-Aye
Kevin Mitchell-Aye
Motion passed

James Ross (acting Chair)-Aye
Stephen Sutton-Aye
Robert Thurman-Aye
Robert Webb-Aye
Tyler White-Absent
Dr. Sullivan Smith-Recuse

SCHOOL APPROVAL

The Board was presented with one (1) school for an initial Paramedic Program approval. Ms. Tidwell requested the board to review the site visit report for Motlow State. Mr. Drew Hooker Program Director for Motlow State was present to address any questions of the board concerning the report. Ms. Tidwell reported the Office would recommend initial approval for Motlow State's Paramedic Program. Motion for initial approval of Motlow State's Paramedic Program by Mr. Hutsell and seconded by Mr. Mitchell. Motion approved with a voice vote.

Ms. Tidwell presented requests from five (5) AEMT Programs for the initial approval of AEMT Program. The board reviewed requests from Columbia State, Jackson State, Southwest TN Community College, Tennessee Tech University, and Walter State. Dr. Smith asked these were being recommended by the Office and Ms. Tidwell indicated yes the Office did recommend approval. Motion to approve all five (5) for initial AEMT Program made by Mr. Hutsell and seconded Mr. Mitchell. Motion passed with a voice vote.

Dr. Smith inquired as to the status of the Contested Cases on the agenda. Mr. Hodges stated they were continued.

COMMITTEE REPORTS

Air Ambulance Committee

Mr. Robert Byrd report the Air Ambulance Committee was reviewing current rules for recommendations to be presented later. Mr. Byrd informed the board of an Air Ambulance workshop that Ms. Tidwell report on later in the meeting. Mr. Byrd reported a sub-committee of Aviators and medial crew was looking into helipad issues and safety not only across our state but also in other states. They will bring their findings back to the Committee and then report back to the Board. Another sub-committee will be reviewing the medical crew training and equipment that should be on the Air Ambulance.

Disciplinary Committee

Dr. Smith reported the committee has one item that was not previously discussed and the committee will meet before the next Board meeting to finalize the document. Dr. Smith stated the committee believes they have completed their task assigned.

Education Committee

Ms. Tidwell reported there was discussion on distance learning programs from other states completing practical labs, clinical rotations and field internships in Tennessee. Ms. Tidwell informed the Board of review with legal and determined all programs whether located in state or out of state will be required to follow the rules and regulations of this Board. The new continuing education requirements will be required as of January 1, 2015, which will include the new hours for pediatric. She advised the office is still recording categories of continuing education hours coming in the audits. This will continue until June 2015 at which time the results will be shared with the education committee for review and recommendation to the Board on next steps. Mr. Sutton asked how the Education Committee members are elected. Ms. Tidwell stated that the Committee is a representative of every EMT and Paramedic program and they each have a vote, if the program has both they get two votes. The Committee also has a representative from each regional Ambulance Service directors association, two flight programs and a continuing education program. If they cannot be there and send a notification in advance they can send a proxy for voting.

Mr. Sutton asked if the pilot could be certified or licensed by the division to be able to benefit from the death benefit. Ms. Tidwell stated they will take it back to the Committee and ask about that.

DIRECTORS REPORT

Ms. Tidwell presented the Annual statistical report for EMS as of February 2014. She reviewed the National Registry for the first quarter and the last quarter.

Ms. Tidwell reminded the Board the requirement for pass rates for the schools will beginning in 2016. She presented the Annual report on the schools. She reports pass rates are up. Ms. Tidwell reported she had spoken with National Registry concerning additional testing sites and announced new sites that are open. We are asking for two (2) more to be opened. Ms. Tidwell also reported she had discussed with National Registry a report that will accurately report annual pass rates for students enrolled for the year. There was a discussion about how they can get the students to go ahead and test soon after they graduate. Ms. Regina Pearson addressed the Board and reported she believed some of the problem for the exam. Mr. Don Mosby came before the Board and stated that they have ran into the problem of site for testing and not being able to find one that is available. Mr. Hutsell stated that this seems to be a National

Registry problem and they should be aware of it. Ms. Tidwell stated she will bring this up to National Registry. Mr. Hutsell asked if they could send something as a Board to them and have Dr. Smith sign it. Ms. Tidwell said she would work with Dr. Smith to draft a letter.

Ms. Tidwell went over the air ambulance disaster response workshop. Ms. Tidwell reported on who was in attendance and discussed air ambulance response in a disaster. The workshop was very successful and they learned something's that they never thought about. There are plans to bring the group back together in fall.

The RMCC Committee met and they talked about getting a RMCC strike team together for dispatch and flight. The next step is for the RMCC Committee to look and to see who gets the training.

Ms. Tidwell reported on the upcoming TNCAT 2014.

The Mobile Integrated Healthcare is moving along very well. There was a question if this would create another level, it will just put an endorsement on the license. There was a question if the Community Paramedicine Committee will meet. Ms. Tidwell reported she is working with Tennessee Hospital Association to have a joint informational meeting in which Dr. Jeff Beeson from Fort Worth would be the featured speaker.

Ms. Tidwell reported on the open positions in the office and is hoping to have these filled before the next Board meeting.

Ms. Tidwell discussed the movement by the National Association of State EMS Officials to create Compact for States for EMS licensure similar to other state compacts. Ms. Tidwell reviewed the pros and cons of becoming a compact state and stated it was still in the early stages.

Ms. Tidwell talked about the results of the survey that Ms. Layden asked to be sent out. The results were very good but there is always room for improvement. Ms. Tidwell asked if the Board has any changes they would like to be made about getting items to them, to please let her know. Mr. Mitchell asked if stakeholders (i.e. TEMSEA, TASA) should also be surveyed. Ms. Tidwell will pass that information along to Ms. Layden. Ms. Tidwell notified the board they will be receiving another survey in September. There was discussion of having access to electronic board documents from the iPads. Ms. Tidwell will email documents to board members for now and will look into a site for Board members to access and download documents.

MEDICAL DIRECTORS REPORT

Dr. Holley reported on the next Medical Directors conference which will be in October. He reported there is work in progress to acquire CMEs for attendees. The second item was a quick update on a meeting with the Board of Medical Examiners (BME) concerning EMS Medical Director requirements. Dr. Holley has been reaching out to the BME to generate some requirements for the Medical Director that the BME Board would regulate. This will include some qualifications that the Medical Director will have to meet. Dr. Holley stated that the Clinical Issues Committee has not met; they do not have many issues to discuss and will meet next quarter. Dr. Holley reviewed changes that had been made to the protocol guidelines.

OLD BUSINESS

Mr. Mitchell asked about getting a notice for your renewal by email. Ms. Tidwell stated if you opt in for the email you will not get a hard copy, you will only get the email notification. She advised you should go to the website as soon as get the email and renew. Ms. Tidwell explained you would not get another

notice. Mr. Mitchell asked if we could remind the directors that when you opt in for the email that will be the only notification. Mr. Mitchell asked if they could not generate an email about who has been put back to Failed to Renew or Suspended straight to the EMR Service Directors. Ms. Tidwell explained we do not have the email addresses for all the EMR Service Directors that we notify the Service Directors and we will encourage them to forward to the EMR Services.

Mr. Mitchell asked about moving the reelection of a Chair to after the June meeting. Ms. Tidwell stated that the rule requires chair be elected annually. The Board may set a policy to state when the chair will be elected. Mr. Mitchell asked for the policy to be written to elect the chair each September. Chair asked if Mr. Mitchell was making a motion to have a policy for election of Chair each September. Mr. Mitchell motioned for the election of Chair in September. Mr. Davis seconded. Motion passed with a voice vote.

NEW BUSINESS

Ms. Tidwell brought up about recognitions and would like to in honor of Barney Beatty to have an award called the “Barney Beatty Communication of Excellence Award”. This award would be given to the RMCC in an unusual incident where communication was vital role in the response. This would not be all the time just in those unusual circumstances.

Mr. Webb motioned to accept Ms. Tidwell recommendation for the award. Mr. Hutsell seconded. Motion passed with a voice vote.

The Office of EMS asked the Board for clarification on the Rule concerning Mechanical Certification. Specifically what level of an ASE or EVT certification would meet the intent of the rule. A portion statement from the Office was presented for the Board’s consideration. The rule states that the mechanic must be qualified to work on the ambulances and the Consultants need clarification as to what certification the mechanic should have. Ms. Tidwell stated when Jackie Wilkerson was with us he had researched and had determined they should be certified at the medium to heavy duty truck level. We are just asking the Board to provide intent of the rule on certifications. The Board asked a few question. Mr. Hodges stated that they are just asking for the Boards interpretation. This rule has always been there the office is not asking for any new rule just an interruption on intent of rule. Mr. Mitchell asked if the portion statement have the effect of the rule. Mr. Hodges stated it did and when they get an opportunity to change the rule they would be able to change it. In the mean time they would put this position statement on the website. However we are not looking to change the rule and if a service wishes to take their vehicles back to the manufacture for inspections that is fine. Ms. Tidwell stated that they have looked into this and stated that the manufacture stated they only let the mechanic that is qualified to check that truck and no one else. A representative for First Call Ambulance came before the Board and explained some of the different levels for the mechanic certification. He stated they want to meet the requirements for the rule but they need some clarification of what that means.

Mr. Webb motioned to make a committee to look over this and decide what the best way to go is. Mr. Hutsell seconded. Jimmie Edwards, Montgomery County EMS Service Director, came before the Board and let them know where he takes his trucks and why they take them there. Dr. Smith stated that if they send this to a committee it would delay this and they need some clarification now. He suggested that they take the policy statement and keep the first paragraph and on the second paragraph keep the first two lines but strike the rest of the paragraph and replace it with: “certified commensurate for the specific vehicle and system being inspected. Ms. Tidwell stated they would still have to specify type of certification. There was an explanation on what different levels of the ASE. Ms. Tidwell advised you can be an ASE certified but not be EVT certified, so both certifications have to be in the policy statement. Mr. Webb and Mr. Hutsell pulled the motion. Mr. Davis motioned to table this policy and bring it back to the next board meeting and Mr. Thurman seconded. Motion cared. Dr. Smith suggested that Ms. Tidwell put a group together to look this over before the next board meeting. Dr. Smith stated that they will table this till the next board meeting.

Mr. Mitchell asked if the board needed to make a position statement in response to resent personnel issue in the Office of EMS with an EMS Consultant. Commissioner Michelle J. Long addressed the issue with the board and felt this was a personnel issue that had been dealt with through the Department and did not require a board position statement.

PUBLIC COMMENTS

Mr. Mosby came before the Board to speak about the way the Board member was put on the Education Committee. Mr. Hutsell asked Mr. Hodges if there was something to vote on from that Committee would that Board member recuse themselves from the vote. Ms. Tidwell stated they want to know if the Board member was appointed to that Committee is he a voting of the Committee or just there to represent the Board. Mr. Hodges stated he did not know that answer. Mr. Hutsell stated that if the Committee brings something to the Board to vote on would that Board members have to recuse themselves or can they vote on it at the Board meeting. Mr. Hodges does not think that is a problem. Mr. Holliday stated that if the Board member is on that Committee then they should not be allowed to vote on it at the board meeting if they make decisions or vote in the Committee. Mr. Hodges stated that the conflict of interest policy was not meant for this type of situation.

Dr. Smith let the Board know that the next board meeting will be June 25.
Meeting was adjourned.