



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

J. SAM HURLEY

DIRECTOR

BOARD OF EMS MEETING
APRIL 7, 2021
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, Joe Conley, Heidi Cote, Laura Downing, Amy Drinkwater, Judy Gerrish, Joe Kellner, Rich Kindelan, Brent Libby, John Martel, Julie Ontengco, Dennis Russell, Steve Smith, Scott Susi, Ex. Officio: Matt Sholl, M.D., Kate Zimmerman, D.O.

Staff Present: Sam Hurley, Christopher Azevedo, Melissa Adams, Griffin Bourassa, Marc Minkler, Jason Oko, Jessica Ricciardelli, A.A.G. Ron Guay

Stakeholders: Jonathan Powers, Aiden Koplovsky, Chief MacDonnell, Jesse Thompson, Debbie Morgan, Alan Leo, Paul Marcolini, National EMS, Joanne Lebrun, Sally Taylor, Christopher Pare, Brian Chamberlin, Rebecca O’Neill, Jason Cooney, Rick Petrie, Jay Bradshaw, Benjy Lowry, Fred Porter, Kevin Curry, L’Easa Blaylock, Seth Ritter, Tim Pieh, Travis Norsworthy

CALL TO ORDER 9:31

1. Introductions

2. Disclosure of any conflicts of interest

None

3. Modifications to the Agenda

None

4. Public Comments

Chair Kellner welcomes any public comments. However, he requests that comments related to the Regional Contracts agenda item be held until we reach that specific agenda item.

5. Meeting Minutes

a. March 3, 2021

MOTION: To accept the meeting minutes from March 3, 2021

Made by: Russell, Seconded by: Beals

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (0)

6. Director's Report

a. Legislative Update

LD-5 This bill has passed and is effective immediately. This bill requires emergency rulemaking which the Office has started drafting. We will bring it to the Rules Committee for consideration once we have completed them.

LD-29 An Act to establish a council on health system development. It will be a PFR bill and we are requesting that someone from DPS/EMS sit on the Council.

LD-797 An act to create a registry to improve access to AED's. This will require a statewide registry for AED's; this would be maintained by MEMS. There will be additional rulemaking around this bill if it passes.

LD-835 An act to allow citizens to petition government agencies to repeal or modify occupational regulations. We are currently monitoring this bill

LD-891 An act to eliminate or forgive fines and penalties for persons and for businesses due to the pandemic. We are also monitoring this bill

LD-942 An act to waive professional and occupational licensing fees for 2020. This would have a dramatic effect on our budget due to the fact that, if this passes, we would have to refund any service and license fees over the past year.

LD-1258 An act to increase access to transportation for workforce and other essential transportation needs. MEMS will not be testifying for or against this bill, but we will be recommending changes.

LD-1290 An act to amend the purpose statement of MEMS; we will not be testifying for or against this bill.

LD-1327 An act to create a Maine healthcare payment loan program; we are monitoring this bill

LD-612 An act to recognize reciprocity for licensure received out of state. Every licensing Board is testifying against this and we will be closely monitoring this bill.

LD-1333 An act concerning the dispensation of naloxone hydrochloride by EMS providers. The sponsor will be updating the language to allow EMS to dispense the medication. The language was originally drafted incorrectly.

Director Hurley states that vaccinations are going well. Maine EMS has helped to facilitate roster billing. The Superintendent of insurance has chosen our roster billing method as the statewide process.

We continue to work with the University of Maine to identify a central IRB to standardize the process for healthcare research across the State.

Committee Updates

EMS-C

Marc Minkler

EMS-C committee has not met since the last meeting, we will be scheduling a meeting towards the end of May.

The Committee is finishing up some perinatal transport work has been in the works for the last year. The report with recommendations will be presented to MEMS once it is ready.

We have released a program on BRUE that will be available on MEMSEd.

Exam Committee
Chris Azevedo

Psychomotor skills exams for licensure continue to be delivered without issues or complications.

Mr. Azevedo would like to remind the Board that the waiver for the COVID modifications to the PSE will expire in two months.

Education Committee
Chris Azevedo

Progress continues on Training Center Standards document revisions, as well as the IC supervision interpretation.

Aiden Koplovsky will be speaking on AVOC when the agenda item comes up.

Data Committee
Jason Oko

The Data committee met last month and discussed the results of the two Town Halls for the RFP regarding the elicencing system. We had a decent turnout and had good feedback from the attendees. The information will be complied and presented to the Data committee

Community Paramedicine
Jason Oko

The Committee met last month and talked about education and ways the Committee could work to get education out to CP agencies via the MEMSed platform

QI Committee
Jason Oko

The QI Committee just wrapped up the behavioral health emergencies newsletter. We have several open positions on the committee which were advertised last month. We also discussed topics for the next newsletters.

LD-2105

Griffin Bourassa

This is an item that will be revisited under old business agenda item: LD-1258

Labor Committee
Griffin Bourassa

This item will be revisited under old business agenda item: Labor Committee

EMD Committee
Melissa Adams

The EMD Committee has not met since the last Board meeting.

Trauma Advisory Committee

Dr. Zimmerman

Dr. Zimmerman states that the Committee has not met since the last Board meeting.

Maine Stroke Alliance

Dr. Zimmerman

Dr. Zimmerman states that the Maine Stroke Alliance will be meeting later this month.

7. Medical Director report

a. MDPB

Dr. Sholl

A small group of MDPB members continues to meet around the Jackman project. The next steps include identifying reporting metrics. Once completed, this information will come to the Board for consideration.

We are coming to the end of our protocol process. We are working on white papers and supporting materials for the Education Committee to review.

The MDPB has a virtual retreat scheduled for Friday April 23rd. We will be introducing the new members that we've acquired over the last year and working to orient them to the processes and the structure of MDPB. We will also be discussing system issues and identifying goals.

8. Investigations

MOTION: To accept Investigations Committee Minutes from the March 21 meeting.

Made by: Conley; Seconded by: Gerrish

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

Case 20-153 Summary: An EMD center allowed the unlicensed practice of emergency medical dispatch by an employee for a period of 8 days, during which they processed 2 EMD calls, the center was unable to review those calls for quality assurance because of an equipment error with their recording system. The EMD was eligible for licensure and had submitted an application in a timely manner but the EMD center failed to verify the licensee's employment for almost a month which delayed the processing of the application. As a note, this verification process has been eliminated in the recent MEMS rules change. During the investigation of this incident, the EMD Center was also going through their bi-annual renewal process and the office discovered significant deficiencies

in performance and reporting of regular quality assurance reviews exceeding a period of one year. The EMD Center has sited ongoing staff recruitment and retention issues as the primary cause for the deficiencies and has sought to contract this service out with the International Academy of Emergency Dispatch to meet the requirements going forward.

The Committees recommendation is to resolve this case by offering a consent agreement with a censure; citing violation of Maine EMS Rule Chapter 3-A §6(1) and §4(1)(B)(4) and 32 M.R.S. §85-A(3)(D); requiring that the center add a means for ensuring that they are only using licensed EMDs for processing emergency medical calls; recognizing mitigating circumstances that the organization has taken steps to outsource QA reviews and has drafted a proper QA/QI policy; and recognizing aggravating circumstances that the organization failed to notify the Maine EMS office or seek a waiver knowing that they were deficient in quality assurance.

MOTION: To accept the Investigations Committee recommendations

Made by: Libby ; Seconded by: Russell

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing, Drinkwater,

Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (0)

Case 21-165 Summary: A new applicant for an EMT license disclosed a history of criminal convictions for OUI in 2013 and for criminal trespass in 2015, an incident which was reportedly a misunderstanding but also occurred while they were intoxicated. The applicant reports they have made several life changes including maintaining their sobriety for the last three and ha half years and becoming involved in their community as a volunteer driver with the EMS agency.

The Committee recommends issuing the EMT license; finding the applicant has been sufficiently rehabilitated to warrant the public trust.

MOTION: To approve the Committees recommendation.

Made by: Russell; Seconded by: Smith

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing, Drinkwater,

Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (0)

9. Old Business

a. LD 1258

This is legislation based on the LD2105 Committee's recommendations. This legislation includes a certificate of need and directs the Board to create rules for this purpose and to prevent further inefficiencies from being inserted into the system. This also requires a cost reporting requirement from the Maine EMS Office to create a pathway to monitor necessary rate changes over time.

b. Staffing Retention Update

Steve Smith

The Labor Committee has not met since the last Board meeting. The Committee has encountered some legal questions regarding the confidentiality of participants in the proposed feedback groups. These issues will be discussed at the next scheduled committee meeting.

c. NREMT Equivalency

Griffin Bourassa

Mr. Bourassa requests the Boards approval for the practice of accepting applicants out of state license to renew Maine licenses.

MOTION: To authorize the office to consider an out of state certification or license based on NREMT criteria to be considered equivalent to NREMT certification when determining eligibility for a license renewal5 §6.2.C.1.

Made by: Russell; Seconded by: Drinkwater

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: (0)

d. Regional Contracts

Chair Kellner opens up public comment

Public comment consists of concerns regarding waiting for strategic planning and the late timing of revising the contracts with regard to when they need to be renewed. There was also some concern regarding whether or not MEMS has had a chance to discuss the changes with stakeholders.

Public comments also consisted of the benefits that the Maine EMS system would gain with the recommendations listed in the proposal.

MOTION: To extend the current contract for one year to allow time for planning and information gathering within the rules and laws of the RFP process

Made by: Kindelan; Seconded by: Beals

Roll Call Vote (Yes)7: Allen, Beals, Conley, Cote, Drinkwater, Gerrish, Kindelan

(No)8: Downing, Kellner, Libby, Martel, Ontengco, Russell, Smith, Susi

MOTION: To accept the RFP presented by Director Hurley as written.

Made by: Susi; Seconded by: Libby

Roll Call Vote (Yes)3: Downing, Libby, Susi

(No)12: Allen, Beals, Conley, Cote, Drinkwater, Gerrish, Kellner, Kindelan, Martel, Ontengco, Russell, Smith

MOTION: To enter executive session to discuss the deliverables of the RFP.

Made by: Libby; Seconded by: Russell

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing,

Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: 0

Enter executive session at 11:48

MOTION: To exit executive session.

Made by: Russell; Seconded by: Susi

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing,

Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

No: 0

Exit executive session at 1:10

MOTION: Motion to utilize the current in effect RFP platform and add A2 from the director's draft to the current RFP, add the first sentence in section 4 of the director's draft to the current RFP, Add section D from the director's draft to the current RFP, replace section A in the current RFP with section B in the director's draft (in its entirety), add attendance requirements as discussed in executive session. This will be issued as a 1-year RFP. Further, the director will report to the board at the July board meeting which establishes his plan, the impacted statues and rules, and the steps needed to be taken to reach end state. Further the director will submit a plan for stakeholder engagement, to include the regional medical directors' involvement

Made by: Kellner; Seconded by: Libby

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing,

Drinkwater, Gerrish, Kellner, Libby, Martel, Ontengco, Russell, Smith, Susi

No: Kindelan

Chair Kellner requests that we add an agenda item to waive the 120-waiting period for the RFP.

Chair Kellner presents the Waiver questions:

- 1) Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it. Finding: yes, does this weigh in favor of granting the waiver? yes
- 2) Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS Program. Finding: no Does this weigh in favor of granting the waiver? yes
- 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: no does this weigh in favor of granting the waiver? yes
- 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: no Does this weigh in favor of granting the waiver? yes
- 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: no Does this weigh in favor of granting the waiver? Yes

MOTION: To waive Chapter 15§2(1), the 120-day notice requirement for submitting for the RFP.

Made by: Russell; Second by: Susi

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

10. New Business

a. Service Licensure Renewal Alignment

Jason Oko presents

The Board was presented with a request from the office to waive Chapter 3 §5(2) to bring service licenses in alignment with new rules changes regarding expiration dates.

MOTION: To waive MEMS rule chapter 3 §5(2) to allow for an extended or prorated licensing cycle for services as proposed.

Made by: Russell; Seconded by: Beals

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

b. Line of Duty Death Manual

Director Hurley Presents

The Ops Committee has been working to compile a Line of Duty Death Manual (LODD). We wanted to present this to the Board and for the Board to acknowledge its existence.

MOTION: To resolve that there is a LODD process and plan available through Maine EMS and regional offices in unfortunate event it is needed

Made by: Libby; Seconded by: Russell

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

c. Administrative Suspensions

Director Hurley presents

Director Hurley states that we have had EMS clinicians reach out to our office stating that they have problems with substance use disorder, and they want to go get help and they are wondering what is going to happen with their license. We are asking the Board to delegate authority to the Director of Maine EMS to enter non-disciplinary consent agreements with clinicians regarding this issue.

MOTION: To approve resolution II as presented, delegating the authority to the Director to enter non-disciplinary consent agreements according to the order.

Made by: Libby; Seconded by: Ontengco

Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Smith, Susi

d. AVOC

Education Committee Presentation

Aiden Koplovsky Presents the revisions that the Committee has prepared. They are asking the Board to approve the recommendations that the Committee has proposed.

MOTION: To approve the AVOC recommendation as proposed by the Education Committee.

Made by: Russell; Seconded by: Drinkwater
Roll Call Vote (Yes): Allen, Beals, Conley, Cote, Downing,
Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel,
Ontengco, Russell, Smith, Susi

11. Other

- a. Items for next meeting agenda
 - i. Work plan for future RFP process
 - ii. Review of any current waivers as they relate to COVID
 - iii. PIFT process/IFT Committee resurrection
 - iv. Designate a Committee to review RFP submissions

- b. Next meeting date
May 5, 2021 @ 9:30 AM

12. Adjourn 2:29

MOTION: To adjourn

Made by: Russell; Seconded by: Drinkwater