



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
 November 2nd, 2022
 ZOOM/Champlain Conference room

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

Staff: Christopher Azevedo, Darren Davis, Jason Oko, Jason Cooney, Melissa Adams, Emily Burgess, Soliana Goldrich, Megan Salois, Director Hurley (In and out because of out-of-state conference and reception), Samantha Morgan.

Gallery: Joanna LeBrun

1. Introductions: Soliana Goldrich, Megan Salois.
2. Any Disclosures of conflicts of interest:
 Tim Beals- Investigation Cases

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3. Modifications to the agenda: None
4. Public Comment: None
5. Meeting Minutes:

- a. June 1st Meeting Minutes

Laura Downing needs to be taken off attendance. Mathew Sholl needs to be taken off as absent; he was voting in all the motions. In Item (6), Director's report summary, the sentence toward the bottom, 'LGBTQ community supported with Maine Date,' needs to be changed to Data. In section C, Chris Azevedo's report refers to cycle motor skills and refers National continues competency program. In section I, there needs to be clarity on who they are. In Section j- Dr. Sholl's report, MVP Rep should be MDPB Rep. In section number 9, Tim Beals is spelled wrong under the next meeting.

Motion to accept the June 1st meeting minutes with the proposed edits.

Made by Kellner, Seconded by Beals.

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, John Martel, Steve Smith, Andy Turcotte, Chris Whytock.

Motion Carries

- b. September 7th Meeting Minutes

In Investigations under number 6, case number 22-245, the motion was made by Gibson, and it should be changed to Giberson.

Katelyn Damon made a concern about the attendance table. She stepped away during the meeting, and it was noted in the minutes, just not in the attendance table. She was curious if it needed also to be noted in the table.

Motion to accept the September 7th minutes with the suggested edits.

Made by Giberson, Seconded by Damon.

Roll Call(yes): Nate Allen, Tim Beals, Katelyn Damon, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, John Martel, Andy Turcotte, Chris Whytock
Abstained: Steve Smith, Bill Cyr.

Motion Carries

- c. October 5th Meeting Minutes

No changes are needed.

Motion to accept the meeting minutes for October 5th, 2022.

Made by Kellner, Seconded by Drinkwater.

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Brent Libby, Joe Kellner, John Martel, Steve Smith, Andy Turcotte, Chris Whytock.

Motion Carries

6. Investigations:

Motion to approve the minutes.

Motion made by Drinkwater, Seconded by Gerrish.

Roll Call(yes): Amy Drinkwater, Judy Gerrish, Andy Turcotte, Tim Beals.

Abstained: Brandon Giberson

Motion Carries

- a. Case #22-241

Summary: The licensee is alleged to have engaged in unprofessional conduct while performing the duties for which the licensee is licensed. The licensee has an active consent agreement in which a reprimand was issued citing professional demeanor and public trust. This case was scheduled as an informal conference, but the licensee failed to respond to the notice of informal conference and was not present in the meeting.

The committee recommends resolving case 22-241 by offering the licensee a consent agreement to voluntarily surrender their license and agree not to reapply for an EMS license at any level, citing violation of 32 M.R.S. §90-A (5)(F) and Maine EMS Rules Chapter 11 §1 (2), (5), and (14).

Motion to accept the investigation recommendation.

Made by Giberson, Second by Cyr.

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, John Martel, Steve Smith, Andy Turcotte, Chris Whytock.

Motion Carries

b. Case #20-082

Summary: While actively licensed in 2020, the licensee falsely represented themselves as a Paramedic to a prospective employer. The license lapsed before the case was presented to the Board and the case was set aside pending reapplication. The licensee is now seeking licensure through the reinstatement waiver process. On the reinstatement application, the licensee disclosed a conviction for Class E Theft by Unauthorized Taking or Transfer in 2019, Class D Forgery and Class E Violating Conditions of Release in 2020. On June 29, 2022, this case was tabled without being presented to allow more time for investigation. The licensee was present on July 28, 2022, this case was again tabled to allow more time for investigation. The committee recommends denying the license application; citing violation of 32 M.R.S. §90-A (5)(G), 32 M.R.S. §90-A (5)(H), 32 M.R.S. §90-C (1)(B), and Maine EMS Rules Chapter 11 §1 (4) and (27) and finding that the applicant has not demonstrated sufficient rehabilitation to warrant the public's trust.

Motion to preliminarily deny the application.

Made by Damon, Seconded by Whytock.

Roll Call(yes): Nate Allen, Tim Beals, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, John Martel, Steve Smith, Andy Turcotte, Chris Whytock.

Motion Carries

c. Case # 21-171

Summary: The licensee self-disclosed an arrest for domestic violence assault in 2020 and completed the terms of a deferred disposition agreement resulting in the dismissal of criminal charges. The committee recommends resolving case 21-171 by issuing the licensee a letter of guidance citing rules of professional conduct; the letter is to be kept on file for a period of four (4) years.

Motion to accept the committee's recommendation.

Made by Cyr, Seconded by Giberson.

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, John Martel, Steve Smith, Andy Turcotte, Chris Whytock.

Motion Carries

d. Hartley Application Review

Summary: The applicant disclosed a history of crimes including burglary and theft over a period of twenty years with the most recent conviction in 1996; however, the applicant only completed terms of sentencing in 2018.

The committee recommends issuing the license with a letter of guidance citing rules of professional conduct, the letter is to be kept on file for a period of six (6) years.

Motion to grant the license finding the applicant has been sufficiently rehabilitated to warrant the public's trust, with a letter of guidance citing rules of professional conduct, the letter is to be kept on file for a period of six (6) years.

Motion to accept the committee's recommendation.

Made by Smith, Seconded by Cyr.

Discussion: Joe Kellner asked if the Board needed to have sufficient findings of rehabilitation, and Samantha Morgan said yes and that should be included in the motion. Chair Libby clarified and stated the suggestion is to change the motion to state the applicant has been sufficiently rehabilitated and issued a letter of guidance and professional conduct and be kept on file for six years.

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, John Martel, Steve Smith, Andy Turcotte, Chris Whytock.

Motion Carries

e. Delegation order for renewal of the criminal history matrix:

Information was provided to members of the Board prior to the meeting. Melissa stated she left the comments that were made on the document to refer back to and explain why changes were made to certain things.

Motion to approve the limited delegation order for criminal convictions for a period of three years, suggesting we omit the final two pages of the document.

Made by Kellner, Seconded by Beals.

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, Steve Smith, John Martel, Andy Turcotte, Chris Whytock.

Motion Carries

f. Delegation order renewal for a letter of guidance for certain conditions:

Melissa explained that there were no changes made to the existing document and that this is not the first time the Board has seen this document. The Investigations Committee only provided the evidence that was requested in the order and updated the dates. Melissa suggested that since the last document was voted on for three years, they should try and keep it consistent and vote on this one for three years instead of two years also.

***Motion** to approve the limited delegation order to issue letters of guidance with the expiration date of November of 2025, with one change on the last page, adjusting the page number to page 5 of 5.*

Made by Kellner, Seconded by Giberson.

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, Steve Smith, Andy Turcotte, Chris Whytock.

Motion Carries

g. Proposal for consent agreement for agencies without an agency medical director:

Discussion: This was talked about at the last meeting and has been modified. About 37 agencies, as of right now, still need to have a listed agency Medical Director in the system. They may have a medical director, but they have not listed them in the system, which is why they are included in that number of 37 agencies. There was a conversation as to how the office should get the attention of agencies to get a medical director listed in the system. A consent agreement was brought up; Samantha Morgan advised that she would keep all consent agreements the same. The wording in the consent agreements the Maine EMS office has right now is disciplinary. Tim Beals suggested dropping a license level instead of fining the agencies. The suggestion is to also give them a certain time period in the dropped-down service level to find an agency medical director.

***Motion** to delegate the authority to the office to issue a consent agreement as presented in cases when a service has indicated that they do have a service-level medical director when they do not, adding a violation of 32 MRS §90-A (5)(A) Fraud; the delegated authority is effective 2 November 2022 and expires 1 June 2023.*

Made by Kellner, Seconded by Gerrish.

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, John Martel, Steve Smith, Andrew Turcotte, Chris Whytock.

Motion Carries

Discussion: Director Hurley raised concern and spoke about how when Joe Kellner was chair during covid, the office was allowed to present consent agreements for a 30-day period, and then it was to be brought to the board. He suggested something similar happen in this situation because he is concerned about the accountability of services in this situation. Brandon Giberson agreed and said that he thinks it is fair for Director Hurley and Chair Libby to have the authority to do so until the board can get all agencies that have taken this route, in front of the board and taken care of. Joe Kellner and Samantha talked about different routes with consent agreements and waivers. Joe Kellner made the point that services would have to notify the community of the downgrade in service if they chose to do so.

***Motion** to delegate the authority to the Board Chair and the Director to waive §5.1.C (13) and (14) for a period of sixty (60) days for services that submit a renewal application without having obtained a service-level medical director. This will allow the license to be issued and the service will have sixty (60) days to come into compliance with the rule or downgrade to exempt from the rule. If the service remains non-compliant at the end of sixty days, the Board may consider disciplinary action citing these violations. (Kellner, seconded by Giberson; passed unanimously 13:0)*

Roll Call(yes): Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Amy Drinkwater, Judy Gerrish, Brandon Giberson, Joe Kellner, Brent Libby, John Martel, Steve Smith, Andrew Turcotte, Chris Whytock.

Motion Carries

h. For the next Meeting Agenda:

Next meeting is Dec 7th, 2022. 9:30am Via Zoom

Went for a break at 11:12 AM

The presentation on Strategic Planning by SafeTech Solutions was next on the agenda.

No meeting minutes were taken for this part of the meeting.