



## MEMORANDUM

**To:** Maine EMS Board  
**From:** Jason Cooney, Licensing Agent  
**Subject:** Update to Complaint Policy  
**Date:** December 19, 2024

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### **Background**

*This memo is to provide information and the opportunity for the Board to review and provide comments on revisions to Maine EMS's Complaint Policy. No Board Action is needed.*

The Maine EMS Investigations Complaint Policy was first published by the Maine EMS Office on May 11, 2023, after review by the Board and with the Board's approval, effective May 9, 2023, until November 30, 2025, of the Limited Delegation of Authority to Board Staff to Maine EMS Staff to Dismiss Complaints, located in Appendix A of the current version of the Complaint Policy.

Within the current version of the Complaint Policy, there are two sections that address the reporting of the Board's finalized action against a licensee or applicant: Section VII(J) and (K).

### **Board Precedent**

On December 4, 2019, the Board determined that Board Staff shall notify services at the conclusion of any investigation involving a licensee that is currently listed on their roster<sup>1</sup>.

Federal law requires the reporting of adverse action by State licensing and certification authorities to the National Practitioner Data Bank<sup>2</sup> ("NPDB"), when the Board takes adverse action against a licensee or applicant for licensure<sup>3</sup> and also sets a timeframe in which that report must be submitted.

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<sup>1</sup> Board of EMS Meeting Minutes for December 4, 2019, 6. Investigations(d). Motion passed by unanimous vote.

<sup>2</sup> While Maine EMS is required to report to the NPDB, Maine EMS does not currently receive information from the NPDB – there is no fee assessed to Maine EMS for reporting, but there is a fee assessed annually, per-person, to get information from the system.

<sup>3</sup> Section 1921 of the Social Security Act, 42 U.S.C. 1396r-2.



At their regular meeting on Thursday, March 28, 2024, the Maine EMS Investigations committee recommended in part to "...direct staff to report disciplinary action against the license to any other known authorities who have issued this individual a license or certification..."<sup>4</sup> This recommendation was accepted by the Board at their regular meeting on April 3, 2024<sup>5</sup>.

### **Discussion of Changes**

Board Staff are updating this policy to clarify the post-resolution reporting to other entities and to ensure the equity of treatment of those licensees or applicants subject to adverse Board action. Maine EMS has frequently received notices sent by other State licensing agencies, and the National EMS Certifying Body related to disciplinary action that has been undertaken by that entity. This proactive information-sharing of finalized, publicly available information is crucial to our mission of promoting the health, safety, and welfare of the public by ensuring that each jurisdiction and entity related to those providing EMS services has the necessary knowledge to evaluate the character, practice, and conduct of those it governs or certifies. Based upon previous Board direction to staff, the practices of other EMS licensing and certifying agencies, and our obligations under federal law, effective immediately we will be sharing with other State(s), Jurisdictions(s), or National Certifying Body(ies) a copy of the following public records; an executed consent agreement, Decision and Order, Final Denial, or Notice of Final Action, when Board Staff reasonably believe that the licensee or applicant who is subject to the above final adverse actions holds licensure in that State or Jurisdiction, has a pending application with a State/Jurisdiction/National Certifying Body, or has certification with that National Certifying Body. Examples of a time when the Board's Staff would reasonably believe an applicant or licensee would have an application or licensure with those entities would include, but are not limited to:

- A licensee or applicant for which Maine EMS has received State Verification of Licensure Forms from other States or Jurisdictions;
- A licensee or applicant has non-lapsed certification with the National Registry of Emergency Medical Technicians;
- Another State EMS Office has contacted our office regarding a licensee who has applied for licensure with their State.

#### **Attachments:**

1. Copy of Updated Complaint Policy
2. Example Transmission of action taken by New York State Department of Health
3. Example Transmission of action taken by the National Registry of Emergency Medical Technicians

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<sup>4</sup> March 28 2024, Investigation Committee Minutes, Case No. 23-276. This recommendation passed the committee by unanimous vote.

<sup>5</sup> April 3, 2024, Board Minutes, Investigations, Case 23-276. The recommendation was accepted by the Board via unanimous vote.



4. Board Meeting Minutes for December 4, 2019
5. Board Meeting Minutes for March 28, 2024
6. Board Meeting Minutes for April 3, 2024.



## Maine EMS Policy/Procedure

### Investigations

Policy #	Title		Date Issued
006-02-01-01	Complaints		January 8, 2025
Policy Superseded	Next Review Date	Author	Pages
006-02-01	November 2025	Melissa Adams & Jason Cooney	7
Approved By:		Wil O'Neal, Director of Maine EMS	

#### I. Scope

- A. This policy and procedure cover the actions that may be undertaken in the investigation of complaints.

#### II. Applicability

- A. All persons engaged in the Complaints and Investigations Process, including Maine EMS Office Staff, licensees, the Maine Board of EMS, and the Director of Maine EMS.

#### III. Review

- A. This policy should be reviewed every two (2) years to ensure that it continues to meet the expectations set by the Board of Maine EMS.

#### IV. Definitions

- A. **Board** – As defined in [M.R.S. Title 32 Chapter 2-B, §83.8-A](#)
- B. **Director of Maine EMS** – As defined in [M.R.S. Title 32 Chapter 2-B, §83.10-A](#)
- C. **Docket** – A number assigned for the tracking of a complaint through the evaluation and formal process.

#### V. General

- A. Maine EMS receives complaints of various natures and scopes against licensees. There is a need within our system and rules to develop a standard way of evaluating and processing complaints to ensure timely and appropriate resolution.

#### VI. Policy

- A. The information contained within this document is the model process to be followed with the understanding that Maine EMS reserves the right to deviate from this procedure when necessary. The information contained within this document is intended to be informative and must not be used to supplement the advice of legal counsel.

#### VII. Procedure

- A. **Receipt:** Maine EMS receives or generates a complaint based on concerning information.<sup>1</sup>
  - i. Docket the Complaint in the e-Licensure system
    - 1. Add New Investigation in ImageTrend e-License Management system
    - 2. Set status to Open
    - 3. Docket Number: Populated by the system
    - 4. Source: Record the source of the violation
    - 5. Submitted by: How/Who was this report received from?
    - 6. Investigator: Select the investigator primarily assigned to this docket number
    - 7. Personnel: record the subject of investigation

<sup>1</sup> [M.R.S. Title 32 §90-A.1](#)

8. Services: record the service name if a service is involved.
9. Date: record the earliest date of violation
10. Message: Record a brief description of the alleged violation
- ii. Enter the docket number and information into the Investigations Tracker in SharePoint

**B. Notice:**

- i. If the complaint was initiated from an external source, include with the Notice of Complaint a copy of the written complaint. Portions of the complaint may be redacted to protect the health, safety, and welfare of the public.<sup>2</sup>
- ii. If the complaint was initiated from an internal source, include within the Notice of Complaint the basis that led to the citation of a potential violation of rule or statute.
- iii. The party being investigated is sent the Notice of Complaint.
  1. The Board or staff shall notify an individual or organization of the content of a complaint filed against the individual or organization not later than 60 days after receipt of initial pertinent information.<sup>3</sup>
  2. Notice shall be sent by certified mail, regular mail, and electronically by e-mail (if available).<sup>4</sup> Service of the notice is complete upon mailing to the party, the party's attorney, or upon in-hand delivery to the party or the party's office.
  3. A copy of the Notice of Complaint shall be sent to the Attorney General's Office via the email provided.

**C. Response:**

- i. If the licensee wishes to contest the complaint or dispute the information that forms the basis of the complaint, the licensee must respond to the Board in writing or via electronic mail to the address specified within the Notice of Complaint.
- ii. For this response to be considered timely, it must be received by Maine EMS within thirty (30) days of receipt of the Board's notice.<sup>5</sup>
- iii. Service of the licensee's response is complete when the Board or the Board's staff receives the response by mail, in-hand delivery, fax, or e-mail.<sup>6</sup>
- iv. If additional information is requested by the licensee, that request shall be forwarded to the Director of Maine EMS for review and direction<sup>7</sup>
- v. Any response is also forwarded to the Attorney General's Office via the email provided.

**D. Evaluation for Staff Resolution:** When an allegation of misconduct is received, initial fact-finding is conducted to determine if there is a factual and/or credible basis for a formal investigation to be initiated.<sup>8</sup>

- i. Determine if the complaint can be resolved without discipline:
  1. Evaluate if the complaint can be resolved with a letter of guidance or concern.<sup>9</sup> (see Appendix A) If so, proceed to **H.ii** If not, continue to evaluate the complaint.
  2. Evaluate the complaint according to the Patient Care/ Clinical Practice Matrix (See Appendix B) for allegations of protocol violation. If the complaint only alleges conduct that relates solely to violation of protocol, follow the recommendation of the Patient Care/Clinical Practice Matrix.
  3. If the complaint alleges both clinical practice issues and issues appropriate for discipline by the Board; continue to evaluate the complaint. A complaint may be referred both to the Regional Medical Director for review of clinical practice issues and evaluated for additional violations.

<sup>2</sup> [M.R.S. Title 32 §81-A](#)

<sup>3</sup> [M.R.S. Title 32 §90-A.2](#)

<sup>4</sup> [M.R.S. Title 5 §9052.1](#)

<sup>5</sup> [Maine EMS Rules Chapter 12 §1.2.B](#)

<sup>6</sup> [M.R.S. Title 5 §90-A.2](#)

<sup>7</sup> [M.R.S. Title 32 §91-B.2.D.7](#)

<sup>8</sup> [M.R.S. Title 32 §90-A.2](#)

<sup>9</sup> [M.R.S. Title 32 §88.4](#)

4. Evaluate the complaint according to the *NAEMT Code of Ethics* (See Appendix C) for complaints that are related to professionalism and professional conduct not otherwise addressed in Maine EMS's statutes or rules. If the alleged conduct rises to a level where it clearly violates the *NAEMT Code of Ethics*, cite the section(s) of the *NAEMT Code of Ethics* violated and proceed with the investigative process. If it does not, and there are no other potential violations identified, continue to evaluate the complaint.
5. If the complaint is determined to be factually unfounded proceed to **H.i**<sup>10</sup>
- ii. If any question exists about the significance of a material violation, bring the matter to the Investigations Committee for review and guidance.

**E. Investigation:**

- i. Maine EMS Board Investigators pursue an investigation to find additional facts or evidence to clarify the event and related events surrounding the complaint.
  1. Identify possible material evidence that can be gathered, such as documents, photographs, lab results, statements, expert testimony, QA/QI records, service disciplinary records, etc.
  2. Identify witnesses, experts, and other agencies that may be involved.
  3. Identify any unexpected or unique financial impacts and how to proceed with these.
  4. A subpoena<sup>11</sup> shall be used to request information related to:
    - a. Personnel Records
      - i. Employment
      - ii. Disciplinary
      - iii. Training records
    - b. Medical/Treatment Records
      - i. Patient medical records
      - ii. Licensee medical records
    - c. Quality Assurance/Improvement Records
      - i. Service
      - ii. Regional
    - d. Insurance Records
      - i. Licensee Billing
  5. A subpoena may be used in other circumstances as determined by the investigator or with the following record types:
    - a. Law Enforcement Records
  6. When a summary of facts is completed by the assigned investigator, the docket moves for review with the Investigations Committee.

**F. Investigations Committee Meeting:** The Investigations Committee is a subcommittee of board members who review the complaint, investigative findings, and, when appropriate, request the subject of the complaint to attend an informal conference.

- i. Maine EMS Staff shall schedule the docket for an informal review or informal conference with the Investigations Committee. The agenda shall be published listing the Case docket numbers on the Maine EMS Website prior to the meeting:
  1. Case Reviews are typically conducted in open session; they may not identify individual licensees, patients, or services, or any confidential medical information. If such identification is necessary or requested by the Investigation Committee, such activities will occur in an executive session.
  2. Informal Conferences are conducted in executive session; typically this occurs when the licensee is present and is it is used to encourage an open forum for dialogue between present parties. Informal conferences are conducted in accordance with Maine EMS Rules.<sup>12</sup> The licensee shall be provided with at least seven (7) days written notice of the conference and of the issues to be

<sup>10</sup> [Maine EMS Rules Chapter 12 §1.2.E.3](#)

<sup>11</sup> [M.R.S. Title 32 §90-A.1](#)

<sup>12</sup> [Maine EMS Rules Chapter 12 §1.3](#)

discussed, unless the licensee waives such right to notice or extraordinary circumstances warrant a shorter period of notice.<sup>13</sup>

- a. Participation in an Informal Conference is limited to the Licensee, Board Staff (the Licensing Agents and/or Director of Maine EMS), the Investigations Subcommittee, the Assistant Attorney General assigned to the Maine EMS Board, and the Licensee's legal counsel (if applicable). A licensee may consent to the presence of outside participant(s) who can offer additional information (e.g. may serve as a character witness), whose participation would assist the subcommittee in their deliberations. An outside participant may not be present to simply observe the proceedings. The necessity of the inclusion of an outside participant is determined by the Investigation Subcommittee prior to their inclusion in an Informal Conference.
- ii. **Not all dockets involve an Informal Conference.**
  1. An Informal Conference may be offered to the licensee under investigation at the discretion of the Board, Maine EMS Staff, or a licensee's request. Some circumstances where an Informal Conference may be warranted include but are not limited to:
    - a. When a discrepancy exists between evidence discovered during the investigation that requires additional explanation not available otherwise.
    - b. When the subject of the complaint does not submit a written statement.
- iii. Notice of Agenda will be sent directly to the licensee with guidance on meeting format as described above (Case review Vs. Informal Conference)
- iv. Once the Investigations Committee has completed its review and deliberation of the docket, a recommendation for resolution is made to the Board of EMS.

G. **Board Review:** A review of the complaint, findings, and Investigation Committee's recommendation for resolution is performed by the Board of EMS.

- i. The Board of EMS makes the final decision on the appropriate resolution of a docket. The Board may accept the recommendation made by the Investigations Committee or modify the disposition partially or completely. The Board of EMS may take any of the following actions:
  1. Direct that further investigation is made by the Office of Maine EMS Investigators upon finding that further information is needed to reach a final disposition.
  2. Schedule an Informal Conference with the licensee and the Board
  3. Dismiss the docket
  4. Issue a Letter of Guidance.
    - a. A Letter of Guidance or Concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or applicant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action.
  5. Offer a Consent Agreement.
    - a. The Board, its subcommittee, or staff may enter into a Consent Agreement with the licensee.<sup>14</sup> Any remedy, penalty or fine, or cost recovery that is otherwise available by law may be achieved by Consent Agreement, including long-term suspension and permanent revocation of a license.
    - b. The Board, its subcommittee, or staff may negotiate the voluntary surrender of a license by means of a Consent Agreement.<sup>15</sup>
  6. Issue a Preliminary Notice of Action

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<sup>13</sup> [Maine EMS Rules Chapter 12 §1.3.A](#)

<sup>14</sup> [M.R.S. Title 32 §88.3.E](#) and [§90-A.4.A](#)

<sup>15</sup> [M.R.S. Title 32 §90-A.4.B](#)

- a. It is best practice when using a Preliminary Notice of Action, that it is used in conjunction with a Consent Agreement, and that it must be offered with the right to a hearing.<sup>16</sup>
  - b. A Preliminary Notice of Action may only be used when the action desired is modification, non-renewal, suspension of less than or equal to 90 days, or the imposition of a civil penalty of not more than \$1500.00 per violation<sup>17</sup>.
- ii. Maine EMS Staff shall complete the relevant section of the Board Disposition Report (see Appendix D) and attach it to the final summary document.

#### H. Resolution

- i. Dismissal:
  - 1. A Letter of Dismissal will be sent to the complainant.<sup>18</sup>
  - 2. A Letter of Dismissal will be sent to the licensee.
  - 3. If a complaint solely relates to clinical practice issues, in addition to dismissal by the Board of Maine EMS, its subcommittee, or staff, it may be referred to the Regional Medical Director for resolution.
- ii. Letter of Guidance or Concern:
  - 1. Draft a Letter of Guidance or Concern that incorporates the guidance or concern the Board has authorized. Place the Letter of Guidance on file in the e-licensure system with the appropriate expiration date based on the board's direction. A copy of the Letter of Guidance shall be sent to the licensee by certified mail. Non-disciplinary action may be appealed in accordance with statute.<sup>19</sup>
- iii. Consent Agreement:
  - 1. A Consent Agreement shall be drafted by the Attorney General's Office and will be sent to the Licensing Agent assigned to the case. The Consent Agreement shall be sent by certified mail with a return receipt to the licensee.
  - 2. If the licensee chooses to execute the Consent Agreement as written, the Consent Agreement shall be signed by the licensee and returned to the Maine EMS Office by the date identified within the document.
  - 3. If the licensee does not choose to execute a Consent Agreement, they may request an adjudicatory hearing and return notice of such within the response period as noted in the consent agreement.
  - 4. If the licensee wishes to negotiate the Consent Agreement as proposed, the licensee may respond with a counterproposal that shall be returned within the response period as noted in the initial Consent Agreement to the Board of Maine EMS for consideration.<sup>20</sup>
  - 5. If a response is not received within the response period as noted in the Consent Agreement, the matter is moved to an adjudicatory hearing.
- iv. A Notice of Preliminary Action:
  - 1. A Notice of Preliminary Action shall be drafted by the Attorney General's Office and will be sent to the Licensing Agent assigned to the case. The Notice of Preliminary Action shall be sent by certified mail with a return receipt to the licensee.
  - 2. If the licensee contests the Action, they may request an adjudicatory hearing and return notice of such within the response period as noted in the Preliminary Notice.
  - 3. If no response is received from the licensee within the response period within the Preliminary Notice, A Notice of Final Action shall be drafted by the Attorney General's Office to be sent to the licensee. The Action shall be considered Final and is effective as of the expiration of the Preliminary Notice.<sup>21</sup>

<sup>16</sup> [M.R.S. Title 32 §88.3.B/C](#) and [§90-A.4.C](#)

<sup>17</sup> [M.R.S. Title 32 §90-A.4.C](#)

<sup>18</sup> [M.R.S. Title 32 §90-A.2](#)

<sup>19</sup> [M.R.S. Title 32 §91-A](#)

<sup>20</sup> [M.R.S. Title 32 §90-A.4.A](#)

<sup>21</sup> [M.R.S. Title 32 §90-A.4.C](#)



- v. The subject of the complaint is notified of the Board's decision, in writing. The licensee may also agree to accept the Board's decision via email.
- vi. Staff may work with the interested parties to facilitate a dialogue between the complainant and a licensee or their representative outside of the formal complaint process. This dialogue can occur in conjunction with the formal complaint process but may not occur in place of the formal complaint process.

**I. Hearings<sup>22</sup>:**

- i. The Attorney General's Office, once aware of the hearing request, will assign an AAG to represent staff in the matter.
- ii. Staff will secure a Hearing Officer.
- iii. Staff, the assigned AAG, and the Hearing Officer will schedule a hearing date.
- iv. The assigned AAG will draft a Notice of Hearing.
- v. Staff will send the Notice of Hearing to the licensee or their legal representation and Hearing Officer.
- vi. The Hearing Officer will provide instructions and a schedule of pre-hearing events.

**J. Post-Resolution:**

- i. At their regular meeting on December 4, 2019, the Maine EMS Board determined that Maine EMS will notify services at the conclusion of any investigation involving a licensee on their roster.
- ii. Statute requires that the board shall notify in writing, the town manager or city manager and the municipal officers of the municipality that owns and operates or contracts with the ambulance service within five (5) business days of taking the action.<sup>23</sup>
- iii. When a complaint is dismissed by the Board with a referral to the Regional Medical Director, Maine EMS will send a copy of the Notice of Dismissal to the Regional Medical Director in all Regions the EMS Clinician is affiliated with, in addition to any information not held as confidential under law at the conclusion of an investigation<sup>24</sup>.

**K. Reporting to Other Entities**

- i. If adverse action becomes final, report the action to the National Provider's Data Bank within 30 days of the execution of the consent agreement, issuance of the Decision and Order, Final Denial or Notice of Final Action.<sup>25</sup>
- ii. When final adverse action is taken against a licensee or applicant for licensure, who, at the time of resolution of the complaint, is reasonably believed to hold licensure, or have a pending application, or certification in another State, Jurisdiction, or with a National Certifying Body, a copy of the Decision and Order, Consent Agreement, Final Denial, or Notice of Final Action shall be transmitted to the State Agency(ies), Jurisdiction(s), and/or National Certifying Body(ies) for which the licensee or applicant is believed to hold licensure/certification or has a pending application, within 30 days of such action becoming final.
- iii. Post the resolution on the Maine EMS Website under the appropriate section or lookup.

- L. Documents sent to licensees addressing final agency action are forwarded to the AAGs office as appropriate.

NOTE: Further information about the investigative process and procedures may be found in Maine EMS Rule Chapter 12, and is granted authority by M.R.S. 32 Chapter 2-B. More information about the Administrative Procedures contained within this document can be found within M.R.S. Title 5 Chapter 375.

## VIII. References

- A. [Maine Revised Statute, Title 32 Chapter 2-B, MAINE EMERGENCY MEDICAL SERVICES ACT OF 1982](#)
- B. [Maine Revised Statute, Title 5 Chapter 375, MAINE ADMINISTRATIVE PROCEDURE ACT](#)

<sup>22</sup> [M.R.S. Title 5 Chapter 375 §9051-§9064](#)

<sup>23</sup> [M.R.S. Title 32 §90-A.6](#)

<sup>24</sup> [M.R.S. Title 32 §91-B.2.C](#)

<sup>25</sup> [45 CFR §60.9](#)

- C. [Maine EMS Rules published January 10, 2021](#)
- D. [Code of Federal Regulations, Title 45 Public Welfare, Part 60](#)

**IX. Summary of document changes**

- A. Removal of reference to Board approval; Updated the name of approving individual to current Maine EMS Director; Added clarifying language to Section VII(K) to clarify Board Staff reporting of Final Agency Action, to ensure consistency with previous Board direction (Board Meeting Minutes April 4, 2024, approving Investigation Sub-Committee Recommendation from March 28, 2024); added clarifying language in VII(C) to address that a response to the complaint may be submitted by electronic mail (email).

**X. Appendices (Forms, Attachments, etc.)**

- A. Orders of Limited Delegation of Authority to the Maine EMS Office
- B. Patient Care / Clinical Practice Matrix
- C. NAEMT Code of Ethics
- D. EMS Board Case Disposition Report
- E. Investigation Process Flowchart
- F. Subpoena Cover Letter and Subpoena Example



# Department of Health

**KATHY HOCHUL**  
Governor

**JAMES V. McDONALD, MD, MPH**  
Commissioner

**JOHANNE E. MORNE, MS**  
Executive Deputy Commissioner

Case Number: 20230347

December 11, 2024

To: All Regional EMS Councils  
All DOH Regional Offices

Please be advised that as a result of an investigation conducted by the Department of Health, the following individual's New York State Certification has been:

Revoked effective 12/9/24. Assessed a civil penalty of \$2000.

For violations of 10 NYCRR Part 800.15(a)(2) and 800.15(b)(1).

Name: John Keever

Address: 18 Church Street  
Worcester, NY 12197

Birthdate: 12/26/1971

EMT Number: 220841

Please make sure that the chair of your REMAC receives a copy of this form. We are requesting your assistance to help ensure that any advanced medical control privileges, specific agency approvals, or other patient care responsibilities are consistent with the above enforcement action.

This enforcement action is a matter of public record and should be read into the minutes of your next regularly scheduled meeting.

Any questions in regard to this matter should be directed to the Bureau of Emergency Medical Services Investigations Unit at 518-402-0996.



**National Registry of  
Emergency Medical Technicians®**  
THE NATION'S EMS CERTIFICATION™



**(614)888-4484**



**www.nremt.org**



**6610 Busch Blvd, Columbus, OH 43229**

Anthony McCauliff  
54 Chandler Ave  
Pawtucket RI 02860

August 20, 2024

Dear Anthony McCauliff,

We have recently become aware that once again, you have presented a fraudulent card representing yourself as a Nationally Registered Registrant to gain employment or state licensure. This notice was one of multiple notifications received over the past few years.

We write now to demand that you **immediately CEASE AND DESIST representing yourself as a Nationally Registered EMS Registrant.**

The National Registry may, in its sole discretion, deny an individual's eligibility for initial certification or recertification, deny, suspend, or revoke an individual's certification or take any other appropriate disciplinary action with respect to an individual's application, certification and/or recertification or deny authorization to use the National Registry's website for any and all purposes, including submitting applicant training information in the case of:

Sincerely,

**Kristina Esposito, BBA, ICE-CCP**  
Certification Manager

CC: Office of EMS:

Air Force  
Arizona  
Massachusetts  
Maine  
New Hampshire  
Rhode Island



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
MAINE EMERGENCY MEDICAL SERVICES  
152 STATE HOUSE STATION  
AUGUSTA, MAINE 04333



MICHAEL SAUSCHUCK  
COMMISSIONER

J. SAM HURLEY  
DIRECTOR

BOARD OF EMS MEETING  
DECEMBER 4, 2019  
10:00 AM  
DE CHAMPLAIN CONFERENCE ROOM  
MINUTES

Members Present: Joe Kellner (Chair), Brent Libby (Chair-elect), Brad Chicoine, Joe Conley, Laura Downing, Amy Drinkwater, Judy Gerrish, Richard Kindelan, John Martel, MD, Julie Ontengco, DNP, Dennis Russell, Steve Smith, Matt Sholl, MD (ex-officio), Kate Zimmerman, DO (ex-officio), Nate Allen (phone), Tim Beals (phone), Heidi Cote (phone), Scott Susi (phone)

Staff: Commissioner Sauschuck, Janet Joyeux, Chris Azevedo, Sam Hurley, Marc Minkler, Jason Oko, Melissa Adams, Jessica Ricciardelli, Katie Johnson (Assistant Attorney General)

Stakeholders: Jay Bradshaw, Jim MacDonnell, Rick Petrie, Kerry McKee, Mike Seneccal, Joanne Lebrun, Ben Zetterman (phone)

1. Introductions

2. Disclosure of Conflicts of Interest: None

*Joe Kellner (Chair)* – Mr. Kellner disclosed that he has resumed his position as Treasurer of the Maine Ambulance Association

3. Public comments: None

4. Minutes

Sam Hurley – Add Brent Libby and Nate Allen to the list of attendees

*MOTION: To accept the minutes of the Nov. 6, 2019 meeting as amended.*

*Made by: Russell, Seconded by: Conley, Vote: Unanimous*

5. Director's Report

a. Staffing:

Mr. Hurley introduced Melissa Adams who joined MEMS in November as a licensing agent. It was announced the Jason Oko had accepted the Data Coordinator position. MEMS will be posting two positions within next two weeks: Data Coordinator funded by the Federal Opioid Data to Action Grant and Licensing Specialist Position to backfill Mr. Oko's position.

● **Excellence** ● **Support** ● **Collaboration** ● **Integrity** ●

PHONE: (207) 626-3860

TTY: (207) 287-3659

FAX: (207) 287-6251

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

b. Welcome Packet:

MEMS is finalizing a welcome letter that will be circulated to the Board for review. Mr. Hurley noted that there is a national trend to move away from licensure/certifications cards with the advent of online verification systems that are up-to-date. Mr. Hurley proposed issuing patches in the welcome packets instead. The Chair queried the Board for questions, and none were asked.

c. Budget: No updates

d. Legislation:

MEMS has drafted legislation (DPS5) that gives the EMS Board the authority to request information from hospitals regarding outcomes and allows healthcare facilities to satisfy the request using the state-approved health information exchange, HealthInfoNet. Senator Heather Sanborn (Senate District 28) has agreed to sponsor the bill as the Senate Chair of the Health Care, Insurance and Financial Services Committee where the bill will likely be assigned.

Mr. Hurley circulated two lists regarding proposed legislation: One list includes all the titles that were heard by the Legislative Council and the outcomes, the other list highlights just the bills that were approved that *may* impact EMS. Mr. Hurley agreed to forward the draft language for the bills once it was made available.

e. Committee Updates

Exam Committee – Chris Azevedo

Effective December 2, 2019, the NREMT has removed the seated and supine spinal mobilization skills stations from their psychomotor examination for advanced providers (AEMT and paramedic). While this material will no longer have a specific station at these examinations, the NREMT expressed it does not mean that providers will not still be expected to assess for and implement spinal motion restrictions or immobilization procedures as these skills still maintain clinical relevance.

The Exam Committee asked the Board for support of the removal of the spinal mobilization skills stations from the EMR and EMT psychomotor examinations within the State. Dr. Sholl requested additional time to review the recommendation before a decision is made.

*MOTION: To table the approval of removal of the spinal mobilization assessment from the EMR and EMT psychomotor exams.*

*Made by: Ontengco, Seconded by: Smith) Vote: Unanimous (No response from Susi)*

Education Committee – Chris Azevedo

National Registry has announced that they are no longer supporting skill sheets for the non-advanced life support (ALS) examinations. The Committee is reaching out to NREMT representatives for additional clarification as to the organization's direction moving forward with testing.

The Committee identified that there are insufficient numbers of Psychomotor Examination (PSE) Administrators for the state-administered examinations. Further action regarding expansion of this capacity has been stayed pending further information from NREMT.

Kevin Gurney resigned from the Committee leaving an opening for a Non-Municipal EMS Service Representative. There is also a Region Four Representative position unfilled on the Committee.

Online Training for 2019 Protocol Update – Providers have reported difficulty in accessing the system because they have: 1) forgotten their password, 2) there are discrepancies between the MEMSEd login service and ImageTrend.

EMSC – Marc Minkler

Advisory committee has not yet met this quarter. Currently working on validation of pediatric medical director job description. There is no standard description that is currently being used nationwide.

Committee is also working to mimic some of the TAC guidelines for recognition of pediatric care for emergency departments across the state.

The Committee is still in need of a pediatric medical director and a physician.

Community Paramedicine – Jason Oko

The Committee has appointed a new Chair. Ellen McFarland is from the mid-coast and has been representing the at-large position on the Committee.

The Committee has been focusing on determining education levels for Community Paramedicine Providers.

At this time, all the CP services have re-applied and have been notified of the continuation of their CP designation, or more information has been requested of them prior to issuing a designation.

The focus of the next Committee meeting will be to discuss the process of adopting a Community Paramedicine Protocol.

CP Committee will meet on December 16<sup>th</sup>, 2019 and then in 2020, the Committee will be transitioning the meeting date to the second Thursday of each month with the first meeting being held on January 9, 2020.

#### Data Committee – Jason Oko

Committee has not met to date. Mr. Oko requested the Board identify the makeup of the Data Committee membership and to assign the Committee specific tasks, as needed.

#### Ops Committee – Sam Hurley

Mr. Hurley stated that the Committee members are identifying issues that may require more defined process moving forward. The Committee also discussed information sharing and quality improvement within the EMS education community. The Committee is hopeful that these discussions will serve as forums for best practices that will ensure consistency and quality throughout the state.

#### Board Appointments – Sam Hurley

Renewal packets have been received; however, there are some backlog issues at the Governor's office. Mr. Hurley asked board members who are up for renewal to please submit applications early.

#### Quality Improvement – Matt Sholl, MD

The Committee has produced reports on Naloxone use, use of oxygen as well as stroke and out of hospital cardiac arrest care. The Naloxone project was finalized April 1, 2019. The oxygen project and the stroke and cardiac project are nearing completion and both projects should be ready within the next few months.

### 6. Investigations Committee

*MOTION: To accept the minutes of the Nov. 25, 2019 meeting as amended.*

*Made by: Kellner, Seconded by: Gerrish, Vote: 15 approvals, 1 abstention*

#### a. Disciplinary Cases



Each case was presented by Maine EMS Staff Member Jason Oko:

Case #19-055

The Board heard the original recommendation from the Investigations Committee. After further review of the case and discussion, the Board revised the motion to include a fine of \$1,000 per occurrence (4) that shall be made payable in no more than 60-days following the execution of the consent agreement. The Board noted that the agency in question had been advised explicitly not to utilize the devices in question and that they went in opposition to direction provided by the Medical Direction and Practice Board.

*MOTION: To accept the committee's recommendation settle this case by offering the agency a consent agreement and a fine of \$4,000 with the addition of a payment timeline within 60 days. The committee cited a violation of Maine EMS Rules Chapter 11 § (14), Chapter 11§ (24) as well as M.R.S Title 32, Chapter 2-B §86(1) and Chapter 2-B §86(2-A).*

*Made by: Russell; Second by Libby; Vote 15 in favor; 1 opposed, Beals not present*

Case #19-065

The Board heard the original recommendation from the Investigations Committee and modified it to include additional rules violations as well as a monetary penalty of \$1,000 with a 60-day payment window.

*MOTION: To accept the committee's recommendation to settle this case by offering the agency a consent agreement to produce policies regarding appropriate management and exchange of medications and generating run reports in accordance with MEMS rules, along with a copy of its pharmacy agreement; these documents will be produced to Maine EMS within 30 days. There is also an addition of a \$1,000 fine with a 60-day payment deadline. The committee cited a violation of Maine EMS Rules Chapter 11§1(14), Chapter 3§ 9, and Chapter 11 §1(18).*

*Made By: Ontengco; Seconded by Martel; Vote: 12 in favor, 2 opposed*

Case #19-064

The Board heard the original recommendation from the Investigations Committee. The Board opted to alter the recommended motion to remove the letter of support from the medical director and include a mandatory suspension for violations.

*MOTION: To suspend the subject's license for 180 days (90 days for violation regarding medications and 90 days for run report violation).*

*Citing violation of Maine EMS Rules Chapter 11 §1(14), Chapter 11 §1(18), Chapter 11§1(24) and Chapter 5 § 3.*

*Made by: Kellner; Seconded by: Kindelan; Vote: Unanimous)*

b. Informal Review of Provider Applications

Zachary Cronkhite

Summary: On an application for an EMT license, the applicant disclosed the following misdemeanor convictions: Unlawful Possession of Scheduled Drug in 2005, OUI and Violating Condition of Release in 2009, and Disorderly Conduct in 2012.

***The committee recommended to issue the license to the applicant.***

*MOTION: To accept the committee's recommendation.*

*Made by: Kindelan; Seconded by: Russell; Vote: Unanimous*

Caleb Goodall

Summary: On an application for an EMT license, the applicant disclosed the following misdemeanor convictions: Under 21- Consume Alcohol in 2016, Trespassing and Shoplifting in 2017, and Minor in Possession of Alcohol in 2017.

***The committee recommended to issue the license to the applicant with a letter of guidance to remain on file for three years stressing professionalism and code of conduct by an EMS professional***

*MOTION: To accept the committee's recommendation.*

*Made by: Russell; Seconded by: Ontengco; Vote: Unanimous (Joe Conley not present)*

c. Disciplinary Matrices

*MOTION: To table the matrices*

*Made by: Kellner; Seconded by: Libby; Vote: Unanimous*

d. Notifying Services about Change in License Status

*MOTION: To notify services at the conclusion of any investigation regarding a licensee on their roster.*

*Made by: Libby; Seconded by: Russell; Vote: Unanimous*

7. Medical Director report – Matthew Sholl, MD

a. TAC – Kate Zimmerman, DO

Trauma Committee travelled to Rumford in September and a visit is currently being scheduled with Memorial Hospital in North Conway. The committee has created a guideline for mild traumatic brain injury that is now available online.

The Committee is currently working with Ian Neilson; a trauma surgeon from Maine Medical Center to bring more pediatric initiatives i.e.: woodstove burn prevention and dog bite prevention.

Mr. Petrie confirmed that in January they will be receiving the report from the Farmington explosion.

b. MDPB – Matt Sholl, MD

Dr. Sholl thanked MEMS for all their help with the protocol rollout. He expressed appreciation that MEMS worked through the holiday to ensure providers were able to login to MEMSed so they can complete the protocol update.

MDPB is currently working on creating job descriptions for MDPB representatives. Dr. Sholl wanted to thank Mr. Bradshaw for helping with that process and Mr. Minkler for providing the job description for EMSC.

8. Old Business

a. Board of EMS Bylaws

Mr. Hurley stated that the changes to the Bylaws, which were approved at the last meeting have been made and the document has been distributed to the Board

b. Code of Conduct and Ethics for Board of EMS

Mr. Hurley discussed the changes concerning the Code of Conduct and Ethics that were incorporated into the draft regarding Ad Hoc and standing committees.

*MOTION: To approve Code of Conduct as amended.*

*Made by: Libby; Seconded by: Ontengco; Vote: Unanimous*

9. New Business

a. Rules Comments

Mr. Oko stated that public comments have been distributed to all board members via email. Mr. Kellner suggested that all members of the Board read through the document so they may all be aware of the issues that are being raised. Mr. Conley suggested that the Rules Committee meet before the next Board meeting to

discuss the comments and bring recommendations before the Board.

b. Strategic Planning

Mr. Hurley reported that he has spoken with the Chair and the Commissioner regarding strategic planning and the direction and goals of the board moving forward. Mr. Hurley is working on a proposal to bring someone in to facilitate the strategic planning process. The current timeframe is near the end of Spring. This will be a two-day event, the first day will include only the Board and the second day will involve the Board and the stakeholders.

10. Other

a. Items for next meeting's agenda

- i. Spinal Assessment – The Board will discuss how to move forward with the potential removal of the spinal mobilization skills station from the psychomotor examination for advanced providers.
- ii. Committee Membership – Mr. Hurley noted that there needs to be a discussion regarding how people are appointed to committees so we can ensure a uniform process across all committees.
- iii. IFT Committee – This committee had previously been placed on hold. The Board will need to decide how to move forward regarding the establishment of this committee
- iv. Disciplinary Matrices – Reviewed by Investigations Committee but tabled for future meeting

b. Next meeting will be January 2, 2020 at 9:30 AM

11. Adjourn at 1:01 PM

*MOTION: To adjourn*

*Made by: Libby; Seconded by Chicoine; Vote: Unanimous*



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
MAINE EMERGENCY MEDICAL SERVICES  
152 STATE HOUSE STATION  
AUGUSTA, MAINE 04333



MICHAEL SAUSCHUCK  
COMMISSIONER

WIL O'NEAL  
DIRECTOR

**INVESTIGATIONS COMMITTEE MEETING**

**Thursday, March 28, 2024, 09:00-10:00**

45 Commerce Dr. Champlain Conference Room, Augusta, ME 04333

ZOOM: <https://maine-ems-gov.zoom.us/j/91542570561>

One tap mobile: +13017158592,,91542570561# US

**MINUTES**

- I. Call to Order at 09:04 by Amy Drinkwater  
Drinkwater read the mission statement.
- II. Attendance  
Committee Members Present: Amy Drinkwater, Laura Downing, Judy Gerrish, Dr. Brandon Giberson, Steve Smith  
Committee Members Absent: Andrew Turcotte (excused), Tim Beals (resigned)  
Maine EMS Staff: Melissa Adams, Jason Cooney, Alex Gibson, AAG Samantha Morgan  
Guests: Kristi Billington, Joseph Haberny
- III. Public Comment: None
- IV. Modifications to the Agenda: Drinkwater added considering a new Chairperson for this committee to New Business.
- V. Investigations
  - a. **(EMT) Application Review**  
**Summary:** The licensed ambulance operator is applying to upgrade to a clinical EMT license. The Board previously denied their application for a clinical license, citing a violation of professional conduct rules.  
  
**MOTION** to issue the license. (Giberson, Gerrish)  
In favor: Gerrish, Downing, Giberson, Smith, Drinkwater  
Opposed: None  
Abstained/Recused: None  
  
**PASSED**
  - b. **Brewer Application Review**

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Dr. Giberson disclosed that he is the medical director for a service this individual works for. Downing also disclosed that she is familiar with some of the parties involved in the criminal complaint, though not the applicant. Both parties state they will remain impartial.

**Summary:** An applicant for an Ambulance Operator license allegedly falsely identified themselves as an EMT to several people to influence a criminal investigation in 2021.

**MOTION** to issue the license with a letter of guidance citing professional conduct rules to be kept on file for two (2) licensing cycles. (Downing, Gerrish)

In favor: Gerrish, Drinkwater, Giberson, Smith, Drinkwater

Opposed: None

Abstained/Recused: None

**PASSED**

**c. 23-276 Case Review**

**Summary:** The licensee allegedly engaged in unprofessional conduct on a call for service.

**MOTION** to recommend the Board offer a consent agreement for the licensee to voluntarily surrender their Maine Paramedic license and direct staff to report disciplinary action against the license to any other known authorities who have issued this individual a license or certification. (Giberson, Downing)

In favor: Gerrish, Drinkwater, Giberson, Smith, Drinkwater

Opposed: None

Abstained/Recused: None

**PASSED**

**d. 23-277 Case Review**

Drinkwater recused herself from this case and was moved to the waiting room. Giberson took the Chairperson responsibility.

**Summary:** The licensee allegedly engaged in unprofessional conduct on a call for service.

**MOTION** to recommend the Board dismiss the complaint. (Smith, Gerrish)

In favor: Gerrish, Drinkwater, Giberson, Smith

Opposed: None

Abstained/Recused: Drinkwater

**PASSED**

Drinkwater re-joined the meeting and resumed Chairperson responsibilities.

**e. 23-279 Case Review**

Giberson disclosed that he has a personal relationship with the service chief of the agency that this licensee is employed with, but he does not know the licensee and will remain impartial.

**Summary:** The licensee allegedly engaged in unprofessional conduct and disclosed confidential information to an unauthorized person on a call for service.

**MOTION** to recommend the Board dismiss the complaint. (Giberson, Downing)

In favor: Gerrish, Downing, Giberson, Smith, Drinkwater

Opposed: None

Abstained/Recused: None

**PASSED**

**f. 23-323 Case Review**

Gerrish and Giberson both disclosed they are familiar with the service and the service leadership but do not have a direct relationship and will remain impartial.

**Summary:** A licensed service applied for licensure renewal in which the agency representative was represented as a service-level medical director for that service when they were not qualified to serve as such.

**MOTION** to recommend the Board approve the service renewal application and issue the service a letter of guidance citing professional conduct rules regarding honesty and accuracy and reiterating the use of support systems like the region and the state office when there are questions, to be kept on file for five (5) years. (Giberson, Smith)

In favor: Gerrish, Giberson, Smith, Drinkwater

Opposed: Downing

Abstained/Recused: None

**PASSED**

VI. Old Business: None

VII. New Business

- a. Chairperson Beals has resigned from the Board. The Board will appoint a replacement to this committee at their April meeting, and the committee will entertain nominations for a new Chairperson at the April meeting as well as discussion regarding the meeting schedule.

VIII. Adjourned at 10:00

Next meeting: Thursday, April 25, 2024, at 09:00



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**  
April 3, 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			
Bill Cyr	X		
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		
Christopher Whytock	X		X
Kate Zimmerman	X		

Staff: Director Wil O'Neal, Deputy Director Anthony Roberts, Marc Minkler, Anna Massefski, Jason Cooney, Darren Davis, Teresa Glick, Jason Oko, Alex Gibson, Ashley Moody, Victoria Clyde, Chris Azevedo, Taylor Parmenter, Melissa Adams, Soliana Goldrich, Robert Glaspy

Stakeholders & Guests: Dawn McAllister, John Cordts, Brian Langerman, Joanne Lebrun, Rob McGraw, Daniel Brown, Christopher Paré, Benjamin Wallace Jr., Derek Booker, Aiden Koplovsky, Mike Senecal, Travis Norsworthy, John Hoak, Bill Montejo, Kevin Curry, Dennis Russell, Rebecca Royer, Joe Kellner, Josh Pobrislo, Maine Ambulance Association

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1. Introductions
2. Disclosure of any conflicts of interest  
Amy Drinkwater and Chris Whytock will recuse from the waiver request  
Amy Drinkwater will recuse from Case 23-277
3. Modifications to the Agenda  
Add EMS Awards under Old Business.  
Add Board representation to New Business.
4. Public Comments  
None
5. Investigations
  - a. Investigations Committee March 28, 2024, Meeting Minutes

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

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

**Motion Carries**

- b. Case 23-276

Summary: The licensee allegedly engaged in unprofessional conduct on a call for service. The committee recommends that the Board offer a consent agreement for the licensee to voluntarily surrender their Maine Paramedic license and direct staff to report disciplinary action against the license to any other known authorities who have issued this individual a license or certification.

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

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

**Motion Carries**

- c. Case 23-277

Amy Drinkwater was recused and was placed in the waiting room.

Summary: The licensee allegedly engaged in unprofessional conduct on a call for service. The Committee recommends that the Board dismiss the complaint.

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

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

**Motion Carries**

Amy Drinkwater returned to the meeting.

d. Case 23-279

Summary: The licensee allegedly engaged in unprofessional conduct and disclosed confidential information to an unauthorized person on a call for service. The Committee recommends that the Board dismiss the complaint.

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

**Motion Carries**

e. Case 23-323

Summary: A licensed service applied for licensure renewal in which the agency representative was represented as a service-level medical director for that service when they were not qualified to serve as such. The Committee recommends that the Board approve the service renewal application and issue the service a letter of guidance citing professional conduct rules regarding honesty and accuracy and reiterating the use of support systems like the region and the state office when there are questions, to be kept on file for five (5) years.

**MOTION** to accept the committee's recommendation (Cyr, seconded by Libby)  
(Yes) Allen, Cyr, Drinkwater, Gerrish, Giberson, Libby, Smith, Turcotte, Whytock  
(No) Downing

**Motion Carries**

f. Case 21-183 Consent Agreement

**MOTION** to enter executive session pursuant to 1 MRS §405 (6)(F) for the purpose of discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute (Libby, seconded by Giberson)

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

**Motion Carries**

The Board entered executive session at 9:45 am

The Board returned to regular session at 10:03 am

**MOTION** to add the following additional conditions of probation pursuant to the Consent Agreement in 21-183: (1) disclose paragraph 1 of the recommendations from the evaluation report to his current employer and any future employer and (2) complete additional training and education focused on professional ethics, appropriate conduct, and workplace boundaries within 365 days of the date of the imposition of this condition of probation. The Board also suggests that the clinician consider consulting a

*professional to assess their long-term goals and alignment with their chosen profession to help them make informed decisions about their career path. (Libby, seconded by Giberson)*

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

(No) Allen, Whytock

**Motion Carries**

6. Old Business

a. Meeting Minutes

i. March 6, 2024

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

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

**Motion Carries**

ii. March 11, 2024

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

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

(Abstain) Cyr, Giberson

**Motion Carries**

b. Maine EMS Director Update

Director Wil O’Neal provided an update on his first two months in the position and the current status of applications submitted for stabilization funding.

c. Consideration of adoption of Rules Chapter 2

Jason Cooney provided an overview of Chapter 2. No public comments were received on this rule during the public comment period.

**MOTION** *to adopt the basis statement in response to comments received. (Libby, seconded by Cyr)*

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

**Motion Carries**

**MOTION** *to adopt Chapter 2 as amended. (Libby, seconded by Allen)*

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

**Motion Carries**

d. Consideration of adoption of Rules Chapter 3

Jason Cooney provided an overview of Chapter 3. AAG Samantha Morgan presented two changes to the rule prior to considering adoption. The first change is the addition of

a sentence that says the Board's decision constitutes final agency action appealable to the Superior Court in accordance with the Maine Administrative Procedures Act. This is a statutory requirement in the enabling statute for this rule. The second change in the document states that the above report must be dated within sixty (60) business days of the application acceptance by Maine EMS as complete. The Board agreed that the changes made were not significant enough to be put back out to public comment.

AAG Samantha Morgan asked the board the following list of questions about the proposed changes to Chapter 3:

1. Does it enlarge the scope of the rule?

**Board Response: No, the goal based on the comments was to ensure a timeline.**

2. Does the change benefit those affected by the rule, or might it affect them adversely?

**Board Response: If a service is being moved out of an area it may be a benefit, but may adversely affect a service that is looking to expand. Overall, it benefits the end user of the EMS system.**

3. Would a member of the public or regulated entities who did not comment on the original proposed rule have likely commented on this version if given notice?

**Board Response: No, the changes are made for clarification.**

4. Someone who would not have been affected by the original proposed rule going to be affected if this change is adopted?

**Board Response: No, no one should be affected by the proposed change.**

5. Would someone who commented on the rule be surprised by this change because nothing about the original draft would have signaled that the agency might go in this direction?

**Board Response: No, changes do not substantially change this rule.**

AAG Samantha Morgan asked the Board to determine whether the rule, if they intend to adopt it, is substantially different from what was proposed. The board agreed that the changes do not substantially change the rule.

**MOTION to adopt the basis statement in response to comments received.**

*(Giberson, seconded by Libby)*

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

**Motion Carries**

**MOTION to adopt Chapter 3 as amended. (Libby, seconded by Gerrish)**

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

**Motion Carries**

- e. EMS Awards

The board delegates the authority to the committee to determine the award winners. The Board plans to hold one ceremony to celebrate the winners, potentially at the Hall of Flags.

## 7. New Business

- a. Request for nominations for the position of Chair-Elect

**MOTION** *to nominate and elect Bill Cyr as the Chair-Elect (Libby, seconded by Giberson)*

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

(Abstain) Cyr

**Motion Carries**

- b. Chapter 21 revisions and consideration for proposal to public comment  
Jason Cooney reviewed proposed changes to the rule.

**MOTION** *to move the Chapter 21: Immunization Requirements amendments to public comment (Libby, seconded by Cyr)*

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

**Motion Carries**

- c. EMR/EMT Re-Entry Standards  
Aiden Koplovsky provided an overview of the proposal.

**MOTION** *to adopt the proposal from the education committee for standards for education programs for Maine EMS licensure reentry candidates at the EMT and EMR level (Libby, seconded by Gerrish)*

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

**Motion Carries**

- d. Medical Directors' Update  
Dr. Sholl thanked Maine EMS staff members for their work on the new protocols and provided updates on PIFT, pilot projects, and K-9 protocols.

- e. Consideration of a Waiver Request for the licensure of a person under the age of 18 at the AEMT Level

Amy Drinkwater and Chris Whytock were recused and placed in the waiting room

Brent Libby asked the board the list of questions from Maine EMS Rules, Chapter 13, §2:

1. Whether the person or organization seeking the waiver took reasonable steps to ascertain the rule and comply with it

**Board Response: Yes, the rule is for persons over the age of 18, so they are unable to comply**

And does this weigh in favor of granting the waiver?

**Board Response: Yes**

2. Whether the person or organization seeking the waiver was given inaccurate information by an agent or employee of the State EMS program

**Board Response: No**

And does this weigh in favor of granting the waiver?

**Board Response: Yes, having accurate information about the Rule weighs in favor of the waiver**

3. Whether the person or organization seeking the waiver, or any other individual or group, would be significantly injured or harmed if the rule were not waived

**Board Response: Yes, the petitioner would be significantly injured or harmed if the rule were not waived**

And does this weigh in favor of granting the waiver?

**Board Response: Yes**

4. Whether waiver of the rule in the particular case would pose a health or safety risk to the public at large or a particular individual or community

**Board Response: No, it does not**

And does this weigh in favor of granting the waiver?

**Board Response: Yes**

5. Whether waiver of the rule in the particular case would establish a precedent that would unduly hinder the Board or office of EMS in its administration of Maine's EMS System

**Board Response: No**

And does this weigh in favor of granting the waiver?

**Board Response: Yes**

***Vote to approve or deny the waiver to upgrade to the AEMT level while under the age of 18***

(Approve) Allen, Cyr, Downing, Gerrish, Giberson, Libby, Smith, Turcotte,

(Recuse) Drinkwater, Whytock

**Waiver is granted**

Amy Drinkwater and Chris Whytock returned to the meeting.

- f. Proposal for appointment to LD-1832 Stakeholder Group

**MOTION** to nominate Chair Drinkwater to the Stakeholder Group (Turcotte, seconded by Libby)

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

(Abstain) Drinkwater

**Motion Carries**

- g. Board Representation

Director O'Neal will provide an update on open positions at the next meeting

Chair Drinkwater asked for interest in committee appointments

- Turcotte volunteered to join the rules committee
- Cyr volunteered to join the IFT committee
- Libby can temporarily fill in on investigations

8. Other

- a. Items for next agenda
  - i. Committee Appointments
  - ii. Critical Care Transport
  - iii. EMS Awards
- b. Next Board meeting is scheduled for May 1, 2024, at 9:30 am, via zoom.

**Meeting adjourned at 12:14 pm.**