



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

WIL O'NEAL
 DIRECTOR

Board of EMS Meeting
 August 7, 2024, at 9:30 AM
 Champlain Conference Room
 Approved 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		
Bill Cyr	X		
Laura Downing	X		
Amy Drinkwater	X		
Judy Gerrish	X		
Brent Libby	X		X (2:20 PM)
Matthew Sholl	X		
Steve Smith	X		
Andy Turcotte	X		X (1:43 PM)
Christopher Whytock	Absent		
Kate Zimmerman	X		

Staff: Director Wil O’Neal, Deputy Director Anthony Roberts, Anna Massefski, Jason Cooney, Jason Oko, Melissa Adams, Soliana Goldrich, Taylor Parmenter, Victoria Clyde, Alex Gibson, Robert Glaspy, Marc Minkler, Darren Davis, Amber McCormich, Ashley Moody, AAG Samantha Morgan

Stakeholders & Guests: Aiden Koplovsky (in person), Byron Ouellette (in person), Cody Sullivan (in person), Chip Getchell (in person); Amy Cailler (zoom), Benjamin Wallace Jr (zoom), Bill Montejo (zoom), Cameron Hasselbaum (zoom), Christopher Paré (zoom), Daniel Clark (zoom), David Ireland (zoom), Don Sheets (zoom), Ed Morsehead (zoom), Eric Wellman (zoom), John Cordts (zoom), John Lennon (zoom), Mike Senecal (zoom), Patricia Doyle (zoom), Rick Petrie (zoom), Rob McGraw (zoom), Shawn Mitchell (zoom), Tessa Byard (zoom), Westbrook Public Safety (zoom), Maine Ambulance Association (zoom), Steve Leach (zoom)

- **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

1. Introductions
2. Disclosure of any conflicts of interest
Drinkwater recuses from Investigations case 24-343
Smith recuses from Investigations case 24-343
3. Modifications to the Agenda
Moment of silence for 2 EMS providers who recently lost their lives.
4. Public Comments
Rick Petrie gave comment on the recent death by suicide of Jack Latulippe, a member of the Maine EMS community.
Patricia Doyle gave comment on the Jackman Pilot Project.

5. Investigations

- a. Investigations Committee June 23, 2024, Meeting Minutes

MOTION to approve the minutes as submitted. (Drinkwater, seconded by Gerrish)

(Yes) all committee

Motion Carries

- b. Case 24-349

Summary: The licensee did not disclose a criminal conviction on an application for licensure upgrade. Upon investigation, it was found that the licensee's conviction had been vacated and that the licensee had not reported the vacation of the conviction to the Board in writing within ten (10) days.

The committee recommends the Board preliminarily deny the upgrade application and offer a consent agreement with a reprimand and the upgrade, citing violation of 32 MRS §90-C. 1. B & D.

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

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

Motion Carries

- c. Pooler Application Review

Summary: The applicant for a new Ambulance Operator license has previously had their EMT license revoked, an application to relicense as an EMT denied, and must have all new applications reviewed by the Board. At the June meeting, the committee tabled the application to allow staff to gather more information about any steps the applicant has taken toward remediation and allow the applicant to provide letters in support of their

application with at least one from their employer. The applicant submitted an altered letter on behalf of his employer without their knowledge or consent.

The committee recommends the Board preliminarily deny the application and direct staff to refer the conduct to the District Attorney's office.

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

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

Motion Carries

d. Case 24-339

Summary: The licensed non-transporting service allegedly responded to a request to transport a patient from a hospital to the patient's home utilizing an unlicensed service vehicle; the only licensed clinician who responded operated the vehicle, leaving the patient unattended with a family member in the back; and there is no documented record of this request for service or patient interaction in the Maine EMS electronic reporting system (MEFIRS).

The committee recommends the Board offer a consent agreement with a Warning and a recommendation that the non-transporting service remove the stretcher from their vehicle, citing violations of Maine EMS Rules, chapter 11 §1(26) Operating an ambulance or EMS vehicle that is not licensed or authorized by the Board and chapter 3, §11(1) Except as otherwise exempted by 32 MRS §82, no vehicle shall be operated as an ambulance (from within Maine) or emergency medical services vehicle unless it is licensed or authorized in accordance with these rules.

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

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

Motion Carries

e. Case 24-350

Summary: The licensee allegedly obtained a patient's contact information while caring for the patient as the primary patient caregiver and, after completion of the call for service, attempted to solicit a date and/or initiate a romantic relationship with that patient using that contact information.

The committee recommends the Board offer a consent agreement with a Reprimand, Suspension of the AEMT license for 90 days for each finding with a maximum of one (1) year, and a consecutive period of probation during which the licensee must continue counseling with their established counselor with at least one (1) session each month and the counselor shall provide quarterly updates directly to the Investigator regarding the licensee's participation: citing violations of 32 MRS §90-A(5)(H) concerning Board rules

Chapter 14 §4. Sexual Impropriety; and 32 MRS §90-A(5)(F), Unprofessional Conduct, specifically under Maine EMS Board Rules Chapter 11§1(12), (14), (37) & (38).

Discussion of the licensee's use of protected patient information for a purpose outside the care of the patient.

Discussion of adding a "fitness for duty" requirement from the licensee's personal mental health care provider, to ensure this behavior will not escalate into further abuse.

MOTION to accept the Committee's recommendation as submitted and to add that the suspension includes the licensee's Instructor/Coordinator license, as well as adds the requirement that prior to the end of their suspension, the licensee must receive a recommendation from a behavioral health provider as to their fitness for duty, and also provide evidence of completion of a Maine EMS staff-approved training on patient privacy protection, to be completed before the lifting of the suspension. (Libby, seconded by Turcotte)

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

Motion Carries

f. Case 24-343

Drinkwater and Smith recused

Summary: The licensee allegedly urinated in the patient care compartment while making eye contact with the accompanying RN while transporting a patient on an interfacility transport.

The committee recommends the Board offer a consent agreement revoking the Paramedic license citing violations of 32 MRS §90-A(5)(F) Unprofessional conduct, specifically Maine EMS Board Rules chapter 11§1(5) & (14); 32 MRS §90-A(5)(B-3) A condition that affects the licensee's ability to provide emergency medical services; and 32 MRS §90-A(5)(E)(1) Inability to respond appropriately to a client, patient, or the general public.

Discussion of the concerning nature of the licensee's conduct, and the Board's options to effectively communicate its zero-tolerance stance on this behavior.

MOTION to accept the Committee's recommendation to revoke the licensee's Paramedic license and Instructor/Coordinator license, and add that the Board must review any future licensure applications submitted by this licensee. (Turcotte, seconded by Gerrish)

(Yes) Allen, Cyr, Downing, Gerrish, Libby, Turcotte

Motion Carries

Drinkwater and Smith return to the room.

g. Naloxone Leave Behind Protocol Training Non-Compliance

Summary: Licensees who are documented on a patient care report after December 1, 2023, when the protocol update was effective, and who had not completed the “Maine EMS Naloxone Leave-Behind Dispensation Training” on MEMSEd by July 1, 2024, were noticed of a complaint. Staff have proposed a timely and standardized resolution of these complaints when specific factors are present and have drafted a delegation of authority for this purpose.

MOTION to delegate authority to Maine EMS staff to resolve according to the proposed delegation order as amended. (Turcotte, seconded by Cyr)

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

Motion Carries

Bill Cyr steps away at 10:25 AM.

6. Old Business

a. Meeting Minutes

i. May 1, 2024

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

(Yes) Downing, Drinkwater, Gerrish, Libby, Smith, Turcotte

(abstain) Allen

(not present) Cyr

Motion Carries

b. Maine EMS Director Update:

Given by Director Wil O’Neal.

The Director discussed a future policy change regarding sentinel event reporting and red-flag marking when serious incidents arise.

Bill Cyr returns at 10:30 AM.

EMS Education/Workforce Development update included the recent resignation of the Maine EMS Education Coordinator Chris Azevedo, as well as the proposed plan for the Maine Emergency Medical Services Institute for Training and Research.

The director thanks the Maine EMS team for their collaboration and team efforts preparing for this meeting, as well as other involved initiatives such as working on the Naloxone Leave Behind compliance notifications.

c. Medical Directors’ Update

Given by Statewide Medical Director Dr. Matt Sholl.

MDPB continues to be interested in the regional plan for medical direction in the evolving Maine EMS system.

Transition for staff support for the MDPB is ongoing.

Kudos to Kate Zimmerman for her legislative and protocol work on EMS treatment and transport of K9s.

Protocol review has entered its initial planning phase.

MDPB has drafted a document to guide conversations on critical care transport systems of care.

d. Verbal Reports from Maine EMS Committees

- i. Community Paramedicine Committee
Given by Maine EMS Community Paramedicine Coordinator Soliana Goldrich, on behalf of the Community Paramedicine Committee.
- ii. Data Committee
Given by Darren Davis, Maine EMS Data Coordinator, on behalf of the Data Committee.
- iii. Education Committee
Given by Aiden Koplovsky, Education Committee Chair.
- iv. Emergency Medical Dispatch Committee
Given by Melissa Adams, Maine EMS EMD Program Coordinator, on behalf of the Emergency Medical Dispatch Committee.
- v. Investigations Committee
Given by Andy Turcotte, Investigations Committee Chair.
- vi. Interfacility Transport Committee
Given by Rick Petrie, Interfacility Transport Committee Chair.
- vii. QA/QI Committee
Given by Chip Getchell, Committee Chair.
- viii. Rules Committee
Given by Bill Cyr, Committee Chair.
- ix. Trauma Advisory Council
Given by Rick Petrie, acting Trauma Advisory Council Chair.

11:30 am - Board Chair directed for a 5-minute recess without objection.

- x. EMS for Children Committee
Given by Marc Minkler, Maine EMS for Children Program Coordinator and EMS for Children Committee Chair.

- e. Update on Board/Committee appointments and seats
 - i. Expired Board members have received their new appointments; the two members who did not take the oath of office in time will need to do so before the end of September.
 - ii. Applications have been submitted by 4 individuals for 4 of the open positions of the Board.
 - iii. Requests have been put out for nominations and applications for the remaining 3 open positions.
 - iv. Filling vacant positions on committees remains an ongoing effort, inhibited by vacancies in the Maine EMS Office and Board.

- f. Proposed consent agreement regarding Case 23-276

MOTION to approve the consent agreement for Case 23-276 as proposed.
(Libby, seconded by Gerrish)

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

Motion Carries

- g. Consideration of adoption of an amendment to Chapter 21
 - i. Public comments identified that §6 is redundant. As a result, a change is proposed to eliminate this redundancy.
 - ii. The Board found that the proposed changes were not substantially different from the original rule.

MOTION to adopt Chapter 21's basis statement for public comments and the rule as submitted, finding no substantive changes since the public comments, as received in the Rules Committee. (Libby, seconded by Cyr)

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

Motion Carries

12:15 pm - Board Chair directed for a 30-minute recess without objection.

- h. Consideration of adoption of Chapter 26

MOTION to adopt Chapter 26 and its basis statement response to comments, as submitted by the Rules Committee. (Libby, seconded by Allen)

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

Motion Carries

- i. Hermon Volunteer Rescue Waiver Request update
 - i. Previous rules changes have now eliminated the need for a waiver previously tabled by the Board for Hermon Volunteer Rescue.

7. New Business

a. Request for extension of the Jackman pilot project

The Board's counsel advised the Board on its potential actions in regard to the Jackman pilot project. The applicable legislation does not give the Board authority to expand the Jackman pilot project or change the contents of the pilot or its scope.

MOTION to enter into executive session pursuant to 1 M.R.S. §405 (6)(E) and 1 M.R.S. §405 (6)(F) for the purposes of discussing information that is confidential or pertains to an investigation. (Libby, seconded by Turcotte)

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

Motion Carries

EXECUTIVE SESSION BEGINS: 12:59 PM

EXECUTIVE SESSION ENDS: 1:24 PM

MOTION to table the discussion of the extension of the Jackman pilot project. (Libby, seconded by Turcotte).

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

Motion Carries

b. Consideration of proposal for repeal/replace of Chapter 19

- i. Soliana Goldrich, the Maine EMS Community Paramedicine Coordinator, explained changes in this proposal.

MOTION to send Chapter 19 as amended and recommended by the Community Paramedicine Committee out for public comment. (Libby, seconded by Cyr).

Discussion of the efficiency of the collaboration between the Community Paramedicine Committee and the Rules Committee in working on this Rules chapter.

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

Motion Carries

c. Consideration of proposal for Chapter 27

- i. Director Wil O'Neal discussed the purpose of this rule as creating structure and accountability with the \$19 million allocated by the legislature to ensure sustainability of the EMS system in Maine. He described the process of forming this rule in its current state, as well as the priorities of the sustainability program as outlined in the proposed rule.

MOTION to send Chapter 27 out for public comment. (Turcotte, seconded by Smith).

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Libby, Smith, Turcotte
Motion Carries

- d. Review of the Sanford Pilot Project
 - i. Statewide Medical Director Matthew Sholl presented the course of the Sanford ultrasound-guided IV pilot project, from inception through discussion at the MDPB, to its current status.

Andy Turcotte excused at 1:43 PM.

MOTION to approve the Sanford Pilot Project for a period not exceeding 3 years, with an expiration date of August 30, 2027 (Libby, seconded by Cyr).

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Libby, Smith
Motion Carries

- e. Discussion/Review of Tri-County EMS Report
 - i. The board recognizes and commends the thoroughness of the submitted report.

8. Other

- a. Dr. Giberson has submitted his resignation to the Maine EMS Board, leaving an opening for Emergency Physician Representative.
- b. Hearing on September 4th, in person, starting at 9am. Immediately followed by the regular Board meeting.
- c. Hearing on September 25th, in person, starting at 9am.

MOTION to add to the agenda a discussion of Maine's open meeting requirements with the Board's legal counsel. (Libby, seconded by Smith).

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Libby, Smith
Motion Carries

MOTION to enter into executive session pursuant to 1 M.R.S. §405 (6)(F) for the purposes of receiving legal advice. (Libby, seconded by Turcotte).

(Yes) Allen, Cyr, Downing, Drinkwater, Gerrish, Libby, Smith
Motion Carries

EXECUTIVE SESSION BEGINS: 1:59 PM

EXECUTIVE SESSION ENDS: 2:27 PM

Meeting adjourned at 2:30 PM.