

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, State of Ohio, met in regular session at 6 p.m., on the 12<sup>th</sup> day of June, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Greg Insco, Raj Rajagopal, Dan Unger

Mr. Insco introduced the following resolution and moved its adoption:

RESOLUTION NO.: 25 -18

**RESOLUTION AUTHORIZING ADMINISTRATOR TO EXECUTE AGREEMENT  
FOR PHYSICIAN MEDICAL DIRECTOR FOR COLERAIN TOWNSHIP  
DEPARTMENT OF FIRE AND EMS**

**WHEREAS**, the Board of Trustees ("Board") has determined there exists a need for a Physician Medical Director for Colerain Township Department of Fire and EMS; and

**WHEREAS**, the Board has determined it necessary to retain the EMS Medical Director as an independent contractor in order to assist the Township in providing oversight and improving the quality of services provided by the Colerain Township Department of Fire and EMS; and

**WHEREAS**, the Board is desirous of executing the Independent Contractor Agreement with Donald A. Locasto, M.D. to perform such services;

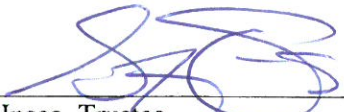
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

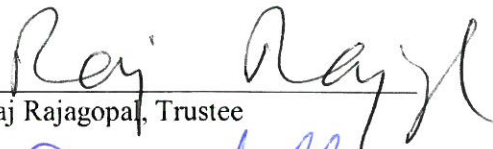
1. The Board hereby authorizes the Administrator to execute the Independent Contractor Agreement with Donald A. Locasto, which is attached hereto as Exhibit A.
2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.
3. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.
4. That this Resolution shall be effective at the earliest date allowed by law.

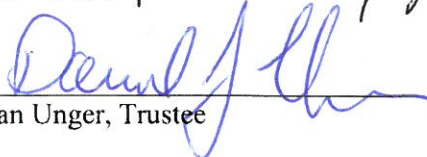
Mr. Rajagopal seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Greg Insko aye, Raj Rajagopal aye, Dan Unger aye  
ADOPTED this 12<sup>th</sup> day of June, 2018.


BOARD OF TRUSTEES

  
Greg Insko, Trustee

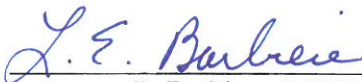
  
Raj Rajagopal, Trustee

  
Dan Unger, Trustee

ATTEST:

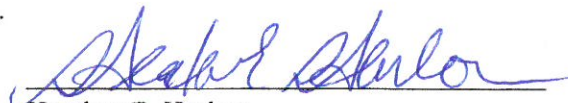
  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

  
Lawrence E. Barbieri (0027106)  
Colerain Township Law Director

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Township  
Fiscal Officer this 12<sup>th</sup> day of June, 2018.

  
Heather E. Harlow,  
Colerain Township Fiscal Officer

INDEPENDENT CONTRACTOR  
AGREEMENT FOR PHYSICIAN MEDICAL DIRECTOR  
FOR COLERAINTOWNSHIP DEPARTMENT OF FIRE AND EMS

This agreement, made and entered into on the dates indicated below, by and between Colerain Township, Hamilton County, Ohio hereinafter referred to as "Colerain Township" and Dr. Donald A. Locasto, M.D., doing business as EMS Medical Direction and Consulting LLC referred to as "Contractor" or "EMS Medical Director."

WHEREAS, Colerain Township has determined that it is necessary and advisable to retain the services of a physician as a medical director to assist the Township to meet its obligations under the Ohio Revised Code for implementation of peer review, quality assurance programs, and other requirements designed to improve the quality of services provided by the Colerain Township Department of Fire and Emergency Medical Services (EMS); and,

WHEREAS, Colerain Township proposes to retain the EMS Medical Director as an independent contractor to provide oversight and counsel in delivery of the medical services provided by The Colerain Township Department of Fire and EMS in basic life support and advanced life support situations, and this agreement sets forth the responsibilities of Colerain Township and the Contractor for such services.

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

Section 1: Appointment:

Colerain Township hereby appoints the Contractor as Physician Medical Director of The Colerain Township Department of Fire and EMS program, to meet its statutory obligations under the Ohio Revised Code (ORC), which statute is incorporated herein by reference. The Contractor hereby accepts the appointment.

Section 2:

2.1 Effective Date, Term, and Renewal. This contract shall be effective July 1, 2018, and shall have an initial term of one year. This contract shall renew automatically on July 1<sup>st</sup> of each subsequent year for successive terms of one year, until terminated as set out below.

2.2 Method of Payment. The EMS Medical Director shall be paid monthly for services rendered as set forth herein. Each monthly payment will be made by the Township Fiscal Officer upon approval by Colerain Township. Colerain Township shall not be responsible for any other charges except as provided for herein or as otherwise agreed to by Colerain Township. The EMS Medical Director, as an independent contractor, shall be solely responsible for payment of any payroll taxes, withholding, deductions, and estimated payments for taxes and other obligations.

2.3 Termination by Either Party. Either party may at any time without further cost, penalty, or obligation terminate this agreement by giving 90 days' notice in writing to the other party. Such notice shall be made by certified mail to the addresses set out below. In the event of termination, the EMS Medical Director shall be compensated for services performed to the reasonable satisfaction of Colerain Township up to the effective date of the termination. In the event the EMS Medical Director fails to fulfill the terms and conditions of the contract to the reasonable satisfaction of Colerain Township, Colerain Township may withhold payment as an alternative to termination or cancellation of the contract, may terminate contract, and/or may seek any right or remedy available at law or in equity. In either event, Colerain Township will notify the EMS Medical Director of the reasons for such action and of the conditions precedent to the issuance of payment.

2.4 No Assignment. The contract cannot be assigned or transferred by the EMS Medical Director, in whole, or in part, without the prior written consent of Colerain Township Department of Fire and EMS.

2.5 Amendments. Any and all changes to the terms and condition of this Agreement shall be in writing and signed and agreed to by both Colerain Township Department of Fire and EMS and the EMS Medical Director.

2.6 Compliance with Law. The EMS Medical Director shall comply with all applicable statutes, ordinances, regulations and rules of the Federal Government and The State of Ohio, which are applicable to the performance of the contract and expenditure of funds.

2.7 Insurance. The EMS Medical Director, at his sole expense, shall maintain professional liability insurance coverage with minimum liability limits of \$1 Million per occurrence, and shall provide written proof to Colerain Township, without demand therefore, that all such coverages are in effect at the time this agreement is executed, and upon each successive renewal.

2.8. Conflict of Interest. No officer, employee or agent of Colerain Township who exercises any functions or responsibilities in connection with the planning and carrying out of this agreement, nor any immediate family member, close business associate, or organization, which is about to employ any such person, shall have any personal financial interest, direct or indirect in the EMS Medical Director's position, or the contract shall take appropriate steps to assure compliance.

### Section 3: Payment:

Colerain Township agrees to pay the EMS Medical Director for services provided as Medical Director, and as an independent contractor with Colerain Township the sum of \$2,800.00 per month. Payment shall be on or before the last day of each month during the term of this agreement, for a total annual contract amount of \$33,600.00 commencing with the month of July 1<sup>st</sup>, 2018.

#### Section 4:

The EMS Medical Director for The Colerain Township Department of Fire and EMS, as an independent contractor, agrees to provide services to Colerain Township as follows:

#### Medical Director – Operations

4.1 Summary of Responsibilities: The EMS Medical Director shall have authority over all clinical and patient care aspects of the EMS system or service. The primary role of the EMS Medical Director is to ensure quality patient care. Responsibilities include involvement with the ongoing design, operation, evaluation and revision of the EMS system from initial patient access to definitive patient care.

4.2 Reports To:  
Fire Chief/Department Command Staff

#### 4.3 Principle Duties and Responsibilities.

- 4.3.1. Serve as a patient advocate in the EMS system.
- 4.3.2. Set and assure compliance with patient care standards including communications, dispatch and medical protocols.
- 4.3.3. Develop and implement protocols and standing orders under which pre-hospital providers function.
- 4.3.4. Develop and implement the process for the provision of concurrent medical direction.
- 4.3.5. Ensure the appropriateness of initial qualifications of pre-hospital personnel involved in patient care.
- 4.3.6. Ensure the qualifications of pre-hospital personnel involved in patient care are maintained on an ongoing basis through education, testing and credentialing.
- 4.3.7. Develop and implement an effective quality improvement program for continuous system and patient care improvement.
- 4.3.8. Promote EMS research.
- 4.3.9. Maintain liaison with the medical community including, but not limited to, hospitals, emergency departments, physicians, pre-hospital providers, nurses.
- 4.3.10. Interact with regional, state, and local EMS authorities to ensure that standards, needs and requirements are met and resource utilization is optimized.
- 4.3.11. Arrange for coordination of activities such as mutual aid, disaster planning and management, and hazardous materials response.
- 4.3.12. Promulgate public education and information on the prevention of emergencies.
- 4.3.13. Maintain knowledge levels appropriate for an EMS medical director through continuing education.
- 4.3.14. Assist in the development of the curricula for EMS training, schedule speakers and instructors for continuing education sessions.
- 4.3.15. Participate in peer review and quality improvement programs as provided in section 4765.12 of the ORC.



- 4.3.16. Active participation with the organization in the following programs:
  - a. Conducting performance improvement programs
  - b. Conducting education programs
  - c. Conducting protocol updates and review
- 4.3.17. Assure compliance with Health Insurance Portability and Accountability Act (HIPAA) and other pertinent Statutes and Regulations.

#### Section 5 EMS Medical Director Qualifications:

- 5.1. Possession of a valid Ohio medical license to practice medicine or osteopathy.
- 5.2. Active in the emergency care of patients.
- 5.3. Familiarity with design and operation of pre-hospital EMS system.
- 5.4. Experience or training in medical direction of pre-hospital emergency units.
- 5.5. Experience or training in the pre-hospital care of the acutely ill or injured patient.
- 5.6. Experience or training in the education of pre-hospital personnel.
- 5.7. Experience or training in the EMS quality improvement process.
- 5.8. Knowledge of EMS law and regulations.
- 5.9. Knowledge of local mass casualty and disaster plans.
- 5.10. Complete the National Association of Emergency Medical Service Providers (NAEMSP) medical director course, the Ohio American College of Physicians (ACEP) medical directors course, or other equivalent course approved by the State Board of EMS.
- 5.11. Complete a board eligible/board certified residency program in emergency medicine or submit verification of EMS medical director experience and verification of performance improvement programs or training to the board of EMS.

#### Section 6 Authority of Medical Director:

- 6.1. Recommend certification, recertification of non-physician pre-hospital personnel to the appropriate certifying agency.
- 6.2. Establish, implement, revise, and authorize system-wide protocols, policies and procedures for all patient care activities from dispatch through triage, treatment and transport.
- 6.3. Establish criteria for the level of initial emergency response (e.g., Emergency Medical Technician-Basic, Advanced Emergency Medical Technician, and Paramedic).
- 6.4. Establish criteria for determining patient destination.
- 6.5. Ensure the competency of persons who provide concurrent medical direction to pre-hospital personnel.
- 6.6. Establish the procedures or protocols under which non-transport of patients may occur.
- 6.7. Require education and testing to the level of proficiency approved for the following personnel within the EMS system: Emergency Medical Technician-Basic, Advanced Emergency Medical Technician, Paramedic, EMS instructors and education coordinators.
- 6.8. Implement and supervise an effective quality improvement program to identify needed areas of improvement, evaluate system controls, monitor performance indicators and re-evaluate system impact.

- 6.9. Recommend appropriate actions for removal of medical care duties for due cause, using an appropriate review and appeals mechanism.
- 6.10. Set or approve hiring standards for personnel involved in patient care.
- 6.11. Set or approve standards for equipment used in patient care.

#### Section 7 Medical Director Time Requirements:

- 7.1. NAEMSP Membership and annual attendance.
- 7.2. 10 hours per month (as a minimum) staffing MD-25.
- 7.3. Conduct, at minimum, three training sessions (one to each unit day) delivering a minimum of two hours each for a minimum total of 6 hours per month.
- 7.4. Conduct a series of on-duty skills testing sessions, once per contract, as mutually agreed upon by both parties.
- 7.5. Conduct post-incident reviews immediately following EMS incidents while staffing MD-25 as part of the department's quality assurance and continuous quality improvement programs.
- 7.6. Time required to perform any necessary administrative duties to provide the necessary services (e.g. meeting attendance, policy and procedure development).
- 7.7. Recommended meeting attendance:
  - a. Pre-Hospital Care Operations Committee
  - b. Regional Physicians Advisory Board
  - c. Monthly medical director meetings

Section 8 Notices:

Any notices required under this agreement shall be addressed to the parties as follows:

TO COLERAIN TOWNSHIP:      Geoff Milz, Colerain Township Administrator  
Colerain Township  
4200 Springdale Road  
Cincinnati, Ohio 45251

TO EMS MEDICAL DIRECTOR:      EMS Medical Direction and Consulting LLC  
Donald A. Locasto Sole MBR  
252 Woodcrest Drive  
Loveland, Ohio 45140

EIN 46-3539530

Upon any changes of address or other mailing information, each party agrees to notify the other in writing of such change.

IN WITNESS WHEREOF, the parties hereto have executed the foregoing agreement in duplicate on the dates entered below.

EMS MEDICAL DIRECTOR

COLERAIN TOWNSHIP

\_\_\_\_\_  
Donald A. Locasto, M.D.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Geoff Milz

Colerain Township Administrator

\_\_\_\_\_  
Date