



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**  
 October 4, 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	X		
Steve Smith	X		
Andy Turcotte	X	12:00 pm (return)	10:15 am
Christopher Whytock	X		
Kate Zimmerman	X		

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

Stakeholders & Guests: Joanne LeBrun, Benjamin Wallace Jr, Eric Wellman, Richard Petrie, AJ Gagnon, Steve Almquist, Joe Kellner, Christopher Pare, John Hoak, Brian Langerman, Jeremy Ogden, Dennis Russell, Malachi Fisher

1. Introductions

- **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

2. Disclosure of any conflicts of interest - None
3. Modifications to the Agenda - None
4. Public Comments

Benjamin Wallace Jr – Asked if the Board Member list with expiration dates is current. Director Hurley stated that it is current to his knowledge and that some members are sitting in positions expired until they are filled. He expressed that he felt that 8 voting members out of 18 should not be engaging in rulemaking.

5. Meeting Minutes

- a. August 2, 2023

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

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

**Motion Carries**

- b. September 6, 2023

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

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

**Motion Carries**

6. Investigations

- a. Investigations Committee August 24, 2023 Meeting Minutes

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

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

**Motion Carries**

- b. Investigations Committee September 28, 2023 Meeting Minutes

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

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

**Motion Carries**

- c. Case 22-250

Summary: It is alleged that while treating and transporting a patient, that the EMS clinician did not provide emergency medical treatment to the applicable standard of care. The committee recommends that the Board dismiss the case finding no

malfeasance or intent to harm, and direct staff to refer the case to the service level medical director for quality assurance review.

**MOTION** to accept the committee's recommendation. (Giberson, seconded by Cyr)  
(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

**Motion Carries**

d. Case 22-251

Summary: It is alleged that while treating and transporting a patient, that the EMS clinician did not provide emergency medical treatment to the applicable standard of care. The committee recommends that the Board dismiss the case finding no malfeasance or intent to harm, and direct staff to refer the case to the service level medical director for quality assurance review.

**MOTION** to accept the committee's recommendation (Cyr, seconded by Turcotte)  
(Yes) Allen, Beals, Cyr, Downing, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock

**Motion Carries**

e. Case 23-287

AAG Morgan presented a proposed consent agreement to resolve this complaint in which the licensee admits they failed to submit up to 87 ePCRs for calls for service between February 13, 2022 and May 4, 2023; violations of 32 M.R.S. §90-A(5)(H) for violation of Board Rule, Chapter 22 §3(2), and 32 M.R.S. §90-A(5)(H) for violation of Board Rules, Chapter 11 §14 by violating a standard established in the profession, specifically, Maine EMS Pre-Hospital Protocols, effective December 1, 2021, Brown 2. As discipline the licensee agrees to permanently surrender their Maine EMS license and will never reapply for a Maine EMS license.

**MOTION** to table the consent agreement and direct staff to complete the investigation to identify an accurate count of incomplete or missing ePCRs and any other potential violations. (Libby, seconded by Whytock)

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

(Recuse) Smith

**Motion Carries**

**MOTION** to direct the office to docket an investigation against the service license relative to the ePCR violations in case 23-287 (Libby, seconded by Cyr)

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

**Motion Carries**

Andrew Turcotte left the meeting.

7. Director's Update

Director Hurley provided a brief overview of the Connectivity Project and directed the Board to the Staff Update Newsletter.

8. MDPB Update

Dr. Sholl stated the MDPB is tracking the protocol timeline closely. He explained the decision-making process to delay the protocol to January 31, 2024. The naloxone dispensation protocol will remain at the original date (December 1, 2023). Smith – will naloxone leave behind affect non-transporting services? Dr. Sholl – Yes. Dr. Sholl also provided an overview of Pilot programs being tracked. The MDPB is still tracking medication shortages.

9. Old Business

a. Rulemaking

i. Chapter 24 Update

AAG Samantha Morgan stated Chapter 24 was adopted by the Board and was not approved as to form and legality by the AG's Office within the 150 day deadline, meaning the rule, as a result, did not take effect. The form and legality review was performed, however, some issues with the rule were identified that would have prevented it from being approved as to form and legality, even if that review had been performed within 150 days of the final comment deadline. The current status is that the rule adopted by the Board did not go into effect. Feedback was provided on what needs to be corrected to pass the review. She will work with Maine EMS to review the feedback, and will provide a draft to the Sub-committee on October 17<sup>th</sup> to hopefully restart the rule-making process.

ii. Chapter 15 DRAFT Proposed Rule

Bill Cyr reported on behalf of the Rules Committee. Chapter 15 has been drafted by the committee based on guidance from the board and he proposed that the board consider this chapter for public comment and hold public hearings.

**MOTION** to propose the Chapter 15 Draft Rule move to public comment (Libby, seconded by Giberson)

(Yes) Allen, Downing, Drinkwater, Giberson, Libby,

(No) Beals, Cyr, Gerrish, Smith, Whytock

**Motion Fails**

**MOTION** to propose the Chapter 15 Draft Rule move to public comment with public hearings (Libby, seconded by Cyr)

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

**Motion Carries**

iii. Pilot Program Memo

**MOTION** to direct the rules subcommittee to consider creating a chapter of rule addressing pilot programs and projects and ensure that they work with other sub-committees as they see fit in creating this rule. (Giberson, seconded by Libby)

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

**Motion Carries**

b. Stabilization Program Overview

Director Hurley provided an overview of the Stabilization Program and the proposed process for handling funding. Hiring for the 4 positions cannot begin until after October 25, 2023.

c. NEMHS Pilot Project Request

Director Hurley provided an overview of the NEMHS pilot project in Jackman.

**MOTION** to defer the decision on this project and ask the MDPB to take up this pilot project request and report back decisions and recommendations (Giberson, seconded by Whytock)

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

**Motion Carries**

10. New Business

a. Committee Terms

Director Hurley provided a review of committee terms and used a random number generator to create term limits for members of committees.

Andrew Turcotte returned to the meeting at 12:00 pm.

b. Opinion RE Frisbee EMS

AAG Samantha Morgan reviewed the document regarding the request for opinion RE Frisbee EMS. The Board would need to interpret what the meaning of *routinely* is in section 82, subsection 2.

**MOTION** to table and ask the office for guidance and direction to the Board in this matter (Cyr, seconded by Beals)

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

(No) Libby

**Motion Carries**

c. EMS Unit Identification

An entity permitted to the paramedic level, not licensed to the paramedic level, have requested to letter and have the call sign “Medic” for their vehicles. The office expressed concern that the public may not understand that the vehicles may not have paramedics on board and the Board is requested to provide an opinion.

**MOTION** *that the term medic presents confusion and could be potentially deceptive or confusing to the public in regard to the services offered if posted on an ambulance not licensed at the paramedic level (Libby, seconded by Gerrish)*

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

(No) Allen, Whytock

**Motion Carries**

d. EMT Portfolios

Christopher Azevedo provided an update on the status of the skills portfolios, now a year after the pilot was instituted. The skills confidence was much greater among students who used the portfolios, versus the traditional PSE model.

**MOTION** *to refer this to the rules committee to amend the rules to allow for the implementation of skills portfolios for the EMT and EMR levels. (Libby, seconded by Beals)*

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

**Motion Carries**

e. Bylaws Modification – Parliamentary

Director Hurley proposed to modify the bylaws that the immediate past Chair become the Parliamentary. The Board was amenable to the office working on bylaw modifications related to the Parliamentary role.

11. Other

a. Items for next meeting

i. Chapter 24

ii. Committee Terms

iii. Send a formal request to the Governor to fill Board vacancies

b. Next Board meeting is scheduled for November 1, 2023, at 9:30 am, via Zoom.

**Meeting adjourned at 1:04 pm**