



JANET T. MILLS
 GOVERNOR

MICHAEL SAUSCHUCK
 COMMISSIONER

WIL O'NEAL
 DIRECTOR

Board of EMS Meeting
 April 3, 2024, at 9:30 AM
 Via ZOOM and Chamberlain Conference Room
 Minutes

“The mission of Maine EMS is to promote and provide for a comprehensive and effective Emergency Medical Services system to ensure optimum patient care with standards for all providers. All members of this board should strive to promote the core values of excellence, support, collaboration, and integrity. In serving on this Board, we commit to serve the respective providers, communities, and residents of the jurisdictions that we represent.”

Board Member	In Attendance	Late Arrival (if applicable)	Early Departure (if applicable)
Nate Allen	X		
Timothy Beals			
Bill Cyr	X		
Laura Downing	X		
Amy Drinkwater	X		
Judy Gerrish	X		
Brandon Giberson	X		
Brent Libby	X		
John Martel			
Matthew Sholl	X		
Steve Smith	X		
Andy Turcotte	X		
Christopher Whytock	X		X
Kate Zimmerman	X		

Staff: Director Wil O’Neal, Deputy Director Anthony Roberts, Marc Minkler, Anna Massefski, Jason Cooney, Darren Davis, Teresa Glick, Jason Oko, Alex Gibson, Ashley Moody, Victoria Clyde, Chris Azevedo, Taylor Parmenter, Melissa Adams, Soliana Goldrich, Robert Glaspy

Stakeholders & Guests: Dawn McAllister, John Cordts, Brian Langerman, Joanne Lebrun, Rob McGraw, Daniel Brown, Christopher Paré, Benjamin Wallace Jr., Derek Booker, Aiden Koplovsky, Mike Senecal, Travis Norsworthy, John Hoak, Bill Montejo, Kevin Curry, Dennis Russell, Rebecca Royer, Joe Kellner, Josh Pobrislo, Maine Ambulance Association

● **Excellence** ● **Support** ● **Collaboration** ● **Integrity** ●

PHONE: (207) 626-3860

TTY: (207) 287-3659

FAX: (207) 287-6251

With offices located at the Central Maine Commerce Center, 45 Commerce Drive, Suite 1, Augusta, ME 04330

1. Introductions
2. Disclosure of any conflicts of interest
Amy Drinkwater and Chris Whytock will recuse from the waiver request
Amy Drinkwater will recuse from Case 23-277
3. Modifications to the Agenda
Add EMS Awards under Old Business.
Add Board representation to New Business.
4. Public Comments
None
5. Investigations
 - a. Investigations Committee March 28, 2024, Meeting Minutes

MOTION to accept minutes as submitted. (*Giberson, seconded by Downing*)
(Yes) Downing, Drinkwater, Giberson, Smith, Turcotte, Gerrish
Motion Carries

- b. Case 23-276
Summary: The licensee allegedly engaged in unprofessional conduct on a call for service. The committee recommends that the Board offer a consent agreement for the licensee to voluntarily surrender their Maine Paramedic license and direct staff to report disciplinary action against the license to any other known authorities who have issued this individual a license or certification.

MOTION to approve the committee's recommendation (*Libby, seconded by Cyr*)
(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock
Motion Carries

- c. Case 23-277
Amy Drinkwater was recused and was placed in the waiting room.

Summary: The licensee allegedly engaged in unprofessional conduct on a call for service. The Committee recommends that the Board dismiss the complaint.

MOTION to accept the committee's recommendation (*Cyr, seconded by Allen*)
(Yes) Allen, Cyr, Downing, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock
(Recused) Drinkwater
Motion Carries

Amy Drinkwater returned to the meeting.

d. Case 23-279

Summary: The licensee allegedly engaged in unprofessional conduct and disclosed confidential information to an unauthorized person on a call for service. The Committee recommends that the Board dismiss the complaint.

MOTION to accept the committee's recommendation (Turcotte, seconded by Cyr)
(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte,
Whytock

Motion Carries

e. Case 23-323

Summary: A licensed service applied for licensure renewal in which the agency representative was represented as a service-level medical director for that service when they were not qualified to serve as such. The Committee recommends that the Board approve the service renewal application and issue the service a letter of guidance citing professional conduct rules regarding honesty and accuracy and reiterating the use of support systems like the region and the state office when there are questions, to be kept on file for five (5) years.

MOTION to accept the committee's recommendation (Cyr, seconded by Libby)
(Yes) Allen, Cyr, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock
(No) Downing

Motion Carries

f. Case 21-183 Consent Agreement

MOTION to enter executive session pursuant to 1 MRS §405 (6)(F) for the purpose of discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute (Libby, seconded by Giberson)

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte,
Whytock

Motion Carries

The Board entered executive session at 9:45 am

The Board returned to regular session at 10:03 am

MOTION to add the following additional conditions of probation pursuant to the Consent Agreement in 21-183: (1) disclose paragraph 1 of the recommendations from the evaluation report to his current employer and any future employer and (2) complete additional training and education focused on professional ethics, appropriate conduct, and workplace boundaries within 365 days of the date of the imposition of this condition of probation. The Board also suggests that the clinician consider consulting a

professional to assess their long-term goals and alignment with their chosen profession to help them make informed decisions about their career path. (Libby, seconded by Giberson)

(Yes) Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte

(No) Allen, Whytock

Motion Carries

6. Old Business

a. Meeting Minutes

i. March 6, 2024

MOTION *to accept the minutes as submitted. (Smith, seconded by Allen)*

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

ii. March 11, 2024

MOTION *to accept the minutes as submitted. (Libby, seconded by Gerrish)*

(Yes) Allen, Downing, Drinkwater, Gerrish, Libby, Smith, Turcotte, Whytock
(Abstain) Cyr, Giberson

Motion Carries

b. Maine EMS Director Update

Director Wil O'Neal provided an update on his first two months in the position and the current status of applications submitted for stabilization funding.

c. Consideration of adoption of Rules Chapter 2

Jason Cooney provided an overview of Chapter 2. No public comments were received on this rule during the public comment period.

MOTION *to adopt the basis statement in response to comments received. (Libby, seconded by Cyr)*

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

MOTION *to adopt Chapter 2 as amended. (Libby, seconded by Allen)*

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

d. Consideration of adoption of Rules Chapter 3

Jason Cooney provided an overview of Chapter 3. AAG Samantha Morgan presented two changes to the rule prior to considering adoption. The first change is the addition of

a sentence that says the Board's decision constitutes final agency action appealable to the Superior Court in accordance with the Maine Administrative Procedures Act. This is a statutory requirement in the enabling statute for this rule. The second change in the document states that the above report must be dated within sixty (60) business days of the application acceptance by Maine EMS as complete. The Board agreed that the changes made were not significant enough to be put back out to public comment.

AAG Samantha Morgan asked the board the following list of questions about the proposed changes to Chapter 3:

1. Does it enlarge the scope of the rule?
Board Response: No, the goal based on the comments was to ensure a timeline.
2. Does the change benefit those affected by the rule, or might it affect them adversely?
Board Response: If a service is being moved out of an area it may be a benefit, but may adversely affect a service that is looking to expand. Overall, it benefits the end user of the EMS system.
3. Would a member of the public or regulated entities who did not comment on the original proposed rule have likely commented on this version if given notice?
Board Response: No, the changes are made for clarification.
4. Someone who would not have been affected by the original proposed rule going to be affected if this change is adopted?
Board Response: No, no one should be affected by the proposed change.
5. Would someone who commented on the rule be surprised by this change because nothing about the original draft would have signaled that the agency might go in this direction?
Board Response: No, changes do not substantially change this rule.

AAG Samantha Morgan asked the Board to determine whether the rule, if they intend to adopt it, is substantially different from what was proposed. The board agreed that the changes do not substantially change the rule.

MOTION to adopt the basis statement in response to comments received.

(Giberson, seconded by Libby)

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

MOTION to adopt Chapter 3 as amended. *(Libby, seconded by Gerrish)*

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

e. EMS Awards

The board delegates the authority to the committee to determine the award winners. The Board plans to hold one ceremony to celebrate the winners, potentially at the Hall of Flags.

7. New Business

- a. Request for nominations for the position of Chair-Elect

MOTION *to nominate and elect Bill Cyr as the Chair-Elect (Libby, seconded by Giberson)*

(Yes) Allen, Downing, Drinkwater, Giberson, Libby, Smith, Turcotte, Whytock

(Abstain) Cyr

Motion Carries

- b. Chapter 21 revisions and consideration for proposal to public comment
Jason Cooney reviewed proposed changes to the rule.

MOTION *to move the Chapter 21: Immunization Requirements amendments to public comment (Libby, seconded by Cyr)*

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

- c. EMR/EMT Re-Entry Standards
Aiden Koplovsky provided an overview of the proposal.

MOTION *to adopt the proposal from the education committee for standards for education programs for Maine EMS licensure reentry candidates at the EMT and EMR level (Libby, seconded by Gerrish)*

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

- d. Medical Directors' Update
Dr. Sholl thanked Maine EMS staff members for their work on the new protocols and provided updates on PIFT, pilot projects, and K-9 protocols.

- e. Consideration of a Waiver Request for the licensure of a person under the age of 18 at the AEMT Level

Amy Drinkwater and Chris Whytock were recused and placed in the waiting room

Brent Libby asked the board the list of questions from Maine EMS Rules, Chapter 13, §2:

1. Whether the person or organization seeking the waiver took reasonable steps to ascertain the rule and comply with it

Board Response: Yes, the rule is for persons over the age of 18, so they are unable to comply

And does this weigh in favor of granting the waiver?

Board Response: Yes

2. Whether the person or organization seeking the waiver was given inaccurate information by an agent or employee of the State EMS program

Board Response: No

And does this weigh in favor of granting the waiver?

Board Response: Yes, having accurate information about the Rule weighs in favor of the waiver

3. Whether the person or organization seeking the waiver, or any other individual or group, would be significantly injured or harmed if the rule were not waived

Board Response: Yes, the petitioner would be significantly injured or harmed if the rule were not waived

And does this weigh in favor of granting the waiver?

Board Response: Yes

4. Whether waiver of the rule in the particular case would pose a health or safety risk to the public at large or a particular individual or community

Board Response: No, it does not

And does this weigh in favor of granting the waiver?

Board Response: Yes

5. Whether waiver of the rule in the particular case would establish a precedent that would unduly hinder the Board or office of EMS in its administration of Maine's EMS System

Board Response: No

And does this weigh in favor of granting the waiver?

Board Response: Yes

Vote to approve or deny the waiver to upgrade to the AEMT level while under the age of 18

(Approve) Allen, Cyr, Downing, Gerrish, Giberson, Libby, Smith, Turcotte,

(Recuse) Drinkwater, Whytock

Waiver is granted

Amy Drinkwater and Chris Whytock returned to the meeting.

- f. Proposal for appointment to LD-1832 Stakeholder Group

MOTION to nominate Chair Drinkwater to the Stakeholder Group (Turcotte, seconded by Libby)

(Yes) Allen, Cyr, Downing, Gerrish, Giberson, Libby, Smith, Turcotte

(Abstain) Drinkwater

Motion Carries

- g. Board Representation

Director O'Neal will provide an update on open positions at the next meeting

Chair Drinkwater asked for interest in committee appointments

- Turcotte volunteered to join the rules committee
- Cyr volunteered to join the IFT committee
- Libby can temporarily fill in on investigations

8. Other

- a. Items for next agenda
 - i. Committee Appointments
 - ii. Critical Care Transport
 - iii. EMS Awards
- b. Next Board meeting is scheduled for May 1, 2024, at 9:30 am, via zoom.

Meeting adjourned at 12:14 pm.