

## **EMERGENCY MEDICAL SERVICES COMMISSION MEETING MINUTES**

**DATE:** **Friday, September 17, 2009**

**1:00 P.M.**

**LOCATION:** Elkhart General Hospital- Auditorium  
600 E. Blvd  
Elkhart, IN 574-523-3242

**MEMBERS PRESENT:** Gary Miller (Private Ambulance)  
Charles Valentine (Municipal Fire)  
Myron Mackey (EMTs)  
Terri Hamilton (Volunteer EMS)  
G. Lee Turpen II (Paramedic)  
Michael Olinger (Trauma Physicians)  
William Rutherford (Emergency Physicians)  
Bradley Thatcher (State EMS Director)  
Sue Dunham (Emergency Nurses)

**MEMBERS ABSENT:** Ed Gordon (Volunteer Fire EMS)  
Jane Craigin (Hospital EMS)

**OTHERS PRESENT:** Mike Garvey (Chief of Staff)

**CALL TO ORDER:** Meeting was called to order by Chairman Miller and he also thanked Tony Hartman and Greg LaSasso for the use of their facility.

**ADOPTION OF MINUTES:** Terri Hamilton offered a motion to accept the minutes and was seconded by Myron Mackey. The minutes were approved as written. Mr. Miller stated that the staff report on personnel certifications from the July 17, 2009 meeting did not have the correct numbers even though the numbers were reported to the Commission. Mr. Miller stated that the numbers from the July 2009 through July 2011 numbers were correct. Mr. Miller stated that the count was verified by John Buckman.

### **State EMS Director Report**

Brad Thatcher, State EMS Director, reported on pending legislation to the Commission's attention, Senate Resolution 73 resulted in an interim study

committee to study the issue study the relationship among Medical Directors, Provider Organizations and Certified personnel issues with the intent to define clearly the role and responsibilities of the Medical Director, EMS Provider organizations, and EMS personnel. The Health Finance Committee is set for a meeting on September 29, 2009 to begin this process.

Brad Thatcher and the Commission presented Lorri Johnston with the 20 year Honorary Lifetime Paramedic Certification for her dedication to Emergency Medical Service.

**Dr. Olinger offered a motion to approve the Honorary Lifetime Certificate. Terri Hamilton seconded the motion. The motion passed.**

Gary Miller addressed the Commission in regards to malpractice caps in Indiana on lawsuits, stating that ambulance services were never included, in the past Mr. Miller tried to get the ambulance service included but there were road bumps that they couldn't get around. Mr. Miller introduced Roxanne Gard and Dean Rothschild to give an update on malpractice statutes facts, starting back in 1974 when Otis Bowen was a licensed physician, and the Governor in Indiana. He challenged the Legislature to create a medical malpractice law and to put caps on certain disciplines of Medical practice. Mr. Rothschild stated that the law is very similar in the times today as they were 30+ years ago but what has occurred is that who qualify under that law has been expanded. He stated that Mr. Miller was very instrumental in getting the qualifications expanded so that ambulance services would be covered under that law. Mr. Rothschild stated that medical malpractice statute in Indiana states that the maximum of (\$1, 000, 000, 00) is all that may be awarded any plaintiff, and for those who do not qualify or have not been registered then it is up to a judge to determine the amount of liability. Mr. Rothschild stated that, when the law was established, it included the patient compensation fund and also established the medical review board. Roxanne Gard stated that there are (3) three steps, (1) being in the law, (2) fund had to recognize the law and accept EMS as part that could pay into the patient compensation fund and be capped out, and (3) to have a team to that was made up of and agent who has a broker who also has a company that will except and put into the fund. Ms. Card stated that EMT'S, paramedics, officer's, nurses and LPN's all are covered under the cap, if you have an NP, a nurse practitioner, they have to have their own policy due to they can write out prescriptions along with other stuff. Ms. Card also stated that you pay a surcharge in order to qualify; your premium will go down and then you pay a (110%) to the compensation fund and then you will be capped for all remaining claims go through the Medical Review Board.

**No action needed by the Commission. No action taken.**

### **Personnel Certification Report**

Rick Archer, Certifications Chief, stated to the Commission that the Certification report will be in a new format that comes into two rows, one being to total active

certifications. Mr. Archer stated that there are 31,889 monitored on an annual basis.

Basic EMT-	17,717
Advanced EMT-	1627
EVOC Drivers	2, 559
EVOC Instructors	19
First Responders	6,150
Paramedics	3, 336
Primary Instructors	451
Intermediate EMT	188

Total number of Certifications issued from July 1, 2009 through September 1, 2009

Advanced EMT	60
Basic EMT	8682
EVOC Drivers	61
First Responders	223
Intermediate	5
Paramedic	76
Primary Instructors	12
Total	9,119

Comparison to the same time last year July 1, 2009 through September 1, 2009

Advanced EMT	17
Basic EMT	321
EVOC Drivers	15
First Responders	166
Intermediate	2
Paramedic	4
Primary Instructors	2
Total	527

**STAFF REPORTS:**

EMS QUARTLY PERSONNEL CERTIFICATION

January 09- April 09	1,329
May 09- August 09	1,093

Mr. Archer stated that, with the October 1<sup>st</sup> deadline near, there are 2, 589 EMS personnel who have not been recertified at this time.

Mr. Miller stated there are many who have not recertified, and don't have their continuing education turned in. If they don't have the renewal certification in hand at the time of their certification expires, then that person is not certified. Mr. Miller also stated to send in recertification hours early.

**EMS Personnel Waiver Request**

Dan Slickers requested to have his First Responder certification reinstated due to submitting in service late, all training was completed prior to expiration. Expired 07/01/09.

**Myron Mackey offered a motion to approve the request. The motion was seconded by Terri Hamilton. The motion passed.**

Christina Ridge requested to have her Paramedic Certification reinstated due to work related injury, all training was completed prior to expiration. Expired 07/01/09.

**Myron Mackey offered a motion to approve the request. The motion was seconded by Dr. Rutherford. The motion passed.**

Mark York requested to have his First Responder certification reinstated due to layoffs at Caterpillar where he serves on the Emergency Response Team; all training completed prior to expiration. Expired 07/01/09.

**Terri Hamilton offered a motion to approve the request. The motion was seconded by Lee Turpen. The motion passed.**

Gina Hill requested to have her Advanced EMT reinstated due to confusion of her expiration date; all training completed prior to expiration. Expired 07/01/09.

**Myron Mackey offered a motion to approve the request. The motion was seconded by Chuck Valentine. The motion passed.**

David Fauber requested to have his Basic EMT reinstated due to submitting in service late; all training was completed prior to expiration. Expired 07/01/09.

**Terri Hamilton offered a motion to approve the request. The motion was seconded by Chuck Valentine. The motion passed.**

Randy Lawson requested an extension as the one year time frame from completion of training to test completion. Mr. Lawson attempted but failed to get on the July Commission Agenda. Mr. Lawson has had difficulty scheduling re-test after failing skills a 3<sup>rd</sup> time.

**Myron Mackey offered a motion to approve the 6 month extension request. The motion was seconded by Dr. Olinger. The motion passed.**

Mike Kochert requested to have his First Responder Certification to be reinstated due to submitting in service late. Expired 04/01/09 and all training was completed prior to expiration.

**Dr. Olinger offered a motion to approve request. The motion was seconded by Terri Hamilton. The motion passed.**

Chris Anderson requested to have his First Responder Certification to be reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Lee Turpen offered a motion to approve the request. The motion was seconded by Dr. Olinger. The motion passed.**

Jonathan Adams requested to have his First Responder Certification reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Dr. Olinger offered a motion to approve the request. The motion was seconded by Myron Mackey. The motion passed.**

Ronald Collins requested to have his Basic EMT reinstated due to extended period out of state travel due to family illness. Expired 07/01/09.

**Terri Hamilton offered a motion to table for more information. The motion was seconded by Dr. Olinger. The motion passed.**

Jeff Ogdon requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Myron Mackey offered a motion to approve the request. The motion was seconded by Dr. Rutherford. The motion passed.**

William Callis requested to have his Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Chuck Valentine offered a motion to approve the request. The motion was seconded by Terri Hamilton. The motion passed.**

Debra Slinkard-Pomery requested to have her Paramedic reinstated due to extenuating circumstances. Expired 04/01/09 and training was not completed prior to expiration.

**Myron Mackey offered a motion to approve the request. The motion was seconded by Terri Hamilton. The motion passed.**

Gerald Clark requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Myron Mackey offered a motion to approve request. The motion was seconded by Lee Turpen. The motion passed.**

Robert Walker requested to have his Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Chuck Valentine offered a motion to approve the request. The motion was seconded by Myron Mackey. The motion passed.**

Kyle Anderson requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Dr. Olinger offered a motion to approve the request. The motion was seconded by Lee Turpen. The motion passed.**

Anthony Davidson requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Terri Hamilton offered a motion to approve the request. The motion was seconded by Dr. Olinger. The motion passed.**

Anthony McCelos requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Dr. Rutherford offered a motion to approve the request. The motion was seconded by Chuck Valentine. The motion passed.**

Preston T. Franklin requested to have his Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and training was not completed prior to expiration.

**Terri Hamilton offered a motion to deny the request. The motion was seconded by Myron Mackey. The motion passed. The request was denied. After further discussion Dr. Olinger offered a motion to have staff investigate and return with possible sanctions. The motion was seconded by Lee Turpen. The motion passed.**

**Brad Thatcher offered a motion to the Commission to direct staff to send out letters to all of these individuals who submitted their in-service late, explaining to them that their certifications would not be retroactive and that they would be active from the date as the Commission's recommendation and approval and that the law be explained to them in the form letter that they are placing themselves in a precarious situation and that this is not an acceptable practice. The motion was seconded by Lee Turpen. The motion passed**

**Dr. Olinger asked that in the future on cases where hours were completed prior to expiration, but have been turned in late to staff recommending simply batch them together so they can be addressed in a single motion.**

Charles Gillespie requested to have his Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Dr. Olinger offered a motion to approve the request. The motion was seconded by Terri Hamilton. The motion passed.**

Deborah Minkosky requested to have her Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Brad Thatcher offered a motion to approve the request. The motion was seconded by Dr. Olinger. The motion passed.**

Jason Roche requested to have his First Responder reinstated due to submitting in service late. Expired 10/01/08 and more than 6 months have expired since certification renewal date.

**Lee Turpen offered a motion to deny the request. The motion was seconded by Chuck Valentine. The motion passed. The request was denied.**

Kenneth Schwartz requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Chuck Valentine offered a motion to approve the request. The motion was seconded by Myron Mackey. The motion passed.**

Diana Bartlow requested to have her First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Myron Mackey offered a motion to approve the request. The motion was seconded by Chuck Valentine. The motion passed.**

Paul Bartlow requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Myron Mackey offered a motion to approve the request. The motion was seconded by Brad Thatcher. The motion passed.**

Scott Campbell requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Brad Thatcher offered a motion to approve the request. The motion was seconded by Myron Mackey. The motion passed.**

Chris Woertz requested to have his Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Lee Turpen offered a motion to approve the request. The motion was seconded by Chuck Valentine. The motion passed.**

Dale George requested to have his First Responder reinstated due to submitting in service late. Expired 07/01/09 all training was completed prior to expiration. Mr. George submitted an incomplete application.

**The Commission granted a provisional based on staff not finding a basis to sanction. Terri Hamilton offered a motion to approve the provisional request. The motion was seconded by Dr. Olinger. The motion passed.**

Angela Myers requested to have her First Responder reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Terri Hamilton offered a motion to approve the request. The motion was seconded by Brad Thatcher. The motion passed.**

Donna Fleetwood requested an extension of her Advanced EMT expiration date, due to extenuating circumstances.

**Myron Mackey offered a motion to approve a 6 month extension to complete in service hours. The motion was seconded by Dr. Rutherford. The motion passed.**

Toby Ortman requested to have his Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Brad Thatcher offered a motion to approve the request. The motion was seconded by Terri Hamilton. The motion passed.**

Amy Tolbert requested to have her Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Chuck Valentine offered a motion to approve the request. The motion was seconded by Terri Hamilton. The motion passed.**

Rachael Villanueva requested to have her Basic EMT reinstated due to submitting in service late. Expired 04/01/09 and all training was completed prior to expiration.

**Myron Mackey offered a motion to approve the request. The motion was seconded by Chuck Valentine. The motion passed. Terri Hamilton abstained.**

Kenneth Oravksy requested to have his Basic EMT reinstated due to submitting in service late. Expired 07/01/09 and all training was completed prior to expiration.

**Dr. Olinger offered a motion to approve the request. The motion was seconded by Chuck Valentine. The motion passed.**

**Mara Snyder stated that the rules say that the certification is valid for (2) two years. What it doesn't say is what the (2) two years is, so the common or ordinary statutory interpretation applies to rules which is midnight on the date that appears on the certification.**

**Myron Mackey stated that if a person's certification expired at midnight and they haven't renewed their certification and are working, then the provider is potentially liable, so when saying personnel certification expired; the provider is out to hang also if allowing an expired certification to continue working out in the field.**

### **Probationary Orders**

It was reported that the agency has issued the following Probationary Certifications

Order No. 26-2009 Ian Mckegg  
 Order No. 27-2009 Shawn Ludwick  
 Order No 28-2009 Lisa Masterman  
 Order No 29-2009 Kevin Bertram  
 Order No 30-2009 David Messerschmidt  
 Order No 31-2009 Eric Hiatt  
 Order No 32-2009 Travis Theising  
 Order No 33-2009 W. Catherine Colmorgan-Starr  
 Order No 34-2009 Klark Steury  
 Order No 35-2009 Daryn Hendershot  
 Order No 36-2009 Issac Williams  
 Order No 37-2009 Justin Vonderheide  
 Order No 38-2009 Anthony England  
 Order No 39-2009 Derek Thomas  
 Order No 41-2009 John Cavanaugh  
 Order No 42-2009 David Butts

**No action was needed by the Commission. No action was taken.**

### EMS PROVIDER CERTIFICATION REPORT

Rescue Squad Organization	7
Basic Life Support Non-Transport	499
Ambulance Service Provider	118
EMT Basic- Advanced Organization	38
EMT Basic- Advanced Organization Non-Transport	13



**Mr. Miller stated that a motion that Keener Township's second unit can respond with a Paramedic and a First Responder qualified driver of that vehicle was needed.**

**Lee Turpen offered a motion to approve the waiver as stated by Mr. Miller. The motion was seconded by Chuck Valentine. The motion passed. Mr. Miller abstained.**

Julia Fox presented the following request:

ALCOA- 836 IAC 2-2-1 (g) (1) requirement to staff paramedics on a (24) twenty- four hour basis

Mrs. Fox stated that they are asking for the waiver to not have (24) twenty- four hour coverage.

Mr. Miller stated that this is a renewal waiver dating back to 2003.

Dr. Olinger asked if this was for an industry service only. Julia answered that's correct.

**Lee Turpen offered a motion to approve the waiver. The motion was seconded by Chuck Valentine. The motion passed.**

Julia Fox presented the following request:

Memorial Hospital- 836 IAC 2-7.2-3 EMT Intermediate scope of practice

Mrs. Fox stated that they are asking that their Intermediate scope of practice be expanded to include Zofran, Benedryl.

**Myron Mackey offered a motion to approve on past practice. The motion was seconded by Dr. Olinger. The motion passed.**

### **Confidential Complaints**

No report at this time.

### **EMS Education Report**

Julia Fox stated that there have been 5, 257 people utilize the online Autism Training. Mrs. Fox stated that the training is live in the class room, and that the Train the Trainers is utilizing the resources from the Indiana Resource Center for Autism. She stated that there was excellent attendance for this class at the EMS Conference as well. Julia also stated that there are currently (11) eleven states that are not utilizing the National Registry EMT exam at the basic level. Julia stated that Director Thatcher will be attending the National Association of State Officials Annual Conference in Salt Lake City, Utah to get some further insight on education

for the future in regards to the levels of EMS Certifications. Mrs. Fox suggested that this be the first topic for the new Technical Advisory Committee.

Julia Fox stated that, on the Training Institution side, the application is being stream-lined so that for (1) one time per 2 year certification cycle the person who is approving the application for the Training Institutions when they submit the application will show what level of courses they will provide First Responder through PI, Paramedic to give a template of what the syllabus looks like, so that the next time they want to have a class then the Institution would notify State EMS Training of what class, date, time, and the PI who will be associated with that class and their curriculum, syllabus would be (1) one time blessed so if the syllabus were to change with in that (2) two year time then the Training Institution would notify EMS Training.

Julia Fox acknowledged Tim Hellyer, IVY Tech, South Bend, Indiana and his paramedic students who attended the EMS Commission Meeting.

Julia also stated that projected currently in ballpark figures that the Weapons of Mass Destruction Program will get around (\$40,000) forty thousand dollars of EMPG funds to extend through 2011, and another (\$250,000) two hundred fifty thousand dollars awarded in 2012.

Julia reported that there have been (3) three Strike Team Leader Courses since the last EMS Commission Meeting. Districts 8+9 had (28) twenty eight attendees, and Districts 3+ 6 had (14) fourteen attendees. The next class in Districts 7+ 10 is scheduled for September 19<sup>th</sup>, 20<sup>th</sup> at the Correctional Facility in Carlisle, IN., Districts 4 and 5 class is scheduled for September 22<sup>nd</sup>, 23<sup>rd</sup> at the Zionsville Town Hall.

Julia reported SMART Training has been completed across the state and, there have been another (15) fifteen instructors in the Train the Trainer Program. Julia also stated that for those providers and Training Institutions that still need the SMART bags, they can contact their District Managers for those resources.

**Technical Advisory Committee** Julia Fox stated that there are (60) sixty applications with representation from all (10) ten districts. Mrs. Fox stated that she would get the applications sent out to the Commissioner's inbox for their review.

Julia introduced Mark, TSC Associates partner of Colin Smart in attendance to answer any questions that anyone may have in regards to the SMART Triage Tags. Mark stated that the SMART is an effective system that will work and save lives. No questions were asked of Mark in regards to the SMART Tags.

#### EMS DATA REGISTRY

Mark Nelson submitted a report on the NHTSA 408 NEMSIS Grant update:

October 1, 2009 is the target date for FH.NET going live in Indiana. The registry has received (\$145,000) one hundred forty five thousand dollars from the FY-2010 NHTSA 405 NEMSIS Grant. This money will be dedicated to upgrade and modify the IDHS FH.NET online program with new statistical reports and include a Training Module for providers. The project begins October 1, 2009 and ends September 30, 2010.

**No action was needed by the Commission. None was taken.**

#### ADMINISTRATIVE CASES

Eric Hiatt- 31-2009

Gary Miller stated that the appeal was filed in a timely manner and that this is for review and needs a motion to grant the appeal.

**Chuck Valentine offered a motion to grant the appeal. The motion was seconded by Dr. Olinger. The motion passed.**

#### New Business

Mara Snyder asked the Commission to adopt LSA Doc. #08-879, new NEMSIS data sets, stating that in order to be done legally the document needed to be brought back to the Commission for final approval. Mara Snyder asked Chuck Valentine to read: Move to adopt LSA Doc. #08-879 as published in the Indiana Register on March 4, 2009, as DIN 20090304-IR-836080879PRA.

**Chuck Valentine offered a motion to approve LSA Doc. #08-879. The motion was seconded by Dr. Olinger. The motion passed.**

#### OLD BUSINESS

Mike Garvey presented the Senator Tallian resolution to urge the Legislative Council to assign an interim committee to study and define the relationships among the medical director, the provider organization, and the certified EMS personnel, Mr. Garvey stated that there will be a study committee and that though this may not directly affect the EMS current rules and regulations, Mr. Garvey stated that it's just a good reminder that topics are coming up in the Legislature, and that in November we will know what Legislative actions will take place.

**No action was needed by the Commission. None was taken.**

#### Trauma Protocol

Jason Smith introduced American College of Surgeons Committee on Trauma, Louis Jacobson, Trauma Surgeon, Wishard Hospital along with others on the team to answer any questions that anyone may have in regards to the Trauma Protocol.

**Myron Mackey offered a motion to direct staff to develop rule language that requires transport ambulance provider medical directors to issue protocols for**

**the transportation of trauma patients consistent with the American College of Surgeons Committee on Trauma. The draft protocol developed by the Trauma Protocol Workgroup is to be offered as a guideline or example to develop the ambulance provider protocols. The motion was seconded by Dr. Rutherford. The motion passed.**

Discussion:

- Concern of staff taking on this responsibility
- Seating a Technical Advisory Committee
- Dividing the State into 3 parts
- All Hospitals should have input not just trauma hospitals

Louis Jacobson offered his assistance to any group that is assigned to this project.

**Myron Mackey offered an amended motion to direct the “Technical Advisory Committee” to develop rule language and not staff. The motion was seconded by Dr. Rutherford. The motion passed.**

**Dr. Olinger offered a motion that the Trauma Protocol Document be sent to all Medical Directors for consideration on guidelines. The motion was seconded by Lee Turpen. The motion passed.**

#### **COMMISSION CHAIRMAN’S REPORT and DIRECTION:**

Mr. Miller had no report for this meeting.

**2009 EMS COMMISSION MEETING DATES  
Friday November 13, 2009- Scottsburg, IN  
ADJOURNMENT:**

There being no further business, the meeting was adjourned at 3:35 p.m.

Approved \_\_\_\_\_  
Gary Miller, Chairman