



JANET T. MILLS
 GOVERNOR

MICHAEL SAUSCHUCK
 COMMISSIONER

WIL O'NEAL
 DIRECTOR

Board of EMS Meeting
 February 7, 2024, 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	10:12am	
Christopher Whytock	X		
Kate Zimmerman	X		

Staff: Director Wil O’Neal, Deputy Director Anthony Roberts, Anna Massefski, Soliana Goldrich, Marc Minkler, Melissa Adams, Jason Cooney, Jason Oko, Teresa Glick, Robert Glaspy, Chris Azevedo, Ashley Moody, Darren Davis, AAG Samantha Morgan

Stakeholders & Guests: Steve Almquist, Joe Kellner, Joanne Lebrun, Don Sheets, Rob McGraw, Eric Wellman, Ryan Maker, Bill Lee, Andrew Gagnon, Dwayne Lee Philbrook, Bill Lee, Benjamin Wallace Jr., Travis Norsworthy, Fred Porter, Chris Paré, Bill Montejo, Dennis Russell

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With offices located at the Central Maine Commerce Center, 45 Commerce Drive, Suite 1, Augusta, ME 04330

1. Introductions
2. Disclosure of any conflicts of interest
Dr. Giberson and Laura Downing will recuse from case 23-314
3. Modifications to the Agenda
None
4. Public Comments
None
5. Investigations
 - a. Investigations Committee January 25, 2024, Meeting Minutes

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

(Yes) Drinkwater, Downing, Gerrish, Giberson, Beals

(Recuse) Smith

Motion Carries

- b. Case 18-028

Summary: The licensee allegedly sexually harassed and assaulted more than one co-worker. The committee recommends the Board offer a consent agreement for the licensee to surrender their Paramedic license with terms that the licensee agrees to never again apply for a Maine EMS license, citing 32 MRS §90-A. 5 (F) specifically violations of unprofessional conduct described in Maine EMS Rules, Chapter 11 §1 (5, 13, 14).

MOTION to accept the committee's recommendation (Libby, seconded by Cyr)

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

Motion Carries

- c. Case 23-287

Discussion: The board discussed options for discipline in this case with AAG Samantha Morgan.

MOTION to approve the consent agreement as written and signed (Beals, seconded by Downing)

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

Motion Carries

- d. 23-320 Case Review

Summary: The licensed EMS service failed to ensure the completion of over 149 patient care reports for EMS incidents within the Maine EMS and Fire Incident Reporting System within 24 hours. The committee recommends the Board offer a consent agreement with

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a warning and probation for five (5) years citing 32 MRS §90-A(5)(F) violations of unprofessional conduct described in Maine EMS Rules, Chapter 11 §1 (14 &23), and 32 MRS §90-A(5)(H) violations of Maine EMS Rules, Chapter 3§9 and Chapter 22§3(1). During probation, the service must maintain a quarterly measure of 85% ePCR submission within 24 hours and provide quarterly reports to the Investigator demonstrating that 100% of calls for service from dispatch logs have an associated ePCR in MEFIRS, all of the service's clinical staff must complete a documentation class each year – the class must be pre-approved by Maine EMS Staff, and all service administration must complete a MEFIRS administration and reports training with Maine EMS staff within six (6) months of execution of the consent agreement.

Discussion: The Board discussed whether asking for 85% of the documentation to be submitted within 24 hours was too lenient in this case.

MOTION *to enter executive session pursuant to 1 MRS §405 (6)(F) for the purpose of discussing information in records received by the board that are confidential. (Beals, seconded by Gerrish)*

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

Motion Carries

The Board entered Executive Session at 10:07 am.

The Board returned to regular session at 10:20 am.

Andy Turcotte joined the meeting.

MOTION *to table this case until more data is received from Maine EMS regarding PCR completion. (Beals, seconded by Cyr)*

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

(Abstain) Turcotte

Motion Carries

e. Case 23-288

Summary: The licensee allegedly engaged in or attempted to engage in unethical behavior that may be construed as misleading or deceptive. to recommend the Board offer a consent agreement for the licensee to surrender their AEMT license with terms that the licensee agrees to never apply for a Maine EMS license in the future, citing 32 MRS §90-A. 5 (F) specifically a violation of standards established by the NAEMT Code of Ethics.

MOTION *to accept the committee's recommendation (Libby, seconded by Beals)*

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

Motion Carries

f. Case 23-330

Summary: The licensee failed to comply with the terms of a consent agreement. The committee recommends the Board offer a consent agreement revoking the license with terms that the licensee agrees not to reapply unless or until they have completed a new licensure course.

MOTION to accept the committee's recommendation (Libby, seconded by Smith)

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

Motion Carries

g. Case 23-314

Laura Downing and Dr. Giberson recused and left meeting.

Summary: The licensee allegedly engaged in unprofessional and negligent conduct on two EMS calls for service. The committee recommends the Board dismiss the complaint.

MOTION to accept the committee's recommendation (Beals, seconded by Cyr)

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

Motion Carries

Laura Downing and Dr. Giberson returned to the meeting.

h. Case 23-299

Summary: The licensee allegedly performed a skill they were not licensed to perform and, on a separate occasion, allegedly engaged in conduct that could be dangerous or injurious to other persons. The committee recommends the Board offer a consent agreement with a warning, citing 32 MRS §90-A(5)(F) violations of unprofessional conduct described in Maine EMS Rules, Chapter 11 §1 (5&30), and 32 MRS §90-A(5)(H) violations of Maine EMS Rules, Chapter 5 §3. Terms of the consent agreement include that the licensee must work with their Service Training Officer and, or Service Level Medical Director to create a course addressing the differences in the EMT and AEMT scope of practice in Maine within six (6) months of executing the consent agreement.

MOTION to accept the committee's recommendation (Cyr, seconded by Allen)

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

Motion Carries

i. Case 23-309

Summary: The licensee allegedly documented themselves as performing a procedure within an electronic patient care report that they did not perform; the licensee allegedly delegated the performance of that procedure to an individual not licensed to perform

the procedure. The committee recommends the Board offer a consent agreement with a reprimand and suspension for at least thirty (30) days but not to conclude until the licensee has completed a preceptor or field training officer program pre-approved by the Investigator and one (1) year of probation following the suspension with 100% review of all patient care reports by a third party contracted with the licensee who shall provide a quarterly report to the Investigator regarding any accuracy in documentation or clinical care concerns, the reviewer must be pre-approved by the Investigator; any cost associated with the terms shall be borne by the licensee. Citing 32 MRS §90-A(5)(F) violations of unprofessional conduct described in Maine EMS Rules, Chapter 11 §1(14, 15, 33, 34).

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

Motion Carries

6. Old Business

a. Meeting Minutes

i. August 30, 2023

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

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

Motion Carries

ii. January 3, 2024

MOTION to accept the minutes as submitted. (Turcotte, seconded by Downing)

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

Motion Carries

b. Maine EMS Director Update

Director Wil O'Neal reported that funds related to the Stability Funding are starting to be released and provided an overview of some proposed legislation related to EMS.

7. New Business

a. EMD Committee Membership Guide

Melissa Adams updated the membership guide due to the addition of a mental health professional seat on the committee.

MOTION to approve the EMD Committee Membership Guide as submitted (Libby, seconded by Giberson)

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

Motion Carries

b. UAS CP Application

Dennis Russell from United Ambulance Service provided an overview of their CP application. The Board discussed the use of the State of Maine as the catchment area in the application.

MOTION to conditionally approve United Ambulance Service’s Community Paramedicine designation throughout the state, specific to active contracts with a physician, with the understanding that they will submit an in case of emergency protocol, until November 30, 2024 (Libby, seconded by Beals)

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

Motion Carries

MOTION to direct the rules committee to begin evaluation of Chapter 19 Community Paramedicine (Libby, seconded by Beals)

Motion Withdrew

c. Maine EMS-C MOU and transfer of funds to Maine AAP

Marc Minkler requests that the Board approve the expenditure of \$20,000.00 to the Maine AAP out of the EMSC account to support conference activities related to pediatric education.

MOTION to approve the transfer of \$20,000.00 from EMSC to the Maine AAP. (Libby, seconded by Smith)

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

Motion Carries

8. Other

a. Items for next agenda

i. Look to change the date for the next meeting for permanent rule approval

b. Next Board meeting is scheduled for March 6, 2024, at 9:30 am, via Zoom.

Meeting adjourned at 11:33 am