



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
 September 6, 2023, at 3:00 PM
 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		
Bill Cyr	X		
Katelyn Damon			
Laura Downing			
Amy Drinkwater	X		
Judy Gerrish	X		
Brandon Giberson			
Brent Libby	X		
John Martel			
Matthew Sholl	X		
Steve Smith	X		
Andy Turcotte	X		
Christopher Whytock	X		
Kate Zimmerman	X		

Staff: Director J. Sam Hurley, Deputy Director Anthony Roberts, Marc Minkler, Jason Cooney, Teresa Glick, Chris Azevedo, Anna Massefski, Jason Oko, Ashley Moody, Darren Davis, Melissa Adams, Soliana Goldrich, Taylor Parmenter, Megan Salois, Robert Gaspy, AAG Samantha Morgan

Stakeholders & Guests: Dwayne Conley, AJ Gagnon, Joanne LeBrun, Brian Chamberlain, Dwayne Lee Philbrook, John Lennon, Scott Smith, Aiden Koplovsky, Christopher Paré, Steve Almquist, Town of Baldwin, Carlie Harvey, Rebecca Wentworth, Rick Petrie, Katie Johnson, Crystal Cail, Rep. Kathy Javner, Eric Wellman, Benjamin Wallace Jr., Jamie Seymour, Kacie Bragdon, Matt Duross, John Brennan, Chip

- **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

Getchell, Theresa Cousins, Phil MacCallum, Shawn Cordwell, Chief Robitaille, Andrew Black, John Brennan, Kevin LeCaptain, Alan Henschke, Eddie Saucier, Chip Getchell, Michael Devoid, Amy Beth, Kevin Duross, Rich Kindelan, Scott Soucy, Steven Leach

1. Introductions
2. Disclosure of any conflicts of interest
3. Modifications to the Agenda
 - a. Public Comment
 - b. August 2, 2023 Minutes
 - c. Chapter 21
 - d. Stabilization Allocation Formula

4. Public Comments

Ben Wallace – Appreciated the exemption of ambulance operators in the draft Chapter 21 proposals. Expressed concern with the proposal to add vaccinations as some members of his workforce would need to be tested as they might not have records, and that would be an expense.

James Seymour – Spoke in support of the Chapter 21 proposals, as it would help with staffing issues within their department.

Chief Rich Kindelan, Scarborough FD – Spoke in opposition against any vaccination mandates. Expressed concern with the proposed November date for influenza vaccinations, as it is quickly approaching.

M. Devoid – Described a personal reaction to the COVID-19 vaccine and cited a several-month recovery period. Would like providers to be able to choose whether they have vaccinations.

Deputy Chief Leach, Augusta FD – Lost four providers due to the mandate, some would like to get back into EMS if the COVID-19 portion of the rule were removed. Some providers in the department also expressed concern over the influenza vaccine.

Chief Scott Soucy, Sanford FD – Encouraged the Board to drop the mandate, and let providers choose for themselves.

Dwayne Lee Philbrook – Had considered becoming a first responder department, but further vaccination mandates deterred them. Also cited costs of titer testing for staff.

Phil MacCallum – Expressed that the Board should not impose any vaccination mandates moving forward, but should provide education on vaccinations and allow providers to make their own decisions.

a. Rulemaking

i. Chapter 21 Protocols

Chair Libby provided an overview of the proposals for Chapter 21 as provided by the Rules Committee.

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

Discussion: Dr. Zimmerman – Vaccines are all very important as a public health service to protect those asking for help such as immune-compromised individuals and newborns. Dr. Sholl – Provided an overview of the COVID-19 vaccine efficacy. Discussed that in healthcare we also need to look out for the care of our patients. Andy Turcotte – Doesn't feel at this point we should be mandating the COVID-19 vaccination but thinks the masking agreement is important to ensure the safety of our patients. Bill Cyr – Agrees with Dr. Zimmerman and Dr. Sholl; the role of EMS professionals is to protect themselves and the patients they take care of. Feels the list of additional vaccinations is reasonable and many providers will have already received them through school, for clinicals, or other work-related reasons. Chair Libby – Spoke on how we created good habits because of COVID-19 but would like to see improvement with documentation of patient care and protection. Stressed providing good care to our citizens. Judy Gerrish – Agrees with Dr. Zimmerman and Dr. Sholl and mentioned that regional medical directors spoke at the rules committee and echoed their comments. Chris Whytock – Mentioned other steps that can be taken to protect patients, such as sending sick staff home. Dr. Sholl – Cautioned against just sending staff home when they are sick because diseases can be transmitted prior to the appearance of symptoms.

(Yes) Beals, Whytock

(No) Cyr, Drinkwater, Gerrish, Libby, Smith, Turcotte

Motion Fails

Director Hurley recommended putting forth the most advanced option to the public for comment, as it could be changed because of public comments received. AAG Samantha Morgan advised that if the language were changed significantly during the rulemaking process, it would have to be sent out again for public comment. Tim Beals felt this could lengthen the rulemaking process.

MOTION to propose Chapter 21 – COVID-19 Removal draft to go out for comment (Drinkwater, seconded by Beals)

(Yes) Beals, Drinkwater, Libby, Whytock

(No) Cyr, Gerrish, Smith, Turcotte

Motion Fails

MOTION to propose Chapter 21 – Vax Add draft to go out for public comment and to include an amendment to exempt ambulance operators from the rule (Cyr, seconded by Smith)

Discussion: Chair Libby would like to amend the implementation date to the date of hire. Director Hurley mentioned it would be very difficult to operationalize due to the movement of individuals in the system. Bill Cyr declined to amend the motion.

(Yes) Cyr, Gerrish, Libby, Smith, Turcotte

(No) Beals, Drinkwater, Whytock

Motion Carries

b. Stabilization Allocation Formula

Director Hurley discussed that the \$31 million goes into effect October 25th and would theoretically be available October 26th. The office is working with the Governor’s Office and DAFS to get financial orders in place for the funding. The sustainability portion of the program will require rulemaking. The group discussed using either the USDA or CMS morality scores in the allocation formula.

MOTION the accept the office’s recommendation to use the CMS morality scoring system (Beals, seconded by Drinkwater)

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

Motion Carries

c. **MOTION** to table the remaining agenda items until the next meeting (Drinkwater, seconded by Gerrish)

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

Motion Carries

5. Other

- a. Hearing – September 25, 2023, at 9 am, in-person at 45 Commerce Drive.
- b. Next Board meeting is scheduled for October 4, 2023, via Zoom.

Meeting adjourned at 4:38 pm