



JANET T. MILLS  
 GOVERNOR

MICHAEL SAUSCHUCK  
 COMMISSIONER

J. SAM HURLEY  
 DIRECTOR

**Board of EMS Meeting**  
 April 5, 2023, at 8:30 AM  
 Via ZOOM and Chamberlain Conference Room  
 Minutes

“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			
Timothy Beals	X (Virtual)		
Bill Cyr	X		
Katelyn Damon	X (Virtual)		
Laura Downing	X		
Amy Drinkwater	X		
Judy Gerrish	X		
Brandon Giberson	X		
Brent Libby	X		
John Martel			
Matthew Sholl			
Steve Smith	X		
Andy Turcotte	X		
Christopher Whytock	X		
Kate Zimmerman	X		

Staff: Sam Hurley, Melissa Adams, Jason Oko, Christopher Azevedo, Darren Davis, Marc Minkler, Anna Masefski, Jason Cooney, Megan Salois, Robert Glaspy, Soliana Goldrich, Samantha Morgan

Stakeholders & Guests: Aiden Koplovsky, Ben Wallace Jr., Brian Langerman, Bryton Nickerson, Charles McMahan, Chip Getchell, Christopher Pare, Dwight Corning, Eric Wellman, Fred Porter, Jay Bradshaw, Jim MacDonnell, Joanne Lebrun, Joe Kellner, Mike Choate, Myles Block, Patrick Underwood, Sally Taylor

1. Introductions

- **Excellence**
- **Support**
- **Collaboration**
- **Integrity**
- 

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With offices located at the Central Maine Commerce Center, 45 Commerce Drive, Suite 1, Augusta, ME 04330

2. Disclosure of any conflicts of interest
  - a. Drinkwater Recusing from Case 22-248
3. Modifications to the Agenda
  - a. None
4. Public Comments
  - a. Chief Kindelan (Scarborough) — Requesting the Board to reconsider Chapter 21 of Maine EMS Rules, particularly the upcoming requirements for influenza vaccination. Offered that it may be beneficial to add exemptions to the influenza requirements.
5. Investigations
  - a. Committee Meeting Minutes

**MOTION** to accept minutes as submitted. (Giberson, seconded by Drinkwater)

Roll Call: (Yes) Drinkwater, Giberson, Beals, Gerrish, Downing, Turcotte; (Abstain) Smith

**Motion Carries**

- b. Consent Agreement Presentation RE Board v. Brown (Case #21-183) — Hearing Officer Rebekah Smith

**MOTION** to accept the consent agreement as presented by parties. (Downing, seconded by Smith)

Roll Call: (Yes) Smith, Beals, Damon, Downing, Giberson, Turcotte, Cyr, Libby; (No) Drinkwater, Whytock, Gerrish

**Motion Carries**

- c. Case 23-270

Summary: The licensee is alleged to have omitted and inaccurately recorded material information from a patient care report by documenting the disposition of the incident as “No Patient Found/Contact”, failing to document patient contact, vital signs, and medical history, and is alleged not to have worn appropriate Personal Protective Equipment.

The Investigations Committee recommends that the Board resolve the complaint through a consent agreement with a warning for violation of Maine EMS Rules Chapter 11 §1(14), (15), and (31).

**MOTION** to accept the committee’s recommendation (Giberson, seconded by Cyr)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

- d. Case 22-216

Summary: The licensee allegedly responded to a request for medical transport while under the influence of alcohol. The licensee did not make patient contact.

The Investigations Committee recommends the Board resolve this complaint through a consent agreement with a warning for violation of Maine EMS Rules Chapter 11 §1 (5) and (7).

**MOTION** to accept the committee's recommendation (Cyr, seconded by Turcotte)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

e. Case 22-248

Summary: It is alleged that despite previous remediation at the service level for the clinical care of cardiac patients, the licensee failed to recognize and appropriately treat cardiac arrhythmias on two incidents.

The Investigations Committee recommends that the Board dismiss this case with a letter of guidance reinforcing that the Board encourages the licensee to seek additional training in cardiac rhythm recognition and advanced life support care with their Regional Office; the letter will stay on file for two (2) license cycles.

**MOTION** to accept the committee's recommendation (Giberson, seconded by Gerrish)

Roll Call: (Yes) Smith, Beals, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish; (Recused) Drinkwater

**Motion Carries**

f. Case 22-255

Summary: It is alleged that an Emergency Medical Technician regularly directs the actions of higher licensed clinicians to the detriment of patient care.

The Investigations Committee recommends that the Board dismiss the complaint.

**MOTION** to accept the committee's recommendation to dismiss the case (Turcotte, seconded by Drinkwater)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

g. Decision Matrix will come before the Board in May

6. Director Update

a. New Staff Persons

i. New Deputy Director — Anthony Roberts

ii. New Office Associate II — Teresa Glick

b. Legislative Update

i. Discussed legislative items as presented in the 2023-04 Staff Update (pg. 10-14)

7. MDPB Update

a. Ecchymotic section (Brown, Purple, Grey, and Black)

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- b. Reviewed Community Paramedicine Scope of Practice
- c. ALS Representative
- d. Continuing to review Jackman Pilot Project
- e. Operational Physicians
- f. Continuing to monitor infectious diseases
- g. Ongoing medication shortages — specifically ketamine, ipatropium, albuterol, TXA

8. Old Business

- a. Strategic Planning (Presentation by Dr. Becknell)
  - i. If approved, this will empower SafeTech and Maine EMS to develop a two-year action plan (July 1, 2023 through June 30, 2025)

**MOTION** to adopt the vision document as presented to the Board (Whytock, seconded by Giberson)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

- b. Community Paramedicine Scope of Practice

**MOTION** to enter executive session pursuant 1 MRS Sect. 405(6)e. (Downing, seconded by Drinkwater)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

Entered Executive Session at 09:43

Exited Executive Session at 10:02

Dr. Lowry presented the Scope of Practice Document to the Board and seeking approval to move the Committee forward based on the draft document.

MDPB has offered a memorandum supporting the Scope of Practice Document

**MOTION** for the Board to signal support to the Committee for their continued work — defining educational requirements, reform the scope of practice, licensure requirements. (Giberson, seconded by Whytock)

Roll Call: (Yes) Beals, Drinkwater, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish; (Abstain) Beals, Damon

**Motion Carries**

**MOTION** to direct the Rules Committee to establish rule for Scope of Practice for licensure levels and designations (Cyr, seconded by Turcotte)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

9. New Business

a. MDPB ALS Representative Nomination

Dr. Zimmerman presented a summary of the interview/nomination process

**MOTION** to accept the recommendation to accept the nomination from the MDPB to appoint Paramedic Colin Ayer to the ALS Representative and to express appreciation to Claire Dufort for her service the MDPB (Turcotte, seconded by Giberson)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

b. EMS Awards

Chair Libby discussed the memorandum provided in the Board packet regarding annual EMS Awards Process

**MOTION** to establish the Awards Committee comprised of Director Hurley, Sally Taylor, Judy Gerrish, Laura Downing, Stephen Smith, Katelyn Damon to solicit nominations and make selections for the awards identified in the memorandum. (Drinkwater, seconded by Cyr)

Roll Call: Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

c. Action by Director, Chair, and State EMS Medical Director

Chair Libby discussed recent action by Director, Chair, and State EMS Medical Director to authorize an agency to continue operating a ventilator transport service, requiring them to submit a pilot program as well as potential referral to investigations. This was precipitated from the Board's recent action regarding interfacility transport requirements.

Turcotte requested data regarding the incidence of interfacility transports where patients are transferred from a ventilator to a BVM to facilitate the transport with a Maine EMS PIFT paramedic.

d. Community Paramedicine Legislation

Paramedic Dennis Russell (United Ambulance) stated that it seems as though there has been significant progress to alleviate the issues that were initially raised as concerns.

Director Montejo from Maine DHHS Division of Licensure and Certification spoke to the proposed exclusion for the home health statute.

Whytock proposed that the Board should consider looking at participating in the Maine Background Check Center for all licensees that is used by the DHHS DLC.

Chair Libby proposed an Agenda item for May Board Meeting.

e. Chair-Elect Nomination Committee

Chair Libby seeking three Board members to sit on the nomination committee.

**MOTION** to establish a nominating committee for the Chair Elect position consisting of the following Board Members: Turcotte, Libby, Cyr. Open nominations from today until May 1, 2023, at 23:59 EST. (Libby, seconded by Gerrish)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

f. Voluntary Surrender of EMS Licensure Delegation

AAG Morgan summarized a situation where there are some licensees who are seeking to voluntarily surrender their license in certain conditions. AAG Morgan discussed the draft delegation order that was circulated in the Board packet.

**MOTION** to adopt the drafted "Limited Delegation of Authority to Maine EMS Staff to Allow Licensees to Voluntarily Surrender Licenses Under Certain Circumstances" with an amended expiration of Nov. 30, 2025. (Turcotte, seconded by Giberson)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

10. Other

a. Director is seeking funding authorization of up to \$40K to relocate the office within the 45 Commerce Drive location

**MOTION** to authorize Maine EMS to expend up to \$40K for office relocation (Cyr, seconded by Turcotte)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

b. Items for next meeting agenda

- i. Chapter 21 Rule RE Immunization Requirements (Executive Session)
- ii. Explorer Program and Junior Program Update
- iii. Investigations Matrix

c. Next meeting is scheduled for 09:30 on May 3, 2023, via Zoom. A viewing option is available at 45 Commerce Drive, Augusta, ME.

**Meeting adjourned at 11:12**