



**Minutes of the
EMERGENCY MEDICAL SERVICES
June 29th, 2016**

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

Members of the Board present:

The Board Chair opened the meeting with a Roll Call and the following members were present:

Chris Brooks	Tim Strange
Jeffery Davis	Robert Webb
Larry Hutsell	Tyler White
Donald Mosby	Jeanne Yeatman
Brian Robinson	Sullivan Smith MD Chairperson
James Ross	

Eleven (11) members were in attendance, a quorum was established.

Board Members Not Present:

Kappu Deshpande
Stephen Sutton

Also present:

Donna G. Tidwell Director Office of Emergency Medical Services
Hansel Cook Assistant EMS Director
Keith Hodges Legal Counsel
Dr. Joe Holley State Medical Director
Steve Hamby Region 2 EMS Consultant
Nita Jernigan Region 3 EMS Consultant
Brian Tompkins Region 4 EMS Consultant
Dwight Davis Region 5 EMS Consultant
LeeAnne Boeringer Region 6 EMS Consultant
Teddy Myracle Region 7 EMS Consultant
Kevin Cagle Region 8 EMS Consultant
Randall Kirby EMS Consultant at Large
Tory Ferguson Regulatory Board Administrative Assistant 2

The Board and the audience were reminded the meeting is now live streamed by the Chairperson.

APPROVAL OF THE MARCH 30th, 2016 MINUTES

A motion was received from Mr. Ross and seconded by Mr. Hutsell to accept the minutes as presented. Motion passed on voice vote.

RECOGNITION

The Chairperson used his prerogative to move this item to the last.

REPORT FROM THE OFFICE OF GENERAL COUNSEL

- Mr. Hodges asked the Board to review the Conflict of Interest Policy. There were no questions after the review.
- Next Mr. Hodges went over the OGC report:
 - There are 29 EMS cases in the office
 - 3 Consent Orders
 - 0 Agreed Orders
 - 3 Contested Cases
- The Community Paramedicine Rule is in AG office and the expectation is for it to be ready for a Rule Making Hearing by the next meeting.

TENNESSEE PROFESSIONAL ASSISTANCE PROGRAM

Mr. Mark Harkreader reported on the status of the clients of the TNPAP. He gave a description of the process for a subject to be entered into the program. He also presented the fiscal responsibility for the program. He discussed what type of drug screening is performed. He then took questions from the Board members.

OGC CASES

The Chairperson used his prerogative to delay this item due to some issues being worked out that would affect the disposition of some of the cases.

SCHOOL APPROVALS

A. Dyersburg State Community College Critical Care Paramedic Class

Director Tidwell presented the results of the site visit and the recommendation was for approval of the class. A motion was made by Mr. Hutsell to accept the recommendation and approval the class. This motion was second by Mr. Ross. The Chairperson asked for any discussion. Mr. Ross inquired as to how students are expected for the first class. Mr. McDiffett stated there was anticipated enrollment of twelve (12) and the class would start in September or October of this year. The motion passed by voice vote without opposition.

B. Tennessee College of Applied Technology in Oneida/Huntsville EMT and AEMT Classes

Director Tidwell presented the results of the site visit and the recommendation was for initial approval of the class. Mr. Webb made a motion to approve and a second was received from Mr. Davis. The Chairperson asked for any discussion. Being none, a voice vote was held and the motion passed without opposition.

C. Southwest Virginia Community College in Richmond, Virginia Paramedic Clinical and Field Rotation

Director Tidwell presented a request from Southwest Virginia Community College to do Paramedic Clinical and Field Rotations in Tennessee. She also related the required documentation and requirements to be in place before these could occur. Director Tidwell discussed all of the findings and from such recommended approval. Mr. Strange made a motion to grant initial approval and a second was received from Mrs. Yeatman. The Chairperson opened the floor for discussion. Being none, a voice vote was held and the motion passed without opposition.

CONSENT ORDERS

Respondent: Mark K. Mooneyham, AEMT License 22628 Woodbury, TN

Respondent was at all times pertinent hereto licensed by the Division as an AEMT in the state of Tennessee, having been granted license number 22628 on January 16, 1997 with an expiration date of July 31, 2017.

Respondent was employed as the Chief of the Woodbury, Tennessee Police Department at the time pertinent hereto. From 2013 0 about march 2015, Respondent was responsible for administering and overseeing federal grants designated for law enforcement of the State’s DUI laws. During that period Respondent submitted false timesheets for more that twenty-eight thousand dollars (\$28,000) of overtime that he did not work.

For the purpose of avoiding further administrative action with respect to this cause, the Respondent agrees to the **VOLUNTARY SURRENDER** of the Respondent’s AEMT license. A motion to accept the order as written was received from Mr. Hutshell and seconded by Mr. White.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson	X				
Chris Brooks	X				
Jeffery Davis	X				
Kappu Deshpande					X
Larry Hutshell	X				
Donald Mosby	X				
Brian Robinson	X				
James Ross	X				
Tim Strange	X				
Stephen Sutton					X
Robert Webb	X				
Tyler White	X				
Jeannie Yeatman	X				

Motion carried.

Respondent: Jacob A. Cavallo, AEMT License 38398 Arlington, Tennessee

The Respondent was at all times pertinent hereto licensed by Office as an AEMT in the state of Tennessee, having been granted license number 38398 on August 24, 2011 with an expiration date of October 31, 2017.

The Respondent was at all times pertinent hereto employed as an AEMT with Emergency Medical health Care LLC (“EMHC”) in Memphis, Tennessee. For ambulance runs made on or about November 26, 2014, January 15, 2016 and January 16, 2016, he either entered his initials in a patient care report in lieu of the patient’s signatures, or signed the patient’s name, without recording the patient’s authorization. On or about, January 20, 2016 EMHC terminated Respondent’s employment. There was no known patient harm as a result of Respondent’s act s or omissions.

For the purpose of avoiding further administrative action with respect to this cause, the Respondent agrees to **PROBATION** of his AEMT license, license no. 38398, with lifting of said probation to be conditional on the following terms: (a) said probation shall be for a period of no less than one (1) year; and (2) he shall obtain three (3) Division-approved continuing education units in ethics.. Said units shall be in addition to any continuing education units required to maintain licensure. Failure to complete the requirement within the time limit shall result in further discipline.

A motion to accept the order as written was received from Mr. Hutshell and seconded by Mr. White.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson		X			
Chris Brooks	X				
Jeffery Davis		X			
Kappu Deshpande					X
Larry Hutsell		X			
Donald Mosby	X				
Brian Robinson		X			
James Ross		X			
Tim Strange		X			
Stephen Sutton					X
Robert Webb		X			
Tyler White		X			
Jeannie Yeatman		X			

Motion failed.

A discussion was held by the members of the Board with the consensus that the terms of the Consent order were too lenient and it was felt he needs to lose his license. The Board recommendation was to have him appear before the Board to plead his case.

Respondent: Douglas C. Peacock, Paramedic License 29337 Chattanooga, Tennessee

The Respondent was at times pertinent herein licensed by the Division as a Paramedic in the state of Tennessee, having been granted license number 29337 on June 30, 2003, with an expiration date of September 30, 2016. The respondent was employed by Memorial EMS (“Memorial”) in Chattanooga, Tennessee at all time pertinent hereto.

Based on a reasonable suspicion by its employer, Respondent submitted to drug and alcohol testing on or about November 10, 2014, the results of which were positive for benzodiazepine. He resigned form employment with Memorial in lieu of termination. He contacted the Tennessee Professional Assistance Program (“TnPAP”) on the recommendation of his former employer and presented for an evaluation on or about January 15, 2015. The evaluator recommended that Respondent sign a monitoring agreement. After being evaluated, the Respondent abandoned all communication with TnPAP.

For the purpose of avoiding further administrative action with respect to this cause, the Respondent agrees to immediate **SUSPENSION** of his Paramedic license, license no. 29337. He agrees to another evaluation approved by TnPAP and should the results of that TnPAP approved evaluation recommend monitoring, then he may sign a TnPAP monitoring agreement and obtain the advocacy of TnPAP. On receipt of notification from TnPAP that he has signed an agreement prior to or during the period of suspension, the suspension shall be **STAYED** and the license shall be immediately place on **PROBATION** on terms and conditions. After completion of the TnPAP program and by their recommendation his license will be put on probation for three (3) years.

Motion by Mr. Hutsell to accept the consent order and was seconded by Mr. Ross.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson	X				
Chris Brooks	X				
Jeffery Davis	X				
Kappu Deshpande					X
Larry Hutsell	X				
Donald Mosby	X				
Brian Robinson	X				

James Ross	X				
Tim Strange	X				
Stephen Sutton					X
Robert Webb	X				
Tyler White	X				
Jeannie Yeatman	X				

Motion carried.

COMMITTEE REPORTS

A. Air Ambulance Committee

Mrs. Yeatman reported on what the progress of the subcommittee and what items are going to be sent to the Clinical Issues Committee for their consideration.

B. Ambulance Committee

Director Tidwell reported for Mr. Jimmy Edwards that the committee had met but did not have a quorum and could not conduct business but it have discussion as to their charge from the Board.

C. Clinical Issues Committee

A report was received from Director Tidwell. She related a recommendation from the Committee on transporting a ventilator patient. Some concerns were expressed from the audience. Hence, a motion was made by Mr. Davis and seconded by Mr. Hutsell to table this recommendation and send it back to Clinical Issues Committee. Motion carried by voice vote without opposition.

A second recommendation was that AEMT Scope of Practice would include scalp veins or external jugular intravenous cannulation. A motion was made by Mr. Hutsell to accept and seconded by Mr. Ross with a revision of ongoing competency and 100% reviewed by Quality Improvement. Motion carried by voice vote without opposition.

A third recommendation was that AEMT Scope of Practice would include suctioning stomas with ongoing competency under quality improvement review and deep tracheal suction could only be done by a Paramedic. A motion was made by Mr. White to accept and seconded by Mr. Hutsell with a revision of ongoing competency and reviewed by Quality Improvement. Motion carried by voice vote without opposition.

D. Education Committee

Mr. Strange is to report on proceedings. He stated that the committee has four recommendations for the Board consideration.

Recommendation 1: To request the Board to send a letter with wording to have NREMT to require AEMT candidates are tested to the new AEMT Standards and the National Scope of Practice. Motion to accept the recommendation by Mr. Strange and was seconded by Mr. Hutsell. Motion carried by voice vote without opposition.

Recommendation 2: To request the Board to include in the letter a request of NREMT to provide a timeline of when the AEMT exam will be a computer adaptive examination instead of linear. Motion to accept the recommendation by Mr. Strange and was seconded by Mr. Hutsell. Motion carried by voice vote without opposition.

Recommendation 3: To ask the Board for a change in the implementation date of the Tennessee pass rate requirement of the AEMT exam to 2018. Motion to accept the recommendation by Mr. Strange and was seconded by Mr. Hutsell. Motion carried by voice vote without opposition.

Recommendation 4: To ask the Board to have the Board to make a Rule change as to not require the moral character letter for all levels for initial licensure. Motion to accept the recommendation by Mr. Ross and was seconded by Mr. Strange. Motion failed by voice vote. A motion was made by Mr. Ross to send it back to the Committee for more research and bring it back to the Board with more objective material. It was seconded by Mr. Davis. Motion carried by voice vote without opposition.

DIRECTOR’S REPORT

Director Tidwell gave a report on the NREMT Testing results for the first and second quarter. She then gave a report on ambulance service audits. Director Tidwell gave a detailed report on the Infectious Disease Teams progress and training. She described a pilot project for two of EMS Consultants involving a mobile office. She also related her staffing changes.

AGREED ORDER

Respondent: William Smith Paramedic License 25012 Morristown, Tennessee

Respondent was at all times pertinent hereto licensed by the Division as a Paramedic in the state of Tennessee, having been granted license number 25012 on May 11, 1999, with an expiration date of June 30, 2018. He was at all times pertinent employed as a paramedic by Morristown-Hamblen EMS in Morristown, Tennessee.

On or about March 12, 2013, his unit responded to a call at a retirement home involving a female patient who had fallen in a bath tub and hit her head. Upon making contact with the patient, he failed to perform a complete assessment, and then refused to transport the patient on the basis that doing so would constitute “Medicare fraud”. The Respondent instructed his partner, an EMT-IV whose acting supervisor he was at the time; to include information in the run report that he knew was not correct.

For the purpose of avoiding further administrative action with respect to this cause, the Respondent agrees to immediate **SUSPENSION** of his Paramedic license, license no. 25012 for six (6) months. After that six (6) month period the suspension will be lifted and he will be placed on probation for two (2) years on condition of the Respondent obtaining specified training in ethics, patient assessment and billing/reimbursement.

Motion by Mr. Brooks to accept the consent order and was seconded by Mr. Davis.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson	X				
Chris Brooks	X				
Jeffery Davis	X				
Kappu Deshpande					X
Larry Hutsell				X	
Donald Mosby	X				

Brian Robinson				X	
James Ross	X				
Tim Strange				X	
Stephen Sutton					X
Robert Webb	X				
Tyler White	X				
Jeannie Yeatman	X				

Motion carried.

CONTESTED CASE

Respondent: Graham L. Morris AEMT License 4068, Collierville, Tennessee

Respondent was licensed by the Division as an AEMT in the state of Tennessee at all pertinent hereto, having been granted license number 40683 on September 17, 2013 with an expiration date of April 30, 2016.

In or about November 2013, he applied for a job as an AEMT with Emergency Mobile Health Care in Memphis, Tennessee. As part of their pre-employment requirements, he submitted a sample for drug screening, which later tested positive for amphetamines, benzodiazepine and marijuana. On June 23, 2014, the respondent entered into a Consent Order requiring him to be evaluated by TnPAP and to sign a monitoring agreement is one was recommended. Under this Order he was agreeing to complete his TnPAP contract requirements and any violation will constitute a violation of this order.

On or about August 20, 2015 the Division received notice from TnPAP that the Respondent had violated the terms of the monitoring agreement he signed with them.

Motion and second to hold Mr. Morris in default by Mr. Ross and second by Mr. Strange.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson	X				
Chris Brooks	X				
Jeffery Davis	X				
Kappu Deshpande					X
Larry Hutsell	X				
Donald Mosby	X				
Brian Robinson	X				
James Ross	X				
Tim Strange	X				
Stephen Sutton					X
Robert Webb	X				
Tyler White	X				
Jeannie Yeatman	X				

Motion carried.

Motion to accept the finding of facts as stated in items 1 – 5 by Mr. Ross and seconded by Mr. Strange.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson	X				
Chris Brooks	X				
Jeffery Davis	X				

Kappu Deshpande					X
Larry Hutsell	X				
Donald Mosby	X				
Brian Robinson	X				
James Ross	X				
Tim Strange	X				
Stephen Sutton					X
Robert Webb	X				
Tyler White	X				
Jeannie Yeatman	X				

Motion carried.

Motion by Mr. Morris and seconded by Mr. Hutsell to accept as stipulated on pages 2 and 3 of the Conclusions of Law.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson	X				
Chris Brooks	X				
Jeffery Davis	X				
Kappu Deshpande					X
Larry Hutsell	X				
Donald Mosby	X				
Brian Robinson	X				
James Ross	X				
Tim Strange	X				
Stephen Sutton					X
Robert Webb	X				
Tyler White	X				
Jeannie Yeatman	X				

Motion carried.

Motion by Mr. Morris and seconded by Mr. Brooks to revoke the Respondent's AEMT license.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson	X				
Chris Brooks	X				
Jeffery Davis	X				
Kappu Deshpande					X
Larry Hutsell	X				
Donald Mosby	X				
Brian Robinson	X				
James Ross	X				
Tim Strange	X				
Stephen Sutton					X
Robert Webb	X				
Tyler White	X				
Jeannie Yeatman	X				

Motion carried.

Motion by Mr. Strange and seconded by Mr. Yeatman to take this action to protect the health safety and welfare of the people of Tennessee.

A roll call vote was held:

Board Member	AYE	NO	ABSTAIN	RECUSE	ABSENT
Sullivan K. Smith Chairperson	X				
Chris Brooks	X				
Jeffery Davis	X				
Kappu Deshpande					X
Larry Hutsell	X				
Donald Mosby	X				
Brian Robinson	X				
James Ross	X				
Tim Strange	X				
Stephen Sutton					X
Robert Webb	X				
Tyler White	X				
Jeannie Yeatman	X				

Motion carried.

COMMITTEE ON PEDIATRIC EMERGENCY CARE (COPEC) REPORT

Mrs. Philippi appeared before the Board to give COPEC’s annual report. This is a requirement by statute. After her report was given a motion was received from Mr. Davis and seconded by Mr. Ross to send the report to the Legislation. Motion carried on a voice vote with no opposition.

OLD BUSINESS

Committees Composition

Director Tidwell refreshed the Board on the new process for the composition of committees. She then presented to the Board the proposed membership of several committees.

A motion from Mr. Hutsell to accept the proposed membership of the Air Ambulance Committee and seconded by Mr. Davis. . Motion carried on a voice vote with no opposition.

A motion from Mr. Strange to accept the proposed membership of the Ambulance Committee and seconded by Mr. Ross. . Motion carried on a voice vote with no opposition.

A motion from Mr. Davis to accept the proposed membership of the Education Committee and seconded by Mr. Ross. . Motion carried on a voice vote with no opposition.

A motion from Mr. Strange to accept the proposed membership of the Clinical Issues Committee and seconded by Mr. Webb. . Motion carried on a voice vote with no opposition.

A motion from Mr. Hutsell to accept the proposed membership of the Degree task Force and seconded by Mr. Ross. Motion carried on a voice vote with no opposition.

NEW BUSINESS

Elvy Rorie requested an opportunity to address the Board on the subject of changing the Rule on Services required pediatric training hours to three (3) hours every two (2) years. No action was taken on this request.

Rick Valentine and Andrew Reed came before the Board to state their concerns about being able to staff units because of having to an AEMT and/or a Paramedic on emergency calls. A discussion of the issue followed but no action was taken.

RECOGNITION

A brief recognition session was held by Director Tidwell for Board members whose terms are at an end.

A motion to adjourn was received and seconded. The motion carried by voice vote without opposition.