



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



JANET T. MILLS

GOVERNOR

AUGUSTA, MAINE 04333

MICHAEL SAUSCHUCK

COMMISSIONER

J. SAM HURLEY

DIRECTOR

BOARD OF EMS MEETING
FEBRUARY 2, 2022
ZOOM

“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 Members Present: Nate Allen, Tim Beals, Bill Cyr, Katelyn Damon, Laura Downing, Amy Drinkwater (Chair Elect), Judy Gerrish, Brandon Giberson, Joe Kellner, Rich Kindelan, Brent Libby (Chair), John Martel, Maria Russell, Steve Smith, Tiffany Tscherne, Andy Turcotte, Chris Whytock, Ex. Officio: Kate Zimmerman D.O., Matt Sholl M.D.

Staff Present: Director Sam Hurley, Melissa Adams, Marc Minkler, Jason Oko, Darren Davis, Jessica Ricciardelli, A.A.G. Ron Guay

Stakeholders: Eric Wellman, Dennis Russell, Jason Cooney, Jay Bradshaw, Chip Getchell, Chris Liepold, Chase Labbe, Michael Scott, Joanne Lebrun, Rick Petrie, Randy Lowe, Sally Taylor, Aiden Koplinsky, Sally Taylor, Earle Albert Chris Montera, Jim MacDonald, Mike Senecal, Norridgewock Fire, Ben Wallace, Renee Gray, Benjy Lowry, Ed Moresehead, Dayna Emerson Amy Bab, Dwight Corning, Michael Scott, Renee Gray, Paul Marcolini, Lance Zeli, Norridgewock Fire, Melinda Dyer, Rebecca Quinn, Phil MacCallum, Chris Pare

CALL TO ORDER 9:30

1. Introductions
2. Modifications to the Agenda
None
3. Public Comments

Amy Bab, the complainant for investigations case 21-183 expresses her thanks to the Investigations Committee and the Board for their time in considering this case. Although the outcome is not what she hoped for, she recognizes they did everything they could do under the Maine EMS regulations. Ms. Bab requests that the Board pass the recommendations put forth by the Investigations Committee. She is seeking a review of the Junior FF/EMT programs, specifically regarding sexual harassment and assault in the workplace as well as more strict regulations for criminal history results.

4. Minutes
 - i. December 1, 2021

MOTION: To approve the minutes from the December 1, 2021 meeting.

Made by: Kindelan; Seconded by: Giberson

Roll Call Vote (Yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel, Smith, Tscherne, Whytock

No: 0

Abstain: Russell

MOTION CARRIES

- ii. January 5, 2022

MOTION: To approve the minutes from the January 5, 2022 meeting

Made by: Drinkwater; Seconded by: Damon

Roll Call Vote (Yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel, Smith, Tscherne, Whytock

No: 0

Abstain: Russell

MOTION CARRIES

5. Directors Report
 - a. Staffing

Ashley Moody has joined the Maine EMS staff as the Systems of Care Coordinator. Additionally, David Davies has accepted the Community Paramedicine Coordinator position in the Maine EMS office.

We are currently working through applications for the Licensing Agent position that we have open. We will be conducting interviews soon.

In March we will be posting a Deputy Director position as well as three Substance Use Disorder positions.

b. Legislative Update

LD 1797- An Act to Amend the Laws Governing the Maine Length of Service Award Program. Voted unanimously out of committee, it adds 2 EMS clinicians to the length of service award program (LOSAP) to receive a payment package/retirement award. This will be retroactive to allow individuals currently service to be eligible for the award. Maine EMS supported this and worked with the MAA to include “non-fire-based EMS services”.

LD 1858- An Act Regarding Delegating Authority for Services Performed by Emergency Medical Services Personnel in Health Care Facilities. This changes a portion of the Maine EMS statute regarding our ability to regulate people working in the hospital. The changes are minor and there is a work session scheduled for this. Dr. Zimmerman spoke in opposition of this because it is not clear what standards these clinicians would be held to or who is responsible for regulating the clinicians.

LD 1859- An Act to Build More Sustainable Ambulance Services in Communities We submitted testimony and they are hearing this bill today. This legislation allows Maine EMS to manage \$200,000 grants to communities that would be administered by the Board, however, this is beyond the capacity of the Office. Maine EMS supports this bill with the caveat that the grant is managed by another contractor.

c. Staff Updates

Ashley Moody introduces herself and her role in the Maine EMS Office as the Systems of Care Coordinator

EMS-C

Marc Minkler

The EMS-C program is under budget by \$15,000, the budget year ends March 31st. There is an EMS-C survey that has been circulating, so far, we have a 37%

response rate, however, we need to get to an 80% response rate. This survey will end March 31st. EMS-C is working with stakeholders to develop interfacility transfer guidance recognizing available obstetric resources throughout the state.

Rules Committee

Jason Oko

The Immunization rule Chapter 21 is in legal review now with the Office of the Attorney General

The Committee has a meeting scheduled for this Friday, February 4, 2022, the goal of the meeting is to review the data chapter one more time, and then to begin the AVO Chapter and the AED Registry Chapter, we are hoping to get the rules committee on a consistent schedule for meetings

Community Paramedicine Committee

Jason Oko

The Committee is continuing its work on developing protocols and or guidelines for CP Agencies to use in their practice. We are also contemplating ways to bring additional CP education to the EMS community

Dr. Lowry, Dennis Russell, Dr. Busko agreed to work together to bring the currently proposed CP guidelines into alignment with the National EMS Scope of Practice

Data Committee

Darren Davis

The Data Committee has a draft of the RFP that will be brought to the Board for review; it should be in time for the March meeting. We met last month, and our focus has been on understanding the education needs of our clinicians.

Licensing

Melissa Adams

Ms. Adams shared that we are doing a trial run with the personnel license renewal audit process this month, this is a retrospective audit process of a randomly generated sample of applicants. All applicants who are audited will be notified, either that the audit was successful or that additional CEH information is necessary – this correspondence will include specific guidance for the applicant with a ten-business day period to meet those deliverables

6. Medical Director Report

a. MDPB

Dr. Sholl

MDPB has decided to meet more frequently (weekly) due to the increase in COVID cases. They will begin the protocol review process this month, beginning with the Gold section and the Committee is reinitiating protocol review webinars as an open forum with stakeholders every other month.

MDPB will be scheduling interviews with the applicants for the BLS position on MDPB

Dr. Sholl states that the MDPB is reviewing the following pilot projects:

- 1) Portland Fire/Medcu Mobile medical outreach. This program is being reviewed quarterly.
- 2) Jackman Pilot Project: Expanding the scope of practice and use of expanded clinical protocols with the use of telemedicine.

b. Trauma Advisory Committee

Dr. Kate Zimmerman

The Committee met at the end of January to discuss the Trauma Plan update. They drafted two letters, one advising hospitals how to transfer trauma patients to a regional trauma center with neurosurgery capabilities and one letter that offers clarification in anticipation of the CMMC change to level three trauma center.

There are three available positions on the Committee and Dr. Zimmerman will work with Ashley Moody to begin the interview process. The open surgeon position will be posted soon.

Dr. Zimmerman states that the Maine Stroke Alliance has a defined Board and is now working on membership. The website for this Committee has been reactivated.

Director Hurley states that Maine EMS has received funding for the Maine Cardiovascular Council, and the office will be getting this group together again.

7. Investigations

MOTION: To approve the minutes of the January 28 2022 Investigations Committee meeting.

Made by: Beals; Seconded by: Drinkwater

Roll Call Vote (Yes): Beals, Downing, Drinkwater, Gerrish, Kellner

No: 0

Abstain: Giberson
MOTION CARRIES

- a. **Summary 21-169:** A licensee allegedly assaulted a patient. This case was continued at the August 26, 2021 meeting to allow staff to obtain records from the fire department regarding any investigation or actions taken regarding the incident with the licensee including the use of a subpoena, if necessary. The case was continued again at the November 1, 2021 meeting to allow for staff to acquire additional information.

The Committee recommends dismissing this case.

MOTION: To accept the recommendation from the Committee.

Made by: Kindelan; Seconded by Kellner

*Roll Call Vote (Yes): Allen, Beals, Cyr, Damon, Downing,
Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel,
Russell, Smith, Tscherne*

No: 0

MOTION CARRIES

- b. **Summary 21-183:** The licensee allegedly initiated a sexual relationship with a junior member of a licensed EMS agency. This case was continued at the December 23, 2021 meeting for further investigation.

The Committee recommends resolving this case by offering a consent agreement with a warning for violation of 32 M.R.S. §90-A(5)(F) “any reasonable standard of professional behavior, conduct or practice that has been established in the practice for which the licensee is licensed”; a period of probation, during which time the Licensee may not work for a Maine EMS licensed agency with an approved Junior Program, effective for eight (8) years from the execution date of this agreement; counseling as recommended by the Licensee’s established clinician, until such time as the Licensee is successfully discharged by the clinician; and a fine in the amount of \$500, to be paid in full within 90-days of execution of the consent agreement.

MOTION: To enter executive session pursuant to 32 M.R.S. § 90-A9(3) and 1 M.R.S. § 405(6)(E) &(F) for the purpose of receiving legal advice.

Made by: Kellner; Seconded by: Drinkwater

*Roll Call Vote (Yes): Allen, Beals, Cyr, Damon, Downing,
Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel,
Russell, Smith Tscherne*

MOTION CARRIES

Entered Executive Session at 11:06

Andrew Turcotte joined the meeting

Exited Executive Session at 12:08

MOTION: Resolve case 21-183 by issuing a consent agreement as recommended by the Investigations Committee with the additional requirement of a psychological report demonstrating the licensee's mental fitness for duty with each license renewal cycle and to direct the AAG's office to forward all relevant information for consideration of criminal prosecution.

Made by: Kellner; Seconded by: Gerrish

Roll Call Vote (Yes): Beals, Downing, Drinkwater, Gerrish, Kellner, Russell

No: Allen, Cyr, Damon, Giberson, Kindelan, Libby, Martel, Smith, Tscherne, Turcotte, Whytock

MOTION FAILS

MOTION: To offer a consent agreement revoking the license, if refused, to then refer this case to the AAG's office for a hearing to revoke the license.

Made by: Kellner; Seconded by: Giberson

Roll Call Vote (Yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

MOTION CARRIES

MOTION: To direct the AAG's office to forward all relevant information for consideration of criminal prosecution.

Made by: Kellner; Seconded by: Martel

Roll Call Vote (Yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

MOTION CARRIES

Nate Allen leaves meeting at 12:22

c. Case 21-207

Judy Gerrish recused herself from this case.

Summary 21-207: A licensee was convicted for OUI, a class D crime, for an offense in February 2021.

The committee recommends resolving this case with a letter of guidance citing the importance of conducting oneself based on professional standards,

including caring for one's own mental and physical wellbeing, so as to maintain the public's trust; the letter is to remain on file for three (3) years.

MOTION: To accept the Investigation Committees recommendation.

Made by: Giberson; Seconded by: Damon

Roll Call Vote (Yes): Beals, Damon, Downing, Drinkwater, Giberson, Kellner, Kindelan, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

No: 0

Abstain: Cyr

MOTION CARRIES

d. Sanborn EMT Application

Kellner recused himself from this case.

Summary: Applicant disclosed a criminal conviction for OUI in 2017.

The Committee recommends issuing the license with a letter of guidance citing the importance of conducting oneself based on professional standards so as to maintain the public's trust; the letter is to remain on file for three (3) years.

MOTION: To accept the Investigation Committees recommendation.

Made by: Katelyn; Seconded by: Cyr

Roll Call Vote: Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kindelan, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

No: 0

Abstain: Kellner

MOTION CARRIES

e. Corson EMT Application

Summary: Applicant disclosed a criminal conviction for cultivating marijuana in 2012.

The committee recommends issuing the license, finding the applicant has been rehabilitated to warrant the public's trust, with a letter of guidance citing their obligation to report criminal history on all future licensing applications and in accordance with 32 M.R.S. §90-C; the letter is to remain on file for three (3) years.

MOTION: To accept the Investigations Committee recommendation.

Made by: Smith; Seconded by: Giberson

Roll Call Vote (Yes): Allen, Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

No: 0

MOTION CARRIES

f. Case 21-124 Update

Tscherne recused herself from this case.

Summary: The licensee has an active consent agreement for this case that was executed on August 2, 2021, with terms to be completed by January 29, 2022. On December 22, 2021, the Licensee submitted an application to upgrade to an AEMT license and has met all other conditions to do so. The licensee has taken steps to be compliant with the terms of the open consent agreement but will not meet the established deadline of January 29, 2022.

The committee recommends offering a new consent agreement to issue a probationary AEMT license with terms to complete the conditions of the consent agreement resolving case 21-124, taking the place of the previous consent agreement.

MOTION: To accept the Investigation Committees recommendation.

Made by: Damon; Seconded by: Drinkwater

Roll Call Vote: Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

No: 0

MOTION CARRIES

8. Old Business

MOTION: To table the remainder of the agenda items until the March meeting except for the Health Scholars VR Contract and the data sharing request from the CDC

Made by: Kindelan; Seconded by: Beals

Roll Call Vote: Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

No:0

MOTION CARRIES

a. Labor Committee-Tabled

b. LD 1258 Sub-Committee Update-Tabled

9. New Business

a. Isolation Guidance-Tabled

- b. Website Update-Tabled
- c. VR Contract Authorization

Director Hurley is requesting authorization from the Board to renew the existing contract for Health Scholars for an additional year at \$10,000

MOTION: To renew the contract with Health Scholars for \$10,000.

Made by: Kindelan; Seconded by: Giberson

Roll Call Vote (Yes): Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Libby, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

No: 0

MOTION CARRIES

- d. Resolution Review Process- Tabled
- e. Data Sharing Agreement with CDC

Director Hurley is requesting re-authorization of the Maine EMS identified information with Bio-Surveillance for a period of not more than ten years.

MOTION: To authorize the release of Maine EMS identified data to Maine CDC for the purpose of Bio-Surveillance for a period of three years.

Made by: Kellner; Seconded by: Beals

Roll Call Vote (Yes): Beals, Cyr, Damon, Downing, Drinkwater, Gerrish, Giberson, Kellner, Kindelan, Martel, Russell, Smith, Tscherne, Turcotte, Whytock

No: 0

MOTION CARRIES

- f. Jackman Pilot Project Authority- Tabled

10. Other

- a. Items for next meeting's agenda
 - i. A review of the EMS Junior Program.
 - ii. LOSAT program
 - iii. Draft Vaccination Exemption Letter Review for Chapter 21 Rules

- b. Next meeting date (March 2, 2022)

13. Adjourn

MOTION: To adjourn.

Made by Drinkwater; Seconded by: Kindelan

