

BOARD OF EMS MEETING
 SEPTEMBER 7, 2022
 ZOOM

“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 Members Present:

Board Member	In Attendance	Late Arrival (if applicable)	Early Departure (if applicable)
Nate Allen	x		
Timothy Beals	x		
Bill Cyr			
Katelyn Damon	x		
Laura Downing			
Amy Drinkwater			
Rosie Davis	x		
Judy Gerrish	x		
Brandon Giberson	x		
Joseph Kellner	x		
Brent Libby	x		
John Martel	x		
Maria Russell	x		
Matthew Sholl	x		
Steve Smith			
Tiffany Tscherne	x		
Andrew Turcotte	x		
Christopher Whytock	x		
Kate Zimmerman	x		

Staff Present: Melissa Adams, Chris Azevedo, Jason Cooney, Darren Davis, Samantha Morgan Marc Minkler, Moody.

Guests: Dayna Emerson, Chip Getchell, Chris Pare, Dwight Corning, Don Sheets, Shawn Cordwell, Benjy Lowry, Rebecca Quinn, Jim MacDonnell (Lisbon EMS), Eric Wellman, Phil MacCallum, Jesse Thompson, Joanna Lebrun, Sally Taylor, AJ Gagnon, Scott Smith, Old Town Fire Rescue, Mike Senecal, Aiden Koplovsky, Brandon Libby, Butch Russell.

1. Disclosure of any conflicts of interest
 - a. Maria Russell to recuse herself from agenda item 8b. Jackman Pilot Project Review.
 - b. Kellner disclosed that he has a financial connection to a service that will be impacted by the proposed rules but does not feel that has any impact on his participation.

2. Modifications to the agenda
 - a. Licensing RRAAS added under new business
 - b. Committee updates under new business
 - c. Skills waiver expiration under old business
 - d. Remote participation policy under old business

3. Minutes:

Motion: to approve August 3rd, 2022 Meeting Minutes as presented.

Motion made by: Kellner, Seconded by Gerrish.

In Favor: Allen, Beals, Downing, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Tscherne, Turcotte, Whytock.

Abstained: Davis, Damon.

Motion Carries

4. Investigations

Motion: to approve the minutes.

Motion made by: Giberson, Seconded by Downing.

In Favor: Kellner, Downing.

Abstained: Gerrish, Giberson, Beals, Drinkwater absent.

Motion Carries

5. Case Number 22-231

Summary: While actively licensed in 2020, the former AEMT Licensee was charged with Class C Theft by Unauthorized Transfer or Taking, a felony. The former Licensee's license subsequently expired on July 31, 2021. On January 4, 2022, the former licensee was adjudicated guilty of Class E Theft by Unauthorized Taking or Transfer, a misdemeanor. On May 26, 2022, the former Licensee applied for license reinstatement utilizing the waiver passed by the Board. On July 28, 2022, this case was tabled to allow the applicant to submit letters of support from a potential employer(s) that acknowledge an awareness of the conviction and related circumstances.

Motion: to accept the Committee's Recommendation RE 22-231

Motion made by: Damon, Seconded by Tscherne.

In Favor: Allen, Beals, Damon, Davis, Downing, Kellner, Libby, Martel, Russell, Tscherne, Giberson, Turcotte, Whytock.

Motion Carries

Gerrish left the meeting at 9:43

6. Case Number 22-245

Summary: The licensee failed to demonstrate sufficient continuing education hours to renew at their license level during the audit process after attesting to having met all the requirements on their renewal application.

Motion: to accept the Committee's Recommendation RE 22-245.

Motion made by: Giberson, Seconded by Russell.

Discussion: Libby asked about the number of hours of deficiency.

In Favor: Allen, Beals, Damon, Davis, Downing, Kellner, Libby, Martell, Russell, Tscherne, Giberson, Turcotte, Whytock.

Motion Carries

7. Case Number 22-246

Summary: The licensee failed to demonstrate sufficient continuing education hours to renew at their license level during the audit process after attesting to having met all the requirements on their renewal application.

Motion: to accept the Committee's Recommendation RE 22-246.

Motion made by: Tscherne, Seconded by Davis.

In Favor: Allen, Beals, Damon, Davis, Downing, Kellner, Libby, Martel, Russell, Tscherne, Giberson, Turcotte, Whytock.

Abstain: Gerrish.

Motion Carries

Gerrish Returned 9:48

8. Case Number 22-244

Summary: The licensee failed to demonstrate sufficient continuing education hours to renew at their license level within the ten (10) day audit period after attesting to having met all the requirements on their renewal application.

Motion: to accept Committee's Recommendation RE 22-244.

Motion made by: Turcotte, Seconded by Allen.

In Favor: Allen, Beals, Damon, Davis, Downing, Gerrish, Kellner, Giberson, Libby, Martel, Russell, Tscherne, Turcotte, Whytock.

Motion Carries

9. Danforth's Application

Summary: The applicant disclosed a conviction for class D crimes of Criminal Threatening and Terrorizing in 2019 and a conviction for class D Terrorizing in 2011.

Motion: to accept Committee's Recommendation with Letter Of Guidance on file for three licensure cycles (6 years).

Motion made by: Kellner, Seconded by Giberson.

In Favor: Allen, Beals, Damon, Davis, Downing, Giberson, Kellner, Russell, Turcotte.

No: Libby, Martel, Tscherne, Whytock.

Motion Carries

10. Case Number 20-138

Summary: The Board came to the decision in January of 2021 and through the circumstances, a consent agreement was not offered until June of 2022. Licensee responded with they did not accept and agree with the terms of the consent agreement. Licensee proposed a second informal conference with the Board rather than a formal hearing. The committee proposed this needed to be brought to the Board.

Motion: to not offer the secondary information conference.

Motion made by: Kellner, Seconded by Giberson.

In Favor: Allen, Beals, Damon, Davis, Downing, Gerrish Giberson, Kellner, Libby, Martel, Russell, Tscherne, Turcotte, Whytock.

Motion Carries

11. Old Business

12. Board Bylaws

- a. Kellner: Further differentiate Board Subcommittees, Advisory Committees, and Committees.
- b. Zimmerman: Ensure that there is consistency with the TAC.
- c. Beals: Committee membership process.

13. Remote Participation

Motion to enter executive session for legal advice according to 1 MRS 405(6)(E).

Motion made by: Kellner, Seconded by Beals.

The executive session began at 10:15 am.

The executive session ended at 10:22 am.

Motion: To remote Participation Policy as it is already covered under Chapter 88.

Motion made by: Kellner, Seconded by Beals.

In favor: Allen, Damon, Davis, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Tscherne, Whytock.

Abstain: Downing.

Unable to vote: Turcotte (technical difficulties).

Motion Carries

14. Maine EMS Member Azevedo presents an extension of PSE Exam Modification based on recommendations from the exam committee. Referenced concerns that courses have already begun teaching using the expectation that students would be testing based on this model and the Board is already moving to portfolios rather than exams.

Motion: to extend PSE modifications until June 30, 2025.

Motion made by: Beals, Seconded by Gerrish.

In favor: Allen, Beals, Damon, Davis, Downing, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Turcotte, Tscherne, Whytock.

Abstained: Smith.

Motion Carries

Smith joined at approximately 10:32 am.

15. TAC Bylaws

TAC is proposing changes to the bylaws to memberships to maintain inclusivity of the bylaws.

Discussion related to surgeons; Robert's Rules; Trauma Systems Manager needs to be identified in the bylaws; where does the chairperson position default to, if the decision cannot be made;

Motion: to approve TAC bylaws as submitted with a request for the TAC to consider points made by the Board.

Motion made by: Kellner, Seconded by Turcotte.

In Favor: Allen, Beals, Damon, Davis, Downing, Gerrish, Giberson, Kellner, Martel, Smith, Turcotte, Whytock.

No: Libby, Russell, Tscherne.

Motion Carries

16. Regional Structure proposal (option 2):

- a. Region 1: Cumberland, York

- b. Region 2: Androscoggin, Franklin, Kennebec, Oxford, Sagadahoc, Somerset
- c. Region 3: Hancock, Knox, Lincoln, Penobscot, Piscataquis, Washington
- d. Region 4: Aroostook

Recognizing the immediate resignation of Rich Kindelan (Region 1) in August 2022, and the pending resignation of Joe Kellner (Region 4) effective 31 December 2022, the Board is asked to consider changes to the current six (6) Region model.

Motion: to pursue a four (4) Region model (proposed option two) and direct the Rules Committee to draft rules that direct the Regional Councils and Operations in accordance with this model.

Discussion: Director Hurley explained there may be vacancies for a Regional Representative and feels a choice needs to be made about what the Board is going to do about the Regional Structure. Furthermore, explaining that they need to plan on moving forward and possibly plan for future changes in Regional Structure for next June, now; we need direction from the Board as far as Regions go.

Kellner- "What is the domino effect as far as statute or rule?" The Board needs to implement a plan for what they choose to do so.

Director Hurley also added that the rules need to be more defined. Essentially, the current statute or rules only refer to 'Regions' not each of them individually.

Motion made by: Beals, Seconded by Kellner.

In favor: Allen, Beals, Damon, Davis, Downing, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Tscherne, Whytock.

Motion Carries

17. Proposed Organizational Structure

Motion: To enable the Director to share with the Blue Ribbon Commission the Board's support of the structural changes with the exception of the IFT Transfer Center.

Motion made by: Kellner, Seconded by Russell.

In Favor: Allen, Beals, Damon, Davis, Downing, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Tscherne, Whytock.

No: Smith.

Technical Difficulties: Turcotte.

Polled No's: (Smith) Not sure that we are ready to make this determination.

Motion Carries

Damon Stepped away at 11:24 am.

Break at 11:25 am.

Restart at 11:32 am.

18. Vision/ Agenda for EMS in Maine 2035.

Read the proposed Vision/Agenda for EMS in Maine for 2035.

Motion: to accept the proposed Vision/Agenda for EMS in Maine for 2035 as so eloquently read into the record by Direction Hurley.

Motion made by: Tscherne, Seconded by Davis.

In Favor: Allen, Beals, Davis, Downing, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Smith, Tscherne, Whytock.

Technical Difficulties: Turcotte.

Motion Carries

Turcotte stepped away at 11:45 am.

New Business

19. I Proposals.

Effect of rurality on organ donation among cardiac arrest patients with and without overdose related cardiac arrest across Maine.

Dr. May's research regarding out-of-hospital cardiac arrest, organ donation, and persons who expire in the field following an opioid overdose.

MDPB approved the project in July 2022.

Motion: to Endorse IRB and release identifiable data as requested for a period not to exceed 12 months.

Motion made by: Kellner, Seconded by Giberson.

In Favor: Allen, Beals, Davis, Downing, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Smith, Tscherne, Whytock.

Motion Carries

20. Assessing the Approach to Cardiac Arrest Patients in the Interfacility Transfer Setting.

Motion: to Requesting identifiable information to look at run reports,

Interested in linking IFT's to outcome data,

Endorse the IRB and release identifiable data as requested through 12/31/2024.

Motion made by: Kellner, Seconded by Giberson.

In Favor: Allen, Beals, Davis, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Tscherne, Whytock.

Abstained: Downing.

Technical Difficulties: Smith.

Motion Carries

21. Jackman Pilot Project review

Dr. Sholl explained the rationale behind the associated memo and questions from the MDPB, "are paramedics functioning in this pilot project allowed to practice beyond the approved protocols and scope of practice when no on-site physicians are present?"

Dr. Giberson and Dr. Martel respond to the question as, "No."

Butch Russell states that he did not realize that this was not on the agenda and was not prepared to speak to this. He asks that North East Mobile Health Services have an opportunity to respond to the question. There have been attorneys from PCHC, St.Joes, NEMHS, and Maine EMS to discuss this matter.

a. Scope of practice should not be a dynamic process.

b. Consideration as to whether the details should be reviewed in an executive session.

Unrevised Motion: to have the Board signal to the MDPB that it is the position of the board that the paramedics practicing as part of this pilot program are not allowed to practice beyond the approved protocols and scope of practice.

Motion made by: Giberson, Seconded by Tscherne.

Discussion: Kellner- Not opposed to motion; however, open to considering tabling until further legal review. Thinks that this Board will need to determine the extent of delegation of practice for physicians. If there was a physician on-site, the paramedic could perform tasks outside their scope of practice.

The motion was revised and re-affirmed to remove the on-site physician component.

Melissa – Is it the Board’s will to encourage the MDPB to consider changes to the pilot project?

Giberson- Signaling to the program that it must work within what is approved, and it cannot venture beyond the approved protocols and scope of practice of the Jackman Pilot Project.

Revised Motion: to Signal to MDPB clarity on the question that paramedics are not allowed to practice beyond the approved protocols and scope of practice of the Jackman Pilot Project.

In Favor: Allen, Davis, Downing, Gerrish, Giberson, Kellner, Libby, Martel, Smith, Tscherne.

No: Beals, Whytock.

Recused: Russell.

Motion Carries

Russell left at 12:40 pm.

Davis stepped away at 12:45 pm.

22. Rules Proposals.

Multiple rules proposals for chapter 2, 5, 5B, 17, 22, &23.

Kellner presented the rules packet including the caveat that the Continued Competency component of re-licensure was removed. Kellner acknowledged that he does have a potential conflict of interest related to the data rule; however, he does not believe that it will affect his vote. Kellner is seeking a motion to adopt the rules, forward them to the AG’s Office for review, and submit them to the Secretary of State if recommended by the AG’s Office.

Motion: to Accept Basis Statement, accept responses to comments, accept changes, and adopt proposed rules for chapters 2, 5, 5B, 17, 22, &23.

Motion made by: Allen, Beals, Downing, Giberson, Kellner, Libby, Martel, Smith, Tscherne, Whytock.

Abstain: Gerrish.

Motion Carries

Tscherne left at 12:59 pm.

23. New Application for Restricted Air Ambulance Service with Old Town Fire Department vehicles.

Discussion: Kellner- Seen response air ambulance, there would be several rules that would need to be waived in order to follow through with the request. It could also need an entirely new set of rules to go along with it. Kellner wants to say that he does not want his comments to suggest that he does not support the program, just thinking through the regulatory lens of the Board.

Melissa- Due to their operational policy is to contact the responsible ground service in that region to get there as quickly as possible.

Director Hurley- They are not there to become the next life flight of Maine; they are there for extraction support for ground-serving agencies to then get them to a facility.

No Motion.

24. Committee Updates.

Discussion: Kellner is asking to step away from investigations.

Rules opening (Beals) and additional opening coming in December as Kellner steps away

25. Skills Review.

The waiver was initially adopted in December of 2020 and renewed (Dec. 1st, 2021 through Sept. 30th, 2022) in alignment with NREMT. There would be 64 clinicians who would be required to meet skills hours, if the waiver is not renewed through November 2023. People are able to meet to do skills work.

No motions on this topic to renew the waiver, the waiver will expire on 9/30/2022.

There were no items discussed for the next meeting.

Adjournment- Gerrish.