



**Minutes of the
EMERGENCY MEDICAL SERVICES BOARD
Wednesday, September 21, 2022**

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

CALL TO ORDER/ROLL CALL

The Chairman called the meeting to order at 9:04 am CST.

Ms. Tory Ferguson conducted a roll call, finding 10 members present and 3 absent at time of roll call. Mr. Rowe arrived at 9:08.					
Board Member's Name	Present	Absent	Board Member's Name	Present	Absent
Chair Dr. Sullivan Smith	X		Twila Rose		X
Jeff Beaman	X		James Ross, RN	X	
Dr. Seth Brown	X		Dennis Rowe	X	
Greg Miller	X		Tim Strange		X
Brad Phillips	X		Tyler White	X	
Randy Porter	X		Jeanne Yeatman, RN	X	
Brian Robinson	X		11 Present; 2 Absent; A quorum was declared		

Also present:

- Brandon Ward, Director - Office of Emergency Medical Services
- Hansel Cook, Assistant EMS Director
- Paul Richardson, Legal Counsel/Enforcement Attorney– Office of General Counsel
- Matt Gibbs, Legal Counsel/Advisory Attorney – Office of General Counsel
- Tory Ferguson, Regulatory Board Administrative Assistant 3
- Jonathan Beaty, Region 2 EMS Consultant
- Nita Jernigan, Region 3 EMS Consultant
- Brian Tompkins, Region 4 EMS Consultant
- Dwight Davis, Region 5 EMS Consultant
- Kevin Cagle, Region 7 EMS Consultant
- Mike Duck, Region 8 EMS Consultant
- Russell Gupton, EMS Consultant at Large

APPROVAL OF THE 06/15/2022 MINUTES – A motion was duly made by Mr. Porter to accept as presented and properly seconded by Mrs. Yeatman. Motion passed on voice vote.

OGC REPORT

Presented by Mr. David Silvus, Deputy General Counsel of OGC.

- Conflict of Interest Statement
- There are 65 open cases total. This meeting there will be 10 consent orders, 3 agreed, 13 contested cases.
- On 9/27 EMS Board/Office will meet with Government Operations Committee on recent ambulance driver rules.

TNPAP REPORT

The TnPAP report from 7/1/21-6/30/2022 was presented by Ms. Teresa Phillips, Executive Director.

LEGISLATIVE AFFAIRS REPORT

Ms. Olivia Spears, Assistant Commissioner of Legislative Affairs for the Department of Health presented the update citing non-health and health related legislation. The public chapters related to EMS were PC 647 – Mental Health Transports, PC 684 – 30 EMT/AEMT training centers at the service level, PC 749 - Naloxone, PC 827 – Retired EMS personnel retirement grandfather into retirement system, PC 883 - Rule interpretation by Judge, PC 919 – TennCare implementation of ET3 model, PC 1011 – Licensure fee waiver for combat medics and corpsman, PC 1012 EMS ground ambulance provisions, and PC 1094 – Mandatory overdose death reporting.

SCHOOL APPROVAL

Director Ward Presented several school approvals that met the requirements of public chapter 684. A voice vote was held on each program submitted for approval with the results as noted.

- Rutherford County EMS – Basic EMT: No recusals, Unanimous approval
- Cumberland County EMS – Basic EMT: No recusals, Unanimous approval
- Sevier County EMS – Basic EMT: Brad Phillips recused; all others present in favor with none opposed
- Claiborne County EMS – Basic EMT: Brad Phillips recused; all others present in favor with none opposed
- Greene County EMS – Basic EMT: No recusals, Unanimous approval
- Priority Ambulance Knoxville Basic EMT: Dennis Rowe and Brad Phillips recused; all others present in favor with none opposed
- First Call Ambulance Nashville – Basic EMT: Dennis Rowe recused; all others present in favor with none opposed
- Morristown-Hamblen EMS – Basic EMT: Brad Phillips and Brian Robinson recused; all others present in favor with none opposed
- Vanderbilt Lifeflight – Basic EMT: Jeanne Yeatman recused; all others present in favor with none opposed
- Puckett EMS – Basic EMT: Dennis Rowe recused; all others present in favor with none opposed
- TCAT Jacksboro – Basic EMT: No recusals, Unanimous approval
- Putnam County EMS – AEMT: Dr. Smith and Randy Porter recused. All others present in favor with none opposed
- Hamilton County EMS – AEMT: No recusals, Unanimous approval
- Knoxville Fire Department – AEMT: Brad Phillips recused; all others present in favor with none opposed
- 28/30 slots taken as of this meeting for service-based classes

OUT OF STATE REQUESTS

Director Ward stated that several institutions from out of state have requested approval for students to attend clinicals or field internships in Tennessee.

- Arkansas State University – 63 miles from Memphis. Would like to allow TN residents in their program to attend clinical in the greater Memphis area due to lack of resources in their immediate area.
- Puckett EMS – Operating in Chattanooga and Georgia. They wish to allow their employees that work for their company to attend clinicals on TN units as well due to the fact they will be licensed in both states.
- Ms. Merry Mattix of Southwest TN Community College representing the Initial Education committees spoke in opposition to the previous requests. She cited the current load of students and lack of clinical sites. Minimum competencies have increased for some license levels. Community colleges and service-based programs will increase the need for already limited space. Competition for space in hospitals for clinical time with various other specialties such as nursing. The committee felt as if the requests would not benefit Tennessee.
- Board members asked questions of the Director and others that previously petitioned the Board. Dr. Smith states that he would like to see both Education Committee and outside agencies meet and work together to determine if a solution could be met.

- A motion was duly made by Mr. Ross and properly seconded by Ms. Yeatman to defer back to the education committee for a recommendation. Dr. Smith called for a voice vote. Mr. Rowe abstained from the vote. All others voted in favor of referring the issue back to the education committee.

APPLICANT APPROVALS

- Ashley Johnson seeks letter of approval to obtain National Registry after disciplinary action in another state prior to attending educational program.

A motion was duly made by Mr. White and properly seconded by Ms. Yeatman to request the candidate to submit to a TNPAP assessment/RX and be eligible for letter of approval no earlier than January 2023 and completion of TNPAP. Mr. Ross called for the question.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman		X		James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe			X
Greg Miller	X			Tim Strange Absent			
Brad Phillips		X		Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson		X		7 Aye; 3 Nay; 1 Abstention; 2 Absent: Motion Passed			

- Chasity Finch requests approval for licensure after completion of EMT program due to previous felony conviction on criminal background. Ms. Finch explained her history and her rehabilitation since that time. The Board asked several questions of the candidate. Ms. Teresa Phillips also explained the TNPAP process.

A motion was duly made by Mr. Porter and properly seconded by Ms. Yeatman to request the candidate to submit to a TNPAP assessment/safety to practice recommendation and be eligible for letter of approval upon positive recommendation.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

CASES

The Administrative Judge assigned was the Honorable Elizabeth Cambron. The Judge introduced herself and called the docket for the cases to determine who was present. The Board introduced themselves for the record and the court reporter. The Judge then provided the instructions to the Board.

Harold Allen –represented by counsel Mr. Matthew McClanahan Esq.- Contested Case

- Mr. Paul Richardson Esq. Associate Counsel of OGC and Mr. Matthew McClanahan Esq. provided opening statements.
- Numerous witnesses were called and provided testimony related to the case consisting of patients, EMS consultants, and co-workers.

- A lunch recess was called at 12:02pm and reconvened at 12:50pm.
- The state rested. Mr. McClanahan moved for a motion for involuntary dismissal and The Judge provided instructions to the Board.

A motion was duly made by Mr. Rowe and properly seconded by Mr. Porter to deny involuntary dismissal. The Board denied the involuntary dismissal by unanimous vote.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

- Mr. McClanahan called 2 more witnesses to provide testimony. Closing statements were provided. Judge Cambron provided instructions to the Board.

A motion was duly made by Mr. Ross and properly seconded by Mr. Rowe to accept the proposed order with modification to findings of fact to accept 1-3,5-6, 12-13.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

A motion was duly made by Mr. Ross and properly seconded by Mr. Rowe to accept the Conclusions of law items 14, 15, 15-1a & 1b, item 5 and 6. Item 16 corrected to reflect stipulated paragraphs.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman		X		James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter		X		Jeanne Yeatman RN	X		
Brian Robinson		X		8 Aye; 3 Nay; 0 Abstention; 2 Absent: Motion Passed			
A motion was duly made by Mr. Miller and properly seconded by Mr. Ross for disciplinary action with amendments of probation of 1 year, PHTLS course, remove item 19, maintain 20-23, replace "agrees to" with "Respondent shall complete a full PHTLS course, 4-hour ethics course, 4-hour documentation training. There was a discussion of potential disciplinary actions. Judge Cambron provided clarification.							

Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman		X		James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			10 Aye; 1 Nay; 0 Abstention; 2 Absent: Motion Passed			

A motion was duly made by Mr. Porter and properly seconded by Mr. Phillips to accept the policy statement as found in part IV. The case was completed, and parties were dismissed.

Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

There was a brief recess to prepare for the next case.

Christopher Hutson – Represented by counsel Mr. Evan Wright Esq. – Agreed Order

A motion was duly made by Mr. Porter and properly seconded by Mr. Beaman to approve the agreed order. There was a question of if an amendment could be made to delete paragraph 19. All parties agreed and the motion was amended to reflect. There was no further discussion.

Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

Alexander Winer – Represented by counsel Mr. John Alexander Esq.

Judge Cambron provided information on the case and other instructions to the Board. The Board members then identified themselves for the record and court reporter. Mr. Richardson and Mr. Alexander provided opening statements. Mr.

Richardson presented a licensure affidavit and a statement from the respondent. Mr. Alexander asked for a dismissal based on lack of proof by the state.

A motion was duly made by Mr. Rowe and properly seconded by Mr. Porter to deny dismissal. There was discussion among the board members about statements and documents.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith		X		Twila Rose Absent			
Jeff Beaman		X		James Ross RN			
Dr. Seth Brown	X			Dennis Rowe		X	
Greg Miller		X		Tim Strange Absent			
Brad Phillips		X		Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson		X		3 Aye; 7 Nay; 0 Abstention; 1 Pass; 2 Absent: Motion FAILED			

A motion was duly made by Mr. White and properly seconded by Mr. Beaman to dismiss with letter of warning on record. Mr. Beaman proposes an amendment of adding a 16-hour ethics course. There was discussion among the board members about statements and documents. Mr. Alexander responds that the action would be reported to the practitioner database. The board was excused for a brief period for discussion with counsel and Judge to clarify reporting and discuss letters of warning. The motion was again clarified/amended by Mr. White to dismiss. There was more discussion about if a letter of warning could be provided should dismissal occur. Respondent's counsel asserted belief that case could be dismissed, and letter could be issued. OGC stated if dismissed, matter is closed, and nothing could occur because a dismissal indicated no violation. Judge Cambron opined that a dismissal would serve as such, and no further action would be taken.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN		X	
Dr. Seth Brown		X		Dennis Rowe		X	
Greg Miller	X			Tim Strange Absent			
Brad Phillips		X		Tyler White	X		
Randy Porter		X		Jeanne Yeatman RN	X		
Brian Robinson		X		5 Aye; 6 Nay; 0 Abstention; 2 Absent: Motion FAILED			

The Judge then allowed Mr. Alexander to present proof for the respondent. The respondent and Mr. Greg Johnson from Columbia State Community College were called as witnesses and provided testimony. At the conclusion of testimony, after the closing of the proof, the Judge reminded the Board of the charge and instructions. She then turned the meeting back over to the Chair for further consideration in the matter. There were numerous questions of the respondent from the Board members.

A motion was duly made by Mr. White and properly seconded by Mr. Beaman to dismiss. Mr. Rowe and Mr. Ross raised discussion of the situation, how the matter progressed to the Board, and applicability to normal disciplinary action. Mr. White mentioned rulemaking could potentially discuss unit checkoffs should be completed by both crew							
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members. There was discussion of lack of other information that could impact decision in the matter such as PCR, statements, or hospital records. The motion for dismissal passed.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

A motion was duly made by Mr. White and properly seconded by Mr. Beaman to dismiss. Mr. Rowe and Mr. Ross raised discussion of the situation, how the matter progressed to the Board, and applicability to normal disciplinary action. Mr. White mentioned rulemaking could potentially discuss unit checkoffs should be completed by both crew members. There was discussion of lack of other information that could impact decision in the matter such as PCR, statements, or hospital records. The motion for dismissal passed.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

A motion was duly made by Mr. Ross and properly seconded by Mr. White to accept the Findings of Fact 1-6. Motion Passed.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

A motion was duly made by Mr. White and properly seconded by Mr. Porter that the findings of fact were insufficient to prove a violation. Motion Passed.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			

Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			
A motion was duly made by Mr. Ross and properly seconded by Mr. Beaman that no disciplinary action would be taken. Motion Passed.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			
A motion was duly made by Mr. Beaman and properly seconded by Mr. Ross to accept the policy statement after striking the last sentence. Motion Passed.							
Board Member's Name	Aye	Nay	Abstain	Board Member's Name	Aye	Nay	Abstain
Chrm Dr. Sullivan Smith	X			Twila Rose Absent			
Jeff Beaman	X			James Ross RN	X		
Dr. Seth Brown	X			Dennis Rowe	X		
Greg Miller	X			Tim Strange Absent			
Brad Phillips	X			Tyler White	X		
Randy Porter	X			Jeanne Yeatman RN	X		
Brian Robinson	X			11 Aye; 0 Nay; 0 Abstention; 2 Absent: Motion Passed			

The Board was adjourned at 5:45 pm and was reconvened the next day.