

16 DEPARTMENT OF PUBLIC SAFETY

163 BUREAU OF EMERGENCY MEDICAL SERVICES (MAINE EMS)

CHAPTER 21: IMMUNIZATION REQUIREMENTS

§1. Definitions

1. “Certificate of Immunization” means documentation from a health official of the administration of an immunization, specifying the vaccine administered and the date it was administered. Electronic health records, having been compiled and maintained as an official document based on certificates of immunization, which provide at a minimum the month and year that the immunization was administered may also be accepted as proof of immunization.
2. “Covered Emergency Medical Services Person” means an advanced emergency medical services person, a basic emergency medical services person or any person licensed by this board who routinely provides Direct Patient Care. For the purposes of this definition, EMS students that provide Direct Patient Care are Covered Emergency Medical Services Persons. Licensed Ambulance Operators are not considered Covered Emergency Medical Services Persons.
3. “Direct Patient Care” means any activity that places an individual within 6 feet of a patient for a period of 15 minutes or more.
4. “Disease” means the following conditions which may be preventable by immunization:
 1. Influenza
5. “Effective Date” means November 1, 2023, for Influenza.
6. “Entity” means an organization which holds a license issued by the Board that authorizes it as an organization to provide emergency medical services, or a training center licensed by the Board.
7. “Medical Exemption” means a formal procedure to procure discharge from the requirement to vaccinate under this rule in accordance with Section 3 below.
8. “Immunization” means a vaccine, antitoxin or other substance used to increase an individual’s immunity to Disease.
9. “Masking Agreement” means a signed voluntary agreement between an Entity and a Covered Emergency Medical Services Person, obligating the Covered Emergency Medical Services Person to wear at minimum a procedural/surgical

mask while providing direct patient care during the months of October through May. This agreement expires annually on November 1.

§2. Immunization Required

1. Each Entity with which a Covered Emergency Medical Services Person is associated must require that the Covered Emergency Medical Services Person provide to the Entity a Certificate of Immunization or documentation of an Exemption pertaining to the Diseases enumerated in the Chapter. Covered Emergency Medical Services Persons may refuse seasonal immunization for influenza; however, the Entity must obtain and maintain a Masking Agreement in lieu of a valid Certificate of Immunization.
2. No Entity may permit a Covered Emergency Medical Services Person to provide Direct Patient Care without a valid Certificate of Immunization, documentation of an Exemption, or a Masking Agreement. . The Seasonal Influenza vaccine is required annually, or as otherwise recommended by the US Centers for Disease Control.
3. Any such immunization must meet the standards for biological products which are approved by the United States Public Health Service.

§3. Exemptions

1. A Medical Exemption is available to a Covered Emergency Medical Services Person who provides a written statement from a licensed physician, nurse practitioner or physician assistant that, in the clinician’s professional judgment, immunization against a disease enumerated in this chapter may be medically inadvisable. To be valid, Medical Exemptions must originate from a physician, nurse practitioner, or physician assistant with whom the Covered Emergency Medical Services Person has an established patient- provider relationship with the clinician issuing the written statement. An exemption is considered permanent unless otherwise denoted in the exemption from the authorized healthcare professional.
2. A Covered Emergency Medical Services Person without a Certificate of Immunization but in possession of a Medical Exemption may provide direct patient care. The Covered Emergency Medical Services Person must complete a Masking Agreement and comply with Section 4 of this chapter to provide direct patient care.

92 §4. Masking
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- 94 1. Covered Emergency Medical Services Persons who refuse immunization for
95 influenza or have a Medical Exemption for influenza vaccination are required to
96 wear, at minimum, a procedural/surgical mask as specified in the Masking
97 Agreement
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- 99 2. An Entity must obtain and maintain a Masking Agreement for those associated
100 Covered Emergency Medical Services Persons who are required to wear a mask,
101 prior to allowing those persons to provide direct patient care on their behalf.
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- 103 3. Failure of an Entity to ensure that an associated Covered Emergency Medical
104 Services Person complies with this section is considered unprofessional conduct,
105 subject to disciplinary action by the Board.
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- 107 4. Failure of a Covered Emergency Medical Services person to comply with this
108 section and/or abide by their Masking Agreement is considered unprofessional
109 conduct subject to disciplinary action by the Board.
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111 §5. Record Keeping
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- 113 1. Prior to January 1, 2025, an Entity must keep a record of the immunization status
114 of each Covered Emergency Medical Services Person associated with the Entity.
115 The record must include, at a minimum, the month and year that each
116 immunization dose was administered.
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- 118 2. Prior to January 1, 2025, where an Exemption has been granted to a Covered
119 Emergency Medical Services Person, the Entity must maintain the written
120 documentation of the Exemption on file.
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- 122 3. Prior to January 1, 2025, where a masking agreement has been executed in lieu of
123 a Medical Exemption or a valid Certificate of Immunization, the Entity must
124 maintain written documentation of the executed Masking Agreement.
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- 127 4. Prior to January 1, 2025, each Entity must maintain a listing of the names of all
128 Covered Emergency Medical Services Person associated with the Entity who are
129 not currently immunized against the diseases enumerated in the Chapter. The list
130 must also include the names of all Covered Emergency Medical Services Persons
131 with Exemptions.
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- 133 5. After January 1, 2025, An Entity must ensure a record of the immunization status
134 of each Covered Emergency Medical Services Person associated with the Entity
135 through the system prescribed by the Office of Emergency Medical Services.
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137 6. After January 1, 2025, Entities must review submissions made by Covered
138 Emergency Medical Services Persons associated with their Entity in the system
139 and attest to valid documentation of Certificate(s) of Immunization, Medical
140 Exemption, and/or a Masking Agreement.
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142 7. All records required under this chapter shall be deemed, for the purposes of public
143 access, confidential medical records under 22 M.R.S. §1711-C. Notwithstanding
144 this statement, the Board may obtain and disclose records required under this
145 chapter in accordance with 32 M.R.S. § 91-B.
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147 **§6. Required Reports**

148 **1. Periodic Reporting**

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150 Prior to January 1, 2025, each Entity must, on an annual basis, submit a summary
151 report on the immunization status of all Covered Emergency Medical Services
152 Persons associated with the Entity on a form prescribed by Maine EMS no later
153 than November 30th of that year as part of the EMS service license renewal. The
154 summary report will include the following information at a minimum: specific
155 contact information identifying the Entity, the total number of Covered
156 Emergency Medical Services Persons who are immunized, the total number of
157 Covered Emergency Medical Services Persons who possess Exemptions, and the
158 total number of Covered Emergency Medical Services Persons who do not
159 possess a Certificate of Immunization, Exemption, or a Masking Agreement. Each
160 report must be signed by a representative of the Entity as a certification that the
161 information is accurate.
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