



Maine Board of Emergency Medical Services Bylaws

The Maine Board of Emergency Medical Services (Maine EMS Board) is a state entity established by Title 32, Chapter 2-B of the Maine Revised Statutes to provide for a comprehensive and effective statewide medical services system to ensure optimum prehospital medical care for the health, safety, and welfare of the public. The Maine EMS Board has been established to supervise and direct the operations of the statewide emergency medical services program and to adopt such forms, rules, procedures, and testing requirements that are necessary and appropriate for proper medical treatment and to carry out such a program.

Article 1 -- The Maine EMS Board (hereafter the Board)

Section 1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Board and its entities in all cases to which they are applicable and in which they are not inconsistent with these bylaws and any special rules of order the Board may adopt.

Section 2. The Board shall consist of members who are appointed by the Governor for three-year terms. The State EMS Medical Director and Associate State EMS Medical Director are ex-officio, non-voting members of the Board.¹

Section 3. Board members are required to attend 75% of meetings held, and to attend for the entire meeting. Any Board member may be removed from their position by the Governor for cause. In cases where Board members are out of compliance with meeting attendance or have taken some action that represents "cause," the Board may take a vote, requiring two-thirds majority, to recommend to the Governor that the individual be removed from the Board position.

Section 4. The Chairperson and a Chairperson-Elect shall be elected by the Board for a two-year term. On or about May 1 of each biennium the Chair shall appoint three members of the Board to serve as a committee to nominate candidates for the Chairperson-Elect to be elected by the Board on the first Wednesday of September for the two-year period. Nominations may be submitted to the Committee by members of the Board.

Section 5. The Board may adopt its own internal rules for its proceedings.

Section 6. The Board's function in directing the operations of the EMS program, including the appointment of a Director to administer the program, establishment of regional offices throughout the state, the licensing of ambulance services and medical services personnel, and imposing disciplinary sanctions shall be conducted in accordance with the requirements of Title 32, Chapter 2-B of the Maine Revised Statutes.

¹ 32 MRS § 88(1)(A)



Section 7. The Immediate Past Chair of the Board shall serve as Parliamentarian.

Article 2 -- Board Meetings

Section 1. The Board shall meet upon a five-day written notice with a copy of the agenda at the call of its Chair at least quarterly.

Section 2. Special meetings may be called by the Chairperson or at the request of seven members of the Board.

Section 3. A majority of the Board members appointed and currently serving shall constitute a quorum and a majority vote of those present and voting shall be required for Board action. However, for the purposes of granting a waiver of its rules or relative to the suspension or revocation of a license, a favorable vote of at least two-thirds of the members present and voting, which is not less than a majority of the appointed and currently serving members, shall be required.

Section 4. The strategic plan and goals shall be reviewed at least annually on or around the September meeting.

Section 5. The Board may take any action authorized by telephone conference, video teleconference (e.g., Zoom or Teams) or other means as authorized by a rule of the Board or by state law. All meetings must be in compliance with the requirements of the Freedom of Access Act, including public notice, public proceedings, and minute-taking.

Section 6. All members shall adhere to the [Code of Conduct and Ethics for Boards and Committees as approved by the Board](#).

Section 7. All members shall identify conflicts of interest related to agenda items at the beginning of each meeting. Should an additional item be added to the agenda, members shall acknowledge any potential conflicts of interest for transparency in process. Those with conflicts that have the potential to impact their decision-making on the matter at hand shall recuse themselves from the conversation.

Article 3 – Entities of the Board

Section 1. Boards, Subcommittees, Advisory Committees, and Committees

- 1) Legislatively Defined Boards
 - a. Medical Direction and Practices Board (MDPB)
- 2) Subcommittees – entities entirely comprised of members of the Board
 - a. Investigations Committee
 - b. Rules Committee
- 3) Advisory Committees – entities statutorily defined as an advisory committee



- a. State Trauma Prevention and Control Advisory Committee (Trauma Advisory Committee)
- 4) Committees of the Board – entities created by the Board, but comprised of Board and non-Board members
 - a. Community Paramedicine Committee
 - b. Data Committee
 - c. Education and Exam Committee
 - d. Emergency Medical Dispatch Committee
 - e. EMSC Advisory Committee
 - f. Exam Committee (Sunset November 30, 2022)
 - g. Interfacility Transportation Committee
 - h. Operations Committee
 - i. Quality Improvement Committee
- 5) Ad-Hoc Committees may be established by the Board as deemed necessary and appropriate to carry out its EMS function, with the members to be appointed by the Chair.
 - a. The Board Chairperson may appoint a temporary Chairperson until such time the Ad-Hoc Committee can be established, and two names can be voted upon and put forward to the Board Chairperson.

Section 2: Entity Leadership

- 1) Each Entity of the Board shall have a chairperson recommended by the respective entity and appointed by the current Board Chairperson. Entities shall submit two names to the Chairperson to consider for appointment. The Chairperson will serve a term concurrent with the appointing Board Chair. Should the Board Chairperson not wish to approve either of the two names, the decision shall be referred to the Board. If upheld, the Entity may submit two additional names for consideration by the Board Chairperson.
- 2) No individual shall serve as a Chairperson for more than one Entity of the Board or Board at a time.
- 3) Entities of the Board may deviate from these requirements if they have a Board-approved set of bylaws that clearly articulate this process.

Section 3: Entity Membership

- 1) Entity members are required to attend 75% of meetings held, and to attend for the entire meeting. Any member may be removed by the Board Chairperson for cause. In cases where members are out of compliance with meeting attendance or have taken some action that represents “cause,” the Entity may take a vote, requiring 2/3 majority, to recommend to the Board Chairperson that the individual be removed from the Entity position.
- 2) Entity members are nominated by the Entity’s Chairperson, with concurrence of the Entity when possible, and approved by the Board Chairperson. Appointments shall be made for no more than a three-year term. Individuals may be considered for reappointments to Entity positions at the conclusion of their term. Members the Board



Chairperson does not wish to approve will be brought forward to the full Board for review.

- 3) The Board Chairperson, in consultation with the Entity Chairperson and the Board liaison, shall determine and communicate the qualifications, and roles and responsibilities of representation for each position on the Entity, based on the relevant skills, experience and expertise needed to fulfill the Entity's objectives and responsibilities. The qualifications shall be consistent with the job description and requirements of the position, as well as the mission, vision goals and core values of the Maine EMS system. The qualifications shall be reviewed and updated annually to reflect any changes in the position or the Entity's needs.
- 4) Individuals seeking appointment to a regional position, are required to actively work within the region they are seeking to represent. Regional Councils may choose to endorse a particular candidate; however, endorsement is not required to be considered by the Entity Chairperson when being considered for appointment.
- 5) Individuals shall not serve in positions on more than two Entities of the Board at any given time unless that individual is serving in an ex officio position or explicitly authorized by a majority vote of the Board to do so.
- 6) Each Entity of the Board will have a Board member designated by the Board Chairperson as a liaison who will participate as ex-officio, voting member of the entity, as allowed by rule or statute.
- 7) Entities of the Board may deviate from these requirements if they have a Board-approved set of bylaws that clearly articulate these processes.

Section 4: Committee Operations

- 1) Each Entity of the Board shall have a designated Maine EMS support staff person designated by the Director.
- 2) Chairpersons for each Entity of the Board, or their designee, shall report to the Board regarding their entity at regularly scheduled Board meetings, or as requested by the Board Chairperson.
- 3) Annually, the Board shall review the charge for each of the Entities of the Board for which they may develop a workplan.
- 4) Each Entity of the Board, except in those defined by statute, may propose modifications to their membership as needed to meet the needs of the entity. Those modifications must be confirmed by majority vote of the Board.
- 5) All Entities of the Board and their members shall adhere to the Code of Conduct and Ethics for Boards and Committees as approved by the Board.
- 6) All Entities of the Board and their members shall identify conflicts of interest related to agenda items at the beginning of each meeting. Should an additional item be added to the agenda, members shall acknowledge any potential conflicts of interest for transparency in process. Those with conflicts that have the potential to impact their decision-making on the matter at hand shall recuse themselves from the conversation.



- 7) Board members that attend meetings of Entities of the Board may do so as a member of the public; however, they may not vote nor participate in the discussion unless all members of the public are afforded the same opportunity.

Adopted on October 5, 2022

Revised on January 3, 2024

MAINE BOARD OF EMERGENCY MEDICAL SERVICES CODE OF CONDUCT AND ETHICS FOR THE BOARD AND COMMITTEES

Introduction

The Maine Board of EMS (“Board”) is committed to maintaining the highest standards of ethical conduct. This Code of Conduct and Ethics (“Code”) reflects the practices and principles of behavior that support this commitment. The Board is responsible for setting the standards of conduct contained in the Code and for updating these standards as appropriate to reflect legal and regulatory developments. It is expected that every member will read and comply with this Code and its application to the performance of their responsibilities. Each member will be accountable for adherence to this Code.

This Code also applies to the usual responsibilities of all standing and ad-hoc committees.

Board Compliance Officer

The Board has designated the Chair-elect of the Board as its Compliance Officer to administer this Code. Members, at their discretion, may make any written report or complaint provided for in this Code to the Compliance Officer or to the Chair of the Board if more appropriate. The Compliance Officer will refer complaints submitted or issues raised, as appropriate, to the Chair of the Board or to the full Board.

Compliance with Applicable Laws

Board and committee members must comply with all the laws, rules, and regulations of the United States and the State of Maine applicable to the Board or its members.

Conflicts of Interest

A “conflict of interest” may exist whenever the interests of a member conflict in any way (or appear to conflict) with the responsibilities of the Board or committee. While members should be free to enjoy social relations and normal business courtesies, they must not have any interests that adversely influence the performance of their responsibilities. A conflict situation can arise when a member takes actions or has interests that may make it difficult to perform their Board or committee responsibilities objectively. Conflicts of interest also may arise when a member, or a member of his or her family, receives improper personal benefits as a result of his or her position with the Board or committee, whether received from the Board, committee, or a third party. Gifts above a “de minimis” value to members, or their respective family members, may create conflicts of interest.

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Although it is not always possible to avoid conflicts of interest, it is the Board's policy to prohibit such conflicts when possible. Conflicts of interest may not always be clear-cut, so if members have a question, they are encouraged to consult with the Chair, the Compliance Officer, the Assistant Attorney General (AAG) assigned to the Board, or the Director of Maine EMS.

Any member who becomes aware of a conflict or potential conflict should bring it to the attention of the Chair or the Compliance Officer, or the AAG assigned to the Board.

When a conflict or potential conflict arises or is disclosed, the member should recuse him- or herself from a vote or participation in the matter giving rise to the conflict. After full disclosure and consultation with the AAG, if it is determined that there is no actual conflict, the member may decide to participate and vote on the matter.

Board of EMS members are included in the definition of Executive Employees and must comply with the provisions of 5 M.R.S. § 18 (attached)

Confidentiality

All members must maintain the confidentiality of confidential information to which they have access, except when the Board authorizes disclosure or disclosure is required by law or legal proceedings. Whenever feasible, members should consult the Chair of the Board, the Compliance Officer, the AAG assigned to the Board, or the Director of Maine EMS if they believe they have a legal obligation to disclose confidential information.

Fair Dealing

Each board or committee member should endeavor to deal fairly with the members, represented groups, their members and officers, and the public. No one should take unfair advantage of anyone through manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or any other unfair dealing practice. A member must perform his or her duties in good faith acting honestly.

Reporting Any Illegal or Unethical Behavior

Members are expected to promptly contact the Chair, Compliance Officer, or Director of Maine EMS if the member believes that he or she has observed or become aware of illegal or unethical behavior by any member or by anyone purporting to be acting on the Board or committee's behalf. Such notification shall be both written and signed. Members are encouraged to contact the Chair, Compliance Officer, Director or AAG assigned to the Board if the member has any doubt about the best course of action with respect to reporting a potential violation or their own conduct.

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Violation

The Chair, or the Compliance Officer if the Board Chair is unavailable, shall consult with the AAG and/or the Board, and determine whether a violation of this Code has occurred. The Board, after an affirmative vote, may take whatever appropriate action is further warranted, including but not limited to referral to appropriate law enforcement, referral to professional or licensing boards, or recommendation to the Governor for removal of the member. The Chair or Compliance Officer may, after consultation with the AAG assigned to the Board, by-pass the Board when immediate action is warranted to safeguard the Board or the public, but shall notify the Board of such action as soon as possible, and not later than the next Board meeting. The Chair and the Compliance Officer shall regularly report to the Board any actions taken under this Code.

Conduct at Board and Committee Meetings

- Members must be professional, attentive, respectful, and polite to other Board members and to others in attendance.
- Members must make full disclosure about potential conflicts of interest at the beginning of the meeting, including new employment relationships and any actual or perceived conflicts related directly or indirectly to items on the agenda.
- Members should limit the use of laptops, tablets, smartphones, and other devices during meetings unless their use is necessary for the purposes of the meeting.
- Members should avoid “one-off” conversations with other members while meetings are in progress, to include texting and verbal conversations. Occasionally, this may be necessary for operational purposes, but these communications must not include substantive material about issues being discussed.
- Members should review meeting material in advance and come to the meeting prepared to participate in all agenda items.

Conduct at Board Hearings.

- For the purposes of the record, members should identify themselves before speaking (every time).
- Members arriving late may not be able to participate in the hearing or discussion/decision unless there has been an opportunity to fully review the portions that were missed.
- Members must make full disclosure about potential conflicts of interest.
- Members may not engage in ex-parte communications regarding matters before the Board.
- Board members should not discuss the subject matter before the Board outside of hearing proceedings.

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Duties of the Board or Committee Chair

- The Board or committee chair, in concert with the Director and/or staff of Maine EMS, will ensure that the meeting agenda and accompanying materials are distributed in advance of the meeting to allow full review by members. The Chair, acting chair, or members of the Board or committee may request tabling of items for which material is not distributed in advance.
- The Chair will allow all members to speak related to items on the agenda. Members will have priority in speaking, followed by staff, regional coordinators, and members of the public. The Chair, at its discretion, may allow nonmembers to participate in discussions. Non-member comments may be limited in duration at the discretion of the Chair.
- The Chair, or designee, will be responsible for ensuring adherence to start and end times.
- The Chair may add items to the agenda during the meeting if there is sufficient support to add the item by the members present.

Legislative Activity

There may be times when members have an interest in a legislative bill and want to provide testimony or other information. During the testimony it is entirely appropriate and acceptable to refer to the member's professional involvement, including years of EMS experience and serving as a member of the Board of EMS. However, members must also include a disclaimer that the testimony or information they are providing is theirs or their organizations and does **not** represent the opinion or position of the Board of EMS.

Testimony on behalf of the Board, Maine EMS, or the Department of Public Safety shall be in accordance with policies established by the Governor and in most situations will be provided by the Director unless other arrangements have been made and approved.

Adopted: December 4, 2019