



**Minutes of the
EMERGENCY MEDICAL SERVICES BOARD
Wednesday, December 6 – Thursday, December 7, 2023
Iris Room at 665 Mainstream Drive, Nashville, Tennessee**

To view a recording of the December 6th meeting, please follow the link below:
<https://tdh.streamingvideo.tn.gov/Mediasite/Play/9749f7ac688a4d2fbb9f1ac13c781b791d>

To view a recording of the December 7th meeting, please follow the link below:
<https://tdh.streamingvideo.tn.gov/Mediasite/Play/4942b86d543944aaca24a98b1972f47f1d>

Day 1 - Wednesday, December 6, 2023

CALL TO ORDER/ROLL CALL

- The meeting was called to order by Chairman Steve Hamby. The roll was called, finding 12 members present and 1 absent, a quorum was established.

<i>Board Member's Name</i>	<i>Present</i>	<i>Absent</i>	<i>Board Member's Name</i>	<i>Present</i>	<i>Absent</i>
Chairman Steve Hamby	X		Vice-Chairman Greg Miller	X	
Jeffrey Bagwell		X	Shannon Morphis	X	
Tim Bell	X		Joyce Noles	X	
David Blevins	X		Stacy Prater	X	
Jeanie Diden	X		Jason Tunstall	X	
Drew Hooker	X		Chris Wheat	X	
Dr. Jared McKinney	X		<i>12 Members Present, 1 Member Absent = Quorum</i>		

Also, present:

Brandon Ward, Director - Office of Emergency Medical Services
 Hansel Cook, Assistant EMS Director
 Tory Ferguson, Regulatory Board Administrative Assistant 3
 Matthew Gibbs, Deputy General Counsel - Office of General Counsel
 Ronda Webb-Stewart, Senior Associate Counsel – Office of General Counsel - EMS Board Advisory Attorney
 Tim Peters, Senior Associate Counsel – Office of General Counsel

TRAINING PAY SUPPLEMENT

- Matthew Gibbs, Deputy General Counsel - Office of General Counsel addressed the Board regarding internal review and changes of proposed emergency rules internal review. Rules will go to Governor's Office and Attorney General for further consideration. The permanent rule making will follow. *A motion for approval of changes as proposed was duly made by Tim Bell and properly seconded by Drew Hooker. With all members present voting in favor, the motion passed.*

TNPAP REPORT

- Teresa Phillips, Executive Director of TNPAP presented the report of July 1, 2023, through September 30, 2023.

SCHOOL APPROVAL

- Director Ward requested approval for Acadian EMS, Nashville to teach a service based EMT program after site visit and program review. *A motion to approve the recommendation was duly made by Joyce Noles and properly seconded by Greg Miller, and with all members present voting in favor, the motion passed.*

APPLICANT APPROVAL

- Mr. Peter O'Hara returned before the Board to request approval for licensure in TN as necessary due to criminal background findings and/or adverse out of state licensure actions. After a review of all provided information, *a motion to deny the application was duly made by Greg Miller and properly seconded by Stacy Prater. Jason Tunstall recused from the vote. The roll was called, with all others present voting in favor, the motion passed.*

QUESTION REGARDING SCOPE OF PRACTICE

- Ms. Ronda Webb-Stewart, Senior Associate Counsel – Office of General Counsel presented a proposed question to the Board for opinion related to scope of practice regarding whether EMS personnel or Paramedics would be able to provide non-EMS services to patients in a clinic or physician's office on a scheduled basis. After a discussion, *a motion to send to Clinical Issues Committee for further review was duly made by Drew Hooker and properly seconded by Chris Wheat, and with all members present voting in favor, the motion passed.*

OGC REPORT

- Ms. Ronda Webb-Stewart, Senior Associate Counsel – Office of General Counsel provided a brief report to the members.
- 62 open cases as of this meeting
- Pay supplement rules should be filed by January 1st. Air ambulance rules are in internal review. Will be combined with pay supplement rules and presented at a rule making hearing in the coming months.
- Conflicts of interest discussion – Ms. Webb-Stewart plans to attend all future committee meetings. Reminds all members to separate themselves from any potential business, issues, or discussions outside of an appropriately sun shined meeting.
- No January meeting.
- No contested cases or consent orders until tomorrow.
- Chairman Hamby asked Ms. Webb-Stewart to provide an overview of the process for cases, hearings, and related functions of OGC. Director Ward discussed how complaints are received, review process, and how they eventually reach the Board.
- Consent order – Everyone is consenting and agreeing before a case is filed.
- Agreed order – Set for trial, but respondent agrees to certain facts and agrees to disciplinary action.
- Contested Case – Board acts as a jury with administrative law judge present.

AIR AMBULANCE COMMITTEE

- Matt Owens provided a brief overview citing Robbie Tester was voted to be the Chairman and Kevin Nooner to serve as secretary.

CLINICAL ISSUES COMMITTEE

- Director Ward provided a report from Dr. Joe Holley, as he was unable to be present due to illness. Several issues were directed to the committee.

The committee recommendations are as follows:

- **Buckle Lock/Guard Device issue** – Dr. Holley provided a statement reading “the Buckle guard should be treated as a restraint device, and that the Clinical Issues Committee is not in favor of permanently fixed devices”. They used the Joint Commission standard “the organization uses restraints or seclusion only when it is justified, or when warranted by patient behavior that threatens the physical safety of the patient, staff, or others”. The statement from Clinical Issues is that Buckle Devices should be treated as a restraint, and there should be a restraint policy.

- **Anti Choking Device** – CIC stated not approved for Ambulance use due to no FDA approval at this time. Will reevaluate upon FDA approval.
- Any equipment beyond minimum can be added but must have Medical Director approval and be FDA approved.
- **Supraglottic Airway** – Air Q3 FDA approved device can be carried as a backup device on unit. Can be used by first response agencies if within scope. Cannot be approved for law enforcement due to no regulatory ability.
- **Umbilical Vein Catheterization** – not approved for prehospital use at this time. Clinical issues to discuss further per wishes of the Board. Drew Hooker asked for Mary Lee Lemley to be placed on the March agenda to discuss neonatology due to lack of services across the state and perceived lack of readiness for such.
- *A motion was duly made by Tim Bell and properly seconded by David Blevins to approve as presented. After discussion, it was determined to separate the items individually for discussion. The motion was withdrawn by Tim Bell after lengthy discussion.*
- *A motion to follow the recommendation of the Clinical Issues Committee of not in favor of permanently affixing device when in use “the Buckle guard should be treated as a restraint device, and that the Clinical Issues Committee is not in favor of permanently fixed devices”, citing the Joint Commission standard “the organization uses restraints or seclusion only when it is justified, or when warranted by patient behavior that threatens the physical safety of the patient, staff, or others”, and the recommendation from Clinical Issues that Buckle Devices should be treated as a restraint, and there should be a restraint policy” was duly made by Tim Bell and properly seconded by Shannon Morphis. With all members present voting in favor, the motion passed.*
- *A motion to approve the recommendation of the Clinical Issues Committee on denial of use of anti-choking device due to non-FDA approval was duly made by Greg Miller and properly seconded by Stacy Prater. With all members present voting in favor, the motion passed.*
- *A motion to accept the stated recommendation to allow the supraglottic AirQ for approval as a primary or backup if it is in the scope of practice was duly made by Tim Bell and properly seconded by Chris Wheat. With all members present voting in favor, the motion passed.*
- *A motion to accept the recommendation of CIC to not allow UVC procedure because it is not in the scope of practice was made by Tim Bell and properly seconded by Shannon Morphis. Discussion related to necessity of more research and discuss potential need in the future. With all those members present voting in favor, the motion passed.*

EDUCATION COMMITTEE

- Mr. Greg Johnson presented the report of the continuing education committee. He noted that meeting dates had been determined and Ms. Dana McDonald had been nominated as secretary.
- **EMT to Paramedic path** was recommended for advancement to the Board requesting a rule change. He discussed the previous work and study that had been completed leading to this step. Ms. Webb-Stewart mentioned that a rule change would be required for this process to take effect. *A motion was duly made by David Blevins and properly seconded by Drew Hooker for approval as recommended by the Education Committee to remove the AEMT requirement to enter a Paramedic program. After lengthy discussion, the motion passed after a roll call vote. Chairman Steve Hamby voted no, and Jeffrey Bagwell was absent. All others present voted in favor and the motion passed.*
- **Onboarding process in lieu of Critical Care course** – The Education Committee recommended that a healthcare organization that is approved teach a Board approved critical care educational paramedic program has an orientation/onboarding process that meets or exceeds the requirements of the approved critical care program, they would be able to request course approval for a critical care course and the individuals be allowed to sit for the critical care test. *A motion was duly made by David Blevins and properly seconded by Stacy Prater for approval of the recommendation by the Education Committee. Tim Bell recused himself from the discussion and vote, Jeffrey Bagwell was absent. With all others voted in favor and the motion passed.*
- **Out of state student clinical rotations in TN** – The Education Committee recommends that the out of state program have a sponsoring higher education institution from a TN program in the requested service area, submit application to Education Committee meeting all necessary requirements for review of each on a case-by-case basis. After a lengthy discussion, *a motion to accept the recommendation was duly made by David Blevins and properly*

seconded by Jason Tunstall. The roll was called and with all those members present voting in favor, the motion passed.

- Education Committee assigned a workgroup to determine potential substitutions for psychomotor examination sunset on 6/30/24.

NEW BUSINESS

- The Air Medical committee requests to solicit applicants for a Medical Director of an air service to sit on their committee after approval of the Board. *A motion to support this request was duly made by Stacy Prater and properly seconded by Chris Wheat. With all those members present voting in favor, the motion passed.*
- *A motion was duly made by Greg Miller and properly seconded by David Blevins for addition of TCAT representatives from each of the three grand divisions to the Education Committee by the Committee on Committees for potential appointments.*
- **EMS Compact Discussion** – David Blevins mentions there is often confusion on the operation of the compact. It can allow an individual provider to operate in TN for any length of time without a TN license. The members voiced intent to work on strengthening the rules in the future that will place a finite amount of time or guardrails around a timeframe you allow to work under the compact for a limited but reasonable amount of time. *A motion was duly made by David Blevins and properly seconded by Tim Bell to ask the clinical issues committee to consider adding a timeline for compact licensure. With all those members present voting in favor, the motion passed.*
- David Blevins presented information on adverse action reduction to the members for review and discussion at a future meeting.

OLD BUSINESS

- Ms. Webb-Stewart requested that OGC and the EMS Office be allowed to work together to pay supplement rules process in the interest of time. It is necessary to have the rule draft ready at the March meeting at latest. *A motion was duly made by Drew Hooker and properly seconded by Jeanie Diden to allow OGC and the EMS Office to work in conjunction to create a draft of the supplement rules. With all those members present voting in favor, the motion passed.*
- David Blevins asked about the First Response Committee staffing. There was no update.

The Wednesday, December 6, 2023 meeting was adjourned.

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EMERGENCY MEDICAL SERVICES BOARD
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Iris Room at 665 Mainstream Drive, Nashville, Tennessee**

Day 2 - Thursday, December 7, 2023

To view a recording of the December 7th meeting, please follow the link below:

CALL TO ORDER/ROLL CALL

- The meeting was called to order by Chairman Steve Hamby at 0900. The roll was called, finding all 13 members present, a quorum was established.

<i>Board Member's Name</i>	<i>Present</i>	<i>Absent</i>	<i>Board Member's Name</i>	<i>Present</i>	<i>Absent</i>
Chairman Steve Hamby	X		Vice-Chairman Greg Miller	X	
Jeffrey Bagwell	X		Shannon Morphis	X	
Tim Bell	X		Joyce Noles	X	
David Blevins	X		Stacy Prater	X	
Jeanie Diden	X		Jason Tunstall	X	
Drew Hooker	X		Chris Wheat	X	
Dr. Jared McKinney	X		<i>13 Members Present, 0 Members Absent = Quorum</i>		

Also, present:

Brandon Ward, Director - Office of Emergency Medical Services
 Hansel Cook, Assistant EMS Director
 Tory Ferguson, Regulatory Board Administrative Assistant 3
 Ronda Webb-Stewart, Senior Associate Counsel – Office of General Counsel
 Tim Peters, Senior Associate Counsel – Office of General Counsel - EMS Board Advisory Attorney
 The Honorable Judge Rachel Waterhouse, Administrative Law Judge, TN Secretary of State
 Court Reporter

CONTESTED CASE HEARING

- 17.34-231199a - Tennessee Department of Health V. Winesha Patterson, License #39537
- Judge Waterhouse provided preliminary information to the Board members related to the proceedings of this matter. The respondent or representing counsel was found to not be present at the time the docket was called. The Judge called a 10-minute recess at 0905 to allow the respondent to arrive. The Board was called back into session approximately 15 minutes later. A search of the parking lot and immediate area of the building were conducted, as well as verification with the security desk that the respondent had not signed in. It was determined that she was not present. Mr. Peters requested to proceed in default.
- Mr. Peters presented proof of service to the Board and the Judge and moved for them to be placed into evidence. The Judge provided information on the default status to the members and requested them to decide if default was in order or the case should be continued. After consideration, ***a motion was duly made by David Blevins and properly seconded by Jeffrey Bagwell to hear the case in default. The motion passed unanimously.***
- Judge Waterhouse provided further instructions to the Board on the hearing process. ***The Judge polled the members on any potential conflicts or knowledge of this matter that may prevent them from fairly deciding on this matter. All members of the Board answered ‘NO’ to the question of conflict.***
- The Judge provided an overview of the technical record of the case and further process instructions. Mr. Peters provided the state’s proof to the members as well as a closing statement. Judge Waterhouse then provided a charge to the Board. A brief recess of approximately 10 minutes was taken for the completion of paperwork.

A motion to accept the Findings of Fact as presented in 1-4 was duly made by Greg Miller and properly seconded by Drew Hooker. The roll was called, and the motion passed.

<i>Board Member's Name</i>	<i>Aye</i>	<i>Nay</i>	<i>Recused</i>	<i>Board Member's Name</i>	<i>Aye</i>	<i>Nay</i>	<i>Recused</i>
Chairman Steve Hamby	X			Vice-Chairman Greg Miller	X		
Jeffrey Bagwell	X			Shannon Morphis	X		
Tim Bell	X			Joyce Noles	X		
David Blevins	X			Stacy Prater	X		
Jeanie Diden	X			Jason Tunstall	X		
Drew Hooker	X			Chris Wheat	X		
Dr. Jared McKinney	X			<i>Ayes 13; Nays 0; 0 Absent; 0 Recusal - Motion Passed</i>			

A motion to accept the Conclusions of Law was duly made by Drew Hooker and properly seconded by Jeanie Diden. The roll was called, and the motion passed.

<i>Board Member's Name</i>	<i>Aye</i>	<i>Nay</i>	<i>Recused</i>	<i>Board Member's Name</i>	<i>Aye</i>	<i>Nay</i>	<i>Recused</i>
Chairman Steve Hamby	X			Vice-Chairman Greg Miller	X		
Jeffrey Bagwell	X			Shannon Morphis	X		
Tim Bell	X			Joyce Noles	X		
David Blevins	X			Stacy Prater	X		
Jeanie Diden	X			Jason Tunstall	X		
Drew Hooker	X			Chris Wheat	X		
Dr. Jared McKinney	X			<i>Ayes 13; Nays 0; 0 Absent; 0 Recusal - Motion Passed</i>			

A motion to accept the Disciplinary Action of revocation was duly made by Jeffrey Bagwell and properly seconded by Jason Tunstall. The roll was called, and the motion passed.

<i>Board Member's Name</i>	<i>Aye</i>	<i>Nay</i>	<i>Recused</i>	<i>Board Member's Name</i>	<i>Aye</i>	<i>Nay</i>	<i>Recused</i>
Chairman Steve Hamby	X			Vice-Chairman Greg Miller	X		
Jeffrey Bagwell	X			Shannon Morphis	X		
Tim Bell	X			Joyce Noles	X		
David Blevins	X			Stacy Prater	X		
Jeanie Diden	X			Jason Tunstall	X		
Drew Hooker	X			Chris Wheat	X		
Dr. Jared McKinney	X			<i>Ayes 13; Nays 0; 0 Absent; 0 Recusal - Motion Passed</i>			

A motion to accept the Policy Statement as written was duly made by David Blevins and properly seconded by Shannon Morphis. The roll was called, and the motion passed.

<i>Board Member's Name</i>	<i>Aye</i>	<i>Nay</i>	<i>Recused</i>	<i>Board Member's Name</i>	<i>Aye</i>	<i>Nay</i>	<i>Recused</i>
Chairman Steve Hamby	X			Vice-Chairman Greg Miller	X		
Jeffrey Bagwell	X			Shannon Morphis	X		
Tim Bell	X			Joyce Noles	X		

David Blevins	X			Stacy Prater	X		
Jeanie Diden	X			Jason Tunstall	X		
Drew Hooker	X			Chris Wheat	X		
Dr. Jared McKinney	X			<i>Ayes 13; Nays 0; 0 Absent; 0 Recusal - Motion Passed</i>			

2024 BOARD DATES

- February 26-27
- March 20-21
- April 22-23 (tentative)

The Thursday, December 7, 2023 meeting was adjourned.