



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  
JULY 7, 2021  
ZOOM  
FINAL

“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, Brad Chicoine, 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: Dr. Matt Sholl, Dr. Kate Zimmerman

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

Stakeholders: Benjamin Wallace, Meagan Letellier, Chris McLaughlin, Sally Taylor, Sean Donaghue, Chase Labbe, Phillip MacCallum, Dayna Emerson, Bridget Rauscher, Jason Cooney, Rick Petrie, Chief MacDonnell, Joanne Lebrun, Travis Norsworthy, Aiden Koplovsky, Butch Russell, Ed Moreshead, Kevin Springer, Cory M., Justin Hulburt,

CALL TO ORDER 9:30

1. Introductions

2. Disclosure of any conflicts of interest

Nate Allen will recuse himself under agenda item 10-D

Dr. Sholl is the medical director for the Portland Fire Department MedCU and worked on the pilot program project and will be recusing himself from the agenda item 10-I, the Portland Fire pilot project.

Dr. Sholl, MEDCU. He will be available for questions but will recuse himself from the conversation.

Dr. Martel states that he worked with Dr. Sholl on the project and that he will also recuse himself from the conversation under agenda item 10-I

Dr. Zimmerman states that she is the Assistant Medical Director for Portland Fire Department, but she was not involved in the project and will not be recusing herself.

3. Modifications to the Agenda

Chair Kellner requests that matter delegation should be added to the agenda under new business.

Director Hurley has requested that the Board add a data release request for opioid surveillance to the agenda under new business

4. Public Comments

None

5. Meeting Minutes

a. May 5, 2021

*MOTION: To accept the meeting minutes as amended from May 5, 2021.*

*Made by Russell; Seconded by: Kindelan*

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

*No: 0*

b. May 14, 2021

*MOTION: To accept the meeting minutes from May 14, 2021.*

*Made by: Russell; Seconded by: Beals*

*Roll Call Vote (Yes): Allen, Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Susi*  
*No: 0*

## 6. Director's Report

### a. Legislative Update

We are finished with the legislative cycle at this time

Director Hurley states that we continue to get everything ready for the grant funding that the office has received. We are actively working on getting the MOU from our partners over at DHHS. Along with this comes payment for community care medicine through Maine Care services. We are continuing to negotiate with Maine Care to determine whether or not they are going to pay for community care medicine.

The office has submitted an application for \$5.5 million that would allow paramedics to initiate MAT therapy in the field. We would then use CP programs to bridge the gap until we can connect people in need with long term care. This is based on a pilot program that was developed in New Jersey.

We continue to work on the QA guidelines. No one bid on the RFP project so we have reached out to the University of Maine, particularly the Cutler Institute to see if they can help us with some of the components of this QA project.

We received \$35,000 to overhaul the MEMSed system. We will be using that money to upgrade our platform to the newest version of Moodle. In addition, we will also be updating several of our classes.

We have also received \$50,000 from DHHS for us to expand Virtual Reality training to include adult patients. We will be purchasing more headsets and the software to support them. We will be building out scenarios based on the new protocols.

### Committee Updates

EMS-C  
Marc Minkler

HRSA renewed the EMS-C grant using the current funding rates for a 5<sup>th</sup> year through March 2023.

We are currently working to submit the annual financial report to the federal government which is due at the end of July. Additionally, the annual EMS-C report is due at the end of August.

Our VR program has partnered with 3 EMS agencies and one hospital. We are partnered with Wells EMS, Bath Fire and Rescue, Rockland Fire Department and York Hospital. These agencies will be specifically evaluated by people within the department. The office will be performing quarterly evaluations to note any improvement in pediatric assessment skills. This program will also be available for departments outside of the previously mentioned agencies, but it will be a one-time event where we go to an organization and do a training.

We have also created MDPB approved pediatric vital sign reference cards to distribute to every licensed EMS provider in the state.

Data Committee  
Darren Davis

The Committee is currently working on data dictionary which is nearly complete. We have also published an ROI for record systems. The intent of this ROI is to have some demos from lenders so that the data committee can acquire a good understanding of the technology that is available and how it's utilized by the different vendors.

Community Paramedicine  
Jason Oko

The Community Paramedicine Committee did not meet in June.

QA/QI Committee  
Jason Oko

The Committee has added several new members. Cheri Volta has been added as a non-transporting service representative and Melinda Dyer has been added as the EMD position. We still have several openings on the committee.

We released the Trauma newsletter which received good feedback. During our next meeting we will be discussing the open positions as well as the next iteration of the newsletter which will have a sepsis themed.

We did release an update to the run form in MEFIRS on July 1<sup>st</sup>. It's gone smoothly and any issues that have been presented have been promptly addressed and fixed.

We have been hosting MEFIRS forums that have been well attended. The conversations and feedback have been helpful.

Labor Committee  
Griffin Bourassa

The Committee has been meeting regularly and has business that will be discussed under an “old business” agenda item.

Rules Committee  
Griffin Bourassa

Mr. Bourassa states that he will be serving on the LD4 committee. He is planning to hold a committee meeting in the near future in order to get started on this process.

EMD Committee  
Melissa Adams

The EMD Committee has not met since April, a quarterly meeting has been scheduled later in July. The committee has been working on the three goals identified earlier in the year with no new business to report.

## 7. Medical Director report

### a. MDPB

Dr. Sholl

The MDPB has opted to decrease the frequency of COVID meetings to once a month, the first Monday of every month.

We continue to work on completing the process for updating the protocols. We have completed the review of all the draft versions of the protocol change documents and we have finalized five white papers and a summary change document. The Board is currently working on a very detailed editing process to ensure all the changes were captured in the drafts and ironing out anything that comes up in the review process.

Dr. Zimmerman has been working with national colleagues across the country on canine protocols. Maine is expected to be the first state with statewide protocols surrounding the management of canines. This is aimed at services that have working dogs.

The MDPB is excited to be working with the CARES organization. We recently had a meeting with the CARES organization and MEMS staff in an effort to plot a path forward.

8. Investigations

*MOTION: To accept Investigations Committee Minutes from the May 12<sup>th</sup>, meeting.*

*Made by: Beals; Seconded by: Drinkwater*

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

*No: (0)*

*MOTION: To accept Investigations Committee Minutes from the June 27<sup>th</sup>, meeting.*

*Made by: Conley; Seconded by: Beals*

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

*No: (0)*

**Case Summary 21-175:** A new applicant for an EMR license disclosed misdemeanor convictions from 2012 for theft and receiving stolen property.

***The Committee recommends issuing the license, finding that the applicant has been sufficiently rehabilitated to warrant the public's trust.***

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

*Made by: Russell; Seconded by: Susi*

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

*No: 0*

**Case Summary 21-174:** A licensee offered to sell fake vaccination cards through social media.

***The Committee recommends issuing a letter of guidance to stay on file for four years; citing the importance of being mindful of communications- recognizing that as a representative of emergency services, one has the potential to undermine public confidence during a public health emergency.***

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

*Made by: Libby; Seconded by: Smith*

*Roll Call Vote (Yes): Allen, Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell, Susi*  
*No: 0*

9. Old Business

- a. Workforce Recruitment and Retention Update  
Steve Smith presents

The Committee has been conducting regular meetings. The Committee did put out a survey to service leaders on June 24<sup>th</sup>, unfortunately there has not been a great response. He requests that those that received the survey take the time to fill it out.

- b. Contracting Update  
Director Hurley

Director Hurley states that we have accepted bids for the regional contracts, and we are finalizing signatures.

10. New Business

- a. Soliciting Stakeholder Engagement RE: Regions  
Director Hurley

It was requested by the Board that we have a conversation regarding what soliciting stakeholder engagement would look like moving forward for the regional model throughout the state of Maine. Part of this will probably be touched on by strategic planning. Director Hurley requests that this conversation is tabled today. However, he encourages members of the Board to engage stakeholders and their regional Boards in having this conversation regarding what it would look like if we moved to a four-region model.

- b. Modifications to Data Committee  
Darren Davis

Darren states that the MEMS data committee has a number of vacant seats which haven't been able to be filled and has left the attendance of meetings quite shallow. They are requesting the addition of four more seats. The Committee is requesting the addition of four ad hoc seats to fill the vacant seats on the committee. These ad hoc positions would be for a one-year term at which time

the positions will be reevaluated. The Committee will also continue to fill its four original empty seats.

*MOTION: To approve the addition of the four ad hoc positions.*

*Made by: Russel; Seconded by: Drinkwater*

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

*No: 0*

c. MacDonnell/Lisbon Emergency Inquiry

Chief MacDonnell

Chief MacDonnell states in his correspondence to Chair Kellner that Lisbon emergency has been asked to start paying for mutual aid service, specifically \$250.00 for each time they are asked to help with the cost going up to \$500 per call next year. He states that charging for mutual aid services will lead to poor patient care and as a service administrator, it is his job to balance patient care vs. meeting a budget. He requested that this item be brought before the Board before it becomes a major system wide issue.

After some discussion, the Board agreed that this billing practice is outside of the Boards purview, however, they did thank Chief MacDonnell for bringing this to their attention.

d. Re: Licensing application of Kenneth Kelmer

Griffin Bourassa presents

Mr. Kelmer submitted an AEMT reciprocity application to Maine EMS based on his experience in Georgia. The Georgia license verification from indicated that Mr. Kelmer is licensed in Georgia as an EMT-Intermediate (85). After reviewing EMS Rule and consulting with other Maine EMS staff, there does not appear to be any direct equivalency between the EMT-I (85) and the AEMT level since the termination of a bridge course in 2016.

The Maine EMS licensing staff contacted the Georgia Office of EMS (GOEMS) regarding Mr. Kelmer's EMS license. They stated that EMT-I (85) licenses are no longer issued in Georgia. However, license holders at that level are grandfathered so that they may continue to renew their license and practice under the defined scope of practice. GOEMS staff stated that if someone were applying into Georgia with an EMT-I (85) license, they would be issued an EMT license not an AEMT license.



Mr. Kelmer was notified via email June 14, 2021 that he does not meet licensure requirements at the AEMT level, but that we would be able to issue an EMT license. On June 16, 2021, Mr. Kelmer wrote to Maine EMS requesting that this licensing decision be appealed to the Board of EMS

*MOTION: To preliminarily deny Mr. Kelmer's AEMT license and offer him the EMT level license.*

*Made by: Kindelan; Seconded by: Susi*

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

*No: 0*

*Recusals: Allen*

e. Dana Knight Waiver Request

Dana Knight presents

Mr. Knight is requesting a waiver from the Board in order to reinstate his licenses despite not being able to satisfy all relicensing requirements.

*MOTION: To table this until the August Board meeting with the hope that Mr. Knight will come up with the psychomotor skills needed, at which time the Board will reassess.*

*Made by: Libby; Seconded by: Russell*

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

*No: 0*

f. Language Access

Sam presents

MEMS has been made aware of pending litigation regarding care for an individual where language line was not accessed. It is being argued that the patient suffered and incurred harm due to the lack of communication. Under section 1527 of the Affordable Care Act agencies are required to provide language line access. MEMS reached out to the Division of Procurement within financial services and found that there are statewide master agreement contracts for

interpreting services and agencies can get an account with these services for no cost. However, when the services are used, they charge between \$.71 and \$.77 per minute.

MEMS has drafted a memo that will be sent out to municipalities and services. The memo has links to all of the contracts and the cost per minute of each interpreting service. MEMS also hopes to add this to the rules process. The office would propose language requiring agencies provide a description of how they are meeting language access needs.

g. Inquiry RE: Vanity Plates  
Director Hurley presents

Director Hurley states that the Governor signed into law 1605 which states that ambulance operators is a new license type under MEMS. It is important to consider that vanity plates, covered under Title 29 (a) state that licensed EMS persons may receive a vanity plate. The question for the Board is whether or not we want to consider ambulance operators to be emergency medical services persons as that definition has been historically reserved for clinicians and refers to people who routinely provide emergency medical treatment to the sick and injured.

*MOTION: To resolve having MEMS Director hold off on issuing EMS license plates to the EMS ambulance operator level until such time as the license level and expectations of that level can be established.*

*Made by: Libby; Seconded by: Susi*

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

*No: 0*

h. Emergency Action: Sacopee Rescue, Inc.  
A.A.G Guay Presents

On June 22, 2021 MEMS inspected Sacopee Rescue and discovered several deficiencies. In addition to the deficiencies, there were missing vials of Versed (midazolam) and there was dried blood on medical equipment, notably on a laryngoscope. At the conclusion of the inspection, Sacopee received the inspection forms and were made aware of the deficiencies.

On June 29, 2021 MEMS re-inspected Sacopee Rescue and discovered that the missing vials of Versed (midazolam) were still missing and there continued to be dried blood on medical equipment, notably on a laryngoscope.

5 M.R.S. § 10004(3) provides that an agency may revoke, suspend or refuse to renew any license without an adjudicatory proceeding upon a finding that the health or physical safety of a person is in immediate jeopardy at the time of the agency's action and that acting in accordance with the holding of an adjudicatory proceeding would fail to adequately respond to a known risk. Such revocation, suspension, or refusal to renew shall not continue for more than 30 days.

*MOTION: To suspend Sacopees' license at the Paramedic and AEMT level allowing them to practice at the EMT level only.*

*Made by: Kindelan; Seconded by: Beals*

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

*No: 0*

- i. Pilot Project: Portland Fire  
Dr. Sholl presents

The Mobile Medical Outreach Project is a collaboration of three City of Portland programs working to address medical and social needs of Portland's homeless population. The goal is to help decrease homelessness in the area. The project aims to support an individual's effort to obtain and maintain safe and stable housing. Portland's Public Health and Social Services Divisions and the Portland Fire Department long with Emergency Department physicians from Maine Medical Center, have come together to connect paramedics to individuals experiencing homelessness.

Dr. Sholl states that he will bring updates to the Board on a monthly basis regarding this pilot project.

*MOTION: To approve the pilot project for three years.*

*Made by: Beals; Seconded by: Conley*

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

*No: 0*

*Recusal: Martel*

- j. Virtual Meeting Policy  
A.A.G Guay/Director Hurley present

Maine EMS has existing language within our statute that allows for virtual Board meetings. However, as a result of the pandemic emergency legislation was passed by the legislature and signed by the Governor that allows for other boards that did not have that provision in place to conduct virtual meetings. As part of that legislation, it requires the agency or board to enact policy around how they will conduct those meetings. We want to make sure that we draft a policy that is in compliance with the law.

*MOTION: To approve the virtual meeting policy as submitted.*

*Made by: Libby; Seconded by: Beals*

*Roll Call Vote: Beals, Conley, Drinkwater, Gerrish, Kellner,  
Kindelan, Libby, Martel, Ontengco, Russell, Smith*

k. Matter Delegation

A.A.G Guay presents

A.A.G states that the Board has an obligation to protect the public, through urgent action, regarding its licensees who pose a threat to the health or physical safety of a person when delay would fail to adequately respond to a known risk. Although the Board can issue emergency suspensions, it recognizes that there are times that a licensee would voluntarily refrain from skills which would create risk to the public while a more thorough investigation is undertaken. It is the desire of the Board to encourage voluntary restraint of practice until such time that staff has investigated the severity of the known risk

A.A.G presents the resolve as follows:

**Resolve:**

The director may enter into a non-disciplinary consent agreement as follows:

- 1) The agreement *shall* set forth specific skills, or classes of skills, within EMS protocols that a licensee will defer from practicing during the period of the agreement.
- 2) The agreement *shall* explicitly disclose that the practice of deferred skills could result in an action for immediate suspension under 5 M.R.S. §10004.
- 3) The agreement *shall* not be disciplinary and is not reportable as discipline.
- 4) The agreement *may* require voluntary restraint from all practice until the Board receives an opinion of the licensee's ability to safely practice EMS.

- 5) Violation of the agreement *may* be considered conduct that is subject to subsequent disciplinary action.
- 6) The agreement *may* be modified to add or remove skills deferred upon good cause shown.
- 7) The agreement *shall* be considered, when applicable, a confidential medical record unless the licensee violates the agreement and disciplinary action is pursued.
- 8) The agreement *shall* clearly indicate that all other conditions pertaining to licensing such as continuing education and renewal remain in effect.
- 9) The agreement *shall* terminate upon the receipt by EMS of an opinion that the deferred practice can be safely resumed.
- 10) The agreement *shall* be reviewed, prior to execution, by the AAG assigned to the Board to determine compliance with applicable laws.

*MOTION: To approve the resolve with the following additions: That there is a way to verify an existing safety issue, that any use of this resolve moves to the next available investigations committee meeting, and that any change in licensure of a service result in immediate public notification.*

*Made by: Libby; Seconded by: Russell*

*Roll Call Vote (Yes): Allen, Beals, Downing, Drinkwater, Gerrish, Kellner, Libby, Martel, Ontengco, Russell, Smith*

*No: Conley, Kindelan*

l. Chair Elect Nomination Committee

The following Board members have volunteered to form the Committee:

Judy Gerrish

Julie Ontengco

Amy Drinkwater

m. Data Release Request

The University of Maine is requesting access to identifiable information for the purpose of public health surveillance with no expiration date.

*MOTION: To release identifiable data limited to the date and the address of the incident to the University of Maine for the purpose of public health surveillance with no expiration date.*

*Made by: Kindelan; Seconded by: Russell*

*Roll Call Vote (Yes): Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Russell*

*No: Beals, Conley*

*Recusals: Smith*

11. Other

- a. Items for next meeting agenda
  - i. RFP strategic planning
  - ii. IFT committee
  - iii. Regions
  - iv. Current data agreements and expirations

*MOTION: TO adjourn 2:44*

*Made by: Russell; Seconded by: Conley*

- b. Next meeting date  
August 4, 2021 @ 9:30 AM

12. Adjourn 2:44

*MOTION: To adjourn*

*Made by: Russell; Seconded by: Conley*