



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
APRIL 1, 2020
9:30 AM
ZOOM
MINUTES

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

Staff: Christopher Azevedo, Sam Hurley, Marc Minkler, Jason Oko, Melissa Adams, Jessica Ricciardelli, Griffin Bourassa, Katie Johnson (Assistant Attorney General)

Stakeholders:

1. Introductions
2. Disclosure of any conflicts of interest
 Laura Downing discloses that she will be recusing herself for Paul Farrington's waiver request.
3. Additions or Deletions to the agenda
 Extension of Annual Report deadlines for Training Centers
 Waiver for Service Level of Care
 Waiver of Service License Expiration Dates
4. Public comments
 None
5. Meeting Minutes (February 4, 2020)

*MOTION: To accept the minutes of the February 4, 2020 meeting.
 Made by: Kindelan Second: Libby Vote: Unanimous*

6. Director's Report
 - a. Staffing

● 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

Mr. Hurley begins by thanking everyone, on behalf of MEMS, for their continued response to the pandemic.

There are currently no updates with staffing.

We do not currently have committee updates, as most committees have either delayed or cancelled their meetings.

EMSC- Mark Minkler

EMSC decided to delay their quarterly meeting and the survey that was supposed to be sent out for the National Pediatric Resource Assessment of Emergency Departments has been delayed indefinitely.

Mr. Hurley thanked the Board for the vote of confidence at the emergency Board meeting for MEMS to initiate waivers. We will be presenting three waivers today that Joe Keller (Chair) and I agreed upon and circulated throughout the community. We will also be asking the Board for delegation of authority to approve revised response plans.

MEMS will also be addressing the Board regarding reporting and staffing of agencies. We need to create trigger points to improve our response to this. We are getting to the point along the continuum of care path where we need to set trigger points that allow us to move from conventional standard of care through contingency standards of care. We think it's important to have the capacity to monitor the workforce to better understand what is going on with our responders.

We are doing our best to make sure that Maine agencies are getting the supplies they need. We understand that some services are not receiving the full supply request, but they are getting some of the requested supplies. The CDC stated that if services did not indicate what supplies they have on hand, they will not receive any additional supplies. It is important for all services to fill out that survey and we will be circulating the link again this week.

- b. Budget
No updates currently
- c. Legislation-not addressed
No updates currently.

7. Medical Directors Report

a. MDPB

Dr. Sholl thanked everyone for their continued support and words of encouragement during this time.

The MDPB delegated authority to Dr. Sholl and Dr. Zimmerman to act on behalf of the MDPB during this time. In order to maintain communication, the MDPB has been meeting every Monday and Wednesday with an open agenda.

MEMS sent out first Coronavirus clinical bulletin in January, the most recent clinical update was sent out March 18th.

Beginning in early March we began to gear up our response to this pandemic and develop plans to share with the MDPB, we are approaching this in a staged fashion.

The first phase is called “The Phase One Pandemic Response Protocol”. This protocol went live with education and an FAQ.

We are currently working on phase II of the pandemic protocol. We are creating a structured process to initiate sign offs and no transports of patients who manifest mild/moderate symptoms of COVID 19. This phase is intended to be triggered once we notice a surge on the hospitals. We’re trying to time this to get the education to providers in a timely fashion before we start to see a surge on the hospitals. we have drafted an educational program which will be set up in a similar fashion to phase I.

We have a phase III protocol that has been drafted and is intended to be implemented when we see a significant surge on the EMS agencies.

8. Old Business

a. Data Request

i. Maine Medical Center

Dr. May approached the Board in 2018 requesting data to look at cardiac incidents whether they were opioid related. The Board initially approved the request and she was able to use an initial set of data from us to generate initial findings. However, currently she is requesting more data over a longer timeframe. This is part one in what could be a multi part study. This would require the release of identifiable information.

MOTION: To allow the release of identifiable information to Maine Medical Center for the purpose of research and linkage with patient electronic medical records with the expiration date of September 26, 2020.

*Made by: Russell, seconded by: Drinkwater Vote:
Unanimous*

ii. Colby College

This data request through Colby College is for a study regarding the opioid crisis. They would like to use identifiable data. Colby College has offered us what we believe is a functional protection and privacy plan that

uses offline servers with limited access and significant security around the servers and removal/destruction of the data once the study is complete. There is currently no expiration date on this IRB.

MOTION: To allow the release of data to Colby College for the purpose of research, including identifiable data with the expiration date of April 1, 2021.

Made by: Russell; Second by: Beals Vote: Unanimous

9. New Business

- a. Waiver Requests
 - i. External

Paul Farrington Waiver Request

Mr. Farrington reached out to MEMS seeking a waiver of Rule Chapter 5 section 5 in order to obtain a MEMS license. He was previously a paramedic in Maine, and he has been an EMS provider for about 40 years. His license expired in 2017. Considering the pandemic, he would like to obtain a temporary license at any level so that he may assist his community during this time.

Waiving rule Chapter 5 section 5 letter C and D.

The Board went through the waiver requirement which was presented by Mr. Kellner (Chair). Downing has recused herself.

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: 3 yes votes, 11 no votes. Does this weigh in favor of granting the waiver? 1 yes vote, 13 no votes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: 14 no votes Does this weigh in favor of granting the waiver? 14 no votes
- 3) Whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule is not waived. Finding: 14 no votes Does this weigh in favor of granting the waiver? 14 no votes
- 4) Would the waiver of the rule in this particular case pose a health or safety risk to the public at large, or a particular individual or community? Finding: 5 yes votes 9 no votes Does this weigh in favor of granting the waiver? 2 yes votes 12 no votes.
- 5) Would waiver of the rule in this particular case establish a precedent that would unduly hinder the Board or Office of EMS in its administration of Maine's EMS system? Finding:

14 yes votes Does this weigh in favor of granting the waiver?
14 no votes.

MOTION: To deny the waiver request.

*Made by Kindelan; Seconded by Russell Vote: Unanimous (1
recusal) Motion carries to deny the waiver*

ii. Director & Chair approved

Waiver for Service Level of Care: This will allow services to be permitted to a paramedic level. So, if services get to a point where they can't staff at the paramedic level, they will still be able to maintain service. This is a waiver of Chapter 387 (1).

The Board went through the waiver requirement which was presented by Mr. Kellner (Chair).

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: 15 yes votes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: 15 no votes
- 3) Whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule is not waived. Finding: 14 yes votes, 1 no vote
- 4) Would the waiver of the rule in this particular case pose a health or safety risk to the public at large, or a particular individual or community? Finding: 10 yes votes, 5 no votes
- 5) Would waiver of the rule in this particular case establish a precedent that would unduly hinder the Board or Office of EMS in its administration of Maine's EMS system? Finding: 1 yes vote, 14 no votes
- 6) Does this weigh in favor of granting the waiver? Finding: 15 yes votes

MOTION: To grant the waiver of Chapter 387 (1) effective through June 30, 2020.

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

Waiver for Service License Expiration Dates: This is a waiver of Chapter 3 86 (1) for ground and Chapter 4 86 (1) for air. This waiver would extend all licenses for services until June 30, 2020. If at some point we need to extend this, we can, but this gives everyone time to renew their licenses and it decreases the burden on the office currently for service renewals.

The Board went through the waiver requirement which was presented by Mr. Kellner (Chair).

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: 15 yes votes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: 15 no votes
- 3) Whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule is not waived. Finding: 15 yes votes
- 4) Would the waiver of the rule in this particular case pose a health or safety risk to the public at large, or a particular individual or community? Finding: 15 yes votes
- 5) Would waiver of the rule in this particular case establish a precedent that would unduly hinder the Board or Office of EMS in its administration of Maine's EMS system? Finding: 15 no votes
- 6) Does this weigh in favor of granting the waiver? Finding: 15 yes votes

MOTION: To grant waiver of Service license

Made by: Russell Seconded by: Libby Vote: Unanimous

Waiver to extend Personnel Licenses: This will allow personnel of any of the following license levels (EMR, EMT, AEMT, Paramedic, Instructor/Coordinator, EMD) whose license expires in March, April or May 2020 and are not able to meet all CEH or training re-licensure requirements by their current expiration dates deadlines will have their deadlines extended to June 30, 2020.

The Board went through the waiver requirement which was presented by Mr. Kellner (Chair).

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: 15 yes votes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: 15 no votes
- 3) Whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule is not waived. Finding: 15 yes votes
- 4) Would the waiver of the rule in this particular case pose a health or safety risk to the public at large, or a particular individual or community? Finding: 15 yes votes
- 5) Would waiver of the rule in this particular case establish a precedent that would unduly hinder the Board or Office of

EMS in its administration of Maine's EMS system? Finding:
15 no votes

- 6) Does this weigh in favor of granting the waiver? Finding: 15
yes votes

*MOTION: To Grant the waiver of EMS personnel license
extension dates.*

Made by: Russell Seconded by: Susi Vote: Unanimous

Waiver Training Center Reporting Deadlines: This is a waiver of Chapter 8-184 which references training center standards which includes reporting requirements. This waiver would extend reporting deadlines to September 30, 2020.

The Board went through the waiver requirement which was presented by Mr. Kellner (Chair).

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: 14 yes votes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: 14 no votes
- 3) Whether the person seeking the waiver or any other individual or group would be significantly injured or harmed if the rule is not waived. Finding: 14 no votes
- 4) Would the waiver of the rule in this particular case pose a health or safety risk to the public at large, or a particular individual or community? Finding: 1 yes vote, 13 no votes
- 5) Would waiver of the rule in this particular case establish a precedent that would unduly hinder the Board or Office of EMS in its administration of Maine's EMS system? Finding: 14 no votes
- 6) Does this weigh in favor of granting the waiver? Finding: 15 yes votes

MOTION: To grant Training Center Reporting waiver.

Made by: Libby; Seconded by: Cote Vote: Unanimous

- iii. Delegation of approval of response plans to MEMS. Mr. Hurley clarified that typically MEMS reviews and approves response plans with initial applications, however because these are revised plans, we want to ensure that the Board gives MEMS the authority to approve the revised plans.

MOTION: To grant the MEMS office, the authority to approve revised agency response plans through June 30, 2020.

Made by: Libby; Seconded by Drinkwater Vote: Unanimous

iv. Monitoring Active Staff by Service

Mr. Hurley explains that in order to understand the trigger points for standards of care we need to be able to assess our system. We need to know how many clinicians we have available vs. how many are being quarantined based on exposure. We can do this without identifiable information becoming available, however, there would be more value found in the identified version. **We have built a HIPPA compliant system on the CDC platform where they store their identifiable data.** We do believe that we can account for privacy by limiting the number of people who see the potentially identifiable information.

After conferring with Mrs. Johnson, Mr. Hurley states that one option the Board has is to implement the motion and then offset with emergency rule, at a later date, to make this reporting mandatory.

Dr. Sholl expressed his concern with the level of urgency that we are currently experiencing with regard to needing this information, not waiting until the May 6th Board meeting to have a system in place.

Mr. Hurley stated that he will be reaching out to Dr. Shah at the Maine CDC to see if he is willing to issue an order for people to report the aforementioned information because he has a much wider reporting requirement authority than Maine EMS.

MOTION: To promulgate through emergency rule, the requirement for services to submit deidentified data to the State on providers that have been impacted by COVID.

Made by: Libby; Seconded by Russell Vote: Unanimous

10. Other

- a. Items for next meeting's agenda
- b. Next meeting date (May 6, 2020)

11. Adjourn

MOTION: To adjourn.

Made by: Russell; Seconded by: Susi Vote: Unanimous