

**Maine Emergency Medical Services Board –
Board Policy**

**Limited Delegation of Authority to Maine
EMS Staff to Issue Letters of Guidance**

Effective Date: ~~October 2, 2024~~TBD

Expiration Date: November 30, 2025

Background

In April and June 2016, the Maine ~~Board of~~ Emergency Medical Services Board (“the Board”) adopted formal policies that provided guidelines to the staff of Maine Emergency Medical Services (“Maine EMS”) for issuing letters of guidance for the failure to submit patient care reports, the failure to participate in quality assurance activities, unlicensed practice, and allowing EMS personnel or emergency medical dispatchers to practice without a license. In April 2022, the Board added guidelines for issuing letters of guidance for the failure to demonstrate required continuing education at the time of renewal. In X of 2025, the Board incorporated Ambulance Operator Licensure within this policy, revised the timeframes for letters of guidance to reflect current licensure durations, and clarified the applicable circumstances surrounding unlicensed practice for Ambulance Services.

This Limited Delegation of Authority revises and updates those policies. It allows ~~the Maine EMS Board~~ Staff to issue letters of guidance to applicants and licensees in limited situations where their conduct does not rise to the level of misconduct sufficient to merit disciplinary action. The practical effect of this delegation of authority will be to avoid ~~having to bring~~ ing every such matter to the Board’s Investigations Committee and the Board for resolution, allowing for the expedient and fair resolution of investigations and application reviews.

This policy expires on November 30, 2025, but may be revisited by the Board at any time.

Applicable Law

Pursuant to 32 M.R.S. § 84(1)(A), the Board shall adopt policies appropriate to carry out the purposes, requirements, and goals of the Maine Emergency Medical Services Act of 1982:

1. Powers and duties. The board has the following powers and duties.

A. The board shall conduct an emergency medical services program to fulfill the purposes, requirements and goals of this chapter. The board shall adopt the forms, rules, procedures, testing requirements, policies and records appropriate to carry out the purposes, requirements and goals of this chapter. [PL 1991, c. 588, §6 (AMD).]

Pursuant to 32 M.R.S. § 88(4), the Board has the ability to issue a letter of guidance or concern to an applicant or licensee. Section 88(4) also gives the Board the authority to delegate this power to the Board's Staff at Maine EMS:

4. Authority to issue letters of guidance. In addition to authority otherwise conferred, the board or, as delegated, its subcommittee or staff may issue a letter of guidance or concern to an applicant or licensee.

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 of any form. Notwithstanding any other provision of law, a letter of guidance or concern is not confidential. The board or, as delegated, its subcommittee or staff may place a letter of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or applicant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board, its subcommittee or staff in any subsequent action commenced against the applicant or licensee within the specified time frame. [PL 2001, c. 229, §4 (NEW).]

Pursuant to 32 M.R.S. § 88(5), the board is obligated to provide notice of actions taken, including the issuance of a letter of guidance, to the town or city manager and municipal officers of the municipality that owns and operates or contracts with an ambulance service, within 5 business days of taking that action.

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5. Notice of action. In any proceeding under this section with regard to an ambulance service* owned and operated by a municipality or a private ambulance service with which a municipality contracts for services, if the board takes action under subsection 3 or 4, 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 5 business days of taking the action. [PL 2015, c. 6, §2 (NEW).]

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Limited Delegation of Authority to Maine EMS Staff

The Board delegates to Maine EMS Board Staff the following authority to issue a Letter of Guidance or Concern (hereafter "LOG") to an applicant or licensee pursuant to 32 M.R.S. § 88(4), in the following situations:

Issue	Limitations	Length LOG and Related Materials Placed on File
Licensed EMS provider <u>clinician</u> failed to- submit a <u>completed electronic</u> patient care report <u>as specified by Maine EMS, within one business day</u> <u>twenty-four hours</u> pursuant to Maine EMS System Rules, <u>Chapter 22 §</u>	<ol style="list-style-type: none"> <u>One-patient care report only</u> <u>Less than 10 patient care reports were not submitted or were not submitted within twenty-four hours;</u> <u>No medication administration or</u> 	<u>3 years</u> <u>If the clinician self-reports the infraction within thirty days of its occurrence, the Letter of Guidance shall be issued for a period of two (2) years. In all other qualifying cases, the Letter of Guidance shall be issued for four (4) years.</u>

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<p>3(2) and § 4(2), Chapter 3 § 9, Chapter 4 § 9, or Chapter 5 § 3</p>	<p>invasive procedures were performed 3. No patient harm occurred on the calls for which a patient care report was not submitted 4. This incident is the first occurrence of such conduct</p>	
<p>Ambulance service or non-transporting emergency medical service failed to ensure that, for each request for service, or for each patient when more than one patient is involved in a call, a completed electronic patient care report as specified by Maine EMS was submitted within twenty-four hours by the EMS clinician primarily responsible for patient care, or by a participating EMS clinician when no patient is presented, pursuant to Maine EMS System Rules, Chapter 3 § 9 and Chapter 22 § 3(1).</p>	<p>(1) Less than 10 patient care reports were not submitted or were not submitted within twenty-four hours; (2) No medication administration or invasive procedures were performed (3) No patient harm occurred on the calls for which a patient care report was not submitted. (4) This incident is the first occurrence of such conduct.</p>	<p>If the ambulance service or non-transporting emergency medical service self-reports the infraction within thirty days of its occurrence, the Letter of Guidance shall be issued for a period of two (2) years. In all other qualifying cases, the Letter of Guidance shall be issued for four (4) years.</p>
<p>Providing emergency medical treatment, patient care, operating an ambulance while associated with a ground-transporting ambulance service, or providing EMD services after the person's individual's or service's Maine EMS license has expired (Unlicensed Practice under 32 M.R.S. § 82(1))</p>	<p>(1) The person-individual or service provided patient care emergency medical treatment, operated an ambulance, or provided EMD services on 10 or fewer emergency medical calls; (2) The person-individual or service was licensable at the time of expiration of the license; (3) No patient harm occurred on the calls on which the person-individual or service provided patient care emergency medical treatment, operated an ambulance while associated with a ground-transporting service, or provided EMD services while unlicensed; and (4) This incident is the first occurrence of such conduct.</p>	<p>23 years If the person or service self-reports the infraction within thirty days of its occurrence, the Letter of Guidance shall be issued for a period of two (2) years. In all other qualifying cases, the Letter of Guidance shall be issued for four (4) years.</p>
<p>Providing emergency medical treatment, operating an ambulance when affiliated</p>	<p>(1) The person-or service individual provided emergency medical treatment;</p>	<p>2 years</p>

Commented [JC1]: The approach is to ensure that we are addressing a pattern of behavior that is not egregious - we typically do not cite services for infractions that are based upon a single EMS clinician's actions. Ten was selected based upon the other already approved delegations, and part 2 addresses concerns that were brought up during investigation of Case No. 23-320.

Commented [JC2]: This reflects the Board's desire to encourage self-reporting by services

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Commented [JC4]: This reflects the Board's desire to encourage self-reporting by services

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<p>with a ground-transporting service, or providing EMD services without licensure from the Board, when the individual has never held licensure. (Unlicensed practice under 32 M.R.S. § 82(1))</p>	<p>operated an ambulance when affiliated with a ground-transporting service, or provided EMD services on 10 or fewer emergency medical calls; (2) The person or service individual was licensable at the time of occurrence; (3) No patient harm occurred on the calls on which the person or service individual provided emergency medical treatment, operated an ambulance, or provided EMD services; and (4) The incident is the first occurrence of such conduct.</p> <p>Absent serious circumstances (e.g., patient harm), Maine EMS Staff Board Staff should not delay the issuance of the license while the investigation is ongoing.</p>	
<p>Operating an ambulance when affiliated with a ground-transporting service, without licensure from the Board, when the individual has never held licensure. (Unlicensed practice under 32 M.R.S. § 82(1))</p>	<ol style="list-style-type: none"> 1. The person or service was licensable at the time of occurrence; 2. No harm or collision occurred on the calls on which the individual operated the ambulance. <p>Absent serious circumstances (e.g. collision), Board Staff should not delay the issuance of the license while the investigation is ongoing.</p>	<p>2 years</p>
<p>Ambulance service or non-transporting emergency medical service allowed an EMS person to provide emergency medical treatment or operate an ambulance while associated with a ground-transporting service after that person's licensure expired. (Aiding or abetting the practice of emergency medical care by an unlicensed person under 32 M.R.S. § 90-A(5)(D))</p>	<ol style="list-style-type: none"> (1) The person-individual provided emergency medical treatment, or operated an ambulance, on 10 or fewer emergency medical calls; (2) The person-individual was licensable at the time of expiration of the license; (3) No patient-care harm occurred on the calls on which the person-individual provided patient-care emergency medical treatment or operated an ambulance; 	<p>If the ambulance service or non-transporting emergency medical service self-reports the infraction within thirty days of its occurrence, the Letter of Guidance shall be issued for a period of up to one (1) year from the date of the last infraction. In all other qualifying cases, the Letter of Guidance shall be issued for two (2) years.</p>

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Commented [JC6]: This reflects the same language found in our statute.

Commented [JC7]: This has been established as the applicable violation by precedent in the resolution of multiple cases via consent agreement. The applicable understanding is that the service knowingly assisted the licensee because the service knows the licensee's expiration date and schedules them or places them on shift, in a position to commit an infraction.

	<p>(4) The incident is the first occurrence of such conduct; and</p> <p>(5) <u>If a ground transporting ambulance service: They have complied with all requirements related to billing governmental payors for the calls on which the unlicensed individual participated.</u></p>	
<p>Ambulance service or non-transporting emergency medical service allowed an individual to perform emergency medical treatment or operate an ambulance when that individual is associated with a ground-transporting service, without licensure from the Board, when that individual has never held licensure. (Acting negligently or neglectfully in conducting an ambulance service which is considered unprofessional conduct under 32 M.R.S. § 90-A(5)(F), as defined by Board Rules 16-163 C.M.R. Ch. 11 §1(23))</p>	<p>(1) The individual provided emergency medical treatment or operated an ambulance, on 10 or fewer emergency medical calls;</p> <p>(2) The individual was licensable at the time of occurrence;</p> <p>(3) No patient harm occurred on the calls on which the person provided emergency medical treatment or operated an ambulance;</p> <p>(4) The incident is the first occurrence of such conduct; and</p> <p>(5) If a ground transporting ambulance service, the service hasy-have complied with all requirements related to billing governmental payors for the calls on which the unlicensed individual participated.</p>	<p>If the ambulance service or non-transporting emergency medical service self-reports the infraction within thirty days of its occurrence, the Letter of Guidance shall be issued for a period of two (2) years. <u>In all other qualifying cases, the Letter of Guidance shall be issued for four (4) years.</u></p>
<p>Licensed EMD center allowed an emergency medical dispatcher to provide EMD services without a valid EMS license (pursuant to Maine EMS System Rules, Chapter 3-A § 6(1), EMD centers must use licensed dispatchers unless the person is a dispatcher in training)</p>	<p>(1) The dispatcher provided EMD services on 10 or fewer emergency medical calls;</p> <p>(2) The dispatcher was licensable at the time of the occurrence;</p> <p>(3) No patient harm occurred on the calls on which the dispatcher provided EMD services while unlicensed; and</p> <p>(4) The incident is the first occurrence of such conduct.</p> <p>Absent serious circumstances (e.g., patient harm), Maine EMS Board Staff should not delay the issuance of the license while the investigation is ongoing.</p>	<p>2-years<u>If the licensed EMD center self-reports the infraction within thirty days of its occurrence, the Letter of Guidance shall be issued for a period of two (2) years. In all other qualifying cases, the Letter of Guidance shall be issued for four (4) years.</u></p>

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<p>Licensed EMS service or EMD center failed to participate in Maine EMS quality assurance activities pursuant to Maine EMS System Rules, Chapter 18 §§ 4-5</p>	<p>First occurrence of conduct only</p>	<p>2 years</p>
<p>Licensee failed to notify the board in writing within 10 days of certain information pursuant to 32 M.R.S. §90-C</p>	<p>(1) <u>Relative to § 90-C(B), the criminal conviction does not involve conduct directly related to the license, dishonesty or false statement, conviction of a crime for which incarceration for one year or more may be imposed, or if the conviction relates to a crime defined in Title 17-A, chapter 11, 12, or 45;</u></p> <p>(2) Relative to § 90-C(C), the disciplinary action taken was not based on conduct related to the profession or otherwise open to disciplinary proceedings with the Board;</p> <p>(3) Relative to § 90-C(D), there was no harm to the public as a result of the delay in reporting;</p> <p>(4) The incident was the first occurrence of such conduct.</p> <p>Absent serious circumstances (e.g., patient harm), Maine EMSBoard Staff should not delay the issuance of the license while the investigation is ongoing.</p>	<p>4 years-</p>
<p>Licensee failed to present proof of satisfactory completion of continuing education upon submitting a license renewal application pursuant to Maine EMS System Rules, Chapter 5 § 6(2)(C)(4 & 5)</p>	<p>(1) The licensee was deficient in a total of less than or equal to two (2) continuing education hours at the time of application.</p> <p>(2) The licensee subsequently satisfies the deficient continuing education hour requirement in accordance with Maine EMS Rules, within 10 business days after notification is made to the applicant by Maine EMSBoard staff.</p> <p>(3) The incident is the first occurrence of such conduct.</p>	<p>4 years</p>

Commented [JC9]: Updated this to include the other circumstances for evaluating convictions, by including drug offenses or sexual offenses, which were not addressed in the previous order

The ~~Maine EMSBoard~~ Staff reserves the right to bring any case fitting into the above situations to the Board and/or Investigation Committee for resolution. In the event that a licensee has another letter of guidance on file or discipline concerning the same issue, ~~Maine EMSBoard~~ Staff will schedule the licensee's case for ~~an informal conference~~ review with the Board's Investigations Committee.

If Board Staff issue a LOG to an ambulance service owned and operated by a municipality, or a private ambulance with which a municipality contracts for services, notice shall be provided in writing to the town or city manager and the municipal officers of the municipality that owns and operates or contracts with the ambulance service, within 5 business days.

This Limited Delegation of Authority will expire on the Expiration Date indicated above, at which time the Board shall review the actions taken pursuant to this Limited Delegation of Authority and determine whether to renew or modify this delegation.

Adoption

Adopted by the Board on November 4, 2020, by a vote of 13 in favor, 0 opposed, and 0 abstained.

Revised by the Board on March 3, 2021, by a vote of 15 in favor, 0 opposed, and 0 abstained.

Revised by the Board on April 6, 2022, by a vote of 14 in favor, 1 opposed, and 0 abstained.

Renewed by the Board on November 2, 2022, by a vote of 13 in favor, 0 opposed, and 0 abstained.

Revised by the Board on XXXXX, by a vote of X in favor, X opposed, and X abstained.

Dated: _____

Amy Drinkwater, Chair
Emergency Medical Services Board