



Department of Public Safety

DEPARTMENT OF PUBLIC SAFETY

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163 MAINE EMERGENCY MEDICAL SERVICES SYSTEM

CHAPTER 3: Ground Ambulance Service And Non-Transporting Service Licenses

BASIS STATEMENT AND RESPONSE TO COMMENTS

Basis Statement:

The Board is amending its current Chapter 3: Ground Ambulance Service and Non-Transporting Service licenses to add rules required by PL 2021, c. 241 §4 for the Board to evaluate the need for any new ambulance service in the State of Maine prior to granting a license, including rules that provide an appeal process for any decision made by the Board. The Board based the criteria that an applicant must use, when applying for licensure with a 9-1-1 Primary Response Area, to define their proposed enroute times, response times, transport times, and time tolerances, on certificate of need processes and applications from the State of Arizona Bureau of Emergency Medical Services and Trauma System and Connecticut Department of Public Health's Office of Emergency Medical Services. The purpose of those criteria is to ensure that the applicant intends to establish service to the proposed geopolitical subdivision(s) to adequately meet the emergency healthcare needs of that geopolitical subdivision. The Board is additionally establishing an evaluation process for an applicant to pursue licensure with a 9-1-1 Primary Response Area that is currently served by a licensed ground ambulance that addresses when the currently licensed service voluntarily relinquishes the 9-1-1 Primary Response Area to the applicant, and when the current ground ambulance service does not voluntarily relinquish the 9-1-1 Primary response area to the applicant. In the case where a 9-1-1- Primary response area is not voluntarily relinquished, the Board is seeking to ensure that the change is acceptable to the geopolitical subdivision(s) within the area sought by requiring the submission of a signed and notarized letter, and is seeking to ensure that the change is impartially determined to be beneficial to Maine EMS's system by requiring a disinterested third-party consultant report that acknowledges and defends the change based off of criteria listed within the rule.

Pursuant to 32 M.R.S. §81-A, the provision of the safe handling and transportation of the sick and injured is a key element of an emergency medical services system, for which Maine EMS is responsible for the coordination and integration of all state activities. The Board is additionally requiring services to establish a written driver training program and/or standard operating procedures for the operation of Ambulances and Emergency Medical Service Vehicles licensed by Maine EMS, in the interest of ensuring that the services are properly addressing the training and operation of vehicles the Board licenses. The Maine Department of Labor, Bureau of Labor Standards, already sets forth minimum driver-training requirements for fire apparatus for both career and volunteer firefighters that include a requirement to have a written SOP/Policy for the use of seatbelts, emergency vehicle response, an annual review of each apparatus driver's motor vehicle driving history, and the apparatus driver selection, "...in order to reduce accidents, injuries and loss of fire equipment". The Board is proposing similar rules to accomplish its purpose of ensuring the safe handling and transportation of the sick and injured.

Summary of the comments:



Maine EMS received one (1) comment on the proposed rules; this comment did not indicate a position on the rule.

§1
No Comments Received

§2 - License Factors
No Comments Received

§3 - Change in License Factors
No Comments Received

§4 - Approval of License
No Comments Received

§5 - Licensing Standards	
Mike Senecal Maine Health	<p>Approximate Line(s) - 289 to 311.</p> <p>The proposed rule outlines several requirements that a consultant report must meet in order for a new licensure application to demonstrate that the current ground ambulance service is not voluntarily relinquishing the 9-1-1 Primary Response Area. However, the proposed rule does not include requirements for the timeliness of the report. The consultant report should reflect a timely evaluation of the current emergency medical services and the proposed ground ambulance operations. We would appreciate an amendment to the proposed rule to that effect.</p> <p>Suggested Maine EMS Reply:</p> <p>Thank you for your comment. The Maine EMS Board accepts your comment and agrees that the third-party, disinterested consultant report must be provided in a timely manner. As such the Maine EMS Board made a change and added a section to the rule as a result of your comment.</p>

§6 - Renewal of Service License
No Comments Received

§7 - Personnel Requirements for Ground Ambulance Service or Non-Transporting Service Licenses
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Mike Senecal
Maine Health

Approximate Line(s): 467 to 470

The proposed rule change would require a service director to review an operator's motor vehicle driving history, however the rule provides no guidance on what would constitute an unacceptable driving record and what actions should be taken at the service level. We would appreciate clarification on this point.

Suggested Maine EMS's Reply:

Thank you for your comment. The Board believes that the determination of what is acceptable for the agency on the review of the vehicle operator's driving history belongs at the service level. The Board believes that it is important to ensure that the history of their operators is reviewed annually. As such, the Maine EMS Board is not making any changes as a result of your comment.

§8 - Availability for Emergency Response

No Comments Received

§9 - Patient Care Report

No Comments Received

§10 - Pilot Projects

No Comments Received

§11 - Vehicles - General

No Comments Received

§12 - Ground Vehicles - Licensing and Authorization Requirements

No Comments Received

§13 - Ground Ambulance Design Requirements

No Comments Received

§14 - Ground Ambulance Vehicle Equipment Requirements

No Comments Received

§15 - Vehicle Operation

No Comments Received



§16 - Non-Transporting Service Requirements
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No Comments Received

§17 - Termination of Service Licensure

No Comments Received

§18 - Duty to Report

No Comments Received

General Comments

No Comments Received

Rationale for Other Changes:

The Board finds that 32 M.R.S. §86(1)(A) requires the Board to adopt rules that provide an appeal process for any decision made by the board. A modification was made to the rule, the addition of §4(3), which addresses the appeal process in order to conform with the statute.