

Malachi M. Fisher

Market Director of Trauma and Neurosciences, and serving as the Interim Director of Market EMS Relations

HCA Healthcare – New England

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06-12-2023

State of Maine Bureau of EMS

Board of Directors

Attn: Director Sam Hurley

45 Commerce Drive, Suite 1

152 State House Station

Augusta, ME 04333

Subject: Request for Opinion on Frisbie EMS Licensing Requirement in the State of Maine

Dear Board of Directors,

I hope this letter finds you in good health and high spirits. I am writing on behalf of Frisbie EMS, an ambulance service based in the state of New Hampshire, seeking clarification on the licensing requirement for providing Advanced Life Support (ALS) intercepts to Maine EMS agencies. As per the Maine EMS statutes (32 MRS §82(2)), a Maine license is not required for ambulance services licensed in another state or province if certain conditions are met.

Frisbie EMS has been providing ALS intercepts for Maine EMS agencies, and we want to ensure that we are in compliance with all legal and regulatory standards. In the year 2022, Frisbie EMS performed 60 ALS intercepts, and as of the present year, we have already completed 24 ALS intercepts. However, it has come to our attention that we now need to consider fair market value of intercepts and comply with legal and compliance standards in our contractual agreements with Maine EMS agencies.

It is important for us to clarify whether Frisbie EMS, as an out-of-state provider, requires a license in the state of Maine or if our current arrangement would still be considered mutual aid, despite our contractual agreements with Maine EMS agencies for ALS intercepts. The specific language of the Maine EMS statutes (32 MRS §82(2)) states that a license is not required for out-of-state ambulance services if they do not have a base of operation in Maine, do not routinely pick up patients from the scene of their illness or injury in Maine, and do not routinely carry patients between points both of which are in Maine.

Frisbie EMS meets the first requirement, as we do not have a base of operation in Maine. However, we are seeking clarity regarding the interpretation of the second and third requirements. While we do not routinely pick up patients from the scene of their illness or injury in Maine, we do provide ALS intercepts for Maine EMS agencies, which may involve picking up patients during the course of the intercept. Additionally, while our primary service area is in New Hampshire, we do occasionally carry patients between points that may both be within the state of Maine during the course of an ALS intercept.

Therefore, we kindly request the opinion of the State of Maine Bureau of EMS Board of Directors on whether Frisbie EMS needs to obtain a license in the state of Maine to continue providing ALS intercepts under our contractual agreements with Maine EMS agencies. We value compliance with all applicable regulations and want to ensure that we meet the necessary licensing requirements while continuing to provide our vital services to the people of Maine.

We appreciate your attention to this matter and look forward to receiving your guidance on this issue. Should you require any additional information or documentation, please do not hesitate to contact us. Thank you for your time and consideration.

Respectfully,

Malachi Fisher, MBA-HCAD, NRP

Market Director of Trauma and Neurosciences

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Hurley, J Sam

From: Fisher Malachi <Malachi.Fisher@hcahealthcare.com>
Sent: Sunday, August 27, 2023 11:11 AM
To: Morgan, Samantha
Cc: Hurley, J Sam
Subject: Re: Request for Opinion on Frisbie EMS Licensing Requirement in the State of Maine

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Good morning,

Please see below answers. Be advised, due to acquisition is 2020, and change over to a different EMS charting system, we are unable to look past Spring of 2020.

At your earliest convenience, would you please submit information, if known, that's responsive to the following:

1. The year Frisbie first started providing EMS services in Maine and the number of ALS intercepts in each year
Frisbie EMS has been providing mutual aide to Maine for approximately 43 years.
2. The number of times in each year Frisbie picked up patients from the scene of illness or injury in Maine
Below are what we were able to pull since 2020:

| Lebanon Responses | | | | |
|--------------------------|-----------------------|-------------|-------------|-----------------------|
| | 2020 Q3&Q4 | 2021 | 2022 | 2023 (1/1-7/1) |
| Mutual Aid | 9 | 58 | 19 | 12 |
| Intercept | 59 | 78 | 51 | 23 |

| Berwick Responses | | | | |
|--------------------------|-----------------------|-------------|-------------|-----------------------|
| | 2020 Q3&Q4 | 2021 | 2022 | 2023 (1/1-7/1) |
| Mutual Aid | 3 | 1 | 2 | 4 |
| Intercept | 0 | 2 | 0 | 4 |

| North Berwick Responses | | | | |
|--------------------------------|-----------------------|-------------|-------------|-----------------------|
| | 2020 Q3&Q4 | 2021 | 2022 | 2023 (1/1-7/1) |
| Mutual Aid | 1 | 0 | 0 | 0 |
| Intercept | 0 | 0 | 0 | 0 |

| Acton Responses | | | | |
|------------------------|-----------------------|-------------|-------------|-----------------------|
| | 2020 Q3&Q4 | 2021 | 2022 | 2023 (1/1-7/1) |
| Mutual Aid | 0 | 0 | 0 | 0 |
| Intercept | 0 | 0 | 0 | 0 |

| Sanford Responses | | | | |
|--------------------------|-----------------------|-------------|-------------|-----------------------|
| | 2020 Q3&Q4 | 2021 | 2022 | 2023 (1/1-7/1) |
| Mutual Aid | 0 | 0 | 1 | 0 |
| Intercept | 0 | 0 | 0 | 0 |

3. The number of times in each year Frisbie carried patients between points both of which are in Maine
The majority of patients, are transported to NH hospitals

| Main Points Transports | |
|------------------------|---|
| 2020 (Q1&Q4) | 0 |
| 2021 | 5 |
| 2022 | 4 |
| 2023 (1/1-7/1) | 2 |

4. A statement as to whether Frisbie provides any services other than ALS intercepts in Maine and if so which services and how frequently

Currently Frisbie EMS provides:

1. ALS Intercept request
2. Ambulance request, if no ambulances are available in requesting Maine towns

Please refer to above charts

5. The number of Maine EMS agencies with which Frisbie contracts

Currently there are no contracts in place

6. The number of calls Frisbie responds to outside Maine

Frisbie EMS in 2022 responded to 7135 911 calls outside the State of Maine, in New Hampshire

7. Any other information that's relevant to provide context to your responses to the above

Not at this time

Please reach out, if you have any other questions for the September meeting.

Regards

Malachi Fisher, MBA-HCAD, NRP

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From: Morgan, Samantha <Samantha.Morgan@maine.gov>
Sent: Tuesday, August 15, 2023 3:37 PM
To: Fisher Malachi <Malachi.Fisher@hcahealthcare.com>
Cc: Hurley, J Sam <J.Sam.Hurley@maine.gov>
Subject: {EXTERNAL} Request for Opinion on Frisbie EMS Licensing Requirement in the State of Maine

CAUTION! This email originated from outside of our organization. **DO NOT CLICK** links or open attachments unless you recognize the sender and know the content is safe.

Malachi,

Thanks for taking my call earlier today regarding the letter you submitted to Maine EMS staff on June 12, 2023, which seeks the Emergency Medical Services' Board's opinion as to whether Frisbie EMS, an entity licensed in New Hampshire but not in Maine, requires a Maine license from the Board.

As we discussed, I think the Board will need additional factual information regarding Frisbie EMS's services in Maine on which to base a decision as to whether Frisbie EMS meets the exception under 32 M.R.S. § 82(2)(A), which provides:

2. Licenses not required. A Maine license shall not be required for:

A. Ambulance services and ambulances licensed in another state or province, provided that they do not have a base of operation in Maine and do not routinely pick up patients from the scene of their illness or injury in Maine and do not routinely carry patients between points both of which are in Maine;

At your earliest convenience, would you please submit information, if known, that's responsive to the following:

1. The year Frisbie first started providing EMS services in Maine and the number of ALS intercepts in each year
2. The number of times in each year Frisbie picked up patients from the scene of illness or injury in Maine
3. The number of times in each year Frisbie carried patients between points both of which are in Maine
4. A statement as to whether Frisbie provides any services other than ALS intercepts in Maine and if so which services and how frequently
5. The number of Maine EMS agencies with which Frisbie contracts
6. The number of calls Frisbie responds to outside Maine
7. Any other information that's relevant to provide context to your responses to the above

The Board's next meeting is September 6. If you could provide this information (via email to me is fine) by August 23, 2023, that would be helpful.

Thanks,



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