

**Board of EMS Meeting
January 4th, 2023
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	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	X		
Rosie Davis	X		
Judy Gerrish	X		
Brandon Giberson	X		
Brent Libby	X		
John Martel	X		
Matthew Sholl	X		
Steve Smith	X		
Andy Turcotte	X		
Christopher Whytock	X		
Kate Zimmerman	X		

Staff Present: Director Sam Hurley, Emily Burgess, Chris Azevedo, Jason Cooney, Darren Davis, Melissa Adams, Anna Masefski, Megan Salois, Robert Glaspy, Jason Oko, Marc Minkler, AAG Samantha Morgan.

Guests Present: Norm Dinerman, Katie Johnson, Pete Tilney, Mike Choate, Tom Judge.

1. Disclosures of conflict.
 - a. Brent Libby recused himself from investigations case 22-259.
 - b. Bill Cyr recused himself from the waiver discussion and put himself on the life-flight side of the conversation to participate, and he will not be voting on the waiver.
 - c. Andrew Turcotte recused himself from the case of an investigation being brought to the Board.
2. Public Comment
 - a. None
3. Meeting Minutes
 - a. November 2nd, 2022 Meeting Minutes
Motion to accept the meeting minutes.
Made by Drinkwater, Seconded by Damon

Discussion: Under investigations part D, the Hartley application review, it states, “the motion on the floor seems to be accepted by both Smith and Cyr.” It needs to be clarified.

In Favor (Yes): Beals, Cyr, Damon, Davis, Downing, Drinkwater, Libby, Gerrish, Giberson, Martel, Smith, Turcotte, Whytock.

Motion Carries.

- b. December 7th, 2022 Meeting Minutes
Motion to accept the meeting minutes.
Made by Smith, Seconded by Cyr.
In Favor (Yes): Beals, Cyr, Damon, Downing, Libby, Gerrish, Giberson, Martel, Smith, Turcotte, Whytock.
Abstained: Davis, Drinkwater,
Motion Carries.
4. MDPB Update
 - a. The MDPB continues to work on the 2023 protocol updates while currently being in the middle of the red section. Dr. Sholl pointed out that EMS clinicians, over the last couple of years, have become infectious disease specialists, and unfortunately, that trend continues. He also included that influenza continues to be an issue in Maine; the recorded levels are high with a high spread rate. RSV in children has been a big concern as far as diagnosis and treatment strategies. The tracking of Ebola is continued, with the last case being recorded in Uganda. The MDPB recognized that any changes to the regions directly impact the members of the MDPB, with six of the members being regional medical directors. MDPB members have created a document that explains what the MDPB regional medical directors do, with some final touches coming shortly. They will have that document ready soon. Dr. Sholl explained that the MDPB continues to work with Director Hurley and the Maine EMS staff members on operational positions. This includes two upcoming projects that are currently being worked on.
5. Investigations
 - a. December 19th, 2022 Meeting Minutes
Motion to accept the meeting minutes.
Made by Downing, Seconded by Gerrish.
In Favor (Yes): Downing, Smith, Gerrish, Turcotte, Drinkwater, Giberson, Beals
Motion Carries.
 - b. Case #22-259
Summary: The licensee is alleged to have violated the terms of the consent agreement resolving case 22-222.
The investigations committee recommends that the Board resolves Case 22-259 by imposing a civil penalty of \$500.00, in accordance with 32 M.R.S. §90-A(4)(C), finding a violation of 32 M.R.S. §90-A(5)(F) as supported by Maine EMS Rules, Chapter 11 §1(2).
Motion to accept the committee’s recommendation.
Made by Damon, Seconded by Beals.
Roll Call (Yes): Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Martel, Davis. Recused: Libby, Smith
Motion Carries.

c. Henderson License Review

Summary: An applicant for reciprocity at the Paramedic level with a history of disciplinary action taken against the applicant's out-of-state EMS license that was not disclosed on the application.

To recommend that the Board issue the license with a letter of guidance citing professional conduct; to remain on file for two (2) license cycles.

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

Made by Cyr, Seconded by Giberson.

In Favor(Yes): Beals, Cyr, Damon, Davis, Drinkwater, Gerrish, Giberson, Libby, Martel, Smith, Turcotte, Whytock, Downing.,

Motion Carries.

6. Life Flight Waiver.

- a. Bill Cyr recused himself from this conversation as a board member and participated on the life flight side of the conversation.

Discussion: Director Hurley explained that the request for the waiver came from Tom Judge and Life Flight of Maine. Maine EMS provides a system used by EMS Clinicians to document in the EPCR system. This is contracted through ImageTrend on a critical care module which is what is required for a flight service to be able to document in ImageTrend. Director Hurley stated that we (Maine EMS Office) understand that transitioning to a new documentation system may take some time. Still, LifeFlight currently uses a different documentation system than every other agency in the state, currently using EMS Charts. The Maine EMS Office is supportive of potentially offering a waiver to LifeFlight of Maine for an interim period of six months. Tom Judge stated he did not believe a waiver is needed because the system they use is compatible with the system Maine EMS would like them to switch to and ends up in MEFIRS either way. LifeFlight of Maine would have to spend what they estimate to be \$100,000 to switch over the Imagetrend between developing a system to make this change and man hours. Libby asked about meeting certain objectives with the data input coming through now. Director Hurley replied with concern about the average validation score for a LifeFlight chart being 52% but did point out that for a while now, there has been an effort to improve the mapping, and it has been improved. To continue with the charting system LifeFlight of Maine currently has, they will have to make improvements and changes in their system every time ImageTrend makes a change which is quite often. Director Hurley explained they would be spending significantly more than the immediate \$100,000 investment to make these changes as often as we make them in the long run. It was also pointed out that LifeFlight of Maine is the only service in the state which has yet to make the switch to ImageTrend. Dr. Giberson agrees that LifeFlight of Maine does not need a waiver with the data being entered manually when it is not transferring over to MEFIRS correctly. He stated that as long as it meets validation, he does not see why a waiver is needed. Damon agreed with Giberson's statement. Director Hurley brought up a previous temporary exemption that the Board made in February of 2020 for approval of a waiver for a 3-month period.

However, that issue was never resolved, and he has concerns about that. AAG Samantha Morgan stated the board's interpretation of the rule, which states patient care reporting of EMS incidents by an EMS Clinician, shall be made by providing the information in the Maine EMS Data Dictionary as applicable, electronically using software developed or purchased through the contract and distributed by main EMS.

- b. Brent Libby: Based on the waiver requests we have received and the discussion that we've had, does the board feel or is the board willing to entertain a waiver of Section 4.1 of Chapter 22?

Rosie Davis: I'd be willing to entertain a waiver.

Motion to grant LFOM and LFOM Ground Ambulance a waiver of Maine EMS Rules Chapter 22 §4.1. for one year, at which time the licensee may request another waiver and allow the board to reevaluate their compliance with data reporting to MEFIRS.

Made by Whytock, Seconded by Turcotte.

Upon the request of an individual of the Board's own initiative, the Board may waive any of the rules by a two-thirds majority vote of those present and voting by no less than a majority of the appointed and currently serving members. If it is determined that such a waiver would be significant injustice while preserving the public's safety and integrity of the statutory and regulatory components of the State's EMS system. While determining whether to waive a rule, the Board will consider a number of factors, including, but not necessarily limited to, the following: Whether a person seeking the waiver took reasonable steps to ascertain to the rule and comply with it, whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS program, whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule were not waived. Whether the waiver of the rule in a particular case would pose a health or safety risk to the public at large for a particular individual or community, and whether the waiver of the rule in the particular case would establish a precedent that would unduly hinder the board or office of EMS. In its administration of the EMS system, a waiver is to be granted only under extraordinary circumstances. This means that the Board must find a number of the above factors ring in favor of a waiver before it is granted.

Waiver Question #1: Did the person seeking the waiver take reasonable steps to ascertain the rule and comply with it, and does this way in favor of granting the waiver? Beals stated yes that they followed the rules-making process. Libby added that they have worked to comply with data drops into the system, and with that being said, he chose to be in favor and went with a yes.

Waiver Question #2: Was the person seeking the waiver given inaccurate information by an agent or employee of the State EMS program?

Chair Libby said no to this question and explained that based on the previous comments, they have followed the rule-making process and have had interaction with the office, and it was not mentioned in their request that they had been provided inaccurate information. Smith agreed.

Waiver Question #3: Did the person seeking the waiver, or any other individual or group. Would they be significantly injured or harmed if the rule were not waived?

Beals answered he feels as though they have outlined a substantial financial impact to the organization if the rule were not waived. Turcotte added that he agreed with Beals, and he thought the Board should take into consideration all the existing data that is in the system they are using currently. Chair Libby concluded that the consensus was a yes to granting the waiver.

Waiver Question #4: Will waving the rule, in this particular case, pose a health or safety risk to the public at large, or a particular individual or community?

Smith said it does not directly affect the patient care directly. Libby said the general consensus is no.

Waiver Question #5: Will waiver up the role in this particular case establish a precedent that would unduly hinder the board or office of EMS in its administration of the Maine EMS system?

Chair Libby said he would consider it, in this case, a yes because other agencies have had to make these changes and endure the costs and training required. Smith agreed and also said yes and making the point it opens up the waiver process for other people that may want to switch to something else. Libby said the general was a no for this question.

In Favor(Yes): Beals, Damon, Davis, Downing, Drinkwater, Giberson, Turcotte, Whytock, Gerrish.

No: Martel, Smith.

Recused: Cyr.

Motion Carries.

Break at 11:15AM.

Returned at 11:20AM.

7. New Business

a. Explorer Program

Anna Massefski introduced herself and the Explorer program and read through the outline sent to the Board. There was discussion around the program being considered employment or more toward the volunteer setting, it was explained that grants and scholarships are being looked into, but at this point in time, the program is more about personal connection, the demonstration of work ethic, and commitment. Director Hurley talked about some of the logistic details not being worked through yet, but he highly anticipates they will be worked through. Some members of the Board were held up on the name of the program because it seems like it is affiliated with the Boy Scout Troops, and the concern of a trademark issue was brought into the conversation. Members of the Board felt this is more of an apprentice-type program. Anna Massefski explained the students who got involved in the explorer program would end up having a state license and not be nationally registered. Director Hurley pointed out that this is a pathway to go forward but not create a new license type or replace the current programs in place, it is simply to introduce them into this line of work without them jumping in headfirst. The Board advised that this should be taken to the Education Exam Committee to review.

Dr. Sholl left the meeting.

b. Bureau of Medicine

Discussion: Director Hurley- During the last legislative cycle, legislation was signed into law, an act regarding delegation, authority of services performed by EMS personnel, and health care facilities as part of that statute.

Laura Downing left during the discussion.

Motion to authorize the Chairman and State Medical Director to sign a position statement on behalf of the Board that captures the discussion at this meeting.

Made by Giberson, Seconded by Drinkwater.

In Favor (Yes): Beals, Cyr, Davis, Drinkwater, Gerrish, Giberson, Martel, Smith, Turcotte, Whytock.

Dr. Zimmerman, Dr. Davis, and Turcotte left the meeting.

c. Emergency Vehicle Operators Course Expectation

The discussion was based on the question of can new hires, whom still need to get AVOC training to drive the ambulance in emergency mode within the first six months of being hired. Steve Smith said there is some onboarding training they do in their service, and they require the proper AVOC training within 6 months of being hired. Director Hurley stated that this is not keeping people out of the back of an ambulance but simply looking out for the safety of the public by having EMS clinicians take the proper training courses before driving in emergency mode.

MOTION to record the Board's interpretation that an individual may operate an ambulance in emergency mode and/or with a patient on board before completing an Ambulance Vehicle Operator Course or equivalent training, but for not more than six (6) months after being employed at which time they must have certification of successful completion of this training; and to send this topic to the rules committee for clarification in the written rule.

Made by Libby, Seconded by Drinkwater.

In Favor(Yes): Beals, Cyr, Damon, Drinkwater, Gerrish, Giberson, Libby, Martel, Smith, Whytock.

Motion Carries.

d. Data Request Review from University of Vermont: IV/IO Study

Director Hurley explained that this request did not come through the office, but the office did reach out to them directly and asked for the data elements. The office plans to draft a policy about how these requests must come in. The University of Vermont is looking for all cardiac arrests of all patients for a certain time period, including all identifiers. The request timeline starts from January first, 2018, to December 30th, 2021.

MOTION to table the request pending additional information and justification for identifiable data.

Made by Beals, Seconded by Cyr.

In Favor(Yes): Beals, Cyr, Damon, Drinkwater, Gerrish, Giberson, Libby, Martel, Smith, Whytock.

Motion Carries.

e. Community Paramedicine Scope of Practice Review

Dr. Lowry and Soliana Goldrich reviewed the scope of practice that had previously been sent to the Board. Chair Libby commented on how he is excited to see this come into play in the communities.

MOTION to seek the MDPB input on the proposed scope of practice.

Made by Giberson, Seconded by Gerrish.

In Favor(Yes): Beals, Cyr, Damon, Drinkwater, Gerrish, Giberson, Libby, Martel, Smith, Whytock.

Motion Carries.

8. Old Business

- a. Blue Ribbon Commission Findings
Chair Libby proposed scheduling an off-cycle meeting for this discussion.
- b. Labor Committee
The Committee Chair, Steve Smith, advised that this could be tabled to the next meeting.
- c. Revision of Delegation Authority for Licensees Experiencing SUD
AAG Morgan advised that the Board must clearly spell out the circumstances for which the Board delegates this authority to the Director and Chairperson. She also advised that the Board must clearly spell out the terms of the administrative consent agreement. Circumstances must be self-reported. Term of probation to undergo a clinical evaluation and the licensee would submit to the Board or delegated person their proposal for evaluation (usually within 30 days). The licensee would submit the evaluator's assessment and recommendations and terms to comply with recommendations within/for a set period of time; after receiving the report, the Board would consider any unique terms.
***Motion** to table this discussion to the pending off-cycle meeting.
Made by Giberson, Seconded by Drinkwater.
In Favor(Yes): Beals, Cyr, Damon, Drinkwater, Gerrish, Libby, John, Smith, Whytock.
Motion Carries.*

9. Other

- a. Items for next meeting agenda
- b. The off-cycle meeting will address each of the items tabled at this meeting.
- c. Next meeting is February 1st, 2023, at 09:30 AM via Zoom.

Meeting Adjourned at 03:30 PM.