

Minutes of the
Tennessee Emergency Medical Services Board

June 27, 2007

Board Members in attendance:

Charles Alderson, M.D.
Mr. David Baxter
Mr. Tim Bell
Ms. Susan Breeden
Mr. Robert Byrd
Mr. Jeff Davis
Mr. Larry Griffin
Mr. Kevin Mitchell
Mr. Dennis Parker
Mr. Larry Potter
Mr. James Ross
Mr. Jackie Wilkerson

Absent:

Dr. Julie Dunn

Staff:

Mr. Joe Phillips, EMS Director
Mr. Richard Land, Director of Ambulance Services
Ms. Donna Tidwell, Director of Personnel
Ms. Judy Hartman, Administrative Assistant
Ms. Juanita Presley, Attorney for OGC

Court Reporter - April Howard

Opening of the Meeting:

Chairman Byrd welcomed everyone to the EMS board meeting. Mr. Byrd introduced Dennis Parker as a new Board member, and indicated there is a full board of thirteen members.

Mr. Phillips introduced Lee Anne Boeringer who has joined the staff as the Consultant for Region 6, the South Central Region, based in Columbia. She has been with the Division since May. We her employment, all of the regional positions are filled.

Mr. Phillips then introduced Ms. Christy Allen the Assistant Commissioner for the Bureau of Health Licensure and Regulation. Ms. Allen stated, that she was glad to be able to attend today's meeting and meet the board members and staff.

Chairman Byrd welcomed the students that are here from Northeast State, Southwest Community College and our former chairman, Darren Ellenburg.

Roll Call:

Charles Alderson, M.D.: Here.

Mr. David Baxter:	Here.
Mr. Tim Bell:	Here
Ms. Susan Breedon:	Here.
Mr. Robert Byrd:	Here.
Mr. Jeff Davis:	Here.
Dr. Julie Dunn:	Absent.
Mr. Larry Griffin:	Here.
Mr. Kevin Mitchell:	Here.
Mr. Dennis Parker:	Here.
Mr. Larry Potter:	Here.
Mr. James Ross:	Here.
Mr. Jackie Wilkerson:	Here.

Upon the request by Chairman Byrd, Ms. Presley reviewed the conflict of interest policy and reminded the board members of their duties and responsibilities in terms of rendering a decision that is unbiased. If a member recuses them self that means that you do not participate in any issues that might appear before the board. It has been the practice that you remove yourself from the room while the board is hearing those particular issues. If you have a problem deciding whether or not it actually is a conflict of interest, and I would recommend that you err on the side of caution and recuse yourself.

Chairman Byrd thanked Ms. Presley and introduced Dennis Parker, as our newest board member He then recognized April Howard, who is serving as our court reporter.

Approval of Minutes:

Chairman Byrd asked for a motion to approve the minutes. A motion to approve the minutes by Mr. Davis was amended with a correction made by Mr. Parker that on page 20 of the minutes there appears to be an error at the bottom paragraph. It says that "We have one representative from each of our EMT programs. We have one representative from each of our three paramedic training programs." I believe that should read, "from each of our paramedic training programs." The motion was seconded by Mr. Bell.

Upon the vote, all members of the board voted aye. Motion passed and minutes were approved as corrected.

Chairman Byrd stated to the board members that the Board Member Manuals have been changed. He complimented and thanked Ms. Hartman for this preparation for the Board meeting.

OGC Report:

Chairman Byrd asked Ms. Presley to submit her report. Ms. Presley presented a list of rules that were later explained in some detail by Richard Land.

Amendments to EMS telecommunications rules have been approved by the Secretary of State and will be effective August 15, 2007. The new rules concerning board members and procedures have been approved by the Secretary of State and will also go into effect August 15, 2007. Amended rules for the emergency medical technicians were approved by the Attorney General late last year, and the rule went into effect March 6, 2007.

There was a public hearing conducted June 19th concerning ambulance sanitation, safety, and EMS equipment and the Schedule of Fees.

Consent Orders:

Ms. Presley presented a consent order concerning Ms. Angela Gilmore. The matter went before the screening panel in October, and the department seeks ratification. Ms. Presley asked Mr. Phillips to brief the Board on functions of the screening panel. Mr. Phillips gave a review on the history and duties of the screening panel.

The board members read the order and Ms. Presley stated that she had the original copy for the chairman to sign and process if approved. Number 7 on page 3 contained the facts of the situation and respondent agreement with the order.

Chairman Byrd asked the board if they enough time to read the document? Mr. Ross asked a question concerning probation. Ms. Presley responded that Ms. Gilmore will be placed on probation for a period of two years, commencing on the effective date of this order. Civil penalties were also assessed.

Chairman Byrd asked for a motion to ratify the consent order of Angela D. Gilmore, case number 2004021421. Mr. Griffin made a motion to ratify the order and Mr. Wilkerson seconded. A roll call vote was requested. Upon questions, further discussion ensued.

Mr. Parker asked Chairman Byrd to read paragraph 7 for the benefit of the students. Chairman Byrd asked Ms. Presley to read the paragraph relating the facts of the situation.

The respondent admits that on or about September 8, 2004, while employed at the Empact Ambulance Service, she acted outside of the scope of services of an EMT. While preparing to transport a patient from the emergency room of Baptist Hospital in Tipton County, Tennessee to Methodist North Hospital in Memphis, she hooked up the EKG monitor and ran a cardiac strip on the patient, and administered oxygen based on the EKG readings.

She admits that she was aware that as an EMT she was not authorized under the Emergency Medical Services rules to perform such functions without authorization or orders from a physician or nurse. Empact Ambulance Services terminated her employment upon learning of the incident.

With no further discussion, a motion to ratify the consent order was moved by Mr. Griffin, and seconded by Mr. Wilkerson.

Charles Alderson, M.D.:	Yes.
Mr. David Baxter:	Yes.
Mr. Tim Bell:	Yes.
Ms. Susan Breeden:	Yes.
Mr. Jeff Davis:	Yes.
Dr. Julie Dunn:	Absent.
Mr. Larry Griffin:	Yes.
Mr. Kevin Mitchell:	Yes.
Mr. Dennis Parker:	Yes.
Mr. Larry Potter:	Yes.
Mr. James Ross:	Yes.

Mr. Jackie Wilkerson: Yes.
Chairman Byrd: Yes.

The motion passed. Chairman Byrd signed the order and returned it to Ms. Presley.

Report on Federal Ruling regarding AirEvac:

Ms. Presley stated that she had been requested to submit to the board copies of the order and the opinion from the federal court case involving Air Evac Lifeteam. Ms. Presley gave a brief overview of the order and the opinion. In 2005, AirEvac challenged the rules concerning avionics equipment on the helicopter air ambulances that they operated in the state of Tennessee. They challenged the rule on the basis that federal law preempted the State law, and they went through a declaratory order proceeding. Rather than appeal to chancery court, they filed a lawsuit in federal court challenging the State's law and the board rules contending that federal law preempted the state rules. The case was handled in federal district court by Sue Sheldon, an attorney in the attorney general's office. The decision was decided in May and Ms. Sheldon shared Judge Trauger's decision with the department.

Judge Trauger ruled that the federal law preempted regulating avionics. The State did not have the authority to regulate in that particular area. The department, in conjunction with the attorney general's office, decided that it would not be in the best interest of the department to pursue any further appeals. The order of the Court is now final.

The process of implementing the order was initiated by the Division sometime in May or early June. When the service audits were due, Mr. Land made sure that the issue of preemption was taken out of all of the documents or the surveyors did not address those issues. We did not want to be in contempt of court because we did not have authority in those issues. .

Chairman Byrd asked Ms. Presley if the board needed to act on anything at this time. Ms. Presley stated no, the documents conveyed the order and opinion. Upon questions from the Board members, Mr. Land stated "that the specific devices that were required in the rules included navigational equipment to effect an instrument landing. Helicopter and air craft are regulated by the FAA under two general classifications, visual flight rules and instrument flight rules." In essence our state regulations were requiring the instruments that would be necessary for instrument flight rules even under VFR programs, and that was contrary to federal law. Where something is regulated by the federal government, with the issue of preemption, those areas are under sole jurisdiction of the federal government.

There have been some letters from the federal government concerning the extent that a state can require certain things and all of those letters have supported this Court's decision. Mr. Land commented that Tennessee has a great rapport with our FAA officials. Chairman Byrd thanked Ms. Presley, Mr. Phillips and Mr. Land for all the reports regarding the matter.

Tennessee Professional Assistance Program:

Mr. Mike Harkreader, Director of the Tennessee Professional Assistance Program introduced himself to the board. TPAP is an alternative discipline program that has contracted with the board. He presented a statistical report from July 1 of '06 through April 30th of 2007, reflecting monitoring of seven individuals, with nine referrals during the past nine months. The report shows referral sources and the reason for referrals.

Currently during this period, the program had one individual sign a monitoring agreement and discharged three people that were deemed not to need monitoring after their evaluations. One person was not compliant with the agreement, and was reported to the Tennessee Department of Health. Two individuals refused to enroll after it was recommended that they sign a contract.

Mr. Ross asked for more orientation for Board members about TPAP, to better understand those guidelines. Mr. Phillips asked Mr. Harkreader to tell us how many other health boards use TNPAP? Mr. Harkreader responded, the board of nursing includes RN's, LPN's, Nurse Anesthetists, and Advance Practice Nurses, is the biggest board.; also Occupational Therapy, Physical Therapy, Respiratory Care, Medical Laboratory Boards and the Committee on Physician Assistance. Chairman Byrd thanked Mr. Harkreader for his report.

Rules Tracking Report:

Richard Land presented the rules tracking report. The report eliminated those rule changes that had cleared the process with the newest rules that will become final August 15. Mr. Land gave an overview of the timeframe for processing a rule.

Three rules changes are pending. Amendments to the EMT rules and instructor rules were adopted at the November 2006 meeting that have been forwarded to the Attorney General's office for review. Two rules amendments were considered at rulemaking hearing on June 19.

He also presented a listing of the bills that were introduced by legislation this year that affected emergency medical services. He discussed Public Chapter Number 226 and 483 with provisions that affect our licensing laws. One advantage of the amended law is that the Division can transfer a licensed vehicle to another county under the same parent service. This will also enable the transfer of a vehicle from one service to another. The provision of Public Chapter 483 will affect authorization of air ambulances. This also coincides with the Federal Court decision.

Two of the bills that may have major fiscal impact were the Trauma bill and the Committee on Pediatric Emergency Care bill, which just sent to the governor for signature on June 26th. They are covered more in the legislative report. Mr. Bell asked Mr. Land a question regarding Senate bill 762, House bill 1781, passed as amended, that would have originally required the hospital release an ambulance of a patient within 30 minutes. This matter was turned over to a study committee exclusive to problems in Shelby County.

Mr. Land clarified some of the changes under Amendments of Rules 1200-12-1-.02 and .08, relative to EMS radio communications. A new rule 1200-12-6, affects the EMS board officers and procedures. These rules require the chairman will be elected annually, and to provide for election of temporary presiding officers in the absence of the board chairman.

The other two rule actions, the amended schedule of fees and rules amending ambulance sanitation and safety were presented for consideration by the Board. Comments had been received on the amendments to rule 1200-12-1-.01 Sanitation of ambulance. Mr. Land asked the board members to review Mr. Ron Bennett's comments and confirm the staff response in consultation with OGC to use interpretive guidance for staff in conducting inspections rather than adding more definitions to the rule.

After that comment was addressed, one of the issues concerned a small business impact statement because of the fact that we will be requiring inspections every 30,000 miles after a vehicle

reaches or registers 200,000,000 miles, and then to test the vehicles to see if they are potentially safe.

We also have moved to increase the size of roof "Star of Life" to meet federal standards. The decals are bigger because they are on a white background, this is the size of the actually blue star of life, and it has to be at least those dimensions specified. This rule is revising service marks and the service emblems. "Lettering or decals which serve a functional and useful purpose such as identifying specialty care capability or special community programs, may be used." Under subpart 6, E-I, the service emblem shall be no larger than 25 by 25 inches. We are trying to modernize the equipment requirements.

Mr. Land added .03 of this rule is changed particularly with reference to endotracheal tube and cuff sizes to eliminate the 9 mm and the 9.5 mm of the endotracheal tubes items. This is the only amendment to that rule.

Approval on Rulemaking:

Chairman Byrd entertained a motion to accept these as presented for rule making on accepting 1200-12-1-.01, .02 and .03. Chairman Byrd stated that the motion on the floor by Mr. Potter, seconded by Mr. Mitchell is to accept the Rules 1200-12-1-.01, .02 and, .03 as presented and forward to rulemaking.

A roll call vote was taken.

Charles Alderson, M.D.:	Yes.
Mr. David Baxter:	Yes.
Mr. Tim Bell:	Yes.
Ms. Susan Breeden:	Yes.
Mr. Jeff Davis:	Yes.
Dr. Julie Dunn:	Absent.
Mr. Larry Griffin:	Yes.
Mr. Kevin Mitchell:	Yes.
Mr. Dennis Parker:	Yes.
Mr. Larry Potter:	Yes.
Mr. James Ross:	Yes.
Mr. Jackie Wilkerson:	Yes.
Chairman Byrd:	Yes.

Motion passed.

(The board took a brief 15 minutes break.)

Calling the Meeting Back to Order:

Chairman Byrd called the meeting back to order. Mr. Land, you can take up where you left off. Mr. Land reviewed the rules that had been covered in the Rulemaking Hearing on June 19, 2007. Mr. Land stated that he would direct the comments to Mr. Parker, who referred to the transcript of the last board meeting regarding the schedule of fees and which will substantially raise the fees. This discussion summarized the increase in fees and the effects of those increases.

Mr. Land stated that there were no public comments received at the hearing. Mr. Phillips commented these fee increases will improve licensing processes both for individual providers and ambulance services.

Chairman Byrd announced the board had considered Rule 1200-12-1-.06, schedule of fees and entertained a motion of the board. Mr. Wilkerson moved to accept the amendments to the rules as stated. Mr. Potter seconded the motion. Chairman Byrd called for a roll call vote.

Charles Alderson, M.D.:	Yes.
Mr. David Baxter:	Yes.
Mr. Tim Bell:	Yes.
Ms. Susan Breeden:	Yes.
Mr. Jeff Davis:	Yes.
Dr. Julie Dunn:	Absent.
Mr. Larry Griffin:	Yes.
Mr. Kevin Mitchell:	Yes.
Mr. Dennis Parker:	Yes.
Mr. Larry Potter:	Yes.
Mr. James Ross:	Yes.
Mr. Jackie Wilkerson:	Yes.
Chairman Byrd:	Yes.

Motion passed.

Ms. Tidwell stated that with the direction from General Counsel that, as far as our exams, it was time for the EMD exam to be revised due to the CPR changes and things of this nature. The rules already allow certification exams from the national organizations that the board has previously approved to provide EMD training. Those are the ones that our EMD instructors are using in the State, so what we are proposing is just to remove the words “department written exam” and leave the rest of wording intact, because it allows for us to use national certification exams. She noted Jackson State teaches a program that meets these requirements and students can take the APCO exam for certification.

Ms. Tidwell asked for comments or questions. Mr. Bell made a motion to have 1200-12-1-18 go to rule making hearing. Mr. Baxter seconded the motion. A roll call vote was taken.

Charles Alderson, M.D.:	Yes.
Mr. David Baxter:	Yes.
Mr. Tim Bell:	Yes.
Ms. Susan Breeden:	Yes.
Mr. Jeff Davis:	Yes.
Dr. Julie Dunn:	Absent.
Mr. Larry Griffin:	Yes.
Mr. Kevin Mitchell:	Yes.
Mr. Dennis Parker:	Yes.
Mr. Larry Potter:	Yes.
Mr. James Ross:	Yes.
Mr. Jackie Wilkerson:	Yes.
Chairman Byrd:	Yes.

Motion passed. Ms. Tidwell thanked the board.

Contested Cases:

No contested cases were scheduled or heard.

Clinical Issues Committee

Dr. Holley was unable to attend and Richard Land submitted his report, noting the committee met on June 11th. Dr. Holley presented new protocols. Those are presently under review by the committee and by two representatives in pediatric emergency care for their consideration. We hope to present those SOPs at the September meeting for the board's consideration.

Mr. Land remarked there was a very informative presentation at the Medical Directors meeting on some of the problems with stinging creatures, ants, bee stings and the problems of Africanized bees.

Mr. Land recognized Anthony Roberts and Terry Arnold from Carter County EMS. They have done a wonderful study for basic EMT's to move forward with use of Continuous Positive Airway Pressure (CPAP) devices.

Mr. Land shared Dr. Holley concerns with absenteeism at the committee meetings. We had hoped to try to work around this with the telephone conference calls but we can not do a telephone conference meeting. By law, we must have a physical quorum at one location to convene an official meeting and then may allow participation by telephone. We must also file a sunshine notice at least 10 days in advance announcing the meeting time and location.

Dr. Holley also had mentioned that the Cyanokit, while not a medically required item on the ambulance, would be included in the state protocol and the drugs can be included for use within the scope for paramedic procedures.

There was major discussion concerning an application by Hickman County to have their EMT-IV's perform twelve-lead EKGs in the field, and that was denied. Without objection from the committee members, Dr. Holley was advised to ask the board to decline Hickman Counties' request. (Mr. Phillips stated that we have not received a formal request, only a couple of phone calls.)

Mr. Land discussed several other issues about civil accountability. One concerns the photographing of patients or scenes with a camera or camera phone for sharing with other persons that would violate the confidential rights of the patient.

Another issue concerns a position against ambulance personnel or EMS personnel carrying a firearm while on duty except as necessary in the role of a duly commissioned law enforcement officer. Chairman Byrd commented on the need to study these issues further before the board to make a stand. After a brief discussion, Mr. Bell made a motion to table this until the next board meeting. Mr. Davis seconded the motion. Chairman Byrd summarized the motion from Mr. Bell is to table this issue until the next meeting, to obtain advice from OGC, and Mr. Davis seconded the motion.

A roll call vote was taken.

Charles Alderson, M.D.:	Yes.
Mr. David Baxter:	Yes.
Mr. Tim Bell:	Yes.

Ms. Susan Breeden:	Yes.
Mr. Jeff Davis:	Yes.
Dr. Julie Dunn:	Absent.
Mr. Larry Griffin:	Yes.
Mr. Kevin Mitchell:	Yes.
Mr. Dennis Parker:	Yes.
Mr. Larry Potter:	Yes.
Mr. James Ross:	Yes.
Mr. Jackie Wilkerson:	Yes.
Chairman Byrd:	Yes

The motion passed.

Mr. Ross made a motion to accept the minutes of the clinical issues committee, several members seconded the motion and all members of the board said aye. Motion passed.

Communications Report:

Mr. Barney Beatty had no Communications report today.

Committee on Pediatric Emergency:

Rhonda Phillipi, Executive Director for the State's EMS-C program presented a report from the Committee on Pediatric Emergency Care with a power point presentation giving an overview of the program. The presentation included the National EMSC performance guidelines, where Tennessee compared, and highlighted portions of the survey completed by ambulance services in Tennessee, additional accomplishments. and some of our next planned steps.

The highest level of care is a comprehensive regional pediatric center. These are the centers for all critically ill and injured – so trauma patients in the pediatric spectrum go to CRPCs. The four comprehensive regional pediatric centers in Tennessee are Le Bonheur in Memphis, T.C. Thompson in Chattanooga, Monroe Carroll Children's Hospital at Vanderbilt in Nashville, and then East Tennessee Children Hospital over in Knoxville.

CoPEC will be presenting some ideas to the EMS board on pediatrics education. Nationally, it is 18 hours every two years of pediatrics and neonatal education combine. She summarized Tennessee is way ahead in a lot of things regarding EMS for children, and new laws will improve representation on the committee. We have done many things in Tennessee, but there is still a lot to be done and the survey is showing that. (Lunch break.)

Education Committee Report:

Chairman Byrd asked Ms. Tidwell, Director of Education to submit her report on the committee meeting.

The education committee met June 26 with 18 members and five visitors present. We reviewed the input from the clinical issues committee from our representative, Randy White, who gave an update to the committee. Tom Coley reported that they are finalizing proposals for changes in the rules on the education approval process or training institutions. It may be November by the time we get all those written.

A question brought before the education committee, about the ability for paramedics to use 8 French feeding tubes to decompress the stomach in neonates. That is in the paramedic's curriculum. They are trained to do that, but is not a basic EMT level training. (This was for clarification before the Board regarding the scope of practice.)

Trauma Care Advisory Council Report:

Joe Phillips mentioned that Dr. Dunn leads the Tennessee Trauma Care Alliance, and provided a report in her absence. A bill passed this past session to raise money for trauma centers. Two cents from tobacco taxes per pack of cigarettes will go to trauma centers, and that estimated to bring in about ten and a half million dollars a year. The distribution will be based on uncompensated care. That is in the law, the trauma care advisory council has been given a decision making role in how the money is distributed among trauma centers. That group will also report to the Board for Licensing Health Care Facilities.

The department and trauma centers are preparing to implement a statewide patient trauma registry. This is a way to provide patient information from all of our trauma centers and the CRPC to the state registry. It is certainly a noteworthy accomplishment.

First Responder Committee Report:

Mr. Bell, as the Chairman of the First Committee, gave the report. The committee members included Mr. Phillips, LeeAnne Boeringer, Donna Tidwell, and Tim Bell. Mr. Bell recognized most of the first responders counties with less than 20,000 residents in the State of Tennessee are volunteers with rural fire departments and rescue squads.

Starting in 2002 there were roughly 3,500 first responders in Tennessee; in fiscal year '06, about 4,200. That was a difference of 668 first responders over that four-year period. We asked Donna to go back and pull information in the counties under 20,000 population. Fees have not increased in over ten years as far as the application and certification fee. The testing fee is what has changed and that is obviously due to the national registry fee.

Discussion with legal counsel noted that persons may request a copy of a State test as part of public record. Mr. Bell noted, as a respiratory therapist too, that test is written by the national board of respiratory care, and the nurses exams are written by a national board. We are following suit with the first responder exam and what the State will allow us to do.

The overall fee for getting started as a first responder is enormous if you are paying it out of your pocket. Ms. Boeringer mentioned some grants that were available for first responders and I think we are going to pursue the task as to how to apply for those grants.

The national testing fee of \$65 went into effect on July 1, 2006. When the state was testing, it was \$20. Instead of testing at the course site, persons must go to Pearson Vue Centers or a Pearson Vue registered site. There are sites in Memphis, Jackson, Nashville, Knoxville, Chattanooga, Tri-City, Dyersburg and the Cookeville areas.

There has not been a raise of fees in ten years on the renewal fees, and we decided not to increase the first responder renewal fee. To stay with a national registry exam appears to be about the only way we can go. Mr. Phillips stated if we did do our own test properly and make sure the rationale is sound, it may take a \$150,000 to do develop an exam. For the legal reasons OGC has provided, given history with other boards in the past few years, we cannot maintain and legally

secure a test if the state does it, and for the cost we just cannot do our own first responder licensing exams in the future.

Mr. Bell stated the committee will meet again on August the 14th to look at the rules and regulations of first responders and make sure that it was up to date. We looked at how we could increase the numbers of responders in the rural communities. Mr. Bell asked for any comments or question or concerns from board members, with no response.

Chairman Byrd ask if there anyone in the audience that would like to speak on this issue? Mr. Jimmy Studdard, Director of Haywood County Ambulance Authority, stated that he had a few comments. Mr. Studdard said people in my area could care less about a national registry. All they want to do is help the people in their community. Would that be legal so we could teach our own class? And certify them just in that county?

Chairman Byrd asked Ms. Presley to give any direction on it? Ms. Presley stated that under the law, that is one of the duties of the board, issuing licenses or tests. Ms. Presley told Mr. Studdard that is still another thing that is under the board's responsibility, training and making sure that people are trained adequately and that they perform adequately, because those are issues under the State law. Ms. Presley stated in terms of whether persons on the job have performed that job properly or have attended to the patients properly, those are things that could cause lawsuits and negligence.

So the board looks at training, determines that persons get competent training, that it is uniform, and that they are following medical guidelines. There continued a lengthy discussion on the subject by Mr. Studdard and Ms. Presley. Ms. Presley told Mr. Studdard we just have certain laws, rules and regulations that cover the First Responder Program that the board is required to follow. Mr. Studdard stated that he felt like there were other options for the First Responder. Ms. Presley again informed Mr. Studdard that it is a matter of addressing legal requirements, liability and other responsibility that the State has to the citizens in the State of Tennessee.

Mr. Studdard thanked the board and Ms. Presley.

Mr. Land stated to Chairman Byrd that we already have guidance for other options. As far as the regulations, you have the first responder regulations. There is also a separate rule where if they do not meet the requirements of first responders, agencies can respond solely for cardiac emergencies. Mr. Land stated among the issues that you have, many of these are addressed in the attorney's general opinion that was rendered in 2001. Ms. Presley stated, the board cannot change the laws. It is just as simple as that. They can make rules based on the law. So you do not have the authority to make the changes in the law. That has to go to the legislature.

Mr. Bell stated it is also important to say this that the division does not require first responder, EMT's or paramedics to keep a national registry. It is a one time testing for life as long as they maintain continuing education. So we do not mandate that they keep the national registry as part of their licensure.

Mr. Phillips made the comment, that when you consider people are volunteering their time in public service especially in a public service area like this is to the county, maybe it is worth the county to pay for their training and certification test. If somebody is going to be a first responder for a few years and you invest money in the training, the \$65 testing fee may be money well spent from the counties standpoint, because you are getting far more back than that small initial amount of money that they are putting into it.

Mr. Studdard stated that Hayward County puts money into it, but there is just a certain amount of money that they can do. When you say the counties need to put a little more money into it, there is a limit what counties can put into the programs because they have other things that they have to put into also.

Mr. Phillips said that he and Ms. Tidwell have talked about putting together a list of grants. That funded some counties to start a first responder program. Mr. Griffin stated that he brought this up at the last meeting and he still believes in the program. Mr. Mitchell stated that he took a grant-writing course from TARS and they may have some insight as to disseminating that information through that TARS system, since many first responders are part of the organized volunteer rescue service.

There was a lengthy discussion by all members of the board on the subject. Chairman Byrd thanked everyone for their comments and moved to the next item on the agenda.

Director's Report:

Chairman Byrd asked Mr. Phillips to proceed with his Director's Report. Mr. Phillips delivered the production report that we prepare every month. This report comes from several sources. The first section of this two-page report concerns personnel. You can review training over this year and this fiscal year, and then going back for four prior years to see how some numbers increased and decreased. The second page is for ambulance service licenses, ambulance permits, and inspections.

We conducted an earthquake exercise last week in conjunction with TEMA. The scenario was a major earthquake and emergency services in West Tennessee participated.

Medical Directors Report:

Dr. Holley asked Ms. Tidwell that we remind you that the fall medical director's meeting will be on October 8th. It will be the same program that we held in February. For those unable to make the Gatlinburg meeting, we are now doing the update twice a year, with the same speakers, the same information being assimilated the same way. It gives an opportunity for the medical directors in the western part of the state who may not to have to travel so far.

EMITS Program:

Ms. Tidwell reported on the EMITS program. One vender currently is reporting for several services. That is the EMS Consultants, with about 25 services providing download files. We currently have 139 services that are on the EMITS system. Out of those 139, 124 are reporting. We have 1340 active users on the system, that means the individuals that actually go in and log in. In order to protect the service and make sure that all the users are really truly active users, we do have a system set up to turn them off and purge the system now if a user doesn't use the system in 30 days -automatically turn them off if they have not used the system- and send them an e-mail. If it is in error, they can call in and we can reactivate them.

We currently have 547,871 runs in the system now. Chris Kohler indicates that we are receiving over 2000 runs daily with about 30 percent of our services recorded on a regular basis.

Weapons of Mass Destruction:

The WMD project, under the bioterrorism hospital grant, provided funding to train our EMT's and paramedics in different weapons of mass destruction areas, whatever area the hospital grant was working on that year. This year they have been working on radiological and nuclear events, and bringing the hospitals and emergency rooms up to par. This is the last CD of that grant cycle and, by September, we hope the services will start receiving their CDs.

Triage System

The other project involves SMART/START system for our triage statewide. Some of the services are already using these fanny packs, where the paramedics carry 20 triage tags in them with bar codes on them. This is part of our project for patient tracking and for search capacity to monitor those things during a Mass Casualty event. The pack includes 10 "dead" tags and it has glow sticks, so in the middle of the night if you are in a triage situation, you can break the glow stick and put it in the triage tag for urgent or emergent patients. There are pencils that are very waterproof. The system was used in the London bombing with several hundred patients and they only found two patients that had been misdirected to the wrong hospital using the system.

We are asking for WMD funding to put one of those packs on each ambulance (around 1200) and one in every ER in the state. There are 20 to 25 states across the United States, like the state of Illinois, Indiana, Maryland, the military itself in the United States that are using the SMART triage system.

The kits that we are putting on the ambulance cost about \$125 a piece. The kits that we are talking about using for the training and for using in the NCI event are about \$850, but that includes the DVD, training, it also included, they will come in and do three regional trainings for all in-service coordinator across the state, with a alive scenario simulation.

Education Report:

Since May the 1st, we have received over 600 applicants. With background checks, there are certain things that we have to wait upon. Students who have the capability have been doing very well going right after class getting their exams, most of them within 24 hours of registering.

We are having some problems with the criminal background checks, such as the applicant not putting the correct codes for the report to get to the EMS Division. There was a lengthy discussion on the process of the current law regarding the criminal background checks.

How long is that background check good for? Well, we would consider it being valid as long as they are in class and maybe six months past the class, expiration to give them time to become licensed. For any time greater than six months, we might need another valid background check before we could actually license them. The board members had a brief discussion on the subject. The TBI had already considered the number of repeat investigations that they were performing. Reciprocity is another issue; we also require background checks for those applicants.

Mr. Parker stated, as a program director, several of the programs have tried to get Tennessee Board of Regents (TBR) to accept the state's background check company, and that's not happening. So maybe the other way to do it is for the TBR background check to be accepted with the verifying credentials so they will be accepted by the state. We need to do something so students are not just exhausted financially in doing background checks.

Mr. Parker suggested, that it would be great to if we could have something by the next board

Mr. Ross made motion that the background check that is done for application into the program carries the student for six months *post* the program to be sufficient for them to sit for their exam. Mr. Baxter seconded the motion.

Some questions came from the audience. Mr. Jimmy Edwards asked Ms. Tidwell if students are going straight into the paramedic program will they be required to have the CBC. Ms. Tidwell stated, yes. Anytime they upgrade or get an initial license, they have to have a background check. If they had one while there were in paramedic program then they can use that.

The motion is that background checks carry the student six months post completion of the training program. A roll call vote was taken.

Charles Alderson, M.D.:	Yes.
Mr. David Baxter:	Yes.
Mr. Tim Bell:	Yes.
Ms. Susan Breeden:	Yes.
Mr. Jeff Davis:	Yes.
Dr. Julie Dunn:	Absent.
Mr. Larry Griffin:	Yes.
Mr. Kevin Mitchell:	Yes.
Mr. Dennis Parker:	Yes.
Mr. Larry Potter:	Yes.
Mr. James Ross:	Yes.
Mr. Jackie Wilkerson:	Yes.
Chairman Byrd:	Yes

Motion passed.

Critical Care Paramedic Program:

The RFP was issued in March, and we have had no responses, and we sent it to six vendors. We then had to go back out and start the RFP process again. Since that time, there are 19 vendors that have been authorized on the state vendor list for writing exams. So we have now sent out the RFP to those 19 vendors. The deadline to have their proposal back to us is July the 23rd. The review committee will be reviewing that until the 26th.

July 30th the proposals will be opened the grading will be open, and they will be tabulated and the award will be issued. That is where we are with the critical care. We are waiting to get our certification exam written, approved and back to us.

Web Page:

If you go to the board section under the board information, we are listing our committees meetings. They all are being listed as they are scheduled like board meeting dates, and you will find that we have scheduled many regular meetings through 2008. Ms. Tidwell reviewed what is on the web page with the board members.

Mr. Parker asked Ms. Tidwell to report on the scope of practice? Ms. Tidwell stated they have set the task force. Also, the instructor coordinator conference, which instructors are required to attend, will be July the 25th through the 27th at the Maxwell House Hotel in Nashville. Chairman Byrd thanked Ms. Tidwell for all her reports.

Ambulance Services:

Mr. Land stated Ms. Hartman was due a lot of credit for getting us licenses issued since Terrie Finch retired. As of June 27, we were 90 percent complete on renewal applications and 48 percent approved on service licensees. Judy is holding herself to an August 31st date to get all the ambulance permits issued.

He reported audits are coming in faster than the license renewals. 150 audits are on file out of 158 of our services.

Clarification

Ms. Presley asked to make a statement, "I have something that I feel that I need to clear up that has been said several times about an OGC opinion, and it was concerning whether or not the exams are subject to the public records act. That is something that we're looking at, and it is an issue that was raised with some other boards, and I do not mind telling you what the issue was. We have had applicants asking to have a copy of that exam. It has been the consensus that it was not subject to the public records act, but that is not really been settled yet. The issue was sent to the attorney general's office to look at."

I have not received anything from Sue Sheldon or the general counsel concerning what Sue has decided or what the attorney general has decided. There are still some issues out there. It was discussed whether if somebody else like an organization contracted with you to provide that exam, whether or not that exam would be released. And I suspect that that has to do with copyright laws, because most of the products that are developed by agencies and companies are usually subject to the copyright laws.

I will bring you up to date when we do get an answer of response from the attorney's general office as to exactly how they feel about it, but I just wanted to clear that up. But as far as I know, no one has given out their exams. But people can review the specific exam results.

Chairman Byrd thanked Ms. Presley and moved to the next item on the agenda, new business.

New Business:

Mr. Ross stated that on June 16th, Selmer, McNairy County, Tennessee had a large mass casualty incident that involved several agencies, with 27 individuals that were injured and several fatalities that happened during that event. He urged the Board take an opportunity to recognize these agencies. Mr. Phillips related a report that identified all those agencies.

Chairman Byrd invited Mr. Ross to invite service representatives to the next board meeting through the EMS staff and present certificates to those agencies. It wouldn't take but just a few minutes to do it, and they can be ready by then. Staff was to ready certificates for Board action.

Mr. Mitchell asked several questions regarding the elections of the Chairman at the last board meeting and the matter of procedure. Mr. Phillips stated that the situation was that the former chair, Darren Ellenburg, was not reappointed and the board had to act immediately. The board had no choice but to move immediately to elect a new chair. The process of new board members coming on and old going off and all that came together will require an election.

Mr. Land said, that under the new rule, an election of the chair will be to an annual term and generally the election will be at the first meeting of the calendar year. Ms. Presley stated there may be a more orderly progression of things when you expect them to happen. Mr. Phillips and Richard Land commented part of the problem lies with the appointments process and the time frame in which persons were appointed to the Board.

Mr. Bell thanked Ms. Hartman and the staff for getting the materials to Board members ahead of meeting time, noting he had time to read over and study all documents for the meeting.

Mr. Davis made the motion to adjourn. Mr. Bell seconded the motion. All were in favor, meeting adjourned at 3:30 PM.

Respectfully submitted,

Judy Lee Hartman
Administrative Assistant