



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
 May 3, 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	X		
Timothy Beals	X		
Bill Cyr	X		
Katelyn Damon	X		
Laura Downing	X		
Amy Drinkwater	X		
Judy Gerrish	X		
Brandon Giberson	X		
Brent Libby	X		
John Martel			
Matthew Sholl	X		
Steve Smith	X		
Andy Turcotte	X		
Christopher Whytock	X		
Kate Zimmerman	X		

Staff: Director Hurley, Deputy Director Anthony Roberts, Jason Oko, Jason Cooney, Melissa Adams, Teresa Glick, Megan Salois, Chris Azevedo, Robert Glaspy, Soliana Goldrich, Anna Massefski, Ashley Moody, Darren Davis, AAG Samantha Morgan

Stakeholders & Guests: Jay Bradshaw, Polly Wood, John Hoak, Christine Mallett, Dwight Corning, Joanne Lebrun, Fred Porter, Sally Taylor, Theresa Cousins, Aaron Knowles, Scott Smith, Richard Petrie, Aaron Knowles, Christopher Pare, Phil MacCallum, Eric Wellman, Jeremy Ogden, Aiden Koplovsky, Dayna Emerson, Paul Froman, Chip Getchell, Tim Pieh, Brian Langerman, Dennis Russell

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

PHONE: (207) 626-3860

TTY: (207) 287-3659

FAX: (207) 287-6251

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

1. Introductions
2. Disclosure of any conflicts of interest
 - a. Beals recusing from case 22-221
 - b. Smith recusing from case 23-275
3. Modifications to the Agenda
 - a. MDBP Pilot Projects moved to New Business
 - b. Executive Session for legal advice added after the Minutes and prior to Investigations
4. Public Comments - None
5. Meeting Minutes – March & April

MOTION to table the March and April minutes to the next meeting, recognizing not everyone received them or had the opportunity to review them. (Drinkwater, seconded by Cyr)

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

Motion carries

6. Executive Session

MOTION to enter executive session pursuant to 1 MRS §405 (6)(E) to receive legal advice from council regarding pending litigation. (Drinkwater, seconded by Downing)

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

Motion carries

The Board entered executive session at 08:43

The Board returned to public session at 08:55

Chair Libby announced that the Board will not consider any review of Chapter 21 rules until the pending litigation regarding Chapter 21 is resolved.

Several Board members identified that they had not received all the materials for today's meeting and would not have time to review those materials during the meeting.

MOTION to table all the Old Business items, as well as Training Center Standards and New Application – Lee Fire/Rescue under New Business on the agenda to an off-cycle meeting on Tuesday, May 9, 2023, at 09:00 am. (Drinkwater, seconded by Giberson)

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

Motion carries

7. Investigations
 - a. Committee Meeting Minutes April 27, 2023

● **Excellence** ●

PHONE: (207) 626-3860

● **Support** ●

TTY: (207) 287-3659

● **Collaboration** ●

● **Integrity** ●

FAX: (207) 287-6251

MOTION to accept minutes as submitted. (Drinkwater, seconded by Giberson)
Roll Call: (Yes) Beals, Downing, Drinkwater, Gerrish, Giberson, Smith, Turcotte
Motion carries

b. Case 22-221

Summary: It is alleged that the licensee failed to conduct at least one (1) training course required for Maine EMT scope of practice expansion in accordance with training center standards and the instructor falsified training documents. The Investigations Committee recommends that the Board resolve the complaint with a letter of guidance citing the importance of adhering to quality education and teaching standards and the importance of accurate and complete documentation of training courses; to remain on file for two (2) licensing cycles.

MOTION to accept the committee's recommendation. (Damon, seconded by Smith)

Discussion: Zimmerman, Whytock and Sholl expressed concern over patient care regarding the falsification of documents.

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

(Abstain) Libby

(Recused) Beals

Motion Carries

c. Case 23-272

Summary: It is alleged that the licensee yelled at and made disrespectful comments to and about the staff at a nursing facility in front of a patient and also delayed the transport of that patient while making staff search for and then berating them for not having a non-rebreather mask for the patient. The Investigations Committee recommends the Board dismiss this case and forward the complaint to the service that the clinician was responding with at the time of the call.

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

Discussion: Sholl discussed concerns about patient care in this case and if the board should report conditions. Giberson stated this was reported to APS. Director Hurley questioned if there should be an addition to MEFIRS to document this action in the event there is a request for medical records. Giberson and Libby discussed the importance of documenting referrals versus adding a field to MEFIRS.

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

(Abstain) Libby

Motion carries

d. Case 23-275

Summary: It is alleged that the licensee permitted covered emergency medical services persons who have elected not to receive a COVID-19 vaccination and do not have an

approved medical exemption, to provide direct patient care. The Investigations Committee recommends that the Board direct staff to set a hearing on this matter; in lieu of a hearing, the Board will offer a consent agreement to resolve the complaint with a warning and acknowledge that the service has taken the necessary steps to comply with Chapter 21 of the Maine EMS Rules, including suspension of personnel who could not demonstrate a certificate of immunization or documentation of exemption and providing a record of immunization status for all covered emergency medical services persons associated with the entity to Maine EMS; the Board also recognizes a change in service leadership as a mitigating factor. (Chapter 21, Sec 2)

MOTION to accept the committee's recommendation, citing a violation of Chapter 21 §2. (Giberson, seconded by Downing)

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

(Abstain) Libby

(Recused) Smith

Motion carries

e. VanDyke Application

Summary: The applicant has a history of action against an EMS license by another jurisdiction. The Investigations Committee recommends that the Board issue the license.

MOTION to accept the committee's recommendation (Damon, seconded by Whytock)

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

(Abstain) Libby

Motion carries

8. Director Update

a. Welcome new team members: Deputy Director Anthony Roberts and Office Associate Teresa Glick

b. Legislative Update

i. Discussed legislative items as presented in the 2023-05 Staff Update (pg. 9-17)

9. MDPB Update

a. Commendation for Ashley Moody for her work to submit new and old CARES data.

b. Protocol Updates: Brown, Purple, Gray and Black sections remaining.

c. Canine Protocols: Clinical Bulletin published 5-2-23 suspending the canine protocols while the MDPB and Staff work with the AGs office to overcome conflicting statute with the Veterinary Board.

MOTION to enter executive session pursuant to 1 MRS §405 (6)(E) for the purpose of consultation between the Board and its attorney (Beals, seconded by Damon)

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

Motion Carries

The Board entered executive session at 10:08

The Board returned to public session at 10:14

No action was taken upon returning to public session.

- d. Medication Shortages: Clinical Bulletin regarding Ketamine shortage published 4-26-23
- e. Masking Cessation: Operational Bulletin published 4-25-23
- f. Jackman Project

MOTION to approve the expansion of the Jackman Project to include point of care testing, additions to the formulary, additional protocols, and ongoing credentialing standards with QI forms and reporting as presented to the MDPB and recommended to the Board by the MDPB in a Memo dated 5-1-23 (Beals, seconded by Downing)

Discussion Libby asked how much time the pilot project has remaining – Dr. Sholl – 2 more years

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

Motion Carries

10. Old Business

- a. Explorer Program - TABLED
- b. EMS Awards - TABLED
- c. Matrix and Delegation of Authority – TABLED

11. New Business

- a. Training Center Standards - TABLED
- b. New Application Review – Lee Fire/Rescue - TABLED
- c. MDPB Pilot Project – Maine Operational Physician Response (MOPR)

MOTION to authorize the Maine Operational Physician Response pilot project (Giberson, seconded by Drinkwater)

Discussion: Smith asked for clarification on the time limit – Chair Libby stated that the project period is for three (3) years.

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

Motion Carries

● **Excellence** ●

PHONE: (207) 626-3860

● **Support** ●

TTY: (207) 287-3659

● **Collaboration** ●

● **Integrity** ●

FAX: (207) 287-6251

12. Other

- a. Next off-cycle meeting is Tuesday, May 9, 2023, at 9:00 via zoom to address all of the tabled items.
- b. Next meeting is scheduled for 08:30 on June 7, 2023, in person at 45 Commerce Drive, Augusta, ME.
- c. Hearing scheduled for 10:00 on June 7, 2023, in person at 45 Commerce Drive, Augusta, ME.

Meeting adjourned at 11:04