



STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
MAINE EMERGENCY MEDICAL SERVICES  
152 STATE HOUSE STATION  
AUGUSTA, MAINE 04333



JANET T. MILLS  
GOVERNOR

MICHAEL SAUSCHUCK  
COMMISSIONER  
SHAUN A. ST. GERMAIN  
DIRECTOR

Maine Board of EMS  
Minutes of February 6, 2019 Board Meeting  
Held in the Champlain Conference Room at 45 Commerce Drive, Augusta, ME

**CALL TO ORDER**

Chair Scott Susi called the meeting to order at 8:59 AM.

**MEMBERS PRESENT**

Scott Susi, Chair, Fire Chiefs Assn. Rep  
Joe Kellner, Chair-Elect, Region 4 Rep  
Dennis Russell, Not-for-Profit Rep  
Heidi Cote, Emergency Nurse Rep  
Tim Beals, Region 3 Rep  
Joe Conley, For-Profit Rep  
Matthew Sholl, State Medical Director  
Julie Ontengco, Hospital Rep.

Amy Drinkwater, Region 6 Rep  
Brad Chicoine, Municipal EMS  
Nathan Allen, Region 5 Rep  
Laura Downing, EMD Rep  
Rich Kindelan, Region 1 Rep  
John Martel, Emergency Physician Rep

**MEMBERS ABSENT**

Vacant, Region 2 Rep  
Brent Libby, Fire Chief Rep

Judy Gerrish, Public Rep  
Carolyn Brouillard, Non-Transporting Rep

**STAFF PRESENT**

Shaun St. Germain, Director  
Jason Oko, Licensing Agent  
Tim Nangle, Data Coordinator  
Marc Minkler, EMS-C Manager

Katie Boynton, Project Manager  
Katie Johnson, Assistant Attorney General  
Alan Leo, Senior Licensing Agent  
Janet Joyeux, Assistant to the Commissioner

**PUBLIC PRESENT**

Ben Zetterman, Aroostook EMS

Joanne Lebrun, Tri-County EMS

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

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

Jay Bradshaw, MAA  
Rick Petrie, APEMS

Jim MacDonnell  
Kate Zimmerman, Assoc. State Med. Dir.

### **DISCLOSURE OF CONFLICTS OF INTEREST**

Joe Kellner discloses that he has worked with the service requesting a waiver.  
Rich Kindelan discloses that he has a conflict with case 19-045 under investigation.

### **MINUTES REVIEW AND APPROVAL**

The Board will approve minutes for the November 2018 and January 2019 meetings at the March 2019 meeting.

### **PUBLIC COMMENT**

Jay Bradshaw makes a presentation on the history of the Maine EMS Board and how it relates to the system and its accessibility to the public. He calls to attention the change that the Board had made regarding the Rules document. He asks about clarification on the conflict of interest policy. Maine Ambulance Association is working with Senate President Troy Jackson on raising the reimbursement rate for Medicare. He addresses the Community Paramedicine reimbursement. He lets everyone know that MAA releases a legislative update summary.

### **MAINE EMS UPDATE**

#### **Budget**

Shaun St. Germain reports that we've had to use general fund allotment to pay for EMS for Children due to an issue with the federal account fund and a lack of funding from CDC.

#### **Legislation**

Shaun St. Germain reports that he is testifying on LD 159 this morning. He provides information on LD 215 which would increase reimbursement for services transporting from correctional facilities.

#### **Other**

Shaun St. Germain reports on the update of the Maine EMS Website. He thanks Alan Leo for his 12 years of service to Maine EMS and congratulates him on his upcoming retirement.

### **OLD BUSINESS**

#### **FY20 Regional RFP Review**

Shaun St. Germain has the Board review the draft RFP. He asks the Board to review the scoring process. He asks the Board for their thoughts on the scoring. There is no objection to the proposed scoring amounts. In a motion by Kellner, seconded by Russell to approve the RFP with the stated changes and clarification on multi-region proposals and state agencies such as community colleges. The motion carries unanimously.

### **MEDICAL DIRECTOR REPORT**

## **Medical Direction and Practices Board**

Dr. Matthew Sholl provides an update on the MDPB and their work regarding the 2019 protocol update. They are working on the Green section. Dr. Sholl goes over the timeline through release and the education components. Dr. Sholl discusses the Scope of Practice document. Dr. Sholl informs the Board about a Resuscitation Academy in Northern New England that will be happening in May. Tim Beals asks about the news article regarding legislation around standalone behavioral health emergency rooms. John Martel talks about how a similar system is functioning in San Antonio.

## **QA/I Committee**

Dr. Matthew Sholl provides an update on the QA/I Committee and talks about the upcoming newsletter. He talks about how we can use MEFIRS data to pull down information. He talks about Maine's stroke experience and out of hospital cardiac arrest experiences.

## **INVESTIGATIONS**

Jason Oko presents cases 18-034 and 18-036 to the Board. These were the cases left off of the last Board Meeting. AAG Katie Johnson asks the Board to amend a violation in case 18-036, from Rules Chapter 5A, § 3(1) to Rules Chapter 11, § 1(14). In a motion by Kellner, seconded by Russell to approve the Investigations Committee's recommendations for cases 18-034 and 18-036 as amended. Motion carries unanimously. Jason Oko presents the facts of case 18-035. Laura Downing recuses herself. This case has not come to the Investigations Committee. An interim consent agreement had been signed and subsequently the provider pleaded guilty to the charges. AAG Johnson asks the Board to review the proposed violations, including 32 M.R.S. § 90-A(5)(B-1), 32 M.R.S. § 90-A(5)(G), and Rules Chapter 11, §1(5) and (7). In a motion by Kellner, seconded by Kindelan to accept the violations stated by AAG Johnson and offer a consent agreement for the surrender of the license. Motion carries unanimously with one recusal (Laura Downing). Jason Oko presents the facts of case 19-045. Jason is asking the Board to issue an interim consent agreement where the Provider voluntarily agrees to a license suspension while the case is under investigation. The Provider has entered into an agreement with the Region V Medical Director to not practice in Region V; this agreement would extend that to the rest of the State. In a motion by Beals, seconded by Russell to offer an interim consent agreement in case 19-045. Motion carries with two oppositions and one recusal (Kellner, Kindelan opposing, Allen recusing).

## **NEW BUSINESS**

### **CARES Invoice**

Tim Nangle provides an update to the Board regarding the CARES invoice. The cost is \$15,000 a year plus a contractor for \$5,000 a year to enter the data. The interface to automatically upload the data from ImageTrend is \$7,000 a year, a higher cost than having a contractor. Tim states that Shaun would like direction from the Board on whether we want to continue with this project. Tim states the outcomes are very difficult to obtain as Maine EMS is not a HIPAA covered entity through Health InfoNet. Dennis Russell asks Dr. Sholl whether there is a return on investment.

Dr. Sholl says that CARES is one of the more important things we have done since 2016. Dennis Russell asks how many states and how many New England states participate in CARES. Kellner believes we should defer payment one month and direct the Maine EMS office to develop a plan for data dissemination. Kindelan states his disappointment that the decision is placing us up against the wall and he'd be in favor of delaying. In a motion by Kellner, seconded by Kindelan, to delay paying the invoice for one month with direction to the Maine EMS office for data dissemination and the time/money cost of data entry. Conley wants to know why this wasn't brought up prior to today. Motion carries with 7 in favor, 3 opposed.

### **Health InfoNet contract**

Tim Nangle provides an update to the Board regarding the Health InfoNet contract and subscription fee. The \$2,500 subscription does not give us access to the system, it allows us to send our information to the system. Dr. Sholl states his frustration with Health InfoNet and their removal of our access to the system and the inability to get in touch with their office. He asks if we're holding back the CARES money, perhaps we should make a statement with Health InfoNet. Kellner believes there is tremendous value in this, but he wants to make sure we're getting what we need to financially. Beals asks about the timing on the September renewal. In a motion by Kellner, seconded by Russell to delegate the authority of signing the contract to Maine EMS with the contract dates being amended to the "live dates" and requesting a representative of Health InfoNet attend the next Board meeting. Motion carries unanimously.

### **Waiver Request**

Joe Kellner is recusing himself from the discussion on this waiver but is presenting the waiver request. Northern Light Health was formerly Eastern Maine Health. TAMC is looking to rename their fleet through attrition and is asking for the waiver to allow the licensed name to not directly match the name on the vehicle. Jason Oko believes that the Board should consider this waiver for all four agencies underneath Northern Light Health as they may all require this change. Scott Susi presents the waiver process. In a motion by Russell, seconded by Chicoine to consider a waiver of ambulance advertising requirement for all four Northern Light Health ambulance companies. Motion carries unanimously with one recusal (Kellner).

Scott Susi presents the waiver questions to the Board:

- 1) Did the person seeking the waiver take reasonable steps to ascertain the rule and apply with it? Yes. Does this weigh in favor of granting a waiver? Yes
- 2) Did the person seeking the waiver receive inaccurate information by an agent or employee of the State EMS program? No. Does this weigh in favor of granting a waiver? Yes
- 3) Would the person seeking the waiver, or any other individual or group, be significantly injured or harmed if the rule were not waived? Yes. Does this weigh in favor of granting a waiver? Yes

- 4) Would waiver of the rule in the particular case pose a health or safety risk to the public at large, or a particular individual or community? No Does this weigh in favor of granting a waiver? Yes
- 5) Would waiver of the rule in the particular case establish a precedent that would unduly hinder the Board or Office of EMS in its administration of Maine's EMS system? No. Does this weigh in favor of granting a waiver? Yes

The Board states that extraordinary circumstances exist as they have found a number of the above factors weigh in favor of granting the waiver. In a motion by Kindelan, seconded by Conley to grant a waiver to Northern Light Health regarding their advertising. Motion carries unanimously with one recusal (Kellner).

## **OTHER**

### **Items for March Agenda**

Scott Susi asks that if anyone has anything for the March agenda to provide it to the Maine EMS office. Joe Kellner lets the Board know that Chebeague Island Transportation has asked to license their Ferry as an ambulance. Alan Leo provides information to the Board regarding this. Statute allows for watercraft to be licensed as an ambulance however the Rules have no information on doing so. Kellner asks that if an application is submitted it be provided to the Board. No application has been submitted.

## **ADJOURNMENT**

*The meeting adjourns at 11:55 AM. The next Board meeting will be held on March 6, 2019.*

*Respectfully submitted by:*

*Katie Boynton*

*Board approved:*