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DEPARTMENT OF PUBLIC SAFETY
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JOHN E. MORRIS
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
JUNE 5, 2013
DECHAMPLAIN CONFERENCE ROOM

MINUTES (AS APPROVED 08/07/2013)

Members Present: Judy Gerrish (chair), Jeff Rowe (chair-elect), Tim Beals, Joe Conley, Nate Contreras, Laura Downing, Nancy Jackson, Paul Knowlton, Lori Metayer, Matt Sholl, MD (ex-officio), Mike Senecal, Brian Stockdale (arrived @11:20)

Staff: Jay Bradshaw, Dawn Kinney, Alan Leo, Jon Powers, Don Sheets, Drexell White

Office of Attorney General: Lauren LaRochelle, AAG

Regional Coordinators: Joanne LeBrun, Rick Petrie, Steve Corbin

Guests: Dorothy Bonsant, Nate Yerxa, Joe LaHood, Don Koslosky, Brent Libby, Jane Page, Bill Harris, Blaine Bacon, Michael Joyce, Zarachy Pushee, Scott Cook, Marc Minkler, Lisa Israel, Chris Paré, Eric Wellman, Dan Batsie, Jennifer Rush, Rebekah Smith, Esq., Kate Zimmerman, DO

1. Introductions were made and all were welcomed.
2. Minutes – April 3, 2013
 - a. **MOTION: To approve the minutes of the April 3, 2013, meeting as corrected. (Malcolm; second by Rowe). Unanimous**
3. Public Comments – None
4. Disciplinary Hearing – Zachary Pushee

Rebekah Smith presided as the Hearing Officer for this matter. Mr. Pushee was investigated by Maine EMS for failing to take vital signs on many patients and fabricated the vitals recorded in the run report. The report on the proceedings and findings of the Board are contained in a separate attachment.

5. Old Business
 - a. Community Paramedicine Pilot Projects – Jay Bradshaw reported that the following Community Paramedicine pilot projects have started: Delta Ambulance, North East Mobile Health, Crown Ambulance, and St. George Ambulance. Calais Fire is also approved and is finalizing training – anticipated start date is mid-August. Several other services have received preliminary approval of the Steering Committee and are making final edits to their proposal

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before receiving approval from Maine EMS: NorthStar EMS, Mayo Ambulance, CA Dean Ambulance, Castine Fire Dept., and Searsport Ambulance. The statute allows Maine EMS to approve up to 12 pilot projects, and with the above, the current total will be 11. Proposals are evaluated and approved based upon completeness and methodology. The order in which a proposal is submitted does not guarantee approval.

- b. Appeal of staff decision – This is a continuation from the April meeting regarding the staff denial of William Harris’s license application due to prior convictions. Board members were asked the same questions about bias as at the April meeting and all answered in the negative. At the April Board meeting, Mr. Harris was asked to obtain a Fitness for Duty evaluation; however, after making several such inquiries, it was determined that the cost for such an evaluation was beyond Mr. Harris’s resources. Mr. Harris provided a letter from his counselor and responded to follow-up questions from Board members.

MOTION: To grant William Harris a license with a Consent Agreement containing the following provisions:

- **Mr. Harris shall provide reports from a qualified mental health professional every 6 months for a period of three years regarding compliance with counseling and recommended treatment.**
 - **In the event that any charges, other than minor traffic infractions, are made against Mr. Harris, he shall immediately notify Maine EMS and surrender his license until such time as the charges have been acted upon and reviewed by Board of EMS.**
 - **The Fire/EMS chief or EMS supervisor under whom Mr. Harris is working shall provide quarterly reports to Maine EMS regarding Mr. Harris’s performance in the following areas: anger management, theft, aggressive behavior, patient complaints, patient compliments, and honest.**
 - **Mr. Harris shall seek and take anger management education.**
- These conditions are based upon the Board’s finding that Mr. Harris violated Maine EMS Rules, chapter 11 §1: 1 (4) failure to list criminal convictions for theft of services, rent check not paid, (5) Assault charge, (5)(a) Fraud, by not listing criminal convictions, (5)(f) criminal threatening, non-sufficient funds, and theft of services. (Conley; second by Contreras) Unanimous with three abstentions (Malcolm, Senecal, Beals).**

6. New Business

- a. Legislative and budget updates – Jay Bradshaw distributed and reviewed the updated list of bills relating to EMS. The Appropriations Committee is continuing its work on the biennial budget.
- b. Committee reports
 - i. Education – Don Sheets presented a summary of an EMT course on Chebeague Island taught by Lisa Israel. Ms. Israel was erroneously issued a license by Maine EMS as in Instructor Coordinator with only two years of experience as an EMS provider (Maine EMS Rules require 3 years of experience). This discrepancy was discovered prior to the conclusion of the class at which time I/C Marc Minkler assumed the responsibilities for this class. Following the process previously used for licensure course reviews, Don spoke with other instructors who assisted with the program and obtained evaluations from each student regarding the course. Based on this review, Maine EMS recommends that the Chebeague Island EMT course be deemed equivalent to a course meeting the requirements of the EMS Rules.

MOTION: To accept the Chebeague Island course taught by Lisa Israel as meeting the educational requirements for licensure. (Conley; second by Malcolm). Unanimous

Related to the above matter, Maine EMS is requesting a waiver of Chapter 9 § 3.3 regarding the Instructor/Coordinator license for Lisa Israel. In support of this request, Ms. Israel has a Master's Degree in Education, has completed the Maine EMS I/C course, has 2 years' experience as an EMS provider, and has demonstrated her ability as an I/C with an EMT course on Chebeague Island.

Regarding the waiver requirements (Ch 13 § 2), the Board made the following findings:

- 1) Ms. Israel did take reasonable steps to ascertain and comply with the Maine EMS Rules.
- 2) Ms. Israel was given inaccurate information by Maine EMS
- 3) If the waiver is not granted, Ms. Israel would be harmed due to her inability to conduct licensure classes.
- 4) There is no health or safety risk to granting the waiver.
- 5) This does not establish a precedent as the factors regarding each waiver are individually reviewed and considered.

MOTION: To grant a waiver of Ch 9 § 3.3 and allow Lisa Israel to be a licensed Instructor/Coordinator. This action is based upon a review of the requirements for a waiver and finding that the factors taken into consideration support the waiver. (Senecal; second by Jackson). Unanimous

ii. Investigations Committee

MOTION: For the Investigations Committee to approve the minutes of the May 1, 2013, meeting as distributed. (Beals; second by Gerrish) Unanimous.

Dawn Kinney reviewed the cases and responded to questions from Board members.

MOTION: For the Board to ratify the Investigation Committee minutes of May 1, 2013, as presented. (Conly; second by Rowe) Unanimous with one abstention (Beals).

iii. Data – Jon Powers reported that the Data Committee has not met since the last Board meeting. There has been considerable activity regarding the Highway Safety grant which will help improve run reporting for EMS services.

Jay Bradshaw submitted a request from the New England Organ Bank for access to MEMSRR for purposes of obtaining information for organ and tissue donation. The request has been reviewed and approved by the MDPB.

MOTION: To approve the request of the New England Organ Bank to access Maine EMS Run Reports and have access to confidential information. (Malcolm; second by Beals) Unanimous.

iv. Exam – Drexell White reported that Maine EMS facilitated an issue regarding testing and training in No. Yarmouth. The committee is meeting to review feedback and impact of changes in the practical exams.

- v. EMD – Drexell White provided highlights of the Navigator Conference. A written summary is available from MEMS.
 - vi. Ops Team – Joanne reviewed topics discussed at the Ops Team meeting. There are no items regarding Board action.
- c. Southern Maine EMS Update – Brent Libby and other SMEMS Board members were present to update the Board of EMS on activities that have taken place in response to performance issues and concerns previously expressed by the Board of EMS. The SMEMS Board made staffing changes and is meeting frequently to develop an updated business model. Jay Bradshaw reported that because SMEMS was late in providing a previous progress report and financial report as required by the contract, payments for services were being held pending receipt of the material and approval of the Board of EMS.

MOTION: To accept the SMEMS report and authorize payments for FY 13. (Senecal; second by Stockdale). Unanimous with one abstention (Rowe).

MOTION: To enter into a contract with SMEMS for FY14 provided there is a work plan submitted for review and approval at the August 7, Board of EMS meeting. (Malcolm; second by Jackson). Unanimous with one abstention (Rowe).

- d. Waiver request – North East Mobile Health (NEMH) has been actively involved in taking over emergency response services to towns currently covered by Camden First Aid Assn.(CFAA) Over the next several weeks, several town meetings will be held to make funding decisions that may result in CFAA ceasing operation. NEMH has a base in Rockport and lists the towns of Camden, Rockport, Lincolnville as part of its primary response area; however, part of Hope is currently covered by CFAS and is not listed as a primary response area for NEMH. There has been considerable media coverage of the events surrounding CFAS, but it may be necessary for NEMH to take over before the comment period required in Ch 3 § 5.1 (C)(f).

Regarding the waiver requirements (Ch 13 § 2), the Board made the following findings:

- 1) NEMH did take reasonable steps to ascertain and comply with the Rules.
- 2) NEMH was not given inaccurate information
- 3) There is a potential for harm to residents of Hope if CFAS ceases operation.
- 4) A waiver would not pose a health or safety risk
- 5) It is unlikely that this would establish a precedent due to the unusual nature of this situation.

MOTION: To grant a waiver of Ch 3 § 5.1 (C)(f) and allow North East Mobile Health to have the Town of Hope listed in its primary response area. This action is based upon a review of the requirements for a waiver and finding that the factors taken into consideration support the waiver. (Senecal; second by Beals). Unanimous with one abstention (Conley).

- e. Other – none

7. Staff Reports

- a. MEMS – Jay Bradshaw reported on the EMS Awards and ground breaking for the new EMS Memorial and Education site on May 18. The ceremony was well attended, including many of those involved in the formation of EMS in Maine. Following the ceremony, approximately 100 bicycle riders, including MEMS staff, the Board of EMS, and the MDPB, began the National EMS Memorial Bike Ride. The first day was from Augusta to Scarborough. Then throughout EMS Week, the ride continued on to Philadelphia.

Jay also reported that he represents the National Association of State EMS Officials on the National Fire Protection Association Technical Committee on Ambulance Design Standards (NFPA 1917). Public comments on proposed changes are being accepted until July 8, 2013. This fall, the Technical Committee will meet to review the proposed changes and make recommendations to the full NFPA membership.

- b. Medical Director report – Dr. Sholl reported on the MDPB’s work to update the EMS Treatment Protocols and change the format as part of a multi-year goal to have all six New England states using the same protocols. The revised protocols will no longer be printed, but will be available electronically both in PDF format and as apps for iOS and Android devices. In addition, there are several White Papers being drafted on:
 - Pediatric Pain Management
 - Apparent Life-Threatening Events
 - Use of Pressors
 - Traumatic Arrest
 - Seizures
 - Drowning
 - Post Cardiac Arrest

Dr. Sholl also reported that discussions are continuing regarding defining the scope of practice for LifeFlight of Maine.

8. Other – none
9. The next scheduled Board meeting will be on Wednesday, August 7, 2013 @ 9:30 AM
10. Meeting adjourned at 3:30 PM.