



Kent Appelhans, Chair  
Mark Marchetta, Sr., Vice Chair

Dr. Carol Cunningham, State Medical Director

## STATE BOARD OF EMERGENCY MEDICAL, FIRE, AND TRANSPORTATION SERVICES

### DIVISION OF EMERGENCY MEDICAL SERVICES OHIO DEPARTMENT OF PUBLIC SAFETY 1970 West Broad Street, Columbus, Ohio

#### DRAFT MEETING MINUTES October 20, 2021

**Board Meeting Date and Location:** Wednesday, October 20, 2021, Ohio Department of Public Safety, 1970 West Broad Street, Room 1106, Columbus, Ohio.

**Board Members Present:** Kent Appelhans (chair), Thomas Allenstein, Karen Beavers, David DeVore, Geoff Dutton, Patrick Ferguson, Dr. Richard George, Ruda Jenkins, Susan Kearns, Stacey Martin, Natasha Meinert, Dr. Amy Raubenolt, Mark Resanovich, Dr. Hamilton Schwartz, John Weimer, and Dudley Wright.

**Board Members Absent:** Mark Marchetta (vice chair), Jeff Fishel, Brian Hathaway, George Snyder and Kevin Uhl

**DPS and EMS Staff Members Present:** Johanna Burgess, Robin Burmeister, Beverly Cooper, Dr. Carol Cunningham, Joel Demory, Dave Fiffick, Deputy Director Aaron Jennings, Ben Kimmel, Eric Mays, Jayn Mayton, Ellen Owens, Bryan Reardon, Joe Stack, Executive Director Rob Wagoner, Patrick Williams and Michael Wise

**Associate Assistant Attorney General:** Shelli Brock

**Public Present:** Diane Simon, Jeff Orphal, and Chris Pekarek

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### **EMFTS Board Meeting**

#### **Welcome and Introduction**

The meeting began at 10:01 a.m.

#### **Roll Call**

Mr. Thomas Allenstein	Present	Mr. Mark Marchetta (V.Chair)	Absent
Mr. Kent Appelhans (Chair)	Present	Ms. Stacey Martin	Present
Ms. Karen Beavers	Present	Ms. Natasha Meinert	Present
Mr. David DeVore	Present	Dr. Amy Raubenolt	Present
Mr. Geoff Dutton	Present	Mr. Mark Resanovich	Present
Mr. Jeff Fishel	Absent	Dr. Hamilton Schwartz	Present
Mr. Patrick Ferguson	Present	Mr. George B. Snyder	Absent

Dr. Richard George	Present	Mr. Kevin Uhl	Absent
Mr. Brian Hathaway	Absent	Mr. John Weimer	Present
Ms. Ruda Jenkins	Present	Mr. Dudley Wright	Present
Ms. Susan Kearns	Present		

**Open Forum**

Mr. Appelhans inquired if there were any guests who would like to address the Board. No guests were present to address the Board.

**Consent Agenda**

Mr. Appelhans requested a motion to approve the Consent Agenda items that were distributed prior to the meeting including the EMFTS Board minutes of August 18, 2021, the Certificates of Accreditation, the Certificates of Approval, August and September 90-day extensions and the August and September EMS certifications.

***ACTION: Motion to approve the Consent Agenda items that were distributed prior to the meeting including EMFTS Board minutes of August 18, 2021, the Certificates of Accreditation, the Certificates of Approval, August and September 90-day extensions and the August and September EMS certifications. Mr. Wright– First. Mr. Ferguson – Second. None opposed. None abstained. Motion approved.***

Mr. Appelhans introduced himself as the Chair of the State Board of Emergency Medical, Fire, and Transportation Services. The proceedings were called to order at 10:05 a.m. on October 20, 2021.

**Roll Call**

Mr. Thomas Allenstein	Present	Mr. Mark Marchetta (V.Chair)	Absent
Mr. Kent Appelhans (Chair)	Present	Ms. Stacey Martin	Present
Ms. Karen Beavers	Present	Ms. Natasha Meinert	Present
Mr. David DeVore	Present	Dr. Amy Raubenolt	Present
Mr. Geoff Dutton	Present	Mr. Mark Resanovich	Present
Mr. Jeff Fishel	Absent	Dr. Hamilton Schwartz	Present
Mr. Patrick Ferguson	Present	Mr. George B. Snyder	Absent
Dr. Richard George	Present	Mr. Kevin Uhl	Absent
Mr. Brian Hathaway	Absent	Mr. John Weimer	Present
Ms. Ruda Jenkins	Present	Mr. Dudley Wright	Present
Ms. Susan Kearns	Present		

It was noted for the record that a majority of the Board members were present.

**REPORT AND RECOMMENDATIONS**

- EMS Case No. 2020-428-BE100, Tyler J. Eccard, Certificate No. 158145
- EMS Case No. 2020-573-E400, David A. Klopfenstein, Certificate No. 172414
- EMS Case No. 2021-018-BE100, Christopher M. Pekarek, ID No. 229914

Mr. Appelhans recognized Associate Assistant Attorney General Shelli Brock for the purpose of providing a brief synopsis of each case.

- **EMS Case No. 2020-428-BE100, Tyler J. Eccard, Certificate No. 158145**

Mr. Eccard's Emergency Medical Technician certification is active and set to expire on September 11, 2023. On September 10, 2020, Mr. Eccard filed an EMS renewal application and he did not list any felony or misdemeanor convictions. He answered no to that question regarding convictions. Following the issuance of his renewed certificate, the Division was contacted a Compliance Officer from Buckeye Ambulance who wanted to verify Mr. Eccard's certification status. During this call, the Division learned that Mr. Eccard had a prior misdemeanor conviction. Upon an investigation, the Division discovered that on June 15, 2018, Mr. Eccard entered a no contest plea and was found guilty of Vehicular Manslaughter which is an M2, in the Clermont County Municipal Court. On May 13, 2021, EMS issued a Notice of Opportunity for Hearing. This matter went to hearing on July 19, 2021, where the misrepresentations on Mr. Eccard's renewal application was submitted for review. The Hearing Officer found that Mr. Eccard's failure to list his Vehicular Manslaughter conviction on his EMS Renewal Application constituted a "misrepresentation". The Hearing Officer held this conviction does not constitute a crime of moral turpitude, but Mr. Eccard was nonetheless obligated to report his conviction to the Division within 14 days of his final sentencing and failed to do so. He Hearing Officer found that "while it does not appear that Respondent was intentionally attempting to hide his conviction from the Division, the fact remains that his answer to the question on the EMS Renewal Application was untruthful and a misrepresentation. The Hearing Officer recommends that Mr. Eccard's EMT certificate be suspended for 30 days. Upon completion of the 30-day suspension, Respondent should be placed on probation for 3 years and that during the probationary period Respondent is to notify the Division of any arrests within 10 days of the arrest. And during the probationary period the Respondent should be required to provide an updated BCI&I background check at the time of his renewal of his EMT certificate in 3 years, along with whatever additional terms of probation and reporting requirements of that probationary period as are imposed by the Board. Mr. Eccard submitted objections. He does not oppose the contents of the report but requests that the Board stay the recommended 30-day suspension and/or issue a lesser sanction based on the fact that the 30-day suspension will significantly reduce his income and may leave his employer without proper coverage.

- **EMS Case No. 2020-573-E400, David A. Klopfenstein, Certificate No. 172414**

Mr. Klopfenstein is the Chief of Anna Rescue and his Emergency Medical Technician certification is active with an expiration date of June 17, 2024. On December 29, 2020, the Division received a report of an incident from Richard Morrett, EMS Coordinator at Wilson Health. The incident in question occurred on the evening of December 23, 2020, when Anna Rescue responded to a call of a woman experiencing a cardiac arrest. During the course of treating the cardiac arrest patient, Mr. Klopfenstein observed an EMT-Basic (Shane Rickert) do the following: inserted an intraosseous infusion port into a patient, accessed the drug bag and used ALS drugs on the patient. Mr. Klopfenstein observed the EMT-Basic and was aware that he had exceeded the scope of his practice, but Mr. Klopfenstein failed to report this violation to the Division as required by the Ohio Administrative Code 4765-9-01(G). The Division of EMS issued a Notice of Opportunity for Hearing on May 13, 2021 regarding Mr. Klopfenstein's failure to report this violation to the Division. This matter went to hearing on September 9, 2021. Based on the evidence and testimony presented at the hearing, the Hearing Officer found that the State established by a preponderance of the evidence that the EMT-Basic exceeded the scope of his practice and that Mr. Klopfenstein failed to report this violation to the division as soon as practicable. However, the Hearing Officer went on to hold as follows: While I agree that this is a violation of Respondent's obligation to "report as soon as practicable any knowledge of a violation," I disagree with the State's position that the violation is worthy of a 15-day or 30-day suspension. This is not to minimize the importance of reporting violations so that appropriate investigations can be conducted quickly. However, the fact

remains that the conduct was reported to the Ohio Department of Public Safety/Division of Emergency Medical Services within 4-days by Respondent's/ Anna Rescue's EMS Coordinator, Rich Morrett, after being reported to Mr. Morrett almost immediately and the EMT-Basic was suspended by the Medical Director almost as fast. This hardly seems like "others relying on others" as the State has attempted to characterize the events that led to this report to the Ohio Department of Public Safety/Division of EMS. The Hearing Officer recommends that the Division/Board issue a written reprimand to Respondent pursuant to Section 4765-10-03(B) of the OAC for this violation.

- **EMS Case No. 2021-018-BE100, Christopher M. Pekarek, ID No. 229914**

On January 20, 2021, Mr. Pekarek submitted an EMS Initial Application for certification as an Emergency Medical Technician. On his applications Mr. Pekarek disclosed convictions from Disorderly Conduct and Endangering Children Without Violence in the Massillon Municipal Court on March 12, 2014. Upon receipt of his application, the Division conducted an investigation and discovered that Mr. Pekarek was convicted of Disorderly Conduct, an M4, on July 2, 1998 and also convicted of two counts of Passing Bad Checks, an M1, on September 5, 1998 in the Wayne County Municipal Court. Mr. Pekarek did not list the 1998 convictions on his applications. Based on his undisclosed convictions, the Division issued a Notice of Opportunity for Hearing on June 23, 2021. This matter went to a hearing on August 2, 2021. The Hearing Officer determined that it was undisputed that Mr. Pekarek failed to disclose his 1998 convictions during the criminal convictions review process or in his applications. The Hearing Officer found credible and persuasive Mr. Pekarek's testimony that he has been cooperative and forthcoming. He had nothing to gain by failing to disclose the 1998 convictions as it is reasonable to assume that he likely would not have been automatically disqualified from obtaining his EMT and Firefighter II certifications, he completed the application process to the best of his ability and knowledge; and he did not remember his convictions from over twenty years ago. Based on this determination, the Hearing Officer found the Division's refusal to issue his certification as an EMT to be improper, and recommended the following: 1) completion of a fitness for duty examination immediately upon request of the Division; 2) completion of a Bureau of Investigation Background Check at the time of his initial and/or renewal applications; 3) issuance of a letter of reprimand by the Board; 4) a period of probation to be determined by the Board; and 5) any further disciplinary action deemed appropriate by the Board.

Mr. Appelhans inquired if Mr. Eccard or his attorney were present. No one was present.

Mr. Appelhans inquired if David Klopfenstein or their attorney present. No one was present.

Mr. Appelhans inquired if Mr. Pekarek or his attorney were present. Mr. Pekarek was given permission to address the Board. Mr. Pekarek thanked the Board for the opportunity to come before them. As stated in Hearing Officer's report, I was forthcoming and cooperative with the investigation. He asked that the Board adopt the recommendations and that he be given the opportunity to practice in the state of Ohio with his EMT certificate. He stated that he is a military and combat veteran. Mr. Pekarek expressed that this has been a humbling experience and he is hopeful that the Board will grant him the opportunity to practice. He would like to continue on a volunteer capacity to help his community. He thanked the Board for allowing him to address them.

## **GOLDMANS**

These proceedings were held before the Board pursuant to Goldman v. State Medical Board of Ohio where the respondents did not properly request a hearing in the cases. The individuals named did not have the ability to present written or oral testimony; however, they may be present to hear the proceedings and outcome.

All Board members received the sworn affidavits and accompanying exhibits for the Goldman proceedings from the EMS investigators. The affidavits contained the evidence and testimony upon which was deliberated.

There were seven adjudications. The proceedings were in the matters of:

- EMS Case No. 2018-528-E300, Michael A. Ratliff, Certificate No. 135315
- EMS Case No. 2018-607-E300, Mark S. Warner, Certificate No. 110325
- EMS Case No. 2019-380-E300, Shelly A. Stone, Certificate No. 65672
- EMS Case No. 2019-498-E300, Debra A. Mitchell, Certificate No. 10833
- EMS Case No. 2021-141-E700, Qualified Medical Transportation, Service Code No. 181355
- EMS Case No. 2021-253-BE100, Daniel J. Gonsor, Certificate No. 170902
- EMS Case No. 2021-254-BE100, Peter Yachanin, Certificate No. 166239

Mr. Appelhans requested a motion to admit the sworn affidavits and the accompanying exhibits in the aforementioned cases into evidence.

**ACTION: Motion to admit the sworn affidavits and accompanying exhibits in the aforementioned cases into evidence.** Mr. Ferguson – First. Dr. Schwartz – Second. None opposed. None abstained. Motion approved.

There was no further evidence to come before the Board and the proceedings closed at 10:20 a.m.

**ACTION: Motion to recess the meeting for the purpose of entering into quasi-judicial deliberations.** Dr. Schwartz – First. Ms. Beavers– Second. None opposed. None abstained. Motion approved.

## REPORT AND RECOMMENDATIONS

**ACTION: In the matter of EMS Case Number 2020-428-BE100, Tyler J. Eccard, Certificate Number 158145, I move that the Board issue an adjudication order approving the findings of fact and conclusions of law, and the recommendation of the hearing examiner to issue discipline that includes the following: 30 day suspension followed by 3 years probation, notify the Board within 10 days of any arrest, notify any EMS employers of past convictions during the probationary period, and submit an updated BCI background check at renewal.** Mr. Resanovich – First. Mr. Ferguson– Second. None - opposed. Mr. Allenstein and Mr. Wright- abstained. **Motion approved.**

**ACTION: In the matter of EMS Case Number 2020-573-E400, David A. Klopfenstein, Certificate Number 172414, I move that the Board issue an adjudication order approving the findings of fact and conclusions of law, and the recommendation of the hearing examiner to issue a written reprimand.** Mr. Resanovich – First. Ms. Meinert – Second. None - opposed. Mr. Allenstein and Mr. Wright- abstained. **Motion approved.**

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***ACTION:*** *In the matter of EMS Case Number 2021-018-BE100, Christopher M. Pekarek, Applicant ID No. 229914, I move that the Board issue an adjudication order approving the findings of fact and conclusions of law, and the recommendation of the hearing examiner to grant Mr. Pekarek's certification with discipline that includes the following: written reprimand, three years probation, BCI background check at renewal, and a fitness for duty examination.*

Mr. Resanovich – First. Mr. Ferguson – Second. None - opposed. Mr. Allenstein and Mr. Wright- abstained. **Motion approved.**

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## GOLDMAN MOTIONS

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***ACTION:*** *In the matter of EMS Case Number 2018-528-E300, Michael A. Ratliff, Certificate Number 135315, I move that the Board issue an adjudication order finding that Mr. Ratliff failed to comply with the terms of a consent agreement and that Mr. Ratliff's EMS certification be revoked.*

Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Mr. Allenstein and Mr. Wright - abstained. **Motion approved.**

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***ACTION:*** *In the matter of EMS Case Number 2018-607-E300, Mark S. Warner, Certificate Number 110325, I move that the Board issue an adjudication order finding that Mr. Warner failed to complete continuing education requirements as indicated in count 1 and count 2 of the notice of opportunity for hearing, and that Mr. Warner's EMS certification be revoked.* Mr. Resanovich – First. Ms. Beavers – Second. None opposed. Mr. Allenstein and Mr. Wright - abstained. **Motion approved.**

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***ACTION:*** *In the matter of EMS Case Number 2019-380-E300, Shelly A. Stone, Certificate Number 65672, I move that the Board issue an adjudication order finding that Ms. Stone failed to complete continuing education requirements and that Ms. Stone's EMS certification be revoked.*

Mr. Resanovich – First. Ms. Meinert - Second. None opposed. Mr. Allenstein, Dr. Raubenolt and Mr. Wright - abstained. **Motion approved.**

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***ACTION:*** *In the matter of EMS Case Number 2019-498-E300, Debra A. Mitchell, Certificate Number 10833, I move that the Board issue an adjudication order finding that Ms. Mitchell failed to complete continuing education requirements and that Ms. Mitchell's EMS certification be revoked.* Mr. Resanovich – First. Ms. Beavers – Second. None opposed. Mr. Allenstein and Mr. Wright - abstained. **Motion approved.**

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***ACTION:*** *In the matter of EMS Case Number 2021-141-E700, Qualified Medical Transportation, Service Code 18-135-5, I move that the Board issue an adjudication order finding that Qualified Medical Transportation failed to maintain vehicle liability insurance as indicated in the notice of opportunity for hearing and that its license be reprimanded and fined \$1,000. The fine payment is due 90 days after the issuance of the order.* Mr. Resanovich – First. Mr. Ferguson – Second. None opposed. Mr. Allenstein, Mr. Weimer and Mr. Wright - abstained. **Motion approved.**

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**ACTION:** In the matter of EMS Case Number 2021-253-BE100, Daniel J. Gonsor, Certificate Number 170902, I move that the Board issue an adjudication order finding that there is clear and convincing evidence that Mr. Gonsor’s continued practice as an emergency medical technician presents a danger of immediate and serious harm to the public based on convictions of two counts of Endangering Children, five counts of Gross Sexual Imposition, and three counts of Corrupting Another with Drugs; and that Mr. Gonsor’s certificate to practice be permanently revoked. Mr. Resanovich – First. Ms. Martin – Second. None opposed. Mr. Allenstein and Mr. Wright - abstained. **Motion approved.**

**ACTION:** In the matter of EMS Case Number 2021-254-BE100, Peter Yachanin, Certificate Number 166239, I move that the Board issue an adjudication order finding that Mr. Yachanin was convicted of Assault and Unlawful Restraint, and failed to report these convictions to the Board, and that Mr. Yachanin’s certification be permanently revoked. Mr. Resanovich – First. Mr. DeVore – Second. None opposed. Mr. Allenstein and Mr. Wright - abstained. **Motion approved.**

The EMFTS Board did not go into executive session.

**EMS and Medical Transportation Investigations**

**ACTION:** Motion to close the following Education case(s). Mr. Resanovich – First. Ms. Jenkins – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2019-299-E300

**ACTION:** Motion to accept the consent agreement for the following Medical Transportation case(s). Mr. Resanovich – First. Dr. Schwartz – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2021-130-E700

2021-399-E700

**ACTION:** Motion to close the following Medical Transportation case(s). Mr. Resanovich – First. Dr. Raubenolt – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2019-194-E700

2019-196-E700

2020-329-E700

2021-054-E700

2021-251-E700

**ACTION:** Motion to issue a Notice of Opportunity for Hearing for the following Medical Transportation case(s). Mr. Resanovich – First. Mr. Ferguson – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2021-089-E700

2021-338-E700

***ACTION: Motion to accept the following Consent Agreements.*** Mr. Resanovich – First. Mr. Ferguson – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2019-546-E400	2020-552-E500
2020-101-E300	2021-243-E100
2020-133-E300	2021-319-E100
2020-475-E300	2021-357-E100

***ACTION: Motion to close the following cases. The following cases have been recommended to be closed due to lack of jurisdiction, referral to local medical director, deferral to department discipline, certifications have expired, or non-violations of ORC and/or OAC.*** Mr. Resanovich – First. Ms. Jenkins – Second. Mr. Allenstein, Mr. Ferguson (2019-506-BE500) and Mr. Wright - Abstained. None opposed. **Motion approved.**

2019-452-E500	2021-257-BE100
2019-506-BE500	2021-264-E500
2020-160-BE500	2021-266-BE100
2020-252-E400	2021-269-E100
2021-056-BE500	2021-271-E500
2021-060-BE500	2021-287-E100
2021-124-E500	
2021-155-BE500	
2021-236-E400	

***ACTION: Motion to close the following cases; individuals have met the stipulations of their Consent Agreements.*** Mr. Resanovich – First. Dr. Raubenolt – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2016-131-E300	2018-711-E300
2018-60-E500	2018-713-E300
2019-148-E300	2019-019-E500
2018-272-BE100	2019-031-E300
2018-337-E100	2020-104-BE100
2018-600-E300	

***ACTION: Motion to close the following cases. Individuals were audited at their respective certification level and opted to surrender their certificate to practice or certificate to teach. Re-open if re-applies:*** Mr. Resanovich – First. Mr. Ferguson – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2020-098-E300
2020-472-E300

***ACTION: Motion to close the following case. The following individuals/entities entered into a consent agreement with the Board. They have not met the requirements of the consent agreement. Their respective certificates to practice have expired, been surrendered, or been revoked. Re-open if re-applies:***

Mr. Resanovich – First. Ms. Martin– Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2018-679-E300
2019-140-E300
2019-239-E400

***ACTION: Motion to close the following cases. The following individuals were audited at their respective levels. Their respective certificates to practice have expired. Re-open if reapplies.***

Mr. Resanovich – First. Ms. Martin – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed.

**Motion approved.**

2018-401-E300	2019-385-E300
2018-472-E300	2019-388-E300
2018-534-E300	2019-409-E300
2018-535-E300	2019-412-E300
2018-645-E300	2019-554-E300
2019-002-E300	2020-528-BE300
2019-212-E300	

***ACTION: Motion to close the following cases due to service issues with the adjudication order or the Notice of Opportunity for Hearing. Their respective certificates to practice are revoked, indefinitely suspended, or expired. Re-open if re-applies:*** Mr. Resanovich – First. Dr. George –

Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2013-450-BE100

***ACTION: Motion to issue Notices of Opportunity for Hearing for the following cases.***

Mr. Resanovich – First. Mr. Ferguson – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed. **Motion approved.**

2018-470-E300	2020-550-E100
2019-533-E300	2020-553-BE100
2020-035-E500	2021-239-E100
2020-055-E100	2021-331-E100
2020-534-E100	

***ACTION: Motion to close the following cases due to one of the following reasons: inadvertently marked “yes” to conviction question, misdemeanor convictions which the Board has previously deemed “not involving moral turpitude,” continuing education cases which now meet the requirements, non-patient care issues, and grandfathering issues of certification/conviction.***

Mr. Resanovich – First. Ms. Kearns – Second. Mr. Allenstein and Mr. Wright – Abstained. None opposed.

**Motion approved.**

2019-030-E300	2021-287-E100
2019-139-E300	2021-297-E100 <i>warning letter</i>
2019-707-BE300	2021-302-E100
2020-387-E700	2021-312-E100
2021-044-E500	2021-317-E100
2021-228-BE100	2021-329-E100
2021-246-E100	2021-330-BE100 <i>warning letter</i>
2021-266-BE100	2021-333-E100
2021-267-E100	2021-337-E100
2021-268-BE100	2021-346-E100
2021-269-E100 <i>warning letter</i>	2021-350-E100
2021-279-BE100	2021-351-BE100
2021-283-E100	2021-359-E700
2021-285-E100	

### **Chair's Report, Kent Appelhans**

Mr. Appelhans reported that the EMFTS Board; Seat 17, the EMS Chiefs' seat was filled. Mr. Jeff Fishel was appointed October 15, 2021; however, he was unable to attend the meeting due to previous engagements.

### **State Medical Director, Dr. Carol Cunningham**

Dr. Cunningham reported that the annual all-member RPAB meeting will be held on Thursday, November 4, 2021 at 10:00 am with the RPAB Chair meeting immediately following its conclusion. Notification will be sent to RPAB members whose terms expire on December 31, 2021 along with invitations to apply for reappointment.

Senate Bill 21's second stakeholder comment period is ongoing and will close on November 15, 2021. Written responses were sent to all commenters on the first draft of the revised acute stroke guideline. The final version of the acute stroke guideline must be posted to the Division of EMS website by December 20, 2021. The medical director requirements will be reviewed with the RPAB at their November meeting including the deadline of March 20, 2022 for submission of acute stroke protocols.

The National Emergency Management Association Annual Forum was held in Cleveland October 12-15, 2021. The conference was led by NEMA President, Executive Director Sima Merick of the Ohio Emergency Management Association. The FEMA administrator, Deanne Criswell, was in attendance and spoke at the conference.

### **EMS Staff Legal Counsel, Michael Wise**

Mr. Wise reported that staff is trying to get the open meetings act changed. He and his staff take advantage of every opportunity to let the legislature know that the EMFTS Board would like to meet virtually. The survey from the Attorney General's office asked whether Boards and Commissions wanted that change and the DEMS replied with "yes". Recently the lieutenant governor's office asked for input on modes of communication. It was not specific; however, the DEMS took the opportunity to request a change in the open meetings act.

Mr. Wise introduced Shelli Brock as the new associate assistant attorney general for the EMFTS Board.

Mr. Allenstein stated that there is some legislation pushed to allow virtual meetings. Mr. Wise reported that those bills are pending.

### **Associate Assistant Attorney General, Shelli Brock**

Associate Assistant Attorney General, Shelli Brock, stated that she has been with the Attorney General's office for a couple of months. She previously worked at the Montgomery County Common Pleas Court for 6 ½ years as a staff attorney.

Associate Assistant Attorney General Brock reported that John Holycross vs. EMFTS Board, in Franklin County Common Pleas Case number 21CV-1426/1428 is still active. There were two cases consolidated into one case. Mr. Carter filed his brief on June 11, 2021. The AG's office is awaiting for Judge Brown to render a decision.

### **Legislative Report, Ben Kimmel**

Mr. Kimmel reported on the following:

- HB 23 – to require EMS and peace officers to undergo dementia training. This bill had a hearing on October 19<sup>th</sup>. The bill is still moving forward.
- HB 138 – to amend the version of section 4765.11 of the Revised Code that is scheduled to take effect October 9, 2021, regarding scope of emergency medical services provided by emergency medical service personnel. Mr. Kimmel stated that he provided testimony.
- HB 158 - prohibiting the use of certain firefighter foam received a hearing on October 19<sup>th</sup>.
- HB 435 - to address COVID-19 vaccine requirements for employees and students; to authorize emergency medical technicians to administer COVID-19 tests. There was a companion piece of legislation introduced in the same chamber and it has stalled.

Mr. Kimmel stated that he mentions electronic meetings every chance he has. Mr. Allenstein stated that he would like the committee meetings be held virtually. Mr. Kimmel stated that his office will keep track of any bills.

Executive Director Wagoner stated that House Bill 435 included language that authorizes EMTs to administer COVID-19 tests. This is not currently in the Ohio EMS scope of practice. The National EMS Scope of Practice has done an emergency addendum to the educational standards and is currently part of the education standards. The Scope of Practice Ad Hoc Committee is working to put this in place for Ohio but is not currently in the scope of practice. The committee also discussed endorsements and asked for guidance. The committee was told that it could not go beyond what the scope of practice is currently. Mr. Wise reported that an endorsement within the paramedic certification would need to redefine what a paramedic is and whether they have special skills within their certification. A rule change can be made that would include an endorsement that a paramedic has had additional training.

Executive Director Wagoner stated that he and Mr. Kimmel has had several conversations regarding the virtual meetings. The Trauma Committee has not had a meeting for four months due to not having quorum. There is a hospital needing approval from the Trauma Committee for provisional status and has not been able to get the approval due to the committee not having quorum. Executive Director Wagoner stated that if virtual meetings were available then the committee could do business. Mr. Kimmel said they will be working towards the possibility of having virtual meetings.

### **Trauma Committee, Diane Simon**

Ms. Simon reported that the Trauma Committee did not have quorum in September; therefore, therefore there was no report.

### **Executive Director and Staff Reports, Robert Wagoner**

Mr. Wagoner reported that the Division of EMS (DEMS) had plans to return to the office; however, it has been delayed due to the most recent COVID-19 surge. The DEMS is hopeful to return to the office full time by December 31, 2021.

The DEMS staffing update is as follows:

- Five of the six currently vacant positions are in process:
  - AP2 – Medical Transportation: applications sent to supervisor on 10/12/21.

- AP2 – Education: applications have been reviewed and interviews are being scheduled.
- AP1 – Certifications: position has been approved for posting.
- Program Administrator, Section Chief, Education and Testing: HR notified of James Burke’s transfer to ODRC as a Training Unit Supervisor.
- AP3 – Certifications: a request to fill was completed on 9/23/21. The position description has been reviewed and edits provided to HR for updates.

The American Recue Plan Act (ARPA) funded projects (FY22-23) for ODPS were submitted and currently under consideration.

The DEMS remains engaged with the SEOC partners as planning for the April 8, 2024 Total Solar Eclipse continues.

### EMFTS Board Points of Interest

Executive Director Wagoner reported that the House Bill 21 Stroke Bill remains ahead of schedule. The second comment period invitation letter to review and the second draft of the revised Acute Stroke Guideline were distributed through Ohio Hospital Association (OHA) by 10/15/2021 to 4808 stakeholder contacts, including Ohio hospital CEOs/top administrative officers; hospital C-suite leaders; hospital chief medical officers, and; Ohio hospital general membership and stakeholders. The second comment period ends November 15, 2021. The final draft will be presented to the EMFTS Board for consideration and approval on December 15, 2021 with publication no later than December 20, 2021 to the DEMS website. EMS medical directors will have until March 20, 2022 to submit their revised stroke protocols to the DEMS based on these guidelines.

Nominations for the 2022 Ohio Fire Service Hall of Fame Awards remain open until November 5, 2021.

Executive Director Wagoner reminded EMFTS Board members to complete the annually required ethics law training by December 31, 2021. Should they need assistance they were advised to contact Valerie Koker.

The DEMS has completed the preliminary discussions with ODPS IT, SOG, and fiscal to replace printed and mailed certifications for EMS and fire certificate holders to electronic credentials accessible on-line. A business case will be developed and presented to the ODPS governance committee. It will also enable an agency/service to download a listing of all their personnel, certifications, and expiration dates in order to better manage renewals, plan CE activities within their agency, and identify expired certificate holders.

### Deputy Director, Aaron Jennings

Deputy Director Jennings introduced Robin Burmeister. She has been with the division for several years; however, she moved into the deputy director support person and will be backing up Valerie Koker.

The Public Safety Training Campus will be down between October 25 – 28<sup>th</sup>. It will be fully operational on October 29<sup>th</sup>. The shutdown is due to upgrades to the program.

The DEMS website has had many improvements to help make it more user friendly. People can get the information they need from the Division of EMS website. It has also been made to be more mobile

friendly. Should anyone have any ideas for improvement, he advised contacting Deputy Director Jennings.

The DEMS phone system will be upgraded. The biggest change is the implementation of an auto-assistant with a menu system. When a person calls, they can get directly to the person or section that you want to which they wish to communicate.

The next upgrade would be an auto dialer to call people to remind them that they are expiring. It will be a pre-recorded message and/or send a text message. In the future it would allow the DEMS to send out an emergency message if the need should ever arise.

### **Grants, Johanna Burgess**

Ms. Burgess reported that so far only one supplemental grant has been reimbursed for a total of \$30,000. Priority One – Training and Equipment has reimbursed 337 agencies for a total amount reimbursed at \$218,410.31.

The EMS grant staff is working on updating the grants webpage.

The EMS grants staff is preparing for the upcoming grant cycle. With the waveform capnography requirement in effect, the staff would like the EMFTS Board members think about whether they might want to change the priority.

### **EMS Exemption Requests, Ellen Owens**

Ms. Owens reported that there were not any EMS exemption requests; however, there are two voluntary surrender requests. Ms. Owens reported that there are two individuals; one who is a paramedic with certification number 11442 and one who is an EMT with certification number 60677. Staff has received all documentation and recommend approval.

***ACTION: Motion that the Board approve the voluntary surrenders of certification number 11442 (paramedic) and certification number 60677 (EMT).***

Mr. Allenstein – First. Ms. Beavers – Second. None opposed. None abstained. **Motion approved.**

Mr. Allenstein inquired about the automated phone calls to remind certificate holders that they are due to renew. If DEMS goes to an automated system, he inquired if there will be an issue. Ms. Owens reported that by law the DEMS is required to notify them at least 60 days prior to their expiration. Each individual gets two USPS mail notifications at 90 days and 30 days. The DEMS also starts email notifications on every Friday each week beginning 90 days in advance of certificate expiration.

### **Education, Kris Miller**

Ms. Miller reported that the education section continues with virtual site visits along with a few in-person site visits. The DEMS staff is also combining EMS and fire. The in-person site visits are typically for new program directors or for troubled sites. One of the biggest problems in the field is students going into quarantine and if the school can go to a Zoom class format would the DEMS consider counting those hours. Last year the DEMS recommended each school to have a disruption plan should in the event that this situation or need arises again. Audits returned in August and have gone 90% digital with audits. The only paper audits go to investigations if need be.

Ms. Miller stated that the EMFTS Board received the State of Ohio EMR/EMT Psychomotor Exam Manual and all of the skill sheets in their Board packets. Ms. Miller requested a motion to approve the manual and skill sheets.

***ACTION: Motion to approve the State of Ohio EMR and EMT Psychomotor Exam Manual and all of the skill sheets.*** Ms. Kearns – First. Mr. Ferguson – Second. None opposed. None abstained. **Motion approved.**

Ms. Miller stated that she has been receiving phone calls from accreditation programs regarding the COVID-19 vaccine requirement that the clinical sites are now requiring for students. It is impacting mostly the EMT students; especially the high school students. Last year during the COVID-19 pandemic when the clinical sites closed down for students, the DEMS worked with the Board and Mr. Wagoner to have assimilation for assessments. The DEMS is looking for an alternative for the EMT programs who have the COVID-19 vaccine requirement.

**Medical Transportation, Dave Fiffick**

Mr. Fiffick presented the list of medical transportation renewal applications with expiration dates of August, September and October 2021. Staff is requesting a motion and approval pending a satisfactory inspection.

***ACTION: Motion to approve the medical transportation renewal applications with expiration dates of August, September and October 2021; pending a satisfactory inspection.*** Mr. Dutton – First. Ms. Kearns – Second. None opposed. None abstained. **Motion approved.**

Mr. Fiffick presented the list of new or pending medical transportation applications for ambulettes. Staff is requesting a motion and approval pending a satisfactory inspection.

***ACTION: Motion to approve the new or pending medical transportation applications for new ambulette services; pending a satisfactory inspection.*** Mr. Dutton– First. Mr. Ferguson - Second. None opposed. None abstained. **Motion approved.**

**BOARD COMMITTEE REPORTS**

**Education Committee, George Snyder**

Mr. Snyder was not in attendance, therefore, Ms. Kearns stated that the committee did not meet due to a lack of quorum on October 19, 2021.

**EMS-Children Committee, Dr. Schwartz**

Dr. Schwartz stated that the committee did not meet on October 19, 2021 due to no quorum.

### **EMSC Performance Measures**

The Ohio PECC Learning Collaborative State Team has sent 52 pediatric training bundles to agencies that applied. A third period for applications has just opened and will run through mid-November. There are 160 agencies that have registered a PECC on the secure website hosted by the EMS for Children Innovation and Improvement Center (EIIC) with an additional 25 since the new application period opened last Friday.

The National Pediatric Readiness Project ended its survey of hospitals about their pediatric readiness in the emergency department on August 31. All Ohio hospitals with an emergency department open 24/7 were the targets of the survey. The National EMS for Children Data Analysis and Resource Center (NEDARC) will be providing survey results in the near future. Ohio finished the survey with a 61.4% response rate; the national rate was 70.9%.

The Ohio EMS for Children Program will survey Ohio EMS agencies beginning in January 2022 for its required annual data collection for the EMSC Performance Measures. NEDARC will host the survey online and will assist with maintaining the database of EMS agencies and with contact efforts.

Ohio EMS for Children and the ASPR Eastern Great Lakes Pediatric Consortium for Disaster Response will hold the third and final webinar in the pediatric behavioral health series on Wednesday, November 10, at 12pm. Drs. Carolyn Ievers-Landis, PhD and Kimberly Burkhart, PhD will present "Preparing for the Child with Special Health Care Needs." Nationwide Children's Hospital is providing continuing education credit for attending the live webinars and is also making them available for CE after the initial airing.

### **Other Activities**

Joe Stack and Dr. Schwartz are working with the Ohio Department of Health to update the Emergency Guidelines for Schools document, with a final draft document expected to be available for review in the near future.

Joe Stack, Dr. Carol Cunningham, and Dr. Schwartz are planning a webinar to highlight the State of Ohio EMS Pediatric Guidelines and Procedures Manual, with the first conference call held on August 30<sup>th</sup>. Future meetings are currently being scheduled.

Joe Stack attended the 2021 EMSC All Grantee Meeting on August 31<sup>st</sup>, September 1<sup>st</sup> and 2<sup>nd</sup>. The 2021 meeting was held electronically, with several breakout presentations targeting State Partnership Grant managers, Family Representatives, and Researchers.

Joe Stack attended the Ohio Child Fatality Review (CFR) virtual annual meeting on Tuesday, October 12<sup>th</sup>. The Ohio CFR works with local entities to review child fatalities throughout the state and to assemble a report for the public on their efforts and trends in child fatality data.

Tami Wires has resigned from the EMS for Children Committee, effective immediately.

### **EMS System Development, Kent Appelhans**

Mr. Appelhans stated that there was not a meeting on October 19, 2021 due to the lack of quorum.

### **Homeland Security Subcommittee, Mark Resanovich**

Mr. Resanovich reported that the subcommittee did not have a meeting.

**EMS Rural Subcommittee, Karen Beavers**

Ms. Beavers stated that the subcommittee met on October 19, 2021 and there was a quorum with Chair Eric Burns leading the meeting.

The focus of the meeting was recruitment, retention, training and funding. Many departments do not have the funds to pay employees what other industries are paying. An increase in Medicaid funding is under discussion at the federal level but it is currently unknown if Ohio will embrace it. Medicaid funding will only affect 911 calls. We need to reach out to non-911 programs for financial assistance.

One major issue is that EMS is not considered “essential” in Ohio although fire is. Currently, only 12 states have legislation that deems EMS essential. Ms. Beavers advised that there needs to be a push for Ohio to work towards making EMS an essential service. One suggestion was for medical directors to attend county meetings armed with data.

The committee is planning an anonymous survey for EMS departments and will discuss content at the December committee meeting. Focus will be on employee retention and loss, morale, training, and other issues. The majority of questions will be a “Yes” or “No” responses with a section for comments.

The committee received a resignation from Tamera Wires as she has a new job that will not allow her to attend meetings at this time. The committee accepted her resignation.

**Medical Oversight Committee, Geoff Dutton**

Mr. Dutton reported that the Medical Oversight Committee did not meet on October 19, 2021.

Mr. Dutton stated that Tamera Wires has resigned from the Medical Oversight Committee.

Mr. Dutton requested that Cody Shetler be appointed to the Medical Oversight Committee.

***ACTION: Motion for the Board to approve the appointment of Cody Shetler to the Medical Oversight Committee.*** Mr. Dutton – First. Mr. Resanovich – Second. None opposed. None abstained. **Motion approved.**

**Medical Transportation Committee, Tom Allenstein**

Mr. Allenstein reported that the committee met on October 19, 2021 and the committee had a quorum.

Mr. Wise reported that there would be two motions regarding the Medical Transportation Rules.

***ACTION: Motion to approve the filing of Chapter 4766-3 (Ambulettes) and Chapter 4766-4 (Mobile Intensive Care Units) in the Ohio Administrative Code with the Common Sense Initiative (CSI) office.*** Mr. Ferguson – First. Mr. Dutton – Second. None opposed. None abstained. **Motion approved.**

***ACTION: Motion to approve the filing Ohio Administrative Code chapters 4766-1 (Public Notices and Hearings), 4766-2 (Ambulances), 4766-3 (Ambulettes), and 4766-4 (Mobile Intensive Care Units) with the Joint Committee on Agency Rule Review (JCARR), pending receipt of recommendations from the Common Sense Initiative (CSI) Office.*** Mr. Ferguson – First. Ms. Beavers – Second. None opposed. None abstained. **Motion approved.**

**Critical Care Subcommittee, Kent Appelhans**

Mr. Appelhans reported that the committee met on October 19, 2021 and there was a quorum.

Mr. Appelhans stated that the committee has a good make-up of geographically located members except from southwest Ohio; however, there are not a lot of critical care services in those areas.

The subcommittee discussed the mobile intensive care rules. There was discussions regarding staffing.

The subcommittee also discussed air ambulance shopping and possible solutions. Mr. Allenstein stated that the EMFTS Board does not have authority over the hospitals; however, the subcommittee would like to present a position paper with best practices to the hospitals. Once the committee has reviewed the position paper it will be brought before the Board.

**Scope of Practice Ad-Hoc Committee, Kevin Uhl**

Mr. Uhl was not in attendance; therefore there was not a report.

**Human Resources Ad-Hoc Committee, Mark Resanovich**

Mr. Resanovich reported that the committee did not meet due to quorum issues.

**Old Business**

Executive Director Wagoner stated that due to the Board seats remaining empty by the time of the February retreat it creates an interesting dynamic. A significant number of seats being empty does not allow the new persons being appointed to participate. There has been a challenge for the nominating organizations to submit three nominations that the law requires. Therefore, a suggestion was made to move the retreat from February to April. A discussion ensued regarding the move from February to April. It was decided that Executive Director Wagoner and Ms. Koker will move forward in scheduling the retreat to April dependent on the availability of a venue.

**New Business**

**Ambulette Rules and Patient Care Issues**

Executive Director stated that there was a report of an ambulette company that had left a patient in the cold and the patient had a loss of toes due to frostbite. There really are not any rules within the ambulette rules that deal with patient care issues. He inquired if patient care issues should be added to the rules. Mr. Wise stated that each driver does has training in order to drive an ambulette which includes passenger assistance, and wheel chair management and must undergo criminal background checks and drug testing. The rules will be amended to include patient care issues.

**Nominations**

***ACTION: Motion to nominate Kent Appelhans as the Chair to the EMFTS Board for 2022.***

Mr. Resanovich – First. Mr. DeVore – Second. None opposed. None abstained. **Motion approved.**

**ACTION: Motion to nominate Mark Marchetta as the Vice Chair to the EMFTS Board for 2022.**  
Mr. Resanovich – First. Mr. DeVore – Second. None opposed. None abstained. **Motion approved.**

Nominations will be open at the next EMFTS Board meeting on December 15, 2021. At that time the Board will vote for a chair and vice chair for 2022.

**Adjournment**

The meeting adjourned at 1:50 PM. Mr. Allenstein – First. Mr. Wright – Second. None opposed. None abstained. Motion approved.

**NEXT MEETING:** The next EMFTS Board meeting will be held Wednesday, December 15, 2021, at 10:00 AM at the Ohio Department of Public Safety, 1970 W. Broad Street, Columbus, Ohio.