

**Minutes of the
EMERGENCY MEDICAL SERVICES
September 24, 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:

Tim Bell	Larry Hutsell	Robert Webb
Chris Brooks	James Ross	Tyler White
Jeff Davis	Stephen Sutton	
Richard Holliday	Robert W. Thurman JR	

Eleven (11) members were in attendance, a quorum was established.

Board members not present:

Kevin Mitchell

Also present:

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

APPROVAL OF JUNE 25TH, 2014 MINUTES

A motion to accept the minutes meeting was made by Mr. Bell and seconded by Ms. Deshpande. Motion passed with a voice vote.

RECOGNITION

Ms. Tidwell presented national recognitions from the National Association of EMS Educators; The Fallen Hero award went to the family of David Sewell and the Unsung Hero award was presented to Rick Collier were recognized for their contributions to the citizens of the State of Tennessee.

2014 STATE HEALTH PLAN UPDATE

Julia Bell gave a presentation on the State Health Plan. Ms. Bell explained the Health Plan and why the state of Tennessee needs to improve healthcare of Tennesseans. She reviewed the five (5) principles of the Health Plan, the determinants of TN, what impacts our health, and the process. The last item Ms. Bell reviewed was the Certificate of Need and how it connects with Professional Boards. Ms. Bell discussed some possible issues that may come up.

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.

General Counsel Report

Mr. Hodges reported on the number of open cases in his office. Mr. Hodges asked the Board to look at the Public Chapter No 623 and went over the two (2) proposals. Mr. Hodges stated that they have been approved by Commissioner to go forward to the Governor's office or consideration. He then asked the Board to look over two (2) policy statements, E-cigarettes and convictions. He asked the Board to approve the two (2) policy statements.

Mr. Hutsell motioned to approve both policy statements and Mr. White seconded.

Motion passed with a voice vote.

REPORT FROM TENNESSEE PROFESSIONAL ASSISTANCE PROGRAM (TnPAP)

The Board was directed to the TnPAP report in the file for review. Ms. Elaine Eaton was present for questions. Mr. Sutton asked about the contract that EMS has with TnPAP and was directed to document on his I-pad for his review.

CONSENT ORDER

Respondent: Larry Billingsley, EMT-P License 14443, Pikeville, TN

Dr. Smith and Mr. Sutton recuse. Mr. Hutsell was asked to step in as Chair.

On or about September 24, 2013, Respondent was indicted on seventeen (17) counts of obtaining Controlled Substances by fraud, and was indicted on sixteen (16) counts of furnishing false information in a Controlled substance Record. On or about March 31, 2014, Respondent pleaded guilty to one (1) count of obtaining a controlled substance by fraud and one (1) count of furnishing false information in a Controlled Substance Record in the United States District Court for the Eastern District of Tennessee. Respondent was placed on probation with terms for three (3) years and ordered to pay restitution and costs. Respondent resigned from his employment and there was no known patient harm as a result of Respondent's action or omissions.

For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to the **VOLUNTARY SURRENDER** of his EMT-P license.

Mr. Davis motion to accept the **CONSENT ORDER** as written and Mr. Thurman seconded.

Tim Bell-Aye

Chris Brooks-Aye

Jeff Davis-Aye
Kappu Deshpande-Aye
Larry Hutsell-Aye
Kevin Mitchell-Absent
James Ross-Aye
Motion passed.

Stephen Sutton-Recuse
Robert Thurman-Aye
Robert Webb-Aye
Tyler White-Aye
Dr. Sullivan Smith-Recuse

Respondent: Jeffery Bryant, EMT-P License 23294, Erwin, TN

On or about August 8, 2013, an EMS crew from MedicOne Medical Response (“MedicOne”) in Erwin, Tennessee was dispatched on a call involving a child with burns, with Southside Volunteer Fire Department being sent to offer assistance. Respondent arrived on the scene first, driving a Southside Volunteer Fire Department brush truck. Despite being told that the MedicOne unit was en route and only blocks away, Respondent proceeded to load the patient, and proceeded to transport the patient even as the MedicOne unit was arriving on the scene.

For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to the **REPRIMAND** of his EMT-P license to be effective immediately upon ratification of this Consent Order by the Board.

Mr. Thurman motioned to accept the **CONSENT ORDER** as written and Mr. Webb seconded.

Tim Bell-Aye
Chris Brooks-Aye
Jeff Davis-Aye
Kappu Deshpande-Aye
Larry Hutsell-No
Kevin Mitchell-Absent
Motion passed with six (6) yeses and five (5) no’s.

James Ross-No
Stephen Sutton-No
Robert Thurman-Aye
Robert Webb-Aye
Tyler White-No
Dr. Sullivan Smith-No

Respondent: Charles Gilliam, EMT-P License 30351, Memphis, TN

On or about June 2, 2011, Respondent pleaded guilty to Aggravated Assault, a Class C felony, and Reckless Driving, a Class B misdemeanor, in Shelby County Criminal Court. He was granted judicial diversion and placed on supervised probation until June 2, 2014. As a result of the aforementioned misconduct, Respondent was suspended by the Memphis Fire Department for seventy-two (72) hours. Respondent was not on duty at the time of the events in question.

For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to the **PROBATION** of his EMT-P license for a period of two (2) years, to be effective immediately upon ratification of this Consent Order by the Board.

Mr. Ross motioned to accept the **CONSENT ORDER** as written and Mr. Hutsell seconded.

Tim Bell-Aye
Chris Brooks-Aye
Jeff Davis-No
Kappu Deshpande-Aye
Larry Hutsell-No
Kevin Mitchell-Absent
Motion passed with a ten (10) yes to one (1) no vote.

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

Respondent: Matthew Hertner, EMT-P License 19990, Memphis, TN

During and/or prior to January 2013, Respondent diverted narcotic waste from his employer for his personal use. There was no known patient harm as a result of patient's actions.

For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to have Respondent's license to practice as an EMT-P be placed on **SUSPENSION**, to be effective immediately upon ratification of this Order. Respondent may undergo an evaluation approved by TnPAP. Should the results of the TnPAP approved evaluation recommend monitoring, then Respondent may sign a TnPAP monitoring agreement and obtain the advocacy of TnPAP. Upon receipt of a signed monitoring agreement prior to or during the **SUSPENSION** period, the **SUSPENSION** shall be **STAYED** and put on **PROBATION** with the following terms and conditions. The **PROBATION** of Respondents license shall run concurrent with his or her monitoring agreement, but in no event with the **PROBATION** be less than three (3) years. Should the monitoring agreement be extended so shall the **PROBATION** of Respondents license to run concurrent with the monitoring agreement. Respondent's failure to maintain compliance with all of the terms of the monitoring agreement and the advocacy of TnPAP until the completion of the monitoring agreement. Any amendments thereto will be a violation of **PROBATION** and a violation of this order and shall result in the immediate lifting of the **STAY** of **SUSPENSION** of Respondent's license. If thereafter Respondent wishes to have his or her license reinstated, Respondent must appear before the Board and demonstrate his/her present ability to engage in the safe practice of emergency medical services. The Board reserves the right to impose other reasonable conditions of reinstatement at the time of Respondent's appearance.

Mr. Sutton motioned to accept the **CONSENT ORDER** with the change on page 3 to change EMT-IV to EMT-P and Mr. Hutsell seconded.

Tim Bell-Aye
Chris Brooks-Aye
Jeff Davis-Aye
Kappu Deshpande-Aye
Larry Hutsell-Aye
Kevin Mitchell-Absent
Motion passed

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

AGREED ORDER

Respondent: Joshua Valentine, EMT-P License 29735, Unicoi, TN

On multiple occasions in or around August and September, 2013, Respondent injected himself with Demerol, Morphine or other opioids while on duty, using drugs, syringes and other supplies he diverted from his employer's stock. On at least two (2) occasions during the same time period, Respondent falsified patient records to say that he had given a patient certain drug when in fact he had not. On or about September 20, 2013, Respondent was terminated from Grainger County EMS after testing positive for Meperidine. On or about July 7, 2014, Respondent pleaded guilty to Obtaining Prescription Drugs by Fraud and Official Misconduct both felonies, in Grainger County Circuit Court.

For the purpose of avoiding further administrative action with respect to this cause, the Respondent agrees to the **VOLUNTARY SURRENDER** of his EMT-P license. This **VOLUNTARY SURRENDER** carries the same force and effect of a revocation. The **VOLUNTARY SURRENDER** is a formal disciplinary action that will 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. Sutton.

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

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

CONSENT ORDER

Respondent: Ronnie Thomas, EMT-P License 19657, Columbia, TN

On or about August 30, 2013, Respondent submitted a sample for drug and alcohol screening as required by his employer, which later tested positive for alcohol. On or about February 25, 2014, Respondent submitted a sample for drug and alcohol screening as required by his employer, which later tested positive for alcohol. No known patient harm resulted of the Respondent's action.

For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to have Respondent's license to practice as an EMT-P be placed on **SUSPENSION**, to be effective immediately upon ratification of this Order. Respondent may undergo an evaluation approved by TnPAP. Should the results of the TnPAP approved evaluation recommend monitoring, then Respondent may sign a TnPAP monitoring agreement and obtain the advocacy of TnPAP. Upon receipt of a signed monitoring agreement prior to or during the **SUSPENSION** period, the **SUSPENSION** shall be **STAYED** and put on **PROBATION** with the following terms and conditions. The **PROBATION** of Respondents license shall run concurrent with his or her monitoring agreement, but in no event with the **PROBATION** be less than three (3) years. Should the monitoring agreement be extended so shall the **PROBATION** of Respondents license to run concurrent with the monitoring agreement. Respondent's failure to maintain compliance with all of the terms of the monitoring agreement and the advocacy of TnPAP until the completion of the monitoring agreement. Any amendments thereto will be a violation of **PROBATION** and a violation of this order and shall result in the immediate lifting of the **STAY** of **SUSPENSION** of Respondent's license. If thereafter Respondent wishes to have his or her license reinstated, Respondent must appear before the Board and demonstrate his/her present ability to engage in the safe practice of emergency medical services. The Board reserves the right to impose other reasonable conditions of reinstatement at the time of Respondent's appearance.

Mr. Ross motioned to accept the **CONSENT ORDER** as written and Mr. Davis seconded.

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

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

APPLICANT APPROVAL

Applicant: Phillip Atkins, Unapproved Applicant, Sweetwater, TN

Mr. Atkins appeared before the Board to ask for consideration of approval for his application as an EMT-IV. Mr. Atkins explained to the Board the events that happened and passed out some written recommendation on his behalf. The Board questioned Mr. Atkins concerning events. Ms. Tidwell was asked if all requirements for approval had been met. Mrs. Tidwell stated they had been met.

Mr. Sutton motioned to approve Mr. Atkins application and Mr. Thurman seconded.

Tim Bell-Aye

James Ross-Aye

Chris Brooks-Aye

Stephen Sutton-Aye

Jeff Davis-Aye

Robert Thurman-Aye

Kappu Deshpande-Aye

Robert Webb-Aye

Larry Hutsell-Aye

Tyler White-Aye

Kevin Mitchell-Absent

Dr. Sullivan Smith-Aye

Motion passed.

SCHOOL APPROVAL

The Board was presented with four (4) schools for an initial AEMT Program approval. Ms. Tidwell requested the board to review the request for Motlow State, Memphis Fire, Volunteer State Community College are Paramedic programs and require only a letter requesting Initial approval. She also presented a request and the site visit report for Middle Tennessee State University for initial approval for AEMT.

Motion for initial approval of all four (4) schools for an AEMT Program by Mr. Davis and seconded by Mr. Thurman. Motion approved with a voice vote.

COMMITTEE REPORT

Committee on Pediatric Emergency Care (CoPEC)

Rhonda Phillippi introduced the new project coordinator for CoPEC, Erin Hummeldorf, BA, MPA. Ms. Phillippi reviewed the Annual Joint Report. Ms. Phillippi acknowledged the recipients of this year's Star of Life awards. She reminded the Board next Star of Life Awards and Dinner is May 14th, 2015. Mr. Sutton stated he appreciates all the work that Ms. Phillippi is doing.

Mr. Sutton motioned to approve the Annual Joint Report and Ms. Deshpande seconded.

Motion passed with a voice vote.

Education Committee

Ms. Tidwell reported on the Education Committee. The committee reviewed the data on the NREMT pass rate. There was an update on the transition course. Ms. Tidwell stated that they are still tracking the Continuing Education that is being sent in for the review and recommendation to Board in June 2015.

Mobile Integrated Health Care (MIHC)/Community Paramedic

Kevin Spratlin gave the Board an update on MIHC. Mr. Spratlin reviewed Sub-Committees work the approach being taken by each task they were given. The two (2) different Sub-Committees are; Education and the Needs Analysis. He reported they are working hard to have something for the board to review by the March Board meeting. There was a question about what this person would be called, are they going to be called an Advance Practice Paramedic since they will be doing more than a Paramedic. Mr. Spratlin stated at this time it is too early to be able to answer that question. There was a question of the different

areas being represented. Ms. Tidwell stated that all accepts are being represented and they do attend the meeting.

DIRECTORS REPORT

Ms. Tidwell presented the Annual statistical report for EMS. She reviewed the National Registry Emergency Technician (NREMT) for the second quarter and the third quarter. Ms. Tidwell stated that there is one (1) school that is missing from the report and she is working with NREMT for correction. Ms. Tidwell reported she is working with NREMT for an accurate annual report of pass rate for the educational institutions. There was a question about testing sites. Ms. Tidwell reported we have thirteen (13) testing sites, between testing sites and testing centers the state is well covered. Ms. Tidwell reported that Tennessee has the most sites out of all the states. Ms. She also stated the schools are the ones who control how many seats are available for use. There was a question about if this information is on the website. Ms. Tidwell stated Annual reports would be posted on website once reviewed by board in March meeting. Ms. Tidwell explained the process and when individuals are eligible can take the NREMT exam at each level. Mr. Ross asked should there be a concern about the programs that do not meet the pass rate requirements. Ms. Tidwell stated the board has put into place a rule to require programs be within 10% of National pass rate. Mr. Sutton asked if they can get a report of the past three (3) years to see how the schools have done. Ms. Tidwell stated she could but it would be bad data. Board was informed the new policy from NREMT if the applicant does not test within ninety (90) day of making application, they will be kicked out and have to make application again and pay the fees again. Ms. Tidwell explained the difference between a Pearson Vue testing site and a testing center. There was discussion on when students take exams and the effect on pass rates. Board discussed requiring time frame to complete exam. The question was raised as how the state or the school could enforce a time frame for completion of written exam. Chairman Smith recommended we get the reports from NREMT to see what the scope of the problem if any may be. Chairman Smith stated this is not new to the schools. Ms. Tidwell stated that next year they will look at all programs with the exception of AEMT. They will start looking at them in the year 2016.

Ms. Tidwell went over the Annual Operation report for the services.

Ms. Tidwell reported she has been asked to sit on a panel at the EMS Expo. Ms. Tidwell let the Board reported Office of EMS staff will be attending the National State Official meeting in October. Ms. Tidwell stated that the rules about auditing services will start in 2015 because they have to have a transition period. Mr. Bell asked how many Rescue Squads that where left. Ms. Tidwell stated we have seven (7).

Mr. Ross asked if they can have the 1200- rules pdf and put on the iPads so the members can look at.

NEW BUSINESS

Dr. Smith asked the Clinical Issue Committee (CIC) to look at Critical Care Paramedics (CCP) to initiate blood during a transport. Dr. Holley stated that they can look at that in the Committee.

Mr. Hutsell asked if they are requiring any special equipment or staffing for critical care ambulances. Ms. Tidwell stated there are not any special requirements, but if the board would like the office to look into requirements we could add that to the charge for the Ambulance committee. Mr. Hutsell stated that this should go to the Ambulance Committee. Dr. Holley stated that may go back to the billing department because the payer will require certain personnel or equipment.

There was some more discussion about the CCP initiating blood during a transport. Dr. Smith stated that is why they are sending it to the CIC to look at and come up with a solution. Mr. Bell ask the CIC look at all professions not just CCP.

Ms. Tidwell went over the Public act 623 which is use of Naloxone by lay public and first responders. Ms. Tidwell requested the Board's consideration to allow the administration of intranasal naloxone by Emergency Medical Responders (EMR) and Emergency Medical Technicians.

Dr. Brooks motioned to approve EMR and EMT the ability to use intranasal naloxone seconded by Mr. Thurman.

Motion passed with a voice vote.

Mr. Hutsell motioned to have the Ambulance Committee to look explore permitting critical care units and CIC to look at staffing Mr. Webb seconded.

Mr. Thurman stated that it is the equipment and staff that make it a critical care. Ms. Deshpande stated that what Mr. Hutsell stated was that they have some units out there that are advertising critical care and they are not.

Motion passed.

Mr. Sutton stated that maybe they should recommend some of the other services that TnPAP offers other than for drug and alcohol. Mr. Hodges and Ms. Tidwell explained why it was not recommended on some cases. Mr. Sutton asked if they could have that information put into the orders that they did get help or was ordered to get help.

Dr. Smith announced the next board meeting will be December 10.

Meeting was adjourned.