**Minutes of the**

**EMERGENCY MEDICAL SERVICES**

**September 23, 2015**

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:**

The Board Chair opened the meeting at 9 a.m. Roll call was taken following members present:

Chris Brooks (arrived 10AM)

Jeff Davis (arrived 9:25AM)

Kappu Deshpande

Donald Mosby

Brian Robinson

James Ross

Tim Strange

Stephen Sutton

Robert Webb

Tyler White

Jeanne Yeatman

Dr. Sullivan Smith, Board Chair

Nine (12) members were in attendance, a quorum was established.

Board members not present:

Larry Hutsell

**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, Knoxville

Debbie Cox, Regional Consultant, Chattanooga

Ray Cook, Regional Consultant, Cookeville

Dwight Davis, Regional Consultant, Nashville

LeeAnne Boeringer, Regional Consultant, Columbia

Teddy Myracle, Regional Consultant, Jackson/Memphis

Tory L. Ferguson, Regulatory Board Administrative Assistant 2

The Board and the audience where reminded the meeting is not live streamed over the internet. Dr. Smith welcomed Motlow State and Southwest Community College.

**APPROVAL OF JUNE 24TH, 2015 MINUTES**

A motion to accept the minutes was made by Mr. Ross and seconded by Mr. White. Motion passed with a voice vote.

**RECOGNITION**

Mrs. Tidwell announced in August the National Association of EMS Educators held their annual meeting in Nashville and recognized Ronnie Patterson with the “Unsung Hero Award.” His family was present to accept the award. Mrs. Tidwell announced the passing of Mr. Bob Thomas, long time former director of Maury County EMS and founding member of the Tennessee Ambulance Services Association and Mr. Leslie Morphis, Paramedic and a former long time EMS instructor with Columbia State Community College. She asked everyone to keep the family and friends in their thoughts and prayers

**REPORT FROM THE OFFICE OF GENERAL COUNSEL**

***Conflict of Interest Policy***

Mr. Hodges reviewed the conflict of interest policy.

***General Counsel Report***

Mr. Hodges reported on the number of open cases in his office.

He reported the Mobile Integrated Health Care rules in review in the Office of General Counsel. He explained the current process for rules review before rule making can occur.

**REPORT FROM TENNESSEE PROFESSIONAL ASSISTANCE PROGRAM (TnPAP)**

TNPAP report was reviewed by the board Dr. Smith asked if anyone had any questions.

**COMMITTEE REPORT**

***Air Ambulance Committee***

Mr. Byrd reported the committee met and reviewed the Air Ambulance Equipment list. He reported the committee has finished the equipment list format. The list has been sent to the Clinical Issues Committee (CIC) for review and provide feedback as well as a request feedback on the physician being considered a crew member on flights.

***Ambulance Committee***

Mrs. Tidwell reported Chair Jimmie Edwards could not be present, but had provided the Board a written report. Dr. Smith asked Mrs. Tidwell to summarize it for the audience. Mrs. Tidwell provided three points from the report

1. The drafts of ambulance special regulation are near completion, this will offer the Board the capability to adopt national standards for ambulance manufracting and to have special specification for specialty ambulances.
2. There was concern over the recent GSA Ambulance Manufracting Standards change 8 that were effective July 2015. The concern is over the ambulance stretcher mounting standards cost and compliance.
3. CAAS standard documents should to be released late October 2015, the Committee has decided to wait until the document is available before completing recommendations to the board on standards.

***Clinical Issues Committee (CIC)***

Dr. Holley reported two (2) items for the Board’s consideration; one is committee structure which will be discussed as an agenda item later in the meeting. The second item is the destination guidelines. The Trauma Destination Guidelines has been sent forward from committee to OGC for rule making process. . Mr. Sutton motioned to send all the Destination Guidelines, trauma, medical and pediatric, to rule making hearing once they are ready. Mr. Davis seconded. Motion passed.

***Committee of Pediatric Emergency Care (CoPEC)***

Ms. Rhonda Phillippi reviewed the annual report sent to the legislature in July. Ms. Phillippi reminded Board members of important dates for strategic planning in November, April Pediatric Conference and the Star of Life in May.

***Education Committee***

Mrs. Tidwell reported the approved minutes were in the board book. Mrs. Tidwell reported the Subcommittee on the degree program was working to gather information from the regional directors on their concerns toward movement to requiring Associate Degree for Paramedic licensure. A subcommittee is also reviewing the current policy on distributed learning for continuing education for renewal of license.

**DIRECTORS REPORT**

Mrs. Tidwell reviewed the National Registry report for the third quarter pass rate for each program. She also presented the annual ambulance and personnel report. Mrs. Tidwell reported the office is working with Emergency Preparedness Office on the ground and air transport plan for transport of highly infectious diseases such as Ebola.

**STRUCTURE OF THE COMMITTEES**

Dr. Holley presented the Board with a recommendation on the all committee structure as requested by the Board in June meeting. Mr. Sutton made a motioned to add election a chair for each committee annually, except for the CIC, with ability for chairs to serve consecutive years. Mr. Ross seconded. Motion passed. Mrs. Yeatman motioned that the CIC hospital administrator have some EMS background. Mrs. Deshpande seconded. Motion passed. Mr. Sutton motioned to accept the document with the changes. Mr. Davis seconded. Motion passed.

**AGREED ORDER**

***Respondent: Jerry Walden, Paramedic License 26882, Benton TN***

On or about March 14, 2013, Respondent’s unit received a call requesting the interfaculty transport of a sixty-eight (68) year-old female patient with a diagnosis of lower lobe pneumonia, congestive heart failure, hypertension and hyponatremia. Notwithstanding a physician’s order requiring cardia monitoring and the IV infusion of an antibiotic, Respondent let his partner, an EMT-IV, attends the patient by himself during transport and failed to ensure that the patient received cardiac monitoring as ordered. The next day, Respondent’s unit received an emergency call concerning a sixty-seven (67) year-old male patient complaining of chest pain and shortness of breath. After being awakened by his partner, Respondent delayed for approximately thirteen (13) minutes before another EMT-P finally took the call.

For the purpose of avoiding further administrative action with respect to this cause, Respondent’s EMT-P license, shall be **SUSPENDED** for a period of six (6) months, or until the Division receives notice that Respondent has completed the continuing education courses listed below, starting from the date this order is entered. The suspension of Respondent’s license shall automatically be lifted six (6) months from the date this order is entered, or whenever the Division receives notice that Respondent has completed the following Division-approved continuing education courses; three (3) hours in ethics, paramedic roles and responsibilities, medical/legal, and wellbeing of the paramedic. At the conclusion of said suspension, Respondent’s EMT-P license shall be placed on **PROBATION** for a period of two (2) years and will automatically be lifted two (2) years from the date the suspension is lifted. This disciplinary action may be reported to the National Practitioner Data Bank.

Mr. Mosby motioned to accept the **AGREED ORDER** as written and Mr. Davis seconded.

Chris Brooks-Aye

Jeff Davis-Aye

Kappu Deshpande-Aye

Larry Hutsell-Absent

Donald Mosby-Aye

Brian Robinson- Aye

James Ross- Aye

Tim Strange- Aye

Stephen Sutton- Aye

Robert Webb-Recuse

Tyler White-Aye

Jeanne Yeatman-Aye

Dr. Sullivan Smith-Aye

Motion passed.

**CONTESTED CASES**

Judge Elizabeth Cambridge presided over the case. She asked if Brannon Shular or someone representing him was present. Neither Mr. Shular nor anyone on his behalf was present. Judge Cambridge asked the Board to introduce themselves.

Judge Cambridge asked Mr. Hodges of his proof of notification to Mr. Shular of the hearing. Mr. Hodges stated Mr. Shular requested the continuance and he was served the Notice of Hearing to the address on file. Judge Cambridge found sufficient evidence of an attempt to notify Mr. Shular of the hearing. Judge Cambridge informed the Board they now would decide to hear this case in default or to move it to another date.

Dr. Smith stated, Mr. Hodges has motioned to hear the case against Brannon Shular in default. Mr. Ross seconded. Motion passed with a voice vote, with Mr. Strange recusing himself.

***Respondent: Brannon K Shular, EMT-IV License 37033, Sevierville, TN***

On or about March 20, 2013 Respondent knowingly submitted a false FISDAP report which indicated that he’d worked a clinical rotation at LeConte Medical Center on March 15, 2013. In actuality, Respondent was on duty as an EMT-IV with Gatlinburg Fire on March 15, 2013. Respondent resigned from the Walters State Community College paramedic program and his employment with Gatlinburg Fire Department (GFD) was terminated.

Mr. Hodges called Mr. Thomas Wilson, GFD to testify that the Respondent was in deed working that day and that the Respondent did tell somebody on the phone it was ok because he had somebody that would sign off on his paper work. Mr. Hodges then called Ms. Cynthia Turnmire, WSCC AEMT Program Director, to explain how the FISDAP reporting worked.

**Finding of Facts**

Mr. Davis motioned to accept the **FINDING OF FACTS** as presented on page one (1) #1 and # 2, #2 continues on the top of page two (2) and page two (2) # 3­and 4. Mr. Ross seconded.

Chris Brooks-Aye

Jeff Davis-Aye

Kappu Deshpande-Aye

Larry Hutsell-Absent

Donald Mosby-Aye

Brian Robinson- Aye

James Ross- Aye

Tim Strange- Rescue

Stephen Sutton- Aye

Robert Webb-Aye

Tyler White-Aye

Jeanne Yeatman-Aye

Dr. Sullivan Smith-Aye

Motion passed.

**Conclusions of Law**

Mr. Sutton motioned to accept the **Conclusion of Law** on page two (2) # 5 (1) (3) and (4) which is on the top of page three (3), and on page three (3) #6 (1). Ms. Deshpande seconded.

Chris Brooks-Aye

Jeff Davis-Aye

Kappu Deshpande-Aye

Larry Hutsell-Absent

Donald Mosby-Aye

Brian Robinson- Aye

James Ross- Aye

Tim Strange- Rescue

Stephen Sutton- Aye

Robert Webb-Aye

Tyler White-Aye

Jeanne Yeatman-Aye

Dr. Sullivan Smith-Aye

Motion passed.

**Discipline/Action**

Dr. Brooks motioned to accept the **Discipline/Action** as written in the order on page three (3) section III # 7(a), changing the wording. Mr. Ross seconded.

Chris Brooks-Aye

Jeff Davis-No

Kappu Deshpande-No

Larry Hutsell-Absent

Donald Mosby-Aye

Brian Robinson- No

James Ross- No

Tim Strange- Rescue

Stephen Sutton- No

Robert Webb- No

Tyler White-No

Jeanne Yeatman-No

Dr. Sullivan Smith-No

Motion did not pass with two (2) yeses to nine (9) no’s

Mr. Davis motioned to accept the **Discipline/Action** with these changes, license be **SUSPENDED,** until the three (3) hours online EMS Ethics course has been completed, then to be placed on **PROBATION** for one (1) year.

Chris Brooks-No

Jeffrey Davis-Aye

Kappu Deshpande-Aye

Larry Hutsell-Absent

Donald Mosby-No

Brian Robinson-Aye

James Ross-Aye

Tim Strange-Rescue

Stephen Sutton-Aye

Robert Webb-Aye

Tyler White-Aye

Jeanne Yeatman-Aye

Motion passed with nine (9) yeses and two (2) no’s

**Policy Statement**

Mr. Sutton motioned to accept the **Policy Statement** he read

”*Whereas the Tennessee EMS Board is statutorily tasked with creating and enforcing the Rules and Regulations of Emergency Medical Services in Tennessee, the Board takes this action to protect the health, safety, and welfare of the citizens of Tennessee and those visiting this state. Based upon the proof and our conclusions, we cannot condone the actions of Mr. Brannon Shular.”*

Mr. Davis seconded.

Chris Brooks-Aye

Jeff Davis-Aye

Kappu Deshpande-Aye

Larry Hutsell-Absent

Donald Mosby-Aye

Brian Robinson- Aye

James Ross- Aye

Tim Strange- Rescue

Stephen Sutton- Aye

Robert Webb-Aye

Tyler White-Aye

Jeanne Yeatman-Aye

Dr. Sullivan Smith-Aye

Motion passed.

This concludes the case of Brannon Shular.

Mr. Hodges informed the Judge and the Board that Stacey Bonner has been continued.

Judge Cambridge stated that this concludes the contested cases.

**AMBULANCE EQUIPMENT**

Dr. Smith stated no one had signed in to speak during public comments as to any recommended changes to ambulance equipment list Dr. Smith asked Dr. Holley if there were any recommendations for changes from CIC committee. Dr. Holley stated the committee had no recommendations for changes.

Dr. Brooks motioned to accept the ambulance equipment list as written and Mr. Mosby seconded. Motion passed with a voice vote.

**CONSENT ORDER**

***Respondent: Dale L. Fulghum, EMT-P License 24738, Woodbury, TN***

Ms. Yeatman recused from this case.

On or about December 7, 2001, Respondent signed an Agreed Order (which can be found on the website as public record) in which he admitted to practicing as an EMT-IV when he was not certified as such; to altering his license card to falsely represent that he was certified as an EMT-IV; to starting at least seventy four (74) intravenous lines and signing at least seventy four (74) run tickets as an EMT-IV. The Agreed Order was ratified by the Board. On or about August 14, 2008, Respondent signed an Agreed Order (can be found on the website as public record) in which he admitted to tendering a falsified Georgia Medical College for Critical Care Paramedics certification and a falsified International Association of Flight Paramedics certification to the director of Maury Regional EMS during a job interview. Respondent voluntarily surrendered his EMT-P license, and the Agreed Order was ratified by the Board. On or about April 8, 2011, the Board reinstated Respondent’s EMT-P license and placed the license on probation to run concurrent with Respondent’s three year monitoring contract with the TnPAP (can be found on the website as public record). On or about January 27, 2014, the Board lifted the probation of Respondent’s EMT-P license. Between August 2012 and January 2014, and while Respondent’s EMT-P license was still on probation, Respondent issued Advance Cardiac Life Support (ACLS) and/or Pediatric Advanced Life Support (PALS) certification cards to at least three (3) students who either did not attend his ACLS or PALS class, or who attended his class but did not take the written and practical exams required for certification. During the same period, Respondent falsified documents to misrepresent that the same students had completed the requirement for ACLS or PALS certification.

Mrs. Tidwell read an email from the Respondents attorney for the Board and the audience.

Respondent denies that he intentionally falsified documents as alleged above. However, in the interest of avoiding further administrative action with respect to this cause, Respondent agrees to the **VOLUNTARY SURRENDER** of his EMT-P license and his Critical Care Paramedic certification in the state of Tennessee. This **VOLUNTARY SURRENDER** is a formal disciplinary action that will be reported to the National Practitioner Data Bank (NPDB), and that has the same legal force and effect as a revocation of Respondent’s license.

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

Chris Brooks-Aye

Jeff Davis-Aye

Kappu Deshpande-Aye

Larry Hutsell-Absent

Donald Mosby-Aye

Brian Robinson- Aye

James Ross- Aye

Tim Strange- Aye

Stephen Sutton- Aye

Robert Webb-Aye

Tyler White-Aye

Jeanne Yeatman-Rescue

Dr. Sullivan Smith-Aye

Motion passed.

**AGREED ORDER**

***Respondent: Jeffrey K. Bond SR, EMT-P License 11795, Lafollette, TN***

Mr. Webb recused himself from this case.

On or about March 30, 2012, Respondent was involved in an altercation with a fellow patron at a bat in Lafollette, Tennessee. Respondent had been drinking alcohol, but was not on duty at the time. On or about February 27, 2013, Respondent was found guilty of Reckless Aggravated Assault, a Class D felony, in Campbell County circuit Court.

For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to the following:

1. Respondent’s license to practice as an EMT-P in the state of Tennessee, is hereby **REPRIMANDED** and **SUSPENDED.**
2. Respondent may undergo an evaluation approved by the TnPAP and if the results recommend monitoring, then the Respondent may sign a TnPAP agreement.
3. Upon receipt of notice from TnPAP that the Respondent has signed a monitoring agreement prior to or during the period of suspension, the suspension shall be **STAYED** and the Respondent’s license shall be immediately placed on **PROBATION** on the following terms and conditions:
   1. The period of the probation will run concurrent with the TnPAP agreement and in no event the probation time will be fewer than three (3) years. If the monitoring agreement extends, so shall the probation term.
   2. Respondent’s failure to maintain compliance of the terms will result in the immediate lifting of the stay of suspension.
4. If no monitoring is needed, the suspension shall be **STAYED** and the Respondent’s license shall be placed on **PROBATION** for three (3) years.
5. This **SUSPENSION** and **PROBATION**  may be reported to the NPDB

Dr. Brooks motioned to accept the **AGREED ORDER** as written and Mr. White seconded.

Chris Brooks-Aye

Jeff Davis-Aye

Kappu Deshpande-Aye

Larry Hutsell-Absent

Donald Mosby-Aye

Brian Robinson- Aye

James Ross- Aye

Tim Strange- Aye

Stephen Sutton- No

Robert Webb-Recuse

Tyler White-Aye

Jeanne Yeatman-Aye

Dr. Sullivan Smith-Aye

**CONSENT ORDER**

***Respondent: Charles M. Bean, EMT-P License 14683, Gallatin, TN***

On or about March 6, 2004, Respondent was involved in an incident at a Nashville restaurant in which he grabbed the buttocks of a female patron and struck her in the chest, made vulgar comments to another female patron and engaged in a fight with a male patron. After the fight was broken up and the group had dispersed, Respondent retrieved a .40 caliber handgun from his vehicle and began randomly shooting the weapon, firing approximately eight (8) shots. Two patrons were injured. On or about July 5, 2006, Respondent was convicted of three (3) counts of Aggravated Assault, a Class C felony, and two (2) counts of Reckless Aggravated Assault, a Class D felony. On or about March 4, 2015, Respondent sent a text message to his employer, to say that he had just gotten off work from another job and was running late. He later admitted to a coworker that he had lied in the message and that he was late because he overslept. Later that morning it was reported that Respondent was acting strangely and had an odor of alcohol on him. Respondent was taken for a blood alcohol test and was over the legal limit. Respondent was terminated from his employment in accordance with the county’s zero tolerance policy. No known patient ham was done.

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

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

Chris Brooks-Aye

Jeff Davis-Aye

Kappu Deshpande-Aye

Larry Hutsell-Absent

Donald Mosby-Aye

Brian Robinson- Aye

James Ross- Aye

Tim Strange- Aye

Stephen Sutton- Aye

Robert Webb-Aye

Tyler White-Aye

Jeanne Yeatman-Aye

Dr. Sullivan Smith-Aye

Motion passed.

**AGREED ORDER**

***Respondent: Michael Myers, AEMT License 38633, Morristown, TN***

Mr. Strange recused himself from this case.

In or around December 2013 Respondent took photographs of paramedic exam question, which he later shared with other students while enrolled in the Walter State Community College paramedic program in Morristown, TN.

For the purpose of avoiding further administrative action with respect to this cause, Respondent agrees to the **PROBATION** of his license to practice as an AEMT in the state of Tennessee, with the lifting of said probation to be conditional on the following: Respondent must complete a three-hour, online EMS Ethic course within sixty (60) days of the ratification of this Order. When the Office determines everything has been satisfied the probation will be lifted without further Board action.

Dr. Brooks motioned to accept the **AGREED ORDER** as written and Mr. Davis seconded.

Chris Brooks-Aye

Jeff Davis-No

Kappu Deshpande-No

Larry Hutsell-Absent

Donald Mosby-No

Brian Robinson- No

James Ross- No

Tim Strange- Recuse

Stephen Sutton- No

Robert Webb-No

Tyler White-No

Jeanne Yeatman-No

Dr. Sullivan Smith-No

Motion did not pass one (1) yes, ten (10) no’s.

Mr. Hodges asked for some suggestions to take back to the Respondent. It was suggested that they move the suspension to one (1) year until he completes the courses and then put him on probation for one (1) to two (2) years.

**OLD BUSINESS**

Dr. Smith asked Ms. Tidwell to come and talk about the EMS Survey. Mrs. Tidwell reminded the Board about the concerns that services were having about the AEMT shortage and they developed a survey and asked not only about the shortage, they asked other questions as well. Mrs. Tidwell went over the results from each Region.

**NEW BUSINESS**

Andrew Reed from TASA was recognized to speak about the recent Triple K ambulance specification changes on the passenger restrain system. Mr. Reed stated the changes were made and gave the services a short amount of time to comply with the rule. Mr. Reed stated they need more time so they can budget for the changes. Most services have to submit their budget early in the year and it is hard to have to go back and ask for more funding. Mr. Reed asked if the Board could suspend this rule until July 2016 in order to have time to request the funding. Mr. Reed asked the Board review the rules and see if they may be able to prevent this from happening again. To give the services more time to get the proper funding for the changes. Mr. Ward explained that this rule was not a state of Tennessee rule, that it is a GSA Ambulance Standard for manufacturing ambulances. Mr. Hodges stated he had investigated the possibility of an Emergency Rule and we would need to demonstrate a risk to public. Mr. Webb motioned to have the /EMS Office work with the OGC to come up with a solution for an Emergency Rule. . Mr. Davis seconded. Motion passed with a voice vote. Mrs. Tidwell will send out survey and request for information as to possible risk to public if a service is unable to purchase new vehicle this fiscal year.

Dr. Brooks asked what a person can do while their license is on probation or suspension and if anybody oversees them. Mrs. Tidwell explained suspension means they cannot practice, probation they may practice but must meet the requirements of the order. Dr. Brooks asked if they have an academic probation is it put on their permanent record at the college. Mr. Strange explained what they do at the college where he is employed.

Mr. Sutton asked if the Education Committee could look at if taking the ACLS, PALS, and BLS online classes can be accepted. Mr. Sutton then asked if the Air Ambulance Committee looked at how long a flight crew can be on call Mrs. Tidwell stated the current rule addressed air crew scheduling Mr. Sutton also asked if there were any plans to look at how long a ground crew member can work. Mr. Ward stated that they are looking at the hours a ground crew member can be scheduled

Johnathon Woods from TN EMS Education Association was recognized by the chair. Mr. Woods presented the Board members a challenge coin from the association.

Meeting was adjourned.