



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
 August 2, 2023, at 9:30 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			
Steve Smith	X		
Andy Turcotte	X		
Christopher Whytock	X	9:48a	12:27p
Kate Zimmerman	X		

Staff: Director Sam Hurley, Deputy Director Anthony Roberts, Soliana Goldrich, Teresa Glick, Melissa Adams, Anna Massefski, Megan Salois, Ashley Moody, Jason Cooney, Anna Massefski, Taylor Parmenter, Marc Minkler, Darren Davis, Robert Glaspy, AAG Katie Johnson

Stakeholders & Guests: Adam Rembiz, AJ Gagnon, Benjamin Wallace Jr., Benjy Lowry, Brian Langerman, Butch Russell, Chief Guillerault, Dayne Emerson, Dean Carucci, Jennifer Sedivy, Joanne LeBrun, Joe Kellner, Kacie Bragdon, Karen Pearson, Rep. Michael Lemelin, Rep. Kathy Javner, Sen. Marianne Moore, Steve Almquist, Theresa Cousins, WGME, Rick Petrie, Kevin LeCaptain, Matt Tavares, Sean Donaghue, Chuck McMahan, Scott Guillerault, Katie Rosingana, Scott Smith, Dwight Corning, Eric Wellman

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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. Case 23-293 – Amy Drinkwater will recuse
3. Modifications to the Agenda
 - a. Move COVID-19 immunization requirements to follow minute approvals
 - b. Remove Ellsworth Fire Department Waiver Request
 - c. Remove KVMD3 Project waiver request
4. Public Comments
 - a. Joe Kellner –Spoke about the vaccination requirement and feels the Board made the right decision at the time during COVID-19 response but asks the Board to continue to follow the science and remove the vaccine requirement following the CDC decision. Commended the Explorer program document and work done on the project – recommends the Board consider being very meaningful about youth protection and adopting model programs such as the Boy Scouts of America. Commended the Community Paramedicine formulary and expressed concern that it may pose a problem or restrict vaccinations such as influenza or other clinics that EMS agencies may host in their communities when the agency is not affiliated with a CP program.
 - b. Benjamin Wallace Jr – expressed concern over meeting staffing requirements due to the vaccination requirements. Asked the Board to consider a full repeal of Chapter 21.
 - c. Rick Petrie – asked to take a moment and acknowledge the recent passing of James Ellis. Encouraged the Board to do more to support public safety providers’ mental health, such as peer support networks.
5. Meeting Minutes
 - a. June 7, 2023

MOTION *to accept the minutes as submitted. (Turcotte, seconded by Drinkwater)*
(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte
(Abstain) Whytock
Motion Carries
6. COVID-19 Immunization Requirement

MOTION *to enter executive session pursuant to 1 MRS §405 (6)(E) (Libby, seconded by Giberson)*
(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock
Motion Carries

The Board Entered Executive Session at 10:00 am
The Board returned to regular session at 10:17 am

Discussion: Chris Whytock and Andy Turcotte both expressed they felt the Board made the right decision at the time to protect clinicians and the public, but encouraged the Board to look at the data related to a decision

MOTION to repeal Chapter 21. (Beals, seconded by Drinkwater)

Discussion: AAG Johnson advised that a vote to repeal the rule would mean the rule would still be in effect today as a formal process needs to take place to repeal the Rule, including a public comment period, a process which would likely take a few months before moving to final adoption stage with another vote for the board. Director Hurley encouraged charging the Rules Committee with reviewing the rule to recommend revision to be in sync with the requirements of other healthcare professions. Chair Libby pointed out that EMS medicine is different from other healthcare professions and asked that it be taken into consideration.

(Yes) Beals, Drinkwater, Whytock

(No) Allen, Cyr, Downing, Gerrish, Giberson, Libby, Smith, Turcotte

Motion Fails

MOTION to send Chapter 21 to the rules committee to review and report back to the Board for the next Board meeting in September (Cyr, seconded by Allen)

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

Motion Carries

7. Investigations

a. Investigations Committee June 22, 2023 Meeting Minutes

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

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

Motion Carries

b. Investigations Committee July 27, 2023 Meeting Minutes

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

(Yes) Gerrish, Giberson, Dirnkwater, Smith, Downing, Turcotte, Beals

Motion Carries

c. Case 23-291

Summary: The licensee allegedly provided patient care on 53 unique occasions without an active EMS license. The Investigations Committee recommends the Board resolve this complaint by offering a consent agreement with a warning and a civil penalty of \$250 per violation, citing violation of 32 MRS §90-A(5)(H) and 32 MRS §90-A(5)(F), for a total of \$500.

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

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

Motion Carries

d. Case 23-293

Drinkwater is recused and placed in the waiting room.

Summary: It is alleged that in the process of applying for a new service license, an authorized representative of the service accessed the Service-level Medical Director's eLicensure account, and with the Service-level Medical Director's knowledge, completed a form on their behalf. The Investigations Committee recommends the Board dismiss the complaint.

Discussion: Chair Libby asked how the committee came to the decision on a dismissal. Tim Beals stated that the majority felt the individual did as was directed by the medical director. Brandon Giberson said the decision doesn't condone the sharing of passwords but believed there were extenuating circumstances and there were no patient records compromised. Director Hurley expressed that he felt the Board needs to send a clear message that password sharing is inappropriate. Judy Gerrish stated she didn't believe there was malice in this case but expressed concern about professionalism and ethics and didn't support the dismissal. Bill Cyr – Agrees there was no malice but doesn't agree with a dismissal without something to say the actions taken were wrong. AAG Johnson reviewed some of the actions the Board could take – *Letter of Guidance* (Up to 10 years on file), not discipline. Issue a *Warning* – is discipline and would need to cite a rule violation.

MOTION to issue a letter of guidance resolving this complaint, citing a violation of 32 MRS §90-A(5)(F), to be kept on file for five (5) years (Libby, seconded by Allen)

(Yes) Allen, Cyr, Downing, Gerrish, Libby, Smith, Whytock

(No) Beals, Giberson, Turcotte

(Abstain) Drinkwater

Motion Carries

8. Director Update

Referred to staff update document. The legislature did pass a significant funding package for EMS – funding will not be accessible for 90 days. Will be working on a guidance document and proposal for the next Board meeting.

9. MDPB Update

Dr. Zimmerman shared that the MDPB completed a review of the protocols and agreed on two in-person meetings and a series of webinars for the protocol update. They are also continuing to look at medication shortages.

10. Old Business

a. Election – Chair-Elect

Gerrish – Three (3) individuals were nominated. Two (2) declined, however, Tim Beals accepted. Tim Beals provided an overview of his credentials.

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MOTION to nominate Tim Beals as Chair-Elect for Maine EMS for a period of two (2) years (Gerrish, seconded by Giberson)

Chair Libby asked for any other nominations.

MOTION for nominations to cease (Drinkwater, seconded by Gerrish)

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

Motion Carries

Discussion:

AAG Johnson asked if the motion should include the two (2) year period as Chair of the Board.

Gerrish made an amendment to the **MOTION** to nominate Tim Beals as Chair-Elect for Maine EMS for a period of two (2) years and Chair for two (2) years following (Gerrish, seconded by Giberson)

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

(Abstain) Beals

Motion Carries

b. Rulemaking

i. Chapter 24 Adoption

Jason Cooney requests that the Board adopt the basis statement and the rule and accept response to public comments.

MOTION to adopt the rule committee's response to public comment (Libby, seconded by Turcotte)

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

Motion Carries

MOTION to adopt the basis statement and adopt chapter 24 as submitted by the rules committee for adoption (Libby, seconded by Giberson)

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

Motion Carries

ii. Chapters 2 & 3 Proposal

Jason Cooney provided an overview of these chapter revisions.

MOTION to move Chapters 2 & 3 as submitted from the Rules Committee to Public Comment (Beals, seconded by Drinkwater)

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

Motion Carries

c. Explorer Program - Proposal

Anna Masefski provided an overview of the Explorer Program Proposal, including the needs identified in the ten (10) month study and the opportunities and connections with EMS proposed.

Chair Libby asked about the timeline. Anna explained they are developing the educational materials now and would like to start the first class in the fall and can plan to report back to the Board in November on progress.

11. New Business

a. Data Release Authorization

i. SUD Master Data Repository

Darren Davis provided an overview of the SUD program and data repository proposal. Jennifer Sedivy, of OBH data team, provided an additional overview of the program and goals. Chair Libby asked about the 12 data points collected during Phase 1. Jennifer clarified that the use of the data collected has yet to be identified and would be part of the request during Phase 2. Director Hurley expressed concerns about how the data may be used in future phases.

Whytock left the meeting.

MOTION to table the SUD Master Data Repository request (Giberson, seconded by Gerrish)

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

Motion Carries

ii. Cutler CP Data Project

Director Hurley shared with the Board for their situational awareness that Maine EMS is finally getting data from DHHS and will continue to work with the Cutler Institute, but the pre-existing DUAs and BUAs with our partners exceed Safe Harbor data sharing rules by including a full zip code for the patient.

32 MRS §91-B(2)(E)

MOTION to authorize Maine EMS to release data including age range, zipcode and associated patient encounter to the Cutler Institute for patients who

interacted with the EMS system from January 2018 – December 2022 pursuant to 32 MRS §91-B(2)(E). (Libby, seconded by Drinkwater)

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

Motion Carries

b. Contracting

i. Medical Director Approval and Contracting

1. Dr. Sholl
2. Dr. Zimmerman
3. Dr. Williams

MOTION *to reappoint and authorize the Director to renew the contract for Dr. Sholl, Dr. Zimmerman, and Dr. Williams for \$280,000.00 for one year (Giberson, seconded by Drinkwater)*

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

Motion Carries

ii. RFPs and Contracting

1. MOUD Medical Direction Support

Director Hurley explained he is seeking authorization to start the contract process to spend up to \$600,000 annually for these services, which is funded by the COSSAP grant.

MOTION *authorize the Director move forward with the approval process for MOUD Medical Direction Support up to \$600,000.00 (Drinkwater, seconded by Cyr)*

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

(No) Beals, Libby

Motion Carries

2. AmeriCorps Volunteer Support

Director Hurley explained he is seeking authorization to start the contract process to spend up to \$60,000 for these services, which is also grant funded.

MOTION *to authorize the Director to move forward with the approval process for AmeriCorps Volunteer Support up to \$60,000.00 (Cyr, seconded by Turcotte)*

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

(No) Beals

Motion Carries

c. Cp-Formulary

Dr. Benjy Lowry introduced the formulary as a document referenced in the scope of practice document presented to and supported by the Board. He explained that the CP Committee worked with the MDPB's Pharmacist, Bethany Nash, to identify categories of medications and routes of administration. He states it isn't clear that the CP formulary would restrict any other clinician who is otherwise eligible under their scope of practice to administer vaccinations, and it is not the intent of the program or the formulary to do so.

MOTION to accept the Community Paramedicine Formulary as presented (Beals, seconded by Giberson)

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

Motion Carries

12. Other

a. Items for next meeting agenda

- i. The Board expressed support for a landing page on the website for a spot to access all resources for the upcoming Board meeting.
- ii. Libby asked about the progress the Regional Offices have made on their deliverables, including the quality assurance deliverables.

b. Hearing – August 30, 2023, at 10:00 to 16:00 (in-person)

c. Hearing – September 6, 2023 at 9:00 (in-person)

d. Next Board meeting is scheduled for September 6, 2023, following the hearing (in-person), at 45 Commerce Drive, Augusta.

Meeting adjourned at 1:28 pm