

**Board of EMS Meeting  
December 7<sup>th</sup>, 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	Absent		
Timothy Beals	x		
Bill Cyr	x		
Katelyn Damon	x		
Laura Downing	x		
Amy Drinkwater	Absent		
Rosie Davis	Absent		
Judy Gerrish	x		
Brandon Giberson	x		
Joseph Kellner	x		
Brent Libby	x		
John Martel	Absent		
Matthew Sholl	x		
Steve Smith	x		
Andy Turcotte	Absent		
Christopher Whytock	x		09:55 AM
Kate Zimmerman	x		

Staff Present: Director Hurley, Jason Oko, Melissa Adams, Christopher Azevedo, Darren Davis, Anna Masefski, Jason Cooney, Marc Minkler, Emily Burgess, Megan Salois, Soliana Goldrich, AAG Samantha Morgan

1. Disclosure of Conflict: None
2. Modifications to the agenda: None
3. Public Comment: None
4. Minutes Nov. 2<sup>nd</sup>, 2022:
  - a. These minutes did not make it out to the board in time. They will be held until the January meeting.
5. Investigations Committee:
  - a. Minutes to be approved:  
Nov 21, 2022.

***Motion*** to accept the November 21<sup>st</sup>, 2022 Minutes.

*Made by Downing, Seconded by Gerrish.*

*In Favor (Yes): Downing, Gerrish, Beals.*

*Abstained: Giberson.*

***Motion Carries***

b. Application for Mr. Mitchel:

Summary: In his application, he disclosed a history of criminal convictions, including felony theft by unauthorized taking and misdemeanor obstruction of government administration in 2010 with conduct relative to the profession for which the applicant is seeking licensure—also a misdemeanor assault in 2020. After reviewing the case documents, the committee motioned to recommend issuing the license, finding that the applicant has demonstrated successful rehabilitation to warrant the public trust.

***Motion to accept the committee's recommendation.***

*Made by Kellner, Seconded by Giberson.*

*In Favor (Yes): Beals, Cyr, Damon, Downing, Gerrish, Giberson, Kellner, Libby, Smith, Whytock.*

*No: Damon.*

***Motion Carries.***

c. Application for Mr. Hutchinson:

Summary: This applicant disclosed a current history of criminal convictions for Class D operating under the influence in 2006 and the second conviction of Class D operating under the influence that occurred in 2014. The Investigations committee reviewed the case and recommended issuing the license along with a letter of guidance stating professional conduct that is to be kept on file for a total of 4 years.

***Motion to accept the committee's recommendation.***

*Made by Kellner, Seconded by Smith.*

*In Favor (Yes): Beals, Cyr, Damon, Downing, Smith, Whytock, Gerrish, Giberson, Kellner, Libby.*

***Motion Carries.***

d. Licensing Update and Potential Waivers:

Jason Cooney explained that Maine EMS had 273 EMS agencies that needed to complete licensure renewal; 268 agencies have completed the renewal process; three agencies have indicated that they are going to terminate services - two non-transporting and one site-specific transporting agency; two agencies have started an application but not completed it, and one agency has not started an application for renewal. The Licensing Team has spoken with representatives from these agencies that have yet to renew and will continue to work with them. 184 agencies needed a Service-level medical director; three of those agencies completed the alternative application, two of which have submitted waiver requests to the board. The request is to waive the rule requiring a medical director, to avoid continued violation of this rule during the period of their provisional license, ending January 29. We are working with all three of these agencies to become compliant during that time.

i. Chebeague Island Rescue waiver request:

Service representative Steven Auffant is present. The Board finds that based on the service's initial attempt at the application, listing a physician the service believed to be their Medical Director and taking steps to secure a new Medical Director, they have taken reasonable steps to ascertain and comply with the rule. The Board finds that if the rule were not waived and the Service were forced to drop their level of service or terminate to become compliant,

the reduction in care may cause significant harm. The Board finds that waiving this rule would not cause undue burden on the system or the office.  
*In Favor of waiving this rule (Yes): Beals, Cyr, Damon, Downing, Gerrish, Giberson, Kellner, Libby, Smith, Whytock.*

***The Board grants the waiver.***

Whytock left the meeting at 09:55 AM.

ii. Monson Fire Department waiver request:

Service representative Philip Diolio is present.

The Board finds that the service has taken reasonable steps to ascertain the rule and comply with it, as demonstrated by their work with Licensing Agent Cooney and Dr. Saquet. The Board finds that a reduction in the level of care may cause significant harm to patients in the service area. The Board finds that waiving this rule would not cause undue burden on the system or the office.

*In Favor of waiving this rule (Yes): Beals, Cyr, Damon, Downing, Gerrish, Giberson, Kellner, Libby, Smith.*

***The Board grants the waiver.***

6. Other

a. Items for the next meeting agenda:

i. LifeFlight Waiver submitted for the anticipated publication of rules requiring all licensed services to use the State's contracted patient care reporting software.

ii. Licensing will seek the Board's interpretation of rules requiring AVOC for drivers.

iii. Consider the charges to and work completed by the Workforce Committee to provide further direction or decide if the committee should be dissolved.

iv. Consider the charge to and work being done by the newly combined Education and Exam Committee.

v. Blue Ribbon Commission discussion.

b. Tim Beals requested an update on the reduction of regions and or the absorption of Regional Office duties in the State Office. Director Hurley said he had requested the funding in the Bureau's budget for twelve positions to support incorporating the Regions' duties into the Office. Joe Kellner also advised that the Rules Committee is waiting on the draft rules from the office and would be defining and reducing the number of Regions from 6 to 4.

c. Sub-Committees: Bill Cyr has been assigned to replace Joe Kellner in the Rules Committee, and Steve Smith has been assigned to replace Joe Kellner in the Investigations Committee.

d. Director Hurley asked for feedback on the new way of updating the Board members with the staff updates from The Office. The Board considered them useful and helpful. They were also convenient to have them in one place to refer to in the long run. It was considered more efficient to have them this way.

e. LD 1858 required the Board of Medicine to convene a stakeholder group to discuss the scope of practice and the delegation of practice. Maine EMS statute restricts the practice of licensed clinicians to the scope defined by the Board. For LifeFlight and the Jackman program, the Board authorized an expanded scope of practice. The

question is if a physician can delegate practice outside the scope approved. This stakeholder group convened in November, but the Office and the Board were not invited to that meeting. Solution: in the provision of care as an EMS clinician, you may only be delegated to perform skills that are within your scope of practice. If the individual is otherwise qualified to perform those delegated skills, they are no longer providing care as an EMS clinician but under their other qualification(s). Director Hurley advised that he would like to bring the details from the stakeholder group to the Board in January if they are available.

The next meeting is January 4<sup>th</sup>, 2022, at 09:30 AM.  
Adjourned at 10:49 AM.