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## OPERATIONAL BULLETIN

Bulletin #	Title		Date Issued
#2021-10-08-01	Vaccination Rule Compliance		October 8, 2021
Superseded	Released By:	Source:	Pages
N/A	Maine EMS	Maine EMS Staff	2
Approved By:	J. Sam Hurley, MPH, EMPS, NRP Maine EMS Director 		

Maine EMS has come to understand that there may be confusion about implementing the Maine EMS emergency rules outlined in [Chapter 20 \(effective date August 25, 2021\)](#) concerning changes in enforcement announced by CDC and future federal rules regarding immunization requirements.

The emergency Maine EMS rule requires that all persons providing direct patient care receive their final vaccination dose for COVID-19 no later than October 15, 2021. The Maine CDC emergency rule originally was published with a different date; however, through discretionary enforcement will only begin to be enforced on October 29, 2021. For the two-dose regimens, the practical effect is the same, requiring full immunization by October 29, 2021. It should be noted that an EMS clinician providing direct patient care could seek a single dose of the Johnson & Johnson vaccination on October 15, 2021 and remain in full compliance with the emergency Maine EMS rule.

As of today, both the Maine EMS and the Maine CDC emergency rules are in effect. Both agencies are undertaking permanent rulemaking. Each agency enforces its own rules. Each agency can refer to the other's rule during the formulation of what constitutes professional conduct.

Maine EMS intends to enforce the Maine EMS emergency rule requirement that all persons who provide direct patient care obtain a Certificate of Immunization for COVID-19 or documentation of an exemption. EMS entities may not allow any individual who has not received either a Certificate of Immunization for COVID-19 or documentation of an exemption to provide direct patient care after 23:59 on October 15, 2021. Individuals who obtain a medical exemption must comply with the testing requirements as required by rule. Any licensee of EMS who violates any of these requirements may be referred to the Maine EMS Investigations Committee for potential enforcement proceedings.

To the extent that the emergency Maine CDC rule applies more broadly when compared to the emergency Maine EMS rule (to employees beyond persons providing direct patient care), it is

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important to note the announced enforcement position published in the [Maine CDC's Frequently Asked Question document](#). The document states:

*"To the extent that there is any inconsistency, DHHS will use its enforcement discretion to align its emergency rule's EMS definitions with the Board of Emergency Medical Services' emergency rule's definitions."*

The Biden Administration recently announced potential rulemaking promulgated by the Centers for Medicare and Medicaid and the Occupational Health and Safety Administration, including vaccination requirements on the federal level. While there has been signaling regarding the components of these rules and their composition, a final form has not been released as of this bulletin. We will do our best to help inform the community once these rules are made available. Please note that the new federal rules/standards may affect persons who are currently impacted by the Maine EMS or CDC rule.

Our regulated community must keep abreast of the changing regulatory landscape regarding vaccinations on the state and federal levels. Compliance with Maine EMS rules by itself may not be sufficient in some circumstances to ensure compliance with applicable requirements of other state and federal authorities that also have jurisdiction over your activities. Please do not hesitate to reach out to our office if you have any additional questions, comments, or concerns about the EMS rules.

For questions or concerns, please contact Maine EMS at [maine.ems@maine.gov](mailto:maine.ems@maine.gov).