



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
 June 7, 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			
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		X 10:23
Kate Zimmerman	X		

Staff: Deputy Director Anthony Roberts, Jason Oko, Jason Cooney, Melissa Adams, Teresa Glick, Marc Minkler, Megan Solis, Darren Davis, Chris Azevedo, Soliana Goldrich, Anna Massefski, AAG Samantha Morgan

Stakeholders & Guests: Tim Steigleman, Bruce Lowry, Adam Royer, Rebecca Royer, Chip Getchell, Chris Mitchell, Robert Russell, Rick Petrie, Clif Whitten, John Lennon, AJ Gagnon, Sally Taylor, Jeremy Ogden, D.C. Scott Smith, John Gilby, Dayne Emerson, Matt Duross, Joanne Lebrun, Jay Bradshaw, Christopher Pare

- **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

1. Introductions
2. Disclosure of any conflicts of interest
 - a. Brent Libby – Recusing from Casco Bay Ambulance Service Waiver Request
 - b. Tim Beals – Recusing from Delta Ambulance Vented Patient Pilot Project
3. Modifications to the Agenda - None

4. Public Comments

Rick Petrie spoke about the regional contracts and the difficulty in planning ahead when they are expiring soon. He asked that the regions could work through changes with an extension of the contracts for a full year to come up with a comprehensive plan for the regions.

5. Meeting Minutes

- a. May 3, 2023

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

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

- b. May 9, 2023

MOTION to accept the minutes as submitted. (*Beals, seconded by Cyr*)

(Yes) Beals, Cyr, Downing, Drinkwater, Gerrish, Libby, Smith, Turcotte, Whytock
(Abstain) Allen, Giberson

Motion Carries

6. Investigations

- a. Investigations Committee May 25, 2023 Meeting Minutes

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

(Yes) Beals, Downing, Drinkwater, Giberson, Gerrish, Turcotte
(Abstain) Smith

Motion Carries

- b. Case 22-258

Summary: It is alleged that the licensee engaged in unprofessional conduct on a single incident. The Investigations Committee recommends dismissing the complaint with a referral to the service level medical director to determine if this allegation represents a pattern of undesired behavior.

Discussion: Chair Libby asked for a brief synopsis of this case. Jason Cooney stated that the allegation was submitted by the patient's family and was that the licensee laughed at them and their condition while on scene.

MOTION to accept the committee's recommendation. (Giberson, seconded by Beals)

Discussion: Chair Libby asked AAG Samantha Morgan if there were continued behavior if a case would come back to investigations, AAG Morgan said would depend on the medical director and how they respond to additional allegations.

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

c. Case 19-060

Summary: While previously licensed by the Board, the applicant had a case docketed, Case No. 19-060. While that case was investigated and while this applicant was under a previous consent agreement imposing discipline with the Board, their licensure as an EMS clinician expired. The applicant applied for licensure reinstatement under the waiver approved by the Board at the EMT level. The Investigations Committee recommends that the Board preliminarily deny the application.

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

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

d. Case 23-286

Summary: Melissa Adams provided an overview of the case stating that an E-mail was received Friday, June 2, 2023, from Massachusetts OEMS that they were taking emergency action against the licensee, due to a finding that the licensee poses a risk to the public. Their National Registry Certification, which is the basis for their license in Maine, is also suspended. The licensee can still currently practice in Maine. Melissa Adams and AAG Samantha Morgan gave an overview of several options the board could take in this case.

MOTION to enter executive session pursuant to 1 MRS §405 (6)(F) for the purpose of discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute (32 MRS §91-B) (Giberson, seconded by Allen)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

The Board entered executive session at 9:04
The Board returned to public session at 9:34

MOTION to send a notice of preliminary action for a suspension of license for 90 days, with the offer of a consent agreement with terms that the licensee voluntarily suspend their license pending the final resolution of Case 23-286, citing Chapter 11 §1 (22) (Giberson, seconded by Beals)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion carries

7. Director Update

Chair Libby referenced the staff newsletter distributed to the board for updates.

8. MDPB Update

No update.

9. Old Business

a. EMS Awards

EMS awards and presentations are listed in the staff update and on the website.

Awardees are to be recognized on social media daily. Board members are encouraged to attend award ceremonies.

b. Chair-Elect Update

Vote will take place in August.

c. ImageTrend Contract Authorization

The office is working on the contract update so there is no lapse in service. The current service contract has an estimated cost of \$300,000.00. The office is looking at adding modules for Critical Care Community Paramedicine, Statewide CAD integration for every service, statewide patient lookup from health information exchange, and data integration between health systems for information sharing. The estimated cost for this contract is \$750,000.00.

MOTION to authorize the Director to enter into a contract with ImageTrend, not to exceed \$1 million. (Giberson, seconded by Turcotte)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

d. Region Contract Authorization

The Board discussed extending the regional contracts.

MOTION to extend the regional contracts for one year (Beals, seconded by Gerrish)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

10. New Business

a. EMD Committee Composition Change Request

The EMD Committee would like to add a licensed mental health professional position to the committee.

MOTION *approve the EMD committee composition request (Giberson, seconded by Beals)*

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

b. CP Committee Composition Request

The Community Paramedicine Committee would like to add a hospice/palliative care representative.

MOTION *to approve the CP committee composition request to add a hospice/palliative care representative (Beals, seconded by Cyr)*

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

c. EMSC Grant Spend Authorization

Marc Minkler provided an overview of the EMSC program and associated grant funding.

MOTION *to accept the 4 year EMSC Federal Grant (Smith, seconded by Downing)*

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

Motion Carries

d. Delta Ambulance Vented Patient Pilot Program

Tim Beals recused and remained in the room.

Dr. Sholl provided an overview of a pilot project to allow for the transport of stable vented patients by trained EMS professionals. It was noted the MDPB voted to approve the pilot project.

MOTION *to approve the Delta Ambulance vented patient pilot project for a period of 3 Years (Giberson, seconded by Drinkwater)*

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

(Recused) Beals

Motion Carries

Chris Whytock left the meeting

MOTION for the critical care license level discussion for individuals and services to be undertaken by the Rules Committee involving other stakeholders (Cyr, seconded by Beals)

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte
Motion Carries

- e. Casco Bay Ambulance Waiver Request
Chair Libby recused and left the room.

Melissa Adams stated that the service made application for a new license, and due to the unique nature of their service concept, the Board is being asked to waive the rule so this service can be provided to meet a need in the EMS System.

Amy Drinkwater asked the board the list of questions from Maine EMS Rules, Chapter 13, §2:

1. Whether the person or organization seeking the waiver took reasonable steps to ascertain the rule and comply with it, and does this weigh in favor of granting the waiver?

Board Response: Yes

2. Whether the person or organization seeking the waiver was given inaccurate information by an agent or employee of the State EMS program, and does this weigh in favor of granting the waiver?

Board Response: No

3. Whether the person or organization seeking the waiver, or any other individual or group, would be significantly injured or harmed if the rule were not waived, and does this weigh in favor of granting the waiver?

Board Response: No

4. Whether waiver of the rule in the particular case would pose a health or safety risk to the public at large or a particular individual or community, and does this weigh in favor of granting the waiver?

Board Response: No

5. Whether 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 Maine's EMS System, and does this weigh in favor of granting the waiver?

Board Response: Yes

MOTION to approve the Casco Bay Ambulance Waiver Request (Smith, seconded by Allen)

Discussion: Bill Cyr asked how long the waiver was for. Melissa Adams stated the waiver is for an indefinite period.

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Smith
(Recused) Libby
(Abstained) Turcotte

Motion Carries

- f. Ambulance Operator Licensure

MOTION to extend the ambulance operator license for 6 months (180 days) (Beals, seconded by Cyr) **MOTION WITHDREW BY BEALS**

MOTION to waive Maine EMS Rule Chapter 5-B §1 1. A person not licensed under MRS 32 Chapter 2-B section 85 who is associated with a ground ambulance service shall obtain a license under this chapter to operate an emergency medical services ambulance, for 180 days (Beals, seconded by Cyr)

Chair Libby asked the board the list of questions from Maine EMS Rules, Chapter 13, §2:

1. Whether the person or organization seeking the waiver took reasonable steps to ascertain the rule and comply with it

Board Response: Yes, the Board took reasonable steps to institute the rule; however, many board members have heard from services that they are not able to comply with the rule in the time frame given.

And does this weigh in favor of granting the waiver?

Board Response: Yes

2. Whether the person or organization seeking the waiver was given inaccurate information by an agent or employee of the State EMS program

Board Response: No

And does this weigh in favor of granting the waiver?

Board Response: Yes, having accurate information about the Rule weighs in favor of the waiver

3. Whether the person or organization seeking the waiver, or any other individual or group, would be significantly injured or harmed if the rule were not waived

Board Response: Yes, based on feedback received on the Rule from services

And does this weigh in favor of granting the waiver?

Board Response: Yes

4. Whether waiver of the rule in the particular case would pose a health or safety risk to the public at large or a particular individual or community

Board Response: Yes, based on feedback received on the Rule from services

And does this weigh in favor of granting the waiver?

Board Response: Yes

5. Whether 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 Maine's EMS System

Board Response: Yes, the Board acknowledges that this could set a precedent that the Board could waive their own rules if they receive feedback on a rule.

And does this weigh in favor of granting the waiver?

Board Response: No

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte

Motion Carries

- g. Committee Workplans

Chair Libby asked for the remaining workplans to be given to the board for review.

- h. Limited Delegation of Authority RE License Apps

The Investigations Sub-Committee asking for limited delegation for issuance of licensure up to and including a letter of guidance through November 30, 2025.

MOTION *to allow the limited delegation to the investigation sub-committee through November 30, 2025 (Cyr, seconded by Giberson)*

(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte
Motion Carries

11. Other

- a. Items for next meeting agenda
 - i. Chair-Elect
- b. Next meeting is scheduled for 08:30 on August 2, 2023, via Zoom and at 45 Commerce Drive, Augusta, ME.
- c. Hearing scheduled for 11:00 on August 2, 2023, in person at 45 Commerce Drive, Augusta, ME.

Meeting adjourned at 10:54