



Kent Appelhans, Chair  
Mark Marchetta, Sr., Vice Chair

Dr. Carol Cunningham, State Medical Director

## STATE BOARD OF EMERGENCY MEDICAL, FIRE, AND TRANSPORTATION SERVICES

### DIVISION OF EMERGENCY MEDICAL SERVICES OHIO DEPARTMENT OF PUBLIC SAFETY 1970 West Broad Street, Columbus, Ohio

#### FINAL MEETING MINUTES

February 16, 2022

**Board Meeting Date and Location:** Wednesday, February 16, 2022, Ohio Department of Public Safety, 1970 West Broad Street, Room 1106, Columbus, Ohio.

**Board Members Present:** Kent Appelhans (chair), Karen Beavers, Geoff Dutton, Patrick Ferguson, Jeff Fishel, Brian Hathaway, Mark Marchetta (vice chair), Stacey Martin, Dr. Amy Raubenolt, Dr. Hamilton Schwartz, John Weimer, Kevin Uhl and Dudley Wright.

**Board Members Absent:** David DeVore

**DPS and EMS Staff Members Present:** Johanna Burgess, Robin Burmeister, Beverly Cooper, Dr. Carol Cunningham, Joel Demory, Dave Fiffick, Amanda Harper, Deputy Director Aaron Jennings, Ben Kimmel, Valerie Koker, Eric Mays, Ellen Owens, Bryan Reardon, Joe Stack, Executive Director Rob Wagoner, Patrick Williams and Michael Wise

**Associate Assistant Attorney General:** Shelli Brock

**Public Present:** Tom Allenstein, Ruda Jenkins, Nicholas Kolitsos, Jeff Orphal, Cherie Pepping, Julie Rose, and Diane Simon

#### **EMFTS Board Meeting**

##### **Welcome and Introduction**

The meeting began at 10:03 a.m.

##### **Roll Call**

Mr. Kent Appelhans (Chair)	Present	Mr. Mark Marchetta (V.Chair)	Present
Ms. Karen Beavers	Present	Ms. Stacey Martin	Present
Mr. David DeVore	Absent	Dr. Amy Raubenolt	Present
Mr. Geoff Dutton	Present	Dr. Hamilton Schwartz	Present
Mr. Jeff Fishel	Present	Mr. Kevin Uhl	Present
Mr. Patrick Ferguson	Present	Mr. John Weimer	Present
Mr. Brian Hathaway	Present	Mr. Dudley Wright	Present

**Open Forum**

Nicholas Kolitsos, on behalf of Nurse Heart’s Medical Staffing, addressed the Board regarding their case. Mr. Kolitsos requested leniency in this matter. There have been some issues with outstanding paperwork. Nurse’s Heart Medical Staffing plans on appealing the Board for a waiver for a medical director application. This is a non-emergent medical transport company in addition to performing COVID-19 testing in the local community. Mr. Kolitsos requested a period of time for the Board to petition for a medical director waiver. He thanked the Board for the opportunity to speak.

**Consent Agenda**

Mr. Appelhans requested a motion to approve the Consent Agenda items that were distributed prior to the meeting including the EMFTS Board minutes of December 16, 2021, the Certificates of Accreditation, the Certificates of Approval, December 2021 and January 2022 90-day extensions and the December 2021 and January 2022 EMS certifications.

***ACTION: Motion to approve the Consent Agenda items that were distributed prior to the meeting including EMFTS Board minutes of December 16, 2021, the Certificates of Accreditation, the Certificates of Approval, December 2021 and January 2022 90-day extensions and the December 2021 and January 2022 EMS certifications. Mr. Wright– First. Dr. Raubenolt – Second. None opposed. Mr. Ferguson - abstained. Motion approved.***

Mr. Appelhans introduced himself as the Chair of the State Board of Emergency Medical, Fire, and Transportation Services. The proceedings were called to order at 10:06 a.m. on February 16, 2022.

**Roll Call**

Mr. Kent Appelhans (Chair)	Present	Mr. Mark Marchetta (V.Chair)	Present
Ms. Karen Beavers	Present	Ms. Stacey Martin	Present
Mr. David DeVore	Absent	Dr. Amy Raubenolt	Present
Mr. Geoff Dutton	Present	Dr. Hamilton Schwartz	Present
Mr. Jeff Fishel	Present	Mr. Kevin Uhl	Present
Mr. Patrick Ferguson	Present	Mr. John Weimer	Present
Mr. Brian Hathaway	Present	Mr. Dudley Wright	Present

It was noted for the record that a majority of the Board members were present.

**REPORT AND RECOMMENDATIONS**

- EMS Case No. 2020-201-BE100, Stephen K. Brown, Certificate No. 126699
- EMS Case No. 2020-513-BE100, Jeremy M. Spears, Certificate No. 131148

Mr. Appelhans recognized Associate Assistant Attorney General Sheili Brock for the purpose of providing a brief synopsis of the case.

- **EMS Case No. 2020-201-BE100, Stephen K. Brown, Certificate No. 126699.**

Mr. Brown has an active EMT certificate that is set to expire on May 4, 2023. On April 10, 2020, Mr. Brown submitted an EMS Renewal Application wherein he disclosed pending criminal charges in the Starke County Common Pleas Court. On September 15, 2022, Mr. Brown pled guilty to the charges in the amended indictment and he was ultimately convicted of the charges of Theft, a fifth degree felony, and Unauthorized Use of Property, a first degree misdemeanor. These charges relate to Mr. Brown's unauthorized use of the Multi Agency Radio Communications System owned by the Stark County Sheriff's Department. On March 8, 2021, the Division of EMS sent a Notice of Opportunity for Hearing to Mr. Brown, proposing to take action with the respect to his EMT certificate based upon his felony conviction. Mr. Brown requested a hearing and this matter proceeded to an administrative hearing on December 21, 2021. The Hearing Officer issued a Report and Recommendation on January 20, 2022, finding that the Division proved by a preponderance of the evidence that Mr. Brown was convicted of a felony, and that as a result of Respondent's conviction, the Board may take disciplinary action with respect to Respondent's EMT certificate pursuant to Ohio Administrative Code Section 4765-10-03(B)(2)(a). In her Report and Recommendation, the Hearing Officer recommended revocation of Mr. Brown's EMT Certificate. Mr. Brown submitted objections to the Hearing Officer's Report and Recommendation, and his objection was provided in the Board packet. In his objections, Mr. Brown offered a detailed explanation of the facts underlying his criminal charges and he is requesting the imposition of a lesser sanction. Mr. Brown intended to appear in person and present a statement to the Board, but he contacted the Division this morning and indicated that he could not obtain coverage at work. As a result, he is unable to attend today's meeting

- **EMS Case No. 2020-513-BE100, Jeremy M. Spears, Certificate No. 131148**

Mr. Spears has an active EMT certificate that is set to expire on August 10, 2023. On November 3, 2020, Mr. Spears notified the Division that he had been convicted of the charge of Misuse of Credit Cards, a fifth-degree felony, in the Butler County Common Pleas Court. The credit card in question belonged to the Fairfield Township Fire Department and contained monies contributed by fire personnel to be used as the Department's house fund. As a result of this conviction, the Division sent Mr. Spears a Notice of Opportunity for hearing on May 4, 2021, and Mr. Spears requested a hearing in this matter. This matter went forward to an administrative hearing on December 20, 2021, and the Hearing Officer issued a Report and Recommendation on January 19, 2022. Based on the evidence and testimony presented at the hearing, the Hearing Officer found that the State established by a preponderance of the evidence that Mr. Spears was convicted of the charge of Misuse of Credit Cards, which is a felony conviction, and thus the Board is entitled to take disciplinary action with respect to Mr. Spears' EMT certificate pursuant to Ohio Administrative Code Section 4765-10-03(B)(2)(a). The Hearing Officer recommended that Mr. Spears' EMT certificate be revoked. No written objections were submitted by Mr. Spears and this matter is properly before the Board.

**GOLDMANS**

These proceedings were held before the Board pursuant to Goldman v. State Medical Board of Ohio where the respondents did not properly request a hearing in the cases. The individuals named did not have the ability to present written or oral testimony; however, they may be present to hear the proceedings and outcome.

All Board members received the sworn affidavits and accompanying exhibits for the Goldman proceedings from the EMS investigators. The affidavits contained the evidence and testimony upon which was deliberated.

There were six adjudications. The proceedings were in the matters of:

- o EMS Case No. 2018-637-E300, Tabatha N. Cary, Certificate No. 136197
- o EMS Case No. 2019-458-E300, Amy M. Young, Certificate No. 151368
- o EMS Case No. 2020-534-E100, Nathan J. Rutkowski, Certificate No. 169318
- o EMS Case No. 2020-550-E100, Les C. Lundquest, Certificate No. 188080
- o EMS Case No. 2021-230-BE100, Jason L. Kukwa, Certificate No. 145901
- o EMS Case No. 2021-338-E700, Nurse’s Heart Medical Staffing, Service Code No. 252452

Mr. Appelhans requested a motion to admit the sworn affidavits and the accompanying exhibits in the aforementioned cases into evidence.

***ACTION: Motion to admit the sworn affidavits and accompanying exhibits in the aforementioned cases into evidence.*** Mr. Ferguson– First. Dr. Schwartz – Second. None opposed. None abstained. Motion approved.

There was no further evidence to come before the Board and the proceedings closed at 10:14 a.m.

***ACTION: Motion to recess the meeting for the purpose of entering into quasi-judicial deliberations.*** Ms. Beavers– First. Mr. Hathaway – Second. None opposed. None abstained. Motion approved.

**Roll Call**

Mr. Kent Appelhans (Chair)	Present	Mr. Mark Marchetta (V.Chair)	Present
Ms. Karen Beavers	Present	Ms. Stacey Martin	Present
Mr. David DeVore	Absent	Dr. Amy Raubenolt	Present
Mr. Geoff Dutton	Present	Dr. Hamilton Schwartz	Present
Mr. Jeff Fishel	Present	Mr. Kevin Uhl	Present
Mr. Patrick Ferguson	Present	Mr. John Weimer	Present
Mr. Brian Hathaway	Present	Mr. Dudley Wright	Present

## REPORT AND RECOMMENDATION MOTIONS

**ACTION:** *In the matter of EMS Case Number 2020-201-BE100, Stephen K. Brown, Certificate Number 126699, I move that the Board issue an adjudication order approving the findings of fact and conclusions of law, and the recommendation of the hearing examiner to revoke Mr. Brown's certificate to practice.* Dr. Schwartz – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of EMS Case Number 2020-513-BE100, Jeremy M. Spears, Certificate Number 131148, I move that the Board issue an adjudication order approving the findings of fact and conclusions of law, and the recommendation of the hearing examiner to revoke Mr. Spears' certificate to practice.* Dr. Schwartz – First. Mr. Uhl – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

## GOLDMAN MOTIONS

**ACTION** *In the matter of EMS Case Number 2018-637-E300, Tabatha N. Cary, Certificate Number 136197, I move that the Board issue an adjudication order finding that Ms. Cary failed to complete continuing education requirements as indicated in the notice of opportunity for hearing, and that Ms. Cary's EMS certification be revoked.* Dr. Schwartz – First. Dr. Raubenolt – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of EMS Case Number 2019-458-E300, Amy M. Young, Certificate Number 151368, I move that the Board issue an adjudication order finding that Ms. Young failed to complete continuing education requirements as indicated in the notice of opportunity for hearing, and that Ms. Young's EMS certification be revoked.* Dr. Schwartz – First. Mr. Ferguson – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of EMS Case Number 2020-534-E100, Nathan J. Rutkowski, Certificate Number 169318, I move that the Board issue an adjudication order finding that Mr. Rutkowski failed to provide records related to his criminal conviction and that his EMS certification be suspended for a period of fifteen (15) days.* Dr. Schwartz – First. Dr. Raubenolt - Second. None opposed. Mr. Wright - abstained. **Motion approved.**

**ACTION:** *In the matter of EMS Case Number 2020-550-E100, Les C. Lundquest, Certificate Number 188080, I move that the Board issue an adjudication order finding that Mr. Lundquest failed to comply with the terms of a consent agreement, and that Mr. Lundquest's EMS certification be revoked.* Dr. Schwartz – First. Mr. Fishel – Second. None opposed. Mr. Wright - abstained. **Motion approved.**

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***ACTION:*** In the matter of EMS Case Number 2021-230-BE100, Jason L. Kukwa, Certificate Number 145901, I move that the Board issue an adjudication order finding that Mr. Kukwa was convicted of Forgery and Theft, both felonies, and that Mr. Kukwa's EMS certification be revoked. Dr. Schwartz – First. Mr. Ferguson - Second. None opposed. Mr. Wright - abstained. **Motion approved.**

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***ACTION:*** In the matter of EMS Case Number 2021-338-E700, Nurse's Heart Medical Staffing, Service Code 252452, I move that the Board issue an adjudication order finding that Nurse's Heart failed to demonstrate that its operations were under the direction of a qualified medical director and that Nurse's Heart be fined \$500, payable in thirty (30) days, and provide proof of a qualified medical director within forty-five (45) days or be subject to further sanctions, which may include revocation. Dr. Schwartz – First. Mr. Ferguson - Second. None opposed. Mr. Wright - abstained. **Motion approved.**

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### **EMS and Medical Transportation Investigations**

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***ACTION:*** Motion to go into Executive Session for the purpose of discussing proposed disciplinary action against certificate holders pursuant to Ohio Revised Code Section 121.22(G)(1) or pursuant to 121.22(G)(5) that involve matters required to be kept confidential under Ohio Revised Code Section 149.43(A)(2) or 4765.102(B). Mr. Uhl – First. Mr. Ferguson – Second. Roll Call. None opposed. None abstained. **Motion approved.**

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### **EMS and Medical Transportation Investigations Motions**

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***ACTION:*** Motion grant a provisional 1-year accreditation and require another EIP be submitted in the following Education case:  
Dr. Schwartz – First. Mr. Ferguson – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**  
2019-112-E500

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***ACTION:*** Motion to close the following Education case(s). Dr. Schwartz – First. Dr. Raubenolt – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**  
2020-222-E300  
2020-511-E300

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***ACTION:*** Motion to accept consent agreement for the following Medical Transportation case(s).  
Dr. Schwartz – First. Mr. Ferguson – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**  
2020-020-E500

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***ACTION:*** Motion to close the following Medical Transportation case(s). Dr. Schwartz – First. Mr. Hathaway – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**  
2020-191-E700  
2021-181-E700  
2021-229-E700

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***ACTION: Motion to issue a Notice of Opportunity for the following Medical Transportation case(s):***  
 Dr. Schwartz – First. Mr. Uhl – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**

2021-141-E700

***ACTION: Motion to accept the following Consent Agreements.*** Dr. Schwartz – First.  
 Mr. Hathaway – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**

2019-628-E300	2021-463-E100
2019-711-E300	2021-490-E300
2020-098-E300	2021-491-E300
2020-173-E400	2021-492-E300
2020-453-E400	2021-520-BE100
2020-458-E400	2021-532-BE100
2020-459-E400	2021-547-E100
2020-491-E300	2021-567-E300
2021-066-E100	2021-568-E300
2021-428-BE100	2021-569-E300

***ACTION: Motion to close the following cases. The following cases have been recommended to be closed due to lack of jurisdiction, referral to local medical director, deferral to department discipline, certifications have expired, or non-violations of ORC and/or OAC.*** Dr. Schwartz – First. Mr. Ferguson - Second. Dr. Raubenolt (2020-355-E400) and Mr. Wright - Abstained. None opposed. **Motion approved.**

2020-355-E400	2021-367-E500 *Refer to Medical Director
2020-388-E400	2021-368-E500 *Refer to Medical Director
2021-002-E500	2021-427-E500
2021-086-E500	2021-422-E300 *Warning Letter
2021-087-E500 *Advisory Letter	2021-435-E300 *Warning Letter
2021-093-E500	2021-436-E300 *Warning Letter
2021-215-BE100 *Warning Letter	2021-464-E500
2021-326-E400	2021-465-E500
2021-334-E500	

***ACTION: Motion to close the following cases; individuals have met the stipulations of their Consent Agreements.*** Dr. Schwartz – First. Mr. Uhl – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**

2016-392-BE100	2021-115-BE100
2019-146-E300	2021-130-E700
2019-149-E300	2021-142-BE100
2019-221-E500	2021-399-E700
2020-008-E300	2021-499-E300
2021-042-E100	

***ACTION: Motion to close the following cases. Individuals were audited at their respective certification level and opted to surrender their certificate to practice or certificate to teach. Re-open if re-applies:*** Dr. Schwartz – First. Dr. Raubenolt – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**

2020-230-E300	2021-588-E300
2021-531-E300	2021-589-E300
2021-551-E300	2021-590-E300
2021-552-E300	2022-006-E300
2021-553-E300	2022-008-E300
2021-566-E300	2022-037-E300
2021-576-E300	2022-065-E300

***ACTION: Motion to close the following cases. The following individuals were audited at their respective levels. Their respective certificates to practice have expired. Re-open if re-applies:***

Dr. Schwartz– First. Mr. Ferguson - Second. Mr. Wright – Abstained. None opposed. **Motion approved.**

2019-416-E300	2019-565-E300
2019-418-E300	2019-574-E300
2019-509-E300	2019-605-E300
2019-542-E300	2021-522-E300

***ACTION: Motion to accept the surrender for revocation of their certificate to practice and close the case:*** Dr. Schwartz – First. Mr. Hathaway - Second. Mr. Wright – Abstained. None opposed. **Motion approved.**

2021-548-BE300

***ACTION: Motion to issue Notices of Opportunity for Hearing for the following cases.***

Dr. Schwartz – First. Mr. Hathaway – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**

2019-099-BE100	2021-565-E300
2019-619-E300	2021-575-E300
2020-019-E500	2021-579-E300
2020-379-E500	2021-580-E300
2021-498-E100	2021-589-E300
2021-510-E300	2022-004-E300
2021-513-BE100	2022-007-E300
2021-519-E300	2022-009-E300
2021-554-E300	
2021-564-E300	

***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, non-patient care issues, and grandfathering issues of certification/conviction.***

Dr. Schwartz – First. Ms. Beavers – Second. Mr. Wright – Abstained. None opposed. **Motion approved.**

2020-478-E300	2021-572-E100
2021-083-BE100	2022-020-BE100
2021-529-E100 *Warning Letter	2022-021-BE100
2021-533-E300	2022-048-E100
2021-546-E100	2022-055-BE100

**Board Chair Report, Kent Appelhans**

Mr. Appelhans reported that vacant Board seats have not been appointed or reappointed. Mr. Appelhans suggested that the organizations contact the Boards and Commissions. He stated that it was a good decision that the Retreat that was scheduled for February was rescheduled for April and hope to have appointments by that time.



**State Medical Director, Dr. Carol Cunningham**

Dr. Cunningham requested a motion to approve a new member to the Regional Physicians Advisory Board (RPAB):

- Janine Curcio, D.O. – Region 4

***ACTION: Motion to approve Janine Curcio, D.O. as a member to the Regional Physicians Advisory Board for Region 4.*** Mr. Ferguson – First. Dr. Schwartz – Second. None opposed. None abstained. Motion approved.

Dr. Cunningham reported that the application for one request for reappointment was given to the Board members in the documents at their seat. Dr. Cunningham requested a motion to approve the following reappointments to the Regional Physicians Advisory Board (RPAB):

- Thomas Charlton, M.D. – Region 6
- William Krebs, M.D. – Region 1
- Melissa Whitmill, M.D. – Region 3

***ACTION: Motion to approve the reappointment of Thomas Charlton, M.D. (Region 6) and William Krebs, M.D. (Region 1) and Melissa Whitmill, M.D. (Region 3) to the Regional Physicians Advisory Board.*** Mr. Wright – First. Mr. Uhl – Second. None opposed. Mr. Weimer - abstained. Motion approved.

Dr. Cunningham reported that the next RPAB Chairpersons meetings will be held on March 9, 2022 at 1:00 pm at ODPS.

Dr. Cunningham reported that the Ohio Revised Code 4743.07 that became effective on June 27, 2012 requires training and recognition of human trafficking cases. It requires anyone who encounters victims of human trafficking in the normal course of their work to have training which includes EMS and fire providers. The Ohio Department of Public Safety hired Maria Bush as the State of Ohio Anti-Trafficking Coordinator. Ms. Bush and Executive Director Wagoner will participate as panelist on a one hour webinar. The Human Trafficking Awareness webinar will be held on March 29, 2022 at 10:00 a.m. and is eligible for one hour of continuing education credits. This is an optional webinar. Dr. Cunningham requested a motion to recognize this webinar for EMS continuing education credits.

***ACTION: Motion to approve the Human Trafficking Awareness Webinar for one hour of continuing education credits for all EMS and fire participants to be held on March 29, 2022.*** Mr. Dutton– First. Mr. Hathaway – Second. None opposed. None abstained. **Motion approved.**

The State of Ohio EMS Guidelines and Procedures Manuals include human trafficking in their Abuse and Maltreatment chapters.

Dr. Cunningham stated that she has updated the Moderna® COVID-19 Vaccine Administration by Ohio EMS Providers training module and the COVID-19 Vaccine Booster Administration by Ohio EMS Providers training module that will be posted on the Ohio Public Safety Training Campus.

Dr. Cunningham attended the National Association of the EMS Physicians annual meeting on January 11-16, 2022. Most of the conference was not on COVID-19. One highlighted subject was providing resources on how to deliver bad news by EMS personnel and mental health resiliency.

Laura Tiberi who was the Director at the Ohio American College of Emergency Physicians and has since left that position was very instrumental in providing uncompensated support for the Ohio EMS Medical Director's conference. The Melvin R. House Pennant of Gratitude Award was created by the EMFTS Board to honor those individuals who go above and beyond, without request or compensation, to support the Division of EMS. Dr. Cunningham is requesting a motion to honor Laura Tiberi with the Melvin R. House Pennant of Gratitude Award.

***ACTION: Motion to approve granting the Melvin R. House Pennant of Gratitude Award to Laura Tiberi.*** Mr. Dutton– First. Mr. Hathaway – Second. None opposed. None abstained. **Motion approved.**

### **EMS Staff Legal Counsel, Michael Wise**

Mr. Wise reported that House Bill 51 has passed both chambers of the legislature but has not been signed by the Governor at this time. This bill allows virtual meetings. The bill has an emergency clause which allows it to become effective immediately upon being signed by the Governor.

Mr. Wise is working with the investigative staff to put together a large packet of cases where there have been continuing education violations. The Division of EMS staff reaches out approximately five different times to each certificate holder to complete their continuing education hours. EMFTS Board members will see a large number of cases for the next Board meeting on April 21, 2022.

Mr. Wise requested a motion to approve filing of Ohio Administrative Code chapters 4765-4 (*Reporting Delivery of Emergency Medical Services and Trauma Care*) and 4764-14 (*Trauma Triage*) with the Common Sense Initiative Office.

***ACTION: Motion to approve filing of Ohio Administrative Code chapters 4765-4 (Reporting Delivery of Emergency Medical Services and Trauma Care) and 4764-14 (Trauma Triage) with the Common Sense Initiative Office.*** Ms. Martin– First. Mr. Uhl – Second. None opposed. None abstained. **Motion approved.**

### **Associate Assistant Attorney General, Shelli Brock**

Associate Assistant Attorney General Brock reported an update regarding John Holycross vs. EMFTS Board, case number 21CV-1426/1428 filed in the Franklin County Court of Common Pleas. This action involves the Board's revocation of Mr. Holycross' EMT certificate and fire certificates due to his failure to disclose on his renewal applications that he had been convicted of multiple felony counts of burglary. Mr. Holycross appealed the Board's two adjudication orders revoking his certificates, and the two appeals were consolidated by the Court and heard together. All briefs were submitted by mid-June, and we are now waiting for the judge to render a decision on the administrative appeals.

### **Legislative Report, Ben Kimmel**

Mr. Kimmel reported on the following:

House Bill 51 which is a bill that Representative Brian Lampton introduced a while ago that included provisions for virtual meetings. The bill will be in effect until June 30, 2022 once the Governor signs the bill under the emergency clause. Executive Wagoner stated that typically a bill will not be effective for 90

days after signing, however, under the emergency clause it becomes effective immediately upon signing by the Governor.

House Bill 138 intends to amend the version of section 4765.11 of the Ohio Revised Code regarding scope of emergency medical services provided by emergency medical service personnel. A hearing was anticipated on this bill and some amendments completed but it did not happen. Mr. Kimmel thanked Executive Director Wagoner for his help in making the amendments. Mr. Kimmel spoke to the chairman and he anticipated that the amendments will be back in a week or so and then will be distributed to the Division of EMS for review.

Executive Director Wagoner thanked Mr. Kimmel and Mr. Grilliot for keeping him up-to-date on these legislative issues.

### **Executive Director and Staff Reports, Robert Wagoner**

The DEMS staffing update is as follows:

- Five current vacant positions are in process:
  - AP2 – Education and Testing Section
  - AP1 – Certifications
  - Program Administrator, Section Chief, Education and Testing
  - AP3 – Certifications
  - Program Administrator 2, Education and Testing Section

Executive Director Wagoner reported that the Division is awaiting the Ohio Department of Public Safety guidance information on the American Rescue Plan Act (ARPA).

There has not been any updates concerning the recommendation for elimination of firefighter continuing education and to amend the statute to account for or reflect local conditions from the House State and Local Government Committee on occupational licensure.

The Division of EMS continues to be engaged as a support agency with the Task Force planning activities for Public Safety and Health as well as Transportation Subcommittees regarding the total solar eclipse in 2024.

The Paramedic Network and Ohio Department of Health SORH is to launch another round of rural workforce needs assessment with a focus on EMS recruitment. There will be a focused questionnaire, face-to-face meetings in June and a make-up webinar. The final report is to be delivered in July as the Rural Flex Grant funding for this project cycle ends in August 2022.

### **EMFTS Board Points of Interest**

Seven seats are currently vacant.

- Vacant Seat #2, Trauma Surgeon, with one of six nominations received
- Vacant Seat #7, Volunteer Fire Chief, with the third nomination received last month and forwarded to the Director's office January 28, 2022.
- Vacant Seat #8, EMS Instructor, with both of the nominating organizations are now defunct.
- Vacant Seat #12, Paramedic, with all nominations submitted to Director's office October 1, 2021.
- Vacant Seat #14, EMT, AEMT, or Paramedic, with nominations submitted October 1, 2021; however, Ms. Meinert is no longer in EMS and a replacement nomination is needed.

- Vacant Seat #18, MoICU Provider, with all nominations submitted to Director's office October 1, 2021.
- Vacant Seat #19, Air Medical Provider, with all nomination submitted to Director's office October 1, 2021.

Executive Director Wagoner reported that House Bill 21, the Stroke Bill remains ahead of schedule. A second reminder was distributed to all EMS agencies and medical directors on February 11, 2022. EMS medical directors will have until March 20, 2022 to submit revised stroke protocols to the Division of EMS based on these guidelines that the DEMS then must post to the EMS website and make available to the public.

The Ohio Fire Service Hall of Fame and Fire Awards will be conducted on Wednesday, March 23, 2022 at COSI at 2:00 pm.

The National Rural EMS and Care Conference, sponsored by the National Organization of State Offices of Rural Health (NOSORH), originally scheduled to be hosted by ODPS and DEMS in April 2020 has been rescheduled again for April 19-20, 2022 in a virtual format. The DEMS have not received any updated information from NOSORH leadership.

CoAEMSP communique of February 8, 2022 extended the use of alternative evaluation methods to include scenarios, case studies, and simulation as well as adjustment of minimum competencies to satisfy the requirements of these standards for paramedic educational programs through December 31, 2022. These programs may employ a broader array of approaches, including simulation, in determining competency in didactic, laboratory, clinical, field experience, and capstone field internship.

The National Advisory Committee on Children and Disasters (NACCD) inaugural public meeting will be held on February 17, 2022.

The EMFTS Board Retreat will be held tentatively on Tuesday, April 19, (1:00 – 4:30) and Wednesday, April 20, (8:30 – 4:30) at the Department of Administrative Services, 4200 Surface Road, Columbus, Ohio. The EMFTS Board meeting will be held at the same location on Thursday, April 21, 2022 at 9:30 a.m. Executive Director Wagoner requested that should anyone have any items for discussion for the agenda to please contact Valerie Koker.

All EMFTS Board members who served on the EMFTS Board in 2021 is required to complete the Financial Disclosure by May 15, 2022. Ethics training for all Board members is to be completed by December 31, 2022. Executive Director Wagoner reported that there are financial penalties charged to the DEMS for late filings.

### **Deputy Director, Aaron Jennings**

Deputy Director Jennings thanked the Division of EMS Education Section for their teamwork in getting all the work done with so many vacant positions in that section. The Chief of Education is one of those vacant positions. A recommendation to hire has been submitted to HR and the person selected is currently in background checks. There are two Program Administrator 2 positions and an Administrative Professional 2 position open. The Division is working to fill these as quickly as possible.

He reported that they continue to work on the auto-dialer phone system which would allow the Division to distribute messages to all of the providers. It can be messages or text messages. This system can be

used in several different ways in communicating with the providers. It has all been approved and continues to move forward.

The State of Ohio is updating all websites so that there is a similarity of all websites in the state. The Division will be able to make updates without necessarily going through the software developers.

**Data Use Agreement, Eric Mays**

Mr. Mays stated that a data use request was received from the University of Louisville in Kentucky by Pratik J. Parikh, Ph.D. Professor and Department Chair, Industrial Engineering, University of Louisville. They are requesting data for patient level data from the Emergency Medical Services Information Systems (EMSIRS) and the Trauma Acute Care Registry (TACR). This researcher has done similar work with these same datasets when he was associated with the Wright State University and is asking for a refreshed dataset. The new Data Use Agreement (DUA) is necessary because the data will reside at a new location at the University of Louisville.

Pratik K. Parikh was present and spoke to the Board regarding this request. He stated that he taught at Wright State for 12 years and has worked with the Division of EMS for the last 7 years with his research. He reported that he knows how to protect the data. He stated that they only need the type of hospital; not the name of the hospital. The data is used for a tool to be used moving forward by EMS.

Mr. Mays requested a motion to approve the Data Use Agreement from Pratik J. Parikh, Ph.D. from the University of Louisville in Kentucky.

***ACTION: Motion that the Board approve the Data Use Agreement from Pratik J. Parikh, Ph.D. from the University of Louisville in Kentucky. Mr. Wright – First. Mr. Dutton – Second. Mr. Ferguson – opposed. None abstained. Motion approved.***

**Grants, Johanna Burgess**

Ms. Burgess reported that the 2022-2023 grant application period opened February 1, 2022 to include the priority one supplemental grants, the standard research grants and three RFP’s that are available this year for submission. To date, the Grants Section has received 98 applications. The 2021 grant application cycle closed on December 31, 2021.

2022 EMS Grants – First Funding Cycle		
TYPE	Number of Reimbursements	AMOUNT REIMBURSED
Priority One – Training & Equipment Grant	2707	\$1,723,055.56
	To be processed*	\$139,076.77
	Extensions	3 @ \$4,062.05
	Remaining balance	\$256,636.53
	For 2 <sup>nd</sup> grant cycle**	\$113,497.71
Supplemental Grant	7 agencies awarded	6 reimbursements @ \$127,250.00 (1 extension \$18,000.00 for training)

\*This amount is an approximate and will depend on the compliance of the agency to return the required documentation that has been requested.

\*\* This amount could be higher, depending on the “To be processed” amount.

Ms. Burgess reported that the Medical Oversight Committee recommended asking the agencies what they might be interested in seeing as a Board priority. The DEMS is working on a survey to distribute to the agencies.

**EMS Exemption Requests, Ellen Owens**

Ms. Owens reported that there was one EMS military exemption for an EMT 2022-02-03. This individual has been renewed automatically under ORC 5903.10 which is the military language that if their certificate expires while on active duty and they contact us within 6 months their certificate is automatically renewed. The individual is requesting an exemption for one of those cycles which they need to complete continuing education for the additional of cycles. Staff has received all documentation and recommends approval.

***ACTION: Motion that the Board approve the military exemption request for a paramedic; 2022-02-03.***  
Mr. Hathaway – First. Mr. Dutton - Second. None opposed. None abstained. **Motion approved.**

There is one medical hardship exemption request; 2022-02-01 for an EMS Instructor. The individual has developed additional medical issues. He is one hour short of teaching and one and a half hour of instruction methodology continuing education. Staff has received all documentation and recommends approval.

***ACTION: Motion that the Board approve the medical hardship exemption request for an EMS Instructor; 2022-02-01.*** Mr. Uhl – First. Mr. Ferguson - Second. None opposed. None abstained. **Motion approved.**

**Medical Transportation, Dave Fiffick**

Mr. Fiffick introduced Amanda Harper who was hired to replace Linda Smith who retired last year. Ms. Harper has been with the Medical Transportation Section for a month and the DEMS is happy to have her join our staff.

Mr. Fiffick presented the list of medical transportation renewal applications with expiration dates of December 2021, January and February 2022. Staff is requesting a motion and approval pending a satisfactory inspection.

***ACTION: Motion to approve the medical transportation renewal applications with expiration dates of December 2021, January and February 2022; pending a satisfactory inspection.***  
Mr. Uhl – First. Mr. Ferguson – Second. None opposed. None abstained. **Motion approved.**

Mr. Fiffick presented the list of new or pending medical transportation applications; all of which all are ambulance services. Staff is requesting a motion and approval pending a satisfactory inspection.

***ACTION: Motion to approve the seventeen new or pending medical transportation applications for new services for October and November (none in December); pending a satisfactory inspection.*** Mr. Wright– First. Mr. Dutton - Second. None opposed. None abstained. **Motion approved.**

## **BOARD COMMITTEE REPORTS**

### **Trauma Committee, Diane Simon**

Ms. Simon reported that the Trauma Committee did not meet in January due to quorum issues. In two weeks the committee will receive the final draft of the 2020 Trauma Annual Report and hope to have it approved at the next meeting in order to bring it forward for the Board's approval.

### **EMS-Children Committee, Dr. Schwartz**

Dr. Schwartz stated that the committee met on February 15, 2022 and had a quorum.

#### **EMSC Performance Measures**

The Ohio PECC Learning Collaborative State Team is awarding 38 pediatric training bundles to agencies that applied and indicated that they have named a Pediatric Emergency Care Coordinator (PECC). Notice of the awards will go out early next week. Over 307 individuals have registered as a PECC on the secure website hosted by the EMS for Children Innovation and Improvement Center (EIIC).

The EMS for Children Survey is currently underway. Ohio EMS agencies are being surveyed for required annual data collection for the EMSC Performance Measures. NEDARC is hosting the survey online and will assist with maintaining the database of EMS agencies and with contact efforts. To date, 18% of Ohio EMS agencies have completed their survey.

Ohio EMS for Children and Nationwide Children's Hospital are hosting a webinar on March 10<sup>th</sup>, at 12pm. Dr. Manish Shah will give a presentation titled, "Optimizing Pediatric Prehospital Seizure Management". Dr. Shah is a professor of pediatric emergency medicine at the Baylor College of Medicine and an emergency physician at Texas Children's Hospital. He is also involved in various roles in EMSC at the national level. Nationwide Children's Hospital is providing EMS continuing education credits for attending the webinar.

Ohio EMS for Children is planning two additional webinars for 2022. The first is tentatively scheduled for June 9<sup>th</sup>, to discuss children with complex medical care. The second is the State of Ohio EMS Pediatric Guidelines and Procedures Manual webinar that is tentatively rescheduled for October.

#### **Other Activities**

The federal EMS for Children Program is updating the program logo. New branding will focus on a uniform look across all EMSC programs, including state partnership grantees, EIIC, NEDARC, and PECARN. More information about the new logo will be available in the near future.

The third module in the Child Maltreatment series has been sent to Education Committee members for their review, to lead to a recommendation to this Board for continuing education credit approval.

### **Education Committee, Dr. Raubenolt**

Dr. Raubenolt reported that there was not a meeting due to not having a quorum; therefore, there is not a report.

**EMS System Development, Kent Appelhans**

Mr. Appelhans reported that there was not a meeting due to not having a quorum.

Mr. Appelhans requested that two new members be appointed to the EMS System Development Committee. They have been vetted by the DEMS. Mr. Appelhans requested a motion to appoint Patrick Rogers and Eric Burns.

***ACTION: Motion to approve the appointment of Patrick Rogers and Eric Burns to the EMS System Development committee.*** Ms. Beavers– First. Mr. Ferguson – Second. None opposed. None abstained.  
**Motion approved.**

**Homeland Security Subcommittee, Geoff Dutton**

Mr. Dutton reported that there was not a meeting; therefore, there is not a report.

**EMS Rural Subcommittee, Karen Beavers**

Ms. Beavers stated that the subcommittee met on February 15, 2022 and there was a quorum with Chair Eric Burns leading the meeting.

Ms. Beavers stated that an “EMS on the Capitol” day is scheduled for May 12, 2022. EMS is only considered “essential” in 13 states and there is a need to have Ohio recognize that fire and EMS are separate and both are essential for the safety of its citizens. It was stressed that we need as much support as possible for this endeavor. Chair Burns will provide additional information when decisions are made for the day. Anyone with questions is welcome to contact the Ohio EMS Chiefs Association.

Executive Director Wagoner informed the committee that the final grant guidance of the ARPA Act Funds has not yet been released by the OBM. Discussion occurred that small departments cannot afford grant writers and will be at a disadvantage.

Major concerns about recruitment and retention for EMS are ongoing. Personnel move between departments, which doesn’t resolve the issue that fewer individuals are seeking a career in EMS. One committee member said their training program had about 50 applicants over their course capacity. The students were polled about their interest in EMS. About 75% said they are using it as a stepping stone for nursing or to be a physician, which is cause for concern since less than half of persons training for EMS intend to remain in it as a career. Ongoing discussion will take place about how to keep EMS personnel engaged in it so that they do not move on to other professions.

Patrick Rogers submitted his application to serve on the Rural EMS Subcommittee. He has 23 years of EMS experience and was recently appointed as the Assistant Advocacy Advisor for Ohio’s chapter of the National Association of Emergency Medical Technicians. His appointment to the committee has been approved by committee chair Eric Burns.



Ms. Beavers made a motion to appoint Patrick Rogers to the EMS Rural Subcommittee.

***ACTION: Motion to approve the appointment of Patrick Rogers to the EMS Rural Subcommittee.*** Ms. Beavers – First. Mr. Ferguson – Second. None opposed. None abstained. **Motion approved.**

**Medical Oversight Committee, Geoff Dutton**

Mr. Dutton reported that the Medical Oversight Committee did not meet due to quorum issues.

Mr. Dutton made a motion to approve Dr. Janine Curcio to the Medical Oversight Committee.

***ACTION: Motion to approve the appointment of Dr. Janine Curcio to the Medical Oversight Committee.*** Mr. Dutton – First. Mr. Ferguson – Second. None opposed. None abstained. **Motion approved.**

**Medical Transportation Committee, Tom Allenstein**

Mr. Allenstein, the Chair of the Medical Transportation Committee, reported that the committee met February 15, 2022.

The committee had discussions regarding House Bill 138. As the bill is written, it has some language that is concerning related to allowing staffing in addition to EMTs to AEMTs and paramedics. It is not clear as to what is allowed. The committee’s biggest concern is that patients are being transferred safely.

The committee have rules for non-emergent transport, ALS, and BLS transport moving forward. Inspection forms will include everything on the vehicle. Once it is known what the language that will be in the law, it will be brought forward.

Mr. Allenstein stated that the medical transportation inspection forms were provided to the Board members. He requested a motion to approve the inspection forms.

***ACTION: Motion to approve the Medical Transportation inspection forms.*** Ms. Martin – First. Mr. Dutton – Second. None opposed. None abstained. **Motion approved.**

Mr. Allenstein requested a motion to appoint Patrick Kelly, Christopher Grosch and John Weimer to the Medical Transportation Committee.

***ACTION: Motion to approve the appointment of Patrick Kelly, Christopher Grosch and John Weimer to the Medical Transportation Committee.*** Mr. Hathaway – First. Mr. Ferguson – Second. None opposed. None abstained. **Motion approved.**

**Critical Care Subcommittee, Tom Allenstein**

Mr. Allenstein reported that the committee did not meet due to quorum issues; therefore, there is not a report.

Discussions ensued regarding House Bill 138. Primarily from the fact that on the critical care side, medical direction oversight is a concern. Discussions were brought forward regarding specialty teams to include stroke units and neonatal teams having medical directors that were not certified in emergency medicine or EMD. This house bill has stipulations in the bill. It is important that the medical director have an EMS background.

Mr. Allenstein requested a motion to approve the appointment of Kevin Bartchy, Christopher Blake, Cherie Pepping, and Christopher Grosch to the Critical Care Subcommittee.

***ACTION: Motion to approve the appointment of Kevin Bartchy, Christopher Blake, Christopher Grosch and Cherie Pepping to the Critical Care Subcommittee.*** Mr. Fishel – First. Mr. Ferguson – Second. None opposed. None abstained. **Motion approved.**

**Scope of Practice Ad-Hoc Committee, Kevin Uhl**

Mr. Uhl reported that there was not a meeting in January due to the weather. The SOP Ad-hoc Committee is moving forward and making progress. Mr. Uhl reported that there will be a presentation at the EMFTS Board Retreat in April.

**Human Resources Ad-Hoc Committee**

It was reported that there was not a meeting in January due to the weather; therefore, there is not a report.

**EMS Star of Life, Valerie Koker**

Ms. Koker reported that the 2020 EMS Star of Life Awards ceremony will be held on May 18, 2022 at the Ohio Department of Transportation auditorium. The ceremony will be live streamed and will then be available on the EMS website.

The 2022 EMS Star of Life nomination packets are now available on the EMS website for emergency runs that happened in 2020 and 2021. It is also being posted on social media and sent out through gov delivery. The deadline for the nominations is March 18, 2022. The selections will be made in April for the November 2<sup>nd</sup> awards ceremony.

The Ohio Association of Critical Care Transport is making a donation to the EMS Star of Life Awards in the amount of \$2500.00. This donation will be used to pay for the awards. Ms. Koker thanked the Ohio Association of Critical Care Transport and Ruda Jenkins for her help.

It was also reported that ODOT is limiting the number of attendees to 100 guests. The main award recipients would only be allowed to attend. There are a total of 98 recipients receiving an award. In years past the ceremony has had approximately 300 attendees. Dr. Cunningham made some suggestions on having a room for overflow if there are over 100. Ms. Koker reported that a list of all guests will need to be provided to ODOT for them to print name tags. Executive Director Wagoner thanked Ms. Koker for the work on the EMS Star of Life program.

### **Old Business**

Mr. Appelhans reminded the Board members that the EMFTS Board Retreat will be held on April 19<sup>th</sup>, 20<sup>th</sup>, and 21<sup>st</sup> at the Department of Administration Services.

Mr. Ferguson inquired if a request has been made to the Ohio Department of Health to release the Ohio Medical Coordination Plan, Ohio's crisis standards of care document. Dr. Cunningham reported that she sent a request and has not had a response.

### **New Business**

#### **National Registry of Emergency Medical Technicians 2023 Fee Schedule**

Executive Director Wagoner stated that information was distributed in the EMFTS Board packet regarding the fee increase effective January 1, 2023. The DEMS requests that Board members share this information with stakeholders and in particular, EMS education institutions.

Mr. Wright inquired about the ability to have virtual meetings. Executive Director Wagoner state that House Bill 51 will become effective immediately once it is signed by the Governor to allow virtual meetings through June 30, 2022.

Mr. Uhl made a request that the Goldman's motions be included in the information that is received prior to the meeting. The Board goes into executive session to discuss the cases; therefore, some believe it is not a good idea to send the motions. The Board members are responsible to decide if there is a preponderance of the evidence that any rule or law has been violated. Once Board members make that decision then the Board can decide the sanctions, it is at their discretion. The motions are drafted for administrative efficiency. The sanctions are there as a place holder. The Board members decide the sanctions and can amend the sanctions that have been drafted.

Mr. Uhl inquired if there is a way to send a letter to the Boards and Commissions regarding the appointment of the vacant seats. A discussion ensued regarding different ideas. It was suggested that the Board members communicate their concerns with the respective organizations that they represent.

### **Adjournment**

The meeting adjourned at 12:55 PM. Mr. Fishel – First. Mr. Ferguson – Second. None opposed. None abstained. Motion approved.

**NEXT MEETING:** The EMFTS Board Retreat will be held on Tuesday, April 19<sup>th</sup> and 20<sup>th</sup>, and the Board meeting will be held on Thursday, April 21, 2022, at the Department of Administrative Services at 4200 Surface Road, Columbus, Ohio.