

Amended section at September 22, 2010 Board Meeting

Minutes

**Division of Emergency Medical Services
Emergency Medical Services Board**

December 15 & 16, 2009

The meeting of the Emergency Medical Services Board opened at 8:35 a.m. in the Iris Room at 227 French Landing Drive, Heritage Place Metro Center, Nashville, Tennessee. Chairman Jackie Wilkerson presided.

Call To Order/Roll Call

Members of the Board present:

Tim Bell, Susan Breeden, Jeff Davis, Dr. Julie Dunn (late), Larry Griffin, Kevin Mitchell, Dennis Parker (late), Chief Ronald Mitchell, Lawrence Potter, James E. Ross, Sullivan K. Smith, M.D., Robert Webb, and Jackie W. Wilkerson.

Also present:

Lucille F. Bond, Assistant General Counsel
Ashley Carter, Deputy Director General Counsel
Joseph B. Phillips, Director of Emergency Medical Services
Richard F. Land, Director of Ambulance Services and Licensure
Donna G. Tidwell, Director of Personnel Licensure and Education
Joseph Holley, M.D., State EMS Medical Director
Judy Lee Keown, Administrative Assistant

A moment of silence was called for David Cline, EMT-Paramedic and the victims of the accident in Nashville October 22, 2009. The chairman welcomed the Paramedic class from Southwestern State Community College.

Robert Byrd introduced Martin Arkus with the Med-Trans Corporation of Air Evac to the Board Members.

Phil Sanderson and the TEMSEA Board presented a framed copy of the article "Dead Man Teaching" from Emergency Medical Services Magazine to the Director of Education Donna Tidwell and Joseph Phillips, Director of Emergency Medical Services.

The minutes of previous board meeting from the September 29, 2009 and October 28 were submitted for approval Mr. Griffin moved to accept the minutes as presented.

Second by Mr. Potter, the motion carried unanimously.

Lucy Bond, advisory attorney reminded the Board Members about the conflict of interest policy and the need for member who are recused to leave the room. Jeff Davis asked where the practice on leaving the room was addressed. Ms. Bond replied this was a policy of the Office of General Counsel.

CONSENT ORDERS

Jenifer S. Ridinger, Paramedic 21828, Brighton, TN 38011

In the matter of Ms. Ridinger who failed to transport the patient as directed by medical control. Disciplinary Action includes a Letter of Reprimand and one hundred dollar (\$100.00) Civil Penalty. Mr. Davis moved to accept the order Kevin Mitchell seconded the motion. All members voted Aye. Motion passed.

Sumner County Ambulance Service, License 8303, Gallatin, TN 37066

In the matter of Sumner County Ambulance Service a consent order included, an assessment of civil penalty in the amount of one hundred and fifty dollars (\$150.00). Mr. Davis moved to accept the consent order, second by Mr. Parker. Mr. Bell voted No, all other members voted Aye. Motion passed.

Rose Marie Carolyn Wilson, Paramedic #26630

Ms. Wilson appeared before the Board on September 13, 2006 Ms. Tidwell reviewed the requirements of the probation. However, based on outstanding issues, Ms. Wilson began with TNPAP monitoring in 2008. Ms. Wilson presented letters of recommendation from coworkers in support of her request. Copies of the letter were distributed for review by the Board Members.

Ms. Wilson made additional comments to the Board. Ms. Tidwell stated Ms. Wilson has maintained requirements for licensure during her probation. Kevin Mitchell moved to remove the probation, second by Ronald Mitchell. Upon a roll call vote twelve members voted Aye and Dr. Dunn abstained. Motion passed. Mr. Wilkerson announced the probation was lifted.

Ethan Myles Dorris, EMT-IV #35245

Mr. Bell moved to accept the order as presented by legal counsel imposing a one hundred and fifty dollars (\$150.00) civil penalty. Mr. Bell moved to accept the order as presented, second by Ms. Breeden. All Board Members voted Aye. The order was accepted.

Addison Scott Bond, EMT-IV #32841

Upon a positive drug test for Marijuana, the respondent would seek assistance form TNPAP. Mr. Parker moved to accept, seconded by Dr. Dunn. Mr. Griffin, Kevin Mitchell, Mr. Ross and Mr. Webb voted No. All others voted Aye. Motion passed seven (7) to five (5).

Ronald Nathan Rury, EMT-IV #33698

Respondent performed skills beyond scope of practice in violation of the law. Ms. Bond the recommendation is one year probation and civil penalties in the amount of one hundred dollars (\$100.00). Mr. Bell moved to accept the recommendation, Mr. Parker second. Motion passed.

Jeffrey H. Allen, EMT-Paramedic #14061

Mr. Parker and Dr. Smith recused themselves in the case of Mr. Allen. The order alleged of misconduct and the respondent admitted to the facts and violations, resulting in the revocation of his license. Mr. Davis moved to accept the order, second by Mr. Ross. Eleven (11) voted Aye and two had recused themselves. Motion passed.

Michael D. Smith, EMT-Paramedic #22404

Mr. Parker and Dr. Smith recused themselves in the case of Mr. Smith. The order alleged of misconduct and the respondent admitted to the facts and violations, resulting in the suspension of his license for three (3) months or until the conditions of order have been met, whichever is longer. Kevin Mitchell moved to accept the order as written, Ms. Breeden second. Eleven member voted Aye.

Donna R. Strickland, EMT-Paramedic #24406

The order alleged on a series of events the respondent failed to document cardio rhythms, response to interventions and treatments. Legal counsel recommendation was a two (2) year probation of her license and includes stipulations. Those stipulations are that she must successfully complete Basic Trauma Life Support and Prehospital Trauma Support Training submitting documentation to the Division's administrative office.

Mr. Ross moved to reject the consent order, Ronald Mitchell second. A roll call vote was taken and the order was rejected unanimously.

Professional Medical Transport, Ambulance Service #10070

The respondent allowed two individuals to practice although their licenses were expired. The consent order provided for civil penalties in the amount of seven hundred dollars (\$700.00). Kevin Mitchell moved to reject the consent order, Mr. Griffin second. They withdrew their motion after further discussion.

Mr. Webb recused himself from further deliberations in the matter.

Mr. Bell moved to accept the consent order as presented by legal counsel, Kevin Mitchell second. A roll call vote was taken six (6) vote Aye, six (6) vote No and one recused. Motion failed.

CONTESTED CASES

Steve Darnell, Administrative Law Judge presided over the three (3) contested cases set before the Board.

Jacqueline E. Kelley, EMT-Paramedic #27166

Keith Wade Large, EMT-Paramedic # 21941

Derrick J. Love, EMT-Paramedic # 26399

Jacqueline E. Kelley, EMT-Paramedic #27166

Mr. Davis recused himself from the deliberations. Copies of the Notice of Charges were distributed to the remaining Board Members for review. Lucy Bond represented the State of Tennessee with Ashley Carter from the Office of General Counsel. Ms. Kelley represented herself.

The State alleged that from around 2005 through 2007, Respondent made unauthorized purchases of substances outside of any medical direction and outside of the scope of her employment with Hardeman County EMS. The State further alleged that from about April of 2005, and continuing through 2007, Respondent administered the unauthorized medications, including but not limited to flu vaccinations, PPD Skin tests, B-12 injections and sinus cocktail injections to employees of Hardeman County EMS, as well as outside entities.

The State alleged that the Respondent had violated the provisions of Tennessee Code Annotated Section 68-140-501, *et seq.* including, but not limited to, the following provisions: T.C.A. § 68-140-511(a)(1)(A)(B)(E); (3)(7) &(8).

A hearing was held.

Judge Darnell charged the Board as they entered deliberation and decided finding of fact and conclusion of law decided the disciplinary actions and adopt public policy statement.

The Board found the following:

A. Findings of Fact:

1. From around 2005 through 2007, Respondent made unauthorized purchases of substances outside of any medical direction and outside of the scope of her employment with Hardeman County EMS

2. From about April of 2005, and continuing through 2007, Respondent administered the unauthorized medications, including but not limited to flu vaccinations, PPD skin tests, B-12 injections and sinus cocktail injections to employees of Hardeman County EMS, as well as outside entities.
- B. Conclusions of Law: The Respondent violated T.C.A. § 68-140-511(1)(A),(B),(E), (3), (7), and (8).

The Board imposed the following discipline:

- A. Respondent's license to practice as a paramedic in Tennessee, pursuant to the authority vested in the Board under T.C.A. § 68-140 514, shall be and is hereby **SUSPENDED** for a period of two (2) years, beginning the effective date of this Order;
- B. At the end of the two (2) year period of suspension, Respondent's license to practice as a paramedic in Tennessee shall be placed on **PROBATION** for a period of two (2) years;
- C. Before suspension will be lifted from Respondent's license, Respondent must comply with all requirements to maintain her paramedic license, including but not limited to, continuing education classes, three (3) hours of which must be a Board approved class in ethics, and fees.

Mr. Bell offered a policy statement. The Board voted unanimously by roll call vote to accept the findings of fact, conclusions of law, discipline and policy statement as discussed above. Motion passed.

Keith Wade Large, EMT-Paramedic 21941

Mr. Large was represented Tommy Overton, Legal Counsel. Ms. Bond represented the State of Tennessee. Ms. Bond stated the allegations of the Finding of Facts were in paragraph four (4) and five (5). Mr. Large was convicted of criminal charges in the theft of pain medication from a deceased patient.

Mr. Large testified on his own behalf. Mr. Large stated he had a back injury and made poor judgment. Mr. Large is on probation and periodic drug and alcohol screening. He also stated that he is seeing a psychiatrist, mental health counselor and participating in group therapy for pain addiction. An Alcohol and Drug assessment referral to Dr. Yurick had been requested by Don G. Mitchell, a drug and alcohol counselor.

Ms. Bond requested revocation of the respondent's license.

As a result of the April 2008 incident, the Board voted to discipline Mr. Large with a six (6) month suspension followed by two years probation, provided he seek and maintains TNPA Advocacy.

All Board members present voting Aye. The motion passed unanimously.

Mr. Bell moved to adopt a policy statement. The vote was unanimous. Motion passed.

Derrick J. Love, EMT-Paramedic 26399, Jackson, TN

Ms. Bond moved to hold Dennis Love in default. Mr. Davis seconded the motion. Motion passed.

Mr. Love was discovered to have failed drug screening on two occasions. Mike Malone, was the Assistant Director of Hardeman County Ambulance Service during 2007, testified concerning the drug screen which he had tested positive.

Peggy Turner then testified concerning the patient trip report for a date in which Mr. Love showed a positive drug screen.

Joey E. Crumby, EMT-Paramedic, testified that as Director of Hardeman County Ambulance Service in 2003 tests showed Mr. Love would have used marijuana and that Mr. Love was terminated. Mr. Love was rehired in 2004, and subsequently failed a drug screening in 2007.

Ronald Mitchell moved to accept the findings of fact as amended and seconded by Kevin Mitchell.

A roll call vote was taken and all member voting Aye. The motion passed.

Mr. Davis moved to accept the Conclusion of Law as presented and Larry Griffin seconded the motion. Motion passed.

Mr. Griffin moved for revocation and Kevin Mitchell seconded. The motion passed unanimously.

Mr. Bell offered a policy statement, all members voting to accept the motion. The motion passed unanimously.

The board meeting adjourned at 6:35 pm on December 15, 2010 and will resume at 8:30 am on December 16, 2010.

Chairman Jackie Wilkerson called the meeting to order at 8:40 am on December 16, 2010. A roll call was taken.

Members of the Board present:

Tim Bell, Susan Breeden, Jeff Davis, Dr. Julie Dunn (late), Kevin Mitchell, Dennis Parker (late), Chief Ronald Mitchell, Lawrence Potter, Sullivan K. Smith, M.D., Robert Webb, and Jackie W. Wilkerson.

Member Absent:

Larry Griffin, James Ross and Sullivan Smith were unable to attend today.

Also present:

Lucille F. Bond, Assistant General Counsel
Ashley Carter, Deputy Director General Counsel
Joseph B. Phillips, Director of Emergency Medical Services
Richard F. Land, Director of Ambulance Services and Licensure
Donna G. Tidwell, Director of Personnel Licensure and Education
Judy Lee Keown, Administrative Assistant

Chairman Wilkerson asked Mark Harkreader, Executive Director of the Tennessee Professional Assistance Program (TNPAP) report for July 1, 2009 through September 30, 2009. Mr. Harkreader reported the program was monitoring seven (7) individuals. The Board addressed the need for information about TNPAP to be available for providers.

COMMITTEE REPORTS – Standing Committees

Clinical Issues Committee

Donna Tidwell submitted and asked for approval of the minutes. A discussion of Dr. Holley's minutes from the October 5, 2009 Clinical Issues Committee meeting. The requirements for monitored transports need to be removed while adding a requirement for two (2) hours of annual in-service.

Mr. Davis moved to remove the requirements for monitored transports and add annual ventilator refresher training of at least two (2) hours. Kevin Mitchell seconded the motion. With nine member voting Aye, the motion was adopted.

Education Committee

Ms. Tidwell gave an overview of the meeting on December 14, 2009 of the Education Committee. There will be instructor updates in each grand division as well as at the Summer Conference. Mr. Parker inquired if the skills manual was to be revised. Ms. Tidwell advised that would occur after the scope of practice revisions.

Ms. Tidwell discussed the Strike Team and the issuing of the "Smart Packs". Ms. Tidwell stated that approximately two-hundred (200) people have completed the ambulance Strike Team Training.

Mr. Bell and Kevin Mitchell both asked about the Smart Packs. She stated that the Smart Triage Kits will be available for all staffed ambulances.

RULEMAKING HEARING - Air Ambulance Rules 1200-12-1-.05

Ms. Lucy Bond, the Board Attorney of the Office of General Counsel opened the meeting at 9:25 am. Ms Bond called the meeting to order and submitted written comments from the General Counsel of Vanderbilt University.

Some recommendations of the Medical Subcommittee were not included. For examples, Sanitary Supplies should be applicable only to fixed wing air craft.

The following persons reserved to making oral comments at the rulemaking hearing, and were allowed ten (10) minutes.

Neil Worf was present to discuss the issue of cabin environment and presented his comments with a power point presentation about the effects of heat exposure upon the crew and patients.

Rhonda Phillippi represented the Committee on Pediatric Emergency Care commented that climate control on air medical helicopters was desirable and necessary. Heating and air conditioning of the patient cabin is more desirable that passive rewarming methods. It is the CoPEC position that the cabin of helicopter air ambulances be temperature controlled.

Ms. Debra Barnes, Hospital Wing, chose to allow her comments to be read into the record.

Tim Pickering represented Air-Evac EMS, which operates from nine bases in Tennessee. Their service believes the air conditioning requirement is anti-competitive, federally preempted and economically burdensome, costing approximately twenty-five thousand (\$25,000.00) dollars to four hundred thousand (\$400,000.00) dollars depending upon the aircraft.

A patient care oriented focus is favored. Arkansas, Kentucky, Missouri, Oklahoma, and Texas have recently addressed similar issues. As Air Evac EMS aircraft are upgraded they are being fitted with air conditioning.

Mark Wilkerson, MD, Medical Director for Wings Air Rescue commented on the need of heat and air conditioning in air ambulances.

At the end of the rule making hearing and following a lengthy discussion by air ambulance operators, Mr. Bell moved to close the written comments. The motion was seconded by Dr. Dunn. All members present voted Aye. The motion passed.

Ms. Bond turned the meeting over to Chairman Wilkerson for review of the rules that were presented.

Dr. Dunn moved the Board discuss the rules. Mr. Davis seconded the motion. All were in favor. Motion passed.

(Mr. Bell left at 1:15 p.m. leaving eight (8) members still attending. A quorum was still present to proceed.

Kevin Mitchell moved to send the rulemaking rules on for processing. Mr. Parker seconded. Upon a roll call vote all remaining eight (8) board member vote Aye.

Mr. Breeden moved to adopt the Rule Flexibility Analysis and the Small Business Financial Impact Statement. Dr. Dunn seconded the motion. Motion passed 8-0.

The Hearing on Air Ambulance Rules was closed.

Other Rules Consideration and Board Action

Kevin Mitchell moved to withdraw Emergency H1N1 rule. Mr. Davis seconded the motion. Eight members voted Aye to withdraw the permanent rule. Motion passed.

Ronald Mitchell moved to adopt Disciplinary Proceedings- monitoring and tracking system (Tab 19). The motion was seconded by Mr. Potter. Eight (8) board members voted Aye. Motion passed.

Mr. Davis made a motion to adjourn. Seconded by Dr. Dunn, all voted Aye and the motion passed unanimously. Board Adjourned at 2:35pm.

Respectfully submitted,

Judy Lee Keown,
Administrative Assistant