

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

J. SAM HURLEY
DIRECTOR

BOARD OF EMS MEETING
JUNE 3, 2020
9:30 AM
VIA ZOOM
MINUTES

Members Present: Joe Kellner (Chair), Brent Libby (Chair-Elect), Tim Beals, Brad Chicoine, Joe Conley, Heidi Cote, Laura Downing, Amy Drinkwater, Judy Gerrish, Rich Kindelan, John Martel, Julie Ontengco, Dennis Russell, Steve Smith, Scott Susi, Matt Sholl M.D. (Ex-Officio), Kate Zimmerman D.O. (Ex-Officio)

Staff: Christopher Azevedo, Sam Hurley, Marc Minkler, Jason Oko, Melissa Adams, Jessica Ricciardelli, Griffin Bourassa, Katie Johnson (Assistant Attorney General)

Stakeholders: Andrew Gagnon, Rick Petrie, Jay Bradshaw, Debbie Morgan, Chief McNally, Nathan Yerxa, Chris Pare, Lisa Hastings, Benjamin Zetterman, Paul Marcolini, Bob Hand, Eric Wellman, Michael Johnson, Sally Taylor, Joanne Lebrun, Keegan Wellauer, Carter Alfred, Dennis, Erin Sandler, Christopher Higgins, Alix Greenleaf, Aiden Koplovsky, Kristen Roberts, Benjy Lowry.

Call to order 9:35

1. Introductions

2. Disclosure of any conflicts of interest

Joe Kellner (Chair)- Mr. Kellner discloses that his service has a partnership with the town of Holland ambulance service to assist with overflow or facility transfer. Holland has a waiver request for expansion of 911 coverage, which Northern Light has no relationship with, so he does intend on participating with regard to the waiver.

Joe Conley- Mr. Conley discloses that he has a conflict of interest with the North East Mobile Health and Jackman pilot projects and he will be recusing himself during that discussion.

Dennis Russell- Mr. Russell will be recusing himself from the psychomotor examination testing plan and the psychomotor examination coordinator fee discussion because he is in

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charge of a training center and he is the Dean of the training center and is directly involved with scheduling exams.

Steve Smith- Mr. Smith recuses himself from the psychomotor examination testing plan because of his employment with APEMS training center.

3. Modifications to the agenda

Mr. Kellner (Chair) and Mr Hurley decided that MEMS office is not ready to present on the psychomotor exam fees at this point. We will defer this item to a future meeting.

Mr. Kellner (Chair) would like to add to the agenda, the request to approve the Mid-Coast Medical Director.

4. Public Comments

Jay Bradshaw (Maine Ambulance Association)- Mr. Bradshaw states that he would like to discuss the insurance stakeholder work group that was borne out of the LD 2105 legislation. The stakeholder group is to be comprised of representatives from the Maine Ambulance Association, municipal and private ambulance services, health insurance carriers and the Bureau of Insurance. Since the last Board meeting, MAA has had some discussions regarding the composition of this group and they would like to request consideration of the appointment of members to that work group. It would be beneficial for the EMS representatives who will be part of that work group, have first hand information regarding the financial and billing side of this issue.

Mr. Bradshaw requested that there is some consideration from the Board as to who serves in this stakeholder group. He also requested that the Board appoint the Chair of the work group. The MAA also asks that there is a process wherein the Board Chair is able to appoint the other members of the group.

Mr Hurley stated that he has had some discussions with the Bureau of Insurance, and they have expressed similar concern regarding the size of the group and suggested that MEMS Board do what is mandated, which is a minimum of three members.

Carter Alfred- Mr. Alfred is an EMT with PACE ambulance and AEMT student at United Training Center. Mr. Alfred states that he is speaking on behalf of current Paramedic, AEMT, and EMT students. He requested that the Board have a frank discussion regarding the creation of a plan which would allow students to do clinicals so that they can finish their classes.

Mr. Kellner stated that after speaking with the MEMS office, the best approach is for the Education Committee to take this up in the June 10th meeting and present a plan to MEMS and the Board so that the issue can be discussed at the July 1st Board meeting.

Eric Merrill- Mr. Merrill is an EMT student and he expressed his concern regarding the amount of time it could potentially take for the Board to approve a plan to set up clinicals. He asked the Board to make this issue a priority on behalf of all the students that are waiting on clinicals to finish their classes.

5. Meeting Minutes (May 6, 2020)

The minutes from May were inadvertently omitted from the meeting documents that were sent out; they will be sent out to be approved at the July 1st meeting.

6. Director's Report

a. Staffing

Mr. Hurley announced that MEMS has hired Darren Davis as our Data Coordinator for the Opioid Data grant. He will be working on opioid related data as well as other related projects.

b. Budget

We are on track with our budget. We are currently working on extending the ImageTrend contract for another year.

c. Legislation

LD 2105 is the most pertinent legislation that we are working on. We have been working with the Insurance Bureau to get this process started. We need to have a finished project by January to be due in February.

Committee Updates

Data Committee- Jason Oko

The Data Committee had a brief meeting two weeks ago just to get started. The Committee still has some work to do on getting positions named and filled.

QI/QA Committee- Jason Oko

The QI Committee continues to meet, in the last meeting we put together the outline for a COVID 19 related QA newsletter that we continue to work on.

Community Paramedicine Committee- Jason Oko

The Committee is currently working on Community Paramedicine guidelines for services to use as a minimum requirement for CP.

Exam Committee- Christopher Azevedo

The Exam Committee has been working on trying to get clinicals back on track with establishing the parameters for resumption of clinicals in both the field and medical facilities. We will be revisiting this again in our June 10th meeting.

EMSC- Marc Minkler

EMSC has not met they are working on next quarterly meeting. In the meantime, Mr. Minkler's role has been widened to general office roles to help as needed with projects around COVID-19 and other daily operations.

We have posted a one-hour class on pediatric seizures on MEMSed that was produced through the EMSC national group. Mr. Minkler is currently working with Mr. Azevedo to put more classes up on MEMSed in the near future.

EMD- Melissa Adams

EMD has not met, however, we have coordinated interviews for the applicants that we have for the three available positions. The interviews will be held on Friday.

7. Medical Directors Report

a. MDPB

MDPB continues to meet on Mondays as well as the third Wednesday of the month. We continue to discuss the impact of COVID-19 on clinical operations. The impact of increased testing is that a patient who may not otherwise be identified as a POI could be infected with the virus, what the impact of that could be on our EMS system and how to maintain the safety of our clinicians.

We have not released any new protocols, however, the protocols Phase I and Phase II, and the out of hospital cardiac arrest pandemic protocols will remain in place for the foreseeable future.

The MDPB continues to work on our regular protocols, which has been the main content of our regular meetings. We are working to maintain our current timeline with the next expected implantation of December 1, 2021.

QI/QA

Mr. Sholl thanked Mr. Oko for the work he has done with the pandemic response protocol. Mr. Oko proposed that the next project be specific to the pandemic, he has been working on ideas to present to the to the Committee at the upcoming June meeting.

Dr. Sholl met with the leadership of the CARES project. There needs to be some legislation involved in order for us to be able to use the data from HIN so that we have access to hospital outcomes.

MDPB interviews have started for the available ALS, BLS and Pediatric Physician positions. We have more interviews coming on the June 8th and 11th. We hope to have narrowed down our candidates by the July 1st Board meeting.

8. Investigations

MOTION: To accept the minutes of the May 28th Investigations Committee Meeting as amended.

Made by: Beals; Seconded by: Conley

Roll Call Vote: Yes: (6) Beals, Conley, Gerrish, Kellner, Chicoine, Downing

No: (0)

Motion Carries

Melissa Adams presented the following cases.

Informal Conference – Case 20-087

Summary 20-087: A Licensed Emergency Medical Dispatch (EMD) Center allowed an employee to perform EMD without an active license.

The committee's recommendation is to resolve this case by issuing a letter of guidance stressing the importance of maintaining proper licensure for staff. This will remain on file for 5 years.

MOTION: To accept the Committees recommendation.

Made by: Russell Seconded by: Smith

Roll Call Vote: (yes:15) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (0)

Motion Carries

Informal Conference – Case 20-083

Summary 20-083: Licensee disclosed a new criminal conviction for disorderly conduct.

The committee's recommendation is to dismiss this case finding that it does not rise to the level of discipline.

MOTION: To accept the Committees recommendation.

Made by: Russell Seconded by: Cote

Roll Call Vote: Yes:(14) Beals, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: 0

Recusal: (1) Chicoine

Informal Conference – Case 19-062

Summary 19-062: Licensee disclosed a new criminal conviction for disorderly conduct and OUI.

The committee's recommendation is to resolve this case with a letter of guidance, stressing the importance of professional conduct with respect to acting in ways that are dangerous or injurious to oneself or others, conditional upon his provision of a progress report from his counselor indicating that he is continuing and actively participating in the process. The letter of guidance is to remain on file for three years from date of issue.

MOTION: To accept the committee's recommendation.

Made By: Russell Seconded by: Kindelan

Roll Call Vote: Yes:(14) Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No:0

Recusal:(1) Beals

Informal Review – Case 19-076

Summary 19-076: Complaint alleging the licensee committed unprofessional sexual conduct at the work place.

The committee's recommendation is to resolve this case with a letter of guidance, stressing the importance of professional conduct. The letter of guidance is to remain on file for three years from date of issue.

MOTION: To accept the committee's recommendation.

Made by: Libby Seconded by: Ontengco

Roll Call Vote: Yes:(11) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Libby, Ontengco, Susi

No: (3) Kindelan, Martel, Smith

Recusal: (1) Russell

Informal Review - Case 19-079

Summary 19-079: Complaint alleged that the licensee viewed patient care reports without authorization.

The committee's recommendation is to resolve this case with a consent agreement that includes a reprimand citing violations of Rules chapter 11 §1.15, chapter 11§1.12, chapter 11§1.14, with the condition to successfully complete a course specific to maintaining the privacy of patient records and a course on ethics or ethical decision making; the courses must be approved by Maine EMS and the licensee must pay for the cost of the courses. This condition must be completed within 90 days of the signed consent agreement.

MOTION: To accept the committee's recommendation.

Made by: Russell Seconded by: Drinkwater

Roll Call Vote: Yes:(14) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Libby, Martel, Ontengco, Russell, Smith Susi

No: (0)

Recusal: (1) Kindelan

Informal Conference – Case 20-084

Summary 20-084: Licensee with new criminal conviction for OUI. Tabled from the February meeting to allow Licensee to complete counselling and provide DEEP documentation.

The committee's recommendation is to resolve this case by issuing a consent agreement including a warning for the conduct leading to the criminal charge, citing violations of Rules Chapter 11§1.5, and 11§1.14, with mitigating circumstances for being forthcoming and taking steps to regain the public trust essential for the profession.

MOTION: To accept the committee's recommendation.

Made by: Russell Seconded by: Libby

Roll Call Vote: Yes:(14) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (0)

Recusal: (1) Kindelan

Griffin Bourassa Presents the following cases

Informal Conference – Case 20-096

Summary 20-096: Licensed First Responder Agency allegedly failed to regularly respond to medical calls or document patient care reports.

The committee's recommendation is to resolve this case by issuing a letter of guidance stressing the importance of documenting patient care reports and having a structured dispatch procedure in place. The letter of guidance will be kept on file until October of 2021.

MOTION: To accept the committee's recommendation.

Made by: Drinkwater; Seconded by: Kindelan

Roll Call Vote: Yes: (14) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (0)

Recusals: Kellner

Informal Conference – Case 20-097

Summary 20-097: Licensed First Responder Agency stopped response to all medical calls without notifying the public.

The committee's recommendation is to resolve this case by issuing the licensee a consent agreement with a warning citing violations of Rules chapter 3§8.2 and chapter 3§17.1; mitigating circumstances include cooperation from the team of representatives present and the department's resumption of response upon receipt of PPE.

MOTION: To issue a consent agreement with a reprimand to the service and a fine of \$1,500 per incident for the thirty-two calls that were not responded to.

Made by: Libby; Seconded by: Chicoine

Roll Call Vote: Yes: (15) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No:(0)

Informal Review- Case 20-103

Summary 20-103: Applicant disclosed a criminal conviction for class D assault.

The committee's recommendation is to issue the applicant's license with a letter of guidance stressing professional conduct with respect to acting in ways that are dangerous or injurious to oneself or others. To be kept on file for five years.

MOTION: To preliminarily deny the license based on the underlying behavior and violations of MEMS rules citing violation of chapter 11§1.5

Made by: Cote; Seconded by: Martel

Roll Call Vote: Yes (15) Beals, Conley, Cote, Downing, Drinkwater, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (1) Chicoine

Mr. Keller requested that the Board take a break to reconvene at 11:55.

Mr Kellner checks in with Board members to ensure the presence of a quorum.

Board Members present: Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kindelan, Kellner, Libby, Martel, Ontengco, Russell, Smith, Susi

9. Old Business

a. Psychomotor Testing Plan

Mr. Kellner presents a draft proposal that he feels would meet the guidelines that are based on the Governor's executive orders. IF this plan is approved the MEMS office would take this to the Governors' recovery team and we would have a standard process through which training centers can indicate that they are in compliance with infection control procedures to ensure everyone's safety during PSE's.

Mr. Azevedo had a few additions to the proposal that he had previously sent to Mr. Kellner and Director Hurley. This additions included, ensuring that there is a way to contact both students and exam staff in the event that there was exposure during the exam, adding specific timeframes from arrival to departure to ensure we have accountability for everyone during the exam, ensuring compliance with social distancing guidelines while in all areas of the building and ensuring the cleaning of equipment used by candidates between testing evolutions and at the end of the examination event.

Mr. Wellman states that he is speaking on behalf of the Maine Community College system. He references a letter the Board received regarding an alternative idea of doing this in house as a way to potentially streamline this process using techniques that are already in place. He is also in support of the Board coming up with a good PSE process.

MOTION: To move forward with the recommendation with the additions and changes brought forth by MEMS.

Made by: Libby; Seconded by: Kindelan

Roll Call Vote: Yes:(12) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kindelan, Kellner, Libby

Recusals (2): Russell, Smith

b. PSE Coordinator Fees

This agenda item has been tabled.

c. Pilot Project in Jackman

Mrs. Johnson (AAG) requested for this item to be tabled to review the legal requirements surrounding this request.

MOTION: To table this item until the July meeting.

Made by: Libby; Seconded by: Russell

Roll Call Vote: Yes: (13) Beals, Chicoine, Cote, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (0)

d. Biospatial Rollout Plan

Mr. Oko presented the Biospatial Rollout Plan

Step 1: MEMS will develop and publish the Maine EMS Data Privacy & Security Training on MEMSed.

Step2: MEMS has developed a survey to collect the necessary information from agencies interested in obtaining access to the Biospatial platform

Step 3: MEMS will send out an informational packet which will include a survey link to complete if the agency is interested in obtaining access to the Biospatial platform. Only one individual per agency will be granted access.

Step 4: Account access will be built out ten agencies at a time, every two weeks as necessary. Representatives from Biospatial have agreed to host training sessions every two weeks for initial training with follow up trainings as needed.

MOTION: To approve the Biospatial rollout plan as approved by the office.

Made by: Beals; seconded by: Russell

Roll Call Vote: Yes: (13) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell

No: (0)

e. Insurance Committee

Mr. Bourassa reviews the stakeholder group which will include the Maine Ambulance Association and representatives from municipal and private services as well as insurance carries and the Department of professional and financial regulation bureau of insurance. After speaking with the bureau of Insurance we would like to limit the Board involvement to three members.

MOTION: To allow MEMS Board to appoint the following three people to the committee; Tim Beals, Andy Turcotte and Joe Kellner as Chair of the Insurance Committee.

Made by: Conley; Seconded by: Libby

Role Call Vote: Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Martel, Ontengco, Russell, Smith

10. New Business

a. Mid Coast Regional Medical Director

Mr. Petrie requested the Boards approval of Dr. Lowery as the Mid Coast Medical Director.

MOTION: To approve Dr. Lowery as the Mid Coast Medical Director.

Made by: Ontengco; Seconded by: Russell

Vote: Yes: (13) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Libby, Martel, Ontengco, Russell, Smith

b. License Renewal Extension Waiver

MEMS proposes that we extend license renewal dates until August 31st, 2020 and clinicians can apply any courses from March 17th forward. This gives clinicians time to obtain CEH credits as well as practice under their license.

The Board went through the waiver requirement which was presented by Mr. Kellner (Chair). Ontengco has recused herself.

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: yes
Does this weigh in favor of granting the waiver? yes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: no Does this weigh in favor of granting the waiver? yes
- 3) Whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule is not waived. Finding: yes Does this weigh in favor of granting the waiver? yes
- 4) Would the waiver of the rule in this particular case pose a health or safety risk to the public at large, or a particular individual or community? Finding: no Does this weigh in favor of granting the waiver? 2 yes
- 5) Would waiver of the rule in this particular case establish a precedent that would unduly hinder the Board or Office of EMS in its administration of Maine's EMS system? Finding: no Does this weigh in favor of granting the waiver? yes

MOTION: To extend the license renewal extension waiver to August 31, 2020. To allow for waiver of the education requirement dates to go back to March of 2017 for individuals that are applying for or will be automatically extended on this waiver, which is a waiver of grant the waiver of rules chapter 584, chapter 585.2b, chapter 5a84.1, chapter 98.

Made by: Beals; Seconded by: Gerrish

Roll Call Vote: Yes (13) Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Russell, Smith

No: (0)

Recusal: (1) Ontengco

c. Howland Waiver

Howland Fire/EMS has put in a bid to cover multiple small municipalities in the Burlington area. Previously, that area has been covered by East Millinocket/Lincoln Ambulance. However, for financial reasons, the municipalities have expressed interest in having Howland Fire/EMS cover that area under a contract that would begin on July 1, 2020. The proposed agreement must be voted on by the citizens of the town. Under normal circumstances, the vote would occur before June 1st, allowing 30 days of public notice. Unfortunately, due to COVID-19, the town was unable to hold a vote before June 1st. As a result, the town has been forced to hold this voting process on June 8th.

If the proposed arrangement with Howland Fire/EMS passes, there would not be 30 days between the date of the vote and the date of service as required by Maine EMS rules Chapter 3 85.1.C.1.f. Howland Fire/EMS is **not** seeking a waiver of public notice; however, they do feel a 30-day notice is not possible under these circumstances.

The Board went through the waiver requirement which was presented by Mr. Kellner (Chair).

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: yes
Does this weigh in favor of granting the waiver? yes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: no Does this weigh in favor of granting the waiver? yes
- 3) Whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule is not waived. Finding: yes Does this weigh in favor of granting the waiver? yes
- 4) Would the waiver of the rule in this particular case pose a health or safety risk to the public at large, or a particular individual or community? Finding: no Does this weigh in favor of granting the waiver? 2 yes
- 5) Would waiver of the rule in this particular case establish a precedent that would unduly hinder the Board or Office of EMS in its administration of Maine's EMS system? Finding: no Does this weigh in favor of granting the waiver? Yes

MOTION: To grant the waiver of EMS Rules Chapter 385.1.C.f.

Made by: Libby; Seconded by: Cote

Roll Call Vote: Yes(11) Beals, Chicoine, Cote, Downing, Drinkwater, Gerrish, Kindelan, Kellner, Libby, Russell, Smith

No: (0)

d. John Bennett Waiver

Mr. Bennett is requesting that the Board waive Chapter 5 Section 585 C.2(a). The applicant had completed all of his continuing education requirements and then he was delayed with obtaining his skills hours due to physical distancing guidelines related to COVID-19.

The Board went through the waiver requirement which was presented by Mr. Kellner (Chair).

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: yes
Does this weigh in favor of granting the waiver? yes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: no Does this weigh in favor of granting the waiver? yes
- 3) Whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule is not waived. Finding: no Does this weigh in favor of granting the waiver? no

- 4) Would the waiver of the rule in this particular case pose a health or safety risk to the public at large, or a particular individual or community? Finding: no Does this weigh in favor of granting the waiver? 2 yes
- 5) Would waiver of the rule in this particular case establish a precedent that would unduly hinder the Board or Office of EMS in its administration of Maine's EMS system? Finding: no Does this weigh in favor of granting the waiver? Yes

MOTION: To grant the waiver of EMS Rules Chapter 5 section 5 §5 C2(a).

Made by: Libby; Seconded by: Drinkwater

Roll Call Vote: Yes: (12) Beal, Chicoine, Cote, Downing, Drinkwater, Gerrish, Kindelan, Libby, Martel, Ontengco, Russell, Smith

No: (0)

11. Other

- a. Items for next meeting agenda
 - i. Approval of Minutes from May 6, 2020 meeting
 - ii. Discussion on the future of clinicals
 - iii. Jackman Pilot project
 - iv. LD 2105 Update
 - v. Approval of MDPB ALS,BLS and Pediatric Physician positions
- b. Next meeting date (July 8, 2020 @ 9:30)

12. Adjourn @ 1:50