

**Board of EMS Meeting
October 5th, 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 Member Present:

Board Member	In Attendance	Late Arrival (if applicable)	Early Departure (if applicable)
Nate Allen	x		
Timothy Beals	x		
Bill Cyr	x		
Katelyn Damon	x		
Laura Downing	x		
Amy Drinkwater	x		
Rosie Davis			
Judy Gerrish	x		
Brandon Giberson	x		
Joseph Kellner	x		
Brent Libby	x		
John Martel	x		
Maria Russell	x		
Matthew Sholl	x		
Steve Smith		x (no time given)	
Tiffany Tscherne	x		
Andy Turcotte	x		
Christopher Whytock	x		
Kate Zimmerman	x		

Call To Order” 09:31 am

Introductions

1. Disclosure of any conflicts of interest:

None

2. Modifications to the Agenda:

None

3. Public Comment:

None

4. Minutes to be approved: August

Discussion: Dr. Zimmerman needs to be removed from the voting roll call.

Motion to accept the August Minutes with the changes listed.

Made by Drinkwater, Seconded by Cyr.

Roll Call (yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Libby, Martel, Russell, Kellner, Tscherne, Turcotte, Whytock
Motion Carries

5. Director Hurley's Report:

Introduction of Emily Burgess as a new hire as an Office Associate. The hiring process for multiple positions in the office is underway, and we have recently received news that two people accepted positions. Taking the role in the Explorer Program and the Community Paramedicine Program, but with this being a public meeting, we will not be releasing any names yet. The substance use Disorder Program manager position has also been accepted by Megan Salois. Megan comes to us with experience as a Clinical Social Worker and a Behavioral Health Specialist, and she has extensive experience working with persons experiencing substance use disorders. Her start date will be October 30th, 2022. The Deputy Director positions will be approved this week, and we hope to have the job posted by the end of the month (October 2022) to start the hiring process. Maine EMS has submitted some Legislation to the Governor's Office regarding the individuals who have died from suicide- line of duty deaths. Currently, death benefits do not necessarily pay for someone who dies as a result of suicide. The mental health work that many of us continue to work on covers us asking the Legislature to add specific language to the line of duty benefits for all of those currently covered, to cover suicide as a possible line of the duty death benefit. In the past, during our Board Meetings, we have had the Director's report followed by our staff member updates. We feel that capitalizing an hour of the meeting might not be the most beneficial; we think transitioning to a newsletter-type handout with the agenda for the Board Meetings would be a better approach. We feel it would increase transparency throughout the office to the public.

Discussion: Russel agrees the newsletter would be a great idea and wants to know how soon before each meeting with the Board Members will receive a copy of it.

Director Hurley explained that the office would create a template with the intention for it to be done a week before the meeting, or at least that would be the goal. Director Hurley plans to receive them the Monday prior, review and revise them on the following Tuesday, and plan to get them out to the Board the following Wednesday. The newsletter may also include MDPB information but leave the Medical Directors' report at the beginning.

6. Investigations

Meeting Minutes

Motion to approve the Investigation Committee's Meeting Minutes

Made by Giberson, Seconded by Drinkwater

Roll Call (yes): Gerrish, Turcotte, Drinkwater, Giberson, Downing, Kellner, Beals

Motion Carries

7. Review of cases 22-226 and 22-234: Melissa Adams (Jason Cooney presenting)

Summary of case 22-226: While actively licensed in 2016, the licensee engaged in conduct considered to be unprofessional and was convicted of criminal offenses that qualify as crimes of dishonesty or false statement. The Licensee failed to disclose the criminal convictions to the Board in writing within ten days as required by rule and

statute. The licensee also failed to disclose the criminal convictions upon subsequent applications for licensure renewal. The Investigations Committee recommends the Board to offer a consent agreement resolving cases 22-226 and 22-234, citing the totality and significance of violations found, permanently revoking the license with a provision that the licensee may not reapply for an EMS license at any level in the State of Maine.

Summary of case 22-234: A licensee allegedly provided insufficient care and/or was neglectful of care for a cardiac arrest patient. The Investigations Committee recommends the Board offer a consent agreement resolving cases 22-226 and 22-234, citing the totality and significance of violations found, permanently revoking the license with a provision that the licensee may not reapply for an EMS license at any level in the State of Maine.

Motion to accept the Investigations Committee recommendation on both cases 22-226 and 22-234

Made by Cyr, Seconded by Damon

Discussion: Dr. Sholl- The allegation of the HIPPA violation might not be ours to investigate, and it has a lot of missing information. What are the Board's responsibilities or concerns regarding this application?

Tim Beals- Explained the Investigations Committee chose not to consider the allegations and excluded that piece while making their recommendation.

Brandon Giberson- The Investigations Committee felt the evidence provided regarding this specific allegation was not sufficient enough to investigate further.

Dr. Sholl- Is the Board obligated to report this to anybody?

Samantha Morgan- Explained that she feels there is no need to report to anybody and agrees

with what the other Board Members have said. She agrees that there is not enough sufficient information to act further on the violation.

Joe Kellner- Is in favor but is not entirely sure if that is the Board's role, possibly turning it back to the service is the best course of action.

Dr. Sholl- The Complaint of the family they felt was supportive, given the gaps in the Information, is there an obligation to tell the family how to investigate further or how to it back to the service?

Samantha Morgan- Explained there is no obligation.

Roll Call (yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Giberson, Kellner,

Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

Sustained: Gerrish

Motion Carries

8. Limerick Application: Melissa Adams (Jason Cooney presenting)

Summary: On an application for initial licensure at the EMT level, the applicant disclosed a criminal conviction for Operating Under the Influence, a Class D misdemeanor, in 2013. The Investigations Committee recommends that the Board issue the license.

Motion to accept the Investigation Committee's recommendation to issue the license.

Made by Smith, Seconded by Giberson

Roll Call (yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Libby, Martel, Russel, Smith, Tscherne, Turcotte, Whytock
Motion Carries

9. Bragg Application: Jason Cooney

Summary: Upon the return of a criminal history record check performed on July 14th, 2022, a result was returned indicating that Mr. Bragg, who is applying for initial licensure at the EMT level, had been convicted of two (2) counts of Class D Misuse of Identification, a misdemeanor in 2014. The Investigations Committee's recommendation is for the Board to issue the license with a letter of guidance citing the importance of reporting criminal convictions and honesty as a professional standard, to remain on file to three license cycles.

Motion to accept the Investigation Committee's recommendation.

Made by Cyr, Seconded by Russell

Roll Call (yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Martel, Russell, Smith, Tsherne, Turcotte, Whytock, Libby

Motion Carries

10. Keene Application: Jason Cooney

Summary: On an application for initial licensure at the EMT level, the applicant disclosed a criminal conviction for Theft by Unauthorized Taking or Transfer and Unlawful Possession of a Scheduled Drug. A criminal history check result indicated that the applicant had been convicted of Class C Unlawful Possession of a Scheduled Drug, a felony in 2014, and Class D Theft by Unauthorized Taking or Transfer, a misdemeanor in 2013. The Investigation Committee's recommendation is to issue the license finding the applicant has been rehabilitated to warrant the public's trust.

Motion to accept the Investigation Committees' recommendation.

Made by Turcotte, Seconded by Damon

Roll Call (yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock.

Motion Carries

11. Old Business

Strategic Planning

John Becknell: Meeting with various committees, breaking things down into multiple sections, and the plan will go out to you over the next couple of weeks as an unfinished document. Any input about the document is welcome. The November meeting will be in person, and the plan will be discussed in depth at that meeting. An issue with the Finance Committee; there had a broad conversation related to the funding of EMS in Maine. We are moving forward and are there enough resources to fund EMS in Maine? EMS in Maine is facing both a reckoning and a great opportunity. Reckoning is around the fact that EMS has been placed around Maine at a bargain and it is now no longer available. The full cost of running Maine EMS is not fully understood by many entities in the Government. While EMS in Maine is working well now, the problem is still the cost being born onto the shoulders of clinicians. The Blue-Ribbon Commission is up and running and a proposal is being made by Rick Petrie to the Blue Ribbon Commission and is asking to recommend to the Legislature, 65Million dollars for the next five (5) years, each year, for Maine EMS to be distributed. Suggesting this is a huge planning problem and should have some airtime.

Discussion: John Martel- Where did the 65Million dollars originate from?

Brandon Giberson- John, are you prepared for what the Blue-Ribbon Commission is going to ask about SafeTech?

John Becknell- We are trying to not give an opinion of the specific plan. Some of the top issues are people who are concerned about the reliability of EMS, and sustainability. Are they, the providers, supported in a way there is a system that is sustainable?

Rick Petrie: Playing around with the number to do exactly what John Becknell talked about is how the number came about. Maine EMS needs help to attract new EMS providers. Asking to do a formal presentation to the Board and have a special meeting would be what is asked for at this time and specifically asking the Board to consider a special meeting in a couple of weeks before we go to the Blue-Ribbon Commission.

Joe Kellner- Through what mechanism or in what way should the Board be informing the Blue-Ribbon Commission?

Brent Libby- Resolution from the Board and submit to the committee what is being provided for information.

John Becknell- Explained that he wants the Board to be involved with that number, where it comes from, where it is being used, and be mindfully involved.

Brent Libby- Is there any objection to calling a special meeting? No objections, putting a poll out for a meeting date and time.

12. Board Bylaws

The document went out more than once and has had changes.

Joe Kellner- Page 5, Section 2, 'Entity under leadership' changing language in that section.

Tim Beals- Page 5, Section 3, Number 5, grammatical error needing to be fixed.

Motion to accept the changes considered and accept the Bylaws

Made by Kellner, Seconded by Giberson

Roll Call (yes): Allen, Beals, Cyr Damon, Downing, Drinkwater, Gerrish,

Giberson, Kellner, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

Motion Carries

Discussion: Director Hurley- On what schedule do you want to see the Bylaws?

Brent Libby- Every two (2) years.

The conversation started in Bylaws but carried the motion anyways and paused Bylaws to be able to vote and carry the motion.

Amy Drinkwater and Brent Libby met with the Education Committee. The Committee feels like now is a good time to merge the Exam Committee and the Education Committee.

Motion: to eliminate the Exam Committee and start the Education Exam Committee merger.

Made by Kellner, Seconded by Drinkwater

Roll Call (yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish,

Giberson, Libby, Martel, Smith, Kellner, Tscherne, Turcotte, Whytock

Motion Carries

13. Data Request Report:

Darren Davis- MDPB approved the data request for Colby College on their study of Naloxone by EMS Responders. During the Pandemic, they had to stop their study and have since requested an additional eighteen months in order to complete the study. The

reason to bring this back to the Board is originally, the Board set an expiration date of April 1st, 2021 for them to work with the data.

Joe Kellner- Asked if they already have the data they need or if they are seeking additional data to comminute with.

Darren Davis- Answered they already have the data we provided them with back when they had an effective data use agreement. He also explained to Joe Kellner there is specific wording in the agreement that once their research is completed the data we gave them must be destroyed but there is no specific date for that.

Motion: to amend the expiration date for the data use agreement as it exists today, to be 10/5/2024.

Made by: Kellner, Seconded by Turcotte.

Roll Call (yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Kellner, Russell, Smith, Tscherne, Turcotte, Giberson, Libby.

Motion Carries

14. New Business

Delegation Request presented by Jason Cooney

- a. Seeking a limited delegation of authority to the Maine EMS Staff. To preliminarily deny renewal applications and to offer consent agreements to services that failed to comply with the service level.

Discussion:

Jason Cooney- Explained the issue that we have encountered is without the limited delegation of authority, approval of the services applications would be delayed, at least until the next Board meeting so the Board could have an opportunity to determine whether the application should be preliminarily denied, or whether the licensure should be offered a consent agreement to resolve the matter. What we are trying to do is formulate a mechanism that will allow uninterrupted service and provide a time period through which the service can remedy the problem or seek alternative measures of remedy which would be a downgrade of service licensure.

Tim Beals- Expressed he does not know what kind of unintended consequences that might have, and it could have significant ones.

Samantha Morgan- Explained the documents Jason Cooney sent out to the Board members, and explained she is not prepared to speak on any collateral consequences it may bring along.

Joe Kellner- It is concerning the confusion that this might create because it is a complicated process. Seeing the issue, if we say we are comfortable in saying that if you receive a preliminary denial, your license is still active until the Board takes final action.

Jason Cooney- With the preliminary denial, we wish to offer a consent agreement to issue a provisional license for a period of sixty days. During the sixty days, the service must comply with the requirement or process a downgrade to avoid the need for a service-level medical director.

Tim Beals- Still very concerned and does not support this until they know whether it is going to cause problems for a service to bill and suggests not voting on it until they have the answer.

Motion: to table this request until the November Board Meeting to have time to look over the information that was provided today.

Made by: Kellner, Seconded by Beals

Roll Call(yes): Allen, Beals, Cyr, Damon, Downing, Gerrish, Giberson, Kellner, Martel, Russell, Smith, Tscherne, Turcotte, Whytock.

Motion Carries

15. Next Meeting Agenda

Special Meeting for that Financial Discussion.

Discussion on developing a new charge for the Education Exam Committee.

Delegation for service licensing.

Motion to adjourn made by Libby, seconded by Drinkwater at 11:32am.