



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
DECEMBER 2, 2020 AT **9:00 AM**
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, Joe Conley, 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, Darren Davis, Jason Oko, Jessica Ricciardelli, A.A.G. Ron Guay, A.A.G, Katie Johnson

Stakeholders: Brian Chamberlin, Dan Masselli, Butch Russell, Ed Moreshead, Richard Petrie, Debbie Morgan, Joanne Lebrun, Jay Bradshaw, L'Easa Blaylock, Shawn Cordwell, Ashley Moody, James Lapolla, Benjamin Zetterman, Travis Norsworthy, Tim Pieh, Benjy Lowry, Dayna Emerson, Christopher Paré

CALL TO ORDER 9:03

1. Introductions
2. Disclosure of any conflicts of interest
None.
3. Modifications to the agenda

Chair Kellner offered congratulations to Jessica Ricciardelli for receiving an Administrative Award, to Chris Azevedo for receiving the 2020 Department of Public Safety Employee of the Year Award, and to Sam Hurley for receiving the 2020 Department of Public Safety Manager of the Year Award from DPS Commissioner Michael Sauschuck.

4. Public Comments
None
5. Meeting Minutes (Nov. 2020)

MOTION: To approve the minutes from the November 4, 2020 Board Meeting as amended.

Made by: Russell; Seconded by: Gerrish

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

6. Director's Report
Director Hurley

Mr. Hurley shares that the Office is currently working toward a plan for vaccinations of law enforcement and public safety officials as well as a long-term plan for vaccinations of the general public.

We have identified 2-3 agencies per county to task with administering the vaccines. We are working on the final details this week regarding reimbursement, however, we have secured roster billing which will cover staffing costs associated with this project.

We have identified a need to work on vaccine hesitancy. This is something that the Board, MDPB, and Maine EMS staff will need to work through by educating partners consistent with the CDC education campaign. It is important to ensure that everyone is well educated regarding this vaccine so that they can make informed decisions.

Over the last few weeks we have received reports of responder fatigue. It is important that we continue to reiterate the importance of masking compliance. It's important that we remain diligent and vigilant and set an example by taking care of our colleagues

through sharing messages of vigilance and self-care. We need to continue to direct administrators and service leaders to the Playbook as a resource.

Committee Updates

EMS-C

Marc Minkler

Mr. Minkler states that the RFP for EMSC program for up to \$10,000 for the development of pediatric education materials has been released. It will be published today by the Kennebec Journal. Proposals are due by December 22, 2020.

We will send out the EMS-C service level pediatric survey in January. This will take about ten minutes to fill out.

QI Committee

Jason Oko

Mr. Oko shares that the QI Committee is working on the next newsletter which will focus on behavioral and psychological health response.

Community Paramedicine Committee

Jason Oko

Mr. Oko states that the CP Committee met last month and talk about filling open positions and to review education standards and reimbursement models.

Data Committee

Darren Davis

Mr. Davis states that the Data Committee is wrapping up interviews with potential members at the next meeting and will bring any nominations to the Board for approval at the next meeting.

Education Committee

Chris Azevedo

Mr. Azevedo states that there was an open forum held on November 6 for soliciting input on the AVOC program revisions. These are now being reviewed and Aiden Koplovsky will be giving a report regarding this at the December meeting.

The Committee is still reviewing and updating Training Center standards.
CEH Skills hours waiver as an agenda item later

There has been some concern regarding education centering on changes in protocol that expand the scope of practice for EMT providers.

The Committee is working on a revision of the pandemic protocol courses and development of a COVID-19 vaccine training presentation in MEMSEd.

Exam Committee
Chris Azevedo

The Committee continues to work on a revised model for skills performance evaluations.

LD2105 Committee
Griffin Bourassa

Mr. Bourassa states that the Committee met yesterday where they developed four major recommendations for review.

EMD Committee
Melissa Adams

Ms. Adams states that there are no updates at this time, and the next quarterly meeting is in January.

7. Medical Director report

a. MDPB

Dr. Sholl

Dr. Sholl states that the MDPB has met four times within the last month due to the rising positive cases of COVID-19 in the State. We have had many discussions regarding vaccinations and vaccine hesitancy. We are currently working on a campaign to include fact sheets, clinical bulletins, videos and town hall meetings in an effort to help people make informed decisions through education and fact-based evidence.

We are looking to expand the Medivax program to include EMT- level providers with education from the check-and-inject program. Dr. Sholl states that the scope of practice is established by the Board, therefore, the MDBP is requesting approval of the IM vaccine administration to the EMT scope of practice.

The MDBP is also working on ET3 and the Jackman Project. We are also revisiting the Pandemic Response Low-Risk Patient Disposition Protocol as hospitals are feeling the stress of increased COVID-19 patient admissions.

8. Investigations

MOTION: To approve the minutes of the Investigations Committee meeting on November 24, 2020.

Made by: Drinkwater; Seconded by: Conley

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

Abstain: Beals

No: (0)

Case 20-126 Summary: Complaint received from a Service regarding a provider with unresolved QI deficiencies in documentation and patient care.

The Investigation Committee recommends resolving this case by issuing a letter of guidance; citing the importance of standards of care and familiarity with the EMT scope of practice; recommending an EMT mentorship with initial second party documentation review on all calls for six (6) months and that the service do a protocol review within six (6) months; to be kept on file for two (2) years.

MOTION: To accept the Investigation Committee's recommendation.

Made by: Russell; Seconded by Smith

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

No: (0)

Case 20-124 Summary: A patient complaint that the licensee allegedly was incompetent in carrying out his duties as an EMT. The inadequate patient care and delay in obtaining definitive care/ALS backup is in question. On September 24, 2020 the Committee made a motion to table this case to allow the Licensing Agent additional time to make contact with the licensee. Since this meeting all mail has been returned as undeliverable despite verifying the address for the licensee with the postal service.

The Investigation Committee's recommendation is to resolve this case by offering a consent agreement with a warning; citing violation of Maine EMS Rules Chapter 11 §(14) for not utilizing ALS, leaving a patient alone, and encouraging a patient sign-off; requiring completion of a PEARS course within six (6) months, QA review of the provider's next seventy-five (75) patient care reports by a third party approved by the Maine EMS Office, the QA reviewer will report to the Maine EMS office quarterly until complete; the licensee is responsible for all associated costs.

MOTION: To accept the Investigation Committee's recommendation.

Made by: Kindelan; Seconded by: Russell

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

No: (0)

Case 20-141 Summary: A healthcare provider complaint that the licensee has refused to wear a mask while engaging in patient care. It is reported this occurred multiple times.

The Committee's Recommendation is to resolve this case by offering a consent agreement with a reprimand; citing violation of Maine EMS Rules Chapter 11 §(5), Chapter 11 §(14), and Chapter 11 §(21); to pay a \$50.00 fine for each documented masking infraction, for a total of \$100.00 to be paid within sixty (60) days.

Joe Kellner recuses himself from this case

MOTION: To accept the Investigation Committee's recommendation

Made by: Ontengco; Seconded by: Susi

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

Recused: Kellner

No: (0)

Case 20-133 Summary: In a renewal application, the licensee disclosed a new criminal conviction for reckless conduct, a class D misdemeanor, resulting from a 2018 motor vehicle crash where the licensee was also charged with OUI.

The Investigation Committee's recommendation is to dismiss this case, finding that the licensee has been rehabilitated to warrant the public's trust.

MOTION: To accept the Investigation Committee's recommendation.

Made by: Kindelan; Seconded by: Libby

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

No: (0)

Case 20-138 Summary: A healthcare provider complaint that the licensee "smacked" a patient. Upon investigation it was also learned that the licensee may be refusing to wear a mask while representing the EMS service. It was also reported the licensee may have exhibited a history of poor clinical decision making.

The Investigation Committee's recommendation is to table this case to allow the Licensing Agent to encourage the Licensee to participate in a rescheduled conference.

Case 20-144 Summary: On a new application for a paramedic license, the licensee disclosed an open patient care complaint with the Massachusetts Office of EMS (OEMS) regarding length of transport time and method of obtaining vital signs. The licensee has been tasked with completing a continuing education course to resolve the MA OEMS complaint without discipline.

The Investigation Committee's recommendation is to issue the license pending receipt of the documented remediation requirements from MA OEMS.

MOTION: To approve the Investigation Committee's recommendation.

Made by: Libby; Seconded by: Susi

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

No: (0)

Case 20-137 Summary: This licensee is being reviewed for non-compliance with a previously agreed upon consent agreement. The licensee has already agreed to surrender his license as he no longer works in EMS.

The Committee made a motion to resolve this case by offering the licensee a consent agreement to surrender their license.

MOTION: To accept the Investigation Committees recommendation.

Made by: Libby; Seconded by: Susi

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

No: (0)

Case 20-143 Summary: This individual is applying for a “new” EMT license in Maine. He has previously held an EMT license that expired in 2019. On his new application, the applicant self-reported a class E conviction of disorderly conduct, fighting, that occurred in 2018.

The Investigation Committee’s recommendation is to issue the applicants license with a letter of guidance; citing the importance of professional conduct and reminding the applicant of their responsibility to report criminal convictions within ten (10) days pursuant to 32 M.R.S. 90-C; the letter is to be kept on file for five (5) years.

MOTION: To approve the Investigation Committee’s recommendation.

Made by: Kindelan; Seconded by: Libby

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

No: (0)

Case 20-134 Summary: A previously licensed EMT submitted a New Provider application but failed to disclose a Class D conviction of negotiating a worthless instrument, from 2018 during the period they were previously licensed. The applicant met with the Committee in October and the case was tabled to allow her to submit letters of support for her application. She submitted three for review at the November meeting.

The Investigation Committee’s recommendation is to issue the applicants license with a letter of guidance, citing the importance of professional conduct and reminding the applicant of their responsibility to report criminal convictions within ten (10) days pursuant to 32 M.R.S. 90-C, the letter is to be kept on file for five (5) years.

MOTION: To approve the Investigation Committee’s recommendation.

Made by: Libby; Seconded by: Susi

Roll Call Vote: Allen, Beals, Conley, Downing, Drinkwater, Gerrish, Kellner, Kindelan, Libby, Martel, Ontengco, Smith, Susi

No: (0)

Case 20-125 Summary: A patient complaint that a Licensed EMS Service does not have the necessary pediatric medical equipment. The decision-making ability, standards of conduct and transport policy at this department are also in question

The Investigation Committee recommends resolving this case by issuing a letter of guidance, citing the importance of maintaining equipment as per MEMS rules, as well as acquiring the pre-authorization to conduct training courses; to be kept on file for four years.

Chair Kellner and Mr. Bourassa request that the Board approve a change in the wording around approval of CEH courses.

MOTION: To revise the proposed letter of guidance to remove the wording around approval of CEH courses.

Made by: Susi; Seconded by: Ontengco

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

No: (0)

9. Old Business

None

10. New Business

a. Retention and Staffing

This item was taken out of order at the request of Mr. Libby

During the last Board meeting there was a request that the Board take up a discussion on the workforce shortage.

There were several key issues that were identified, including limited job growth potential, burnout, low wages, lack of open positions due to others maintaining their positions for insurance purposes. There may be a lack of recruiting which will lead to a future workplace shortage, however, retention of current staff needs to be addressed as well

MOTION: To form a Committee tasked with forming a list of EMS concerns, perform data collection and reach out to Stakeholders.

Made by: Smith; Seconded by: Drinkwater

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

No: (0)

Abstain: Russell

Volunteers for the Committee: Scott Smith, Joe Conley, Jay Bradshaw, Joe Kellner, Judy Gerrish, Matt Sholl, Julie Ontengco, Rich Kindelan

MOTION: To approve the initial membership of the subcommittee.

Made by: Smith; Seconded by: Drinkwater

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

No: (0)

b. Waivers

i. Service Licenses

Sam Presents

The Maine EMS office is seeking the Boards approval in reauthorizing a waiver that expired in June. This is to waive MEMS Rules Chapter 3 §5.1.C.2. to allow services licensed at the AEMT or Paramedic level to respond at a minimum EMT level through June 30, 2021.

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: 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: yes 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: yes 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 approve the waiver request through the next scheduled Board meeting, after which individual services would be required to request a waiver on an individual basis that may be granted under the

emergency order by Chairman Kellner and Director Hurley and then reviewed at the following Board meeting.

Made by: Libby; Seconded by: Russell

Roll Call Vote (Yes): Allen, Conley, Gerrish, Libby, Kindelan, Kellner, Russell, Smith, Susi

No: (0)

ii. CEH Waiver Request

This is a request from the Maine EMS Office to waive MEMS Rules Chapter 5 §5.5.C (1) and (2) dismissing continuing education requirements for skills hours at all levels for license renewal to other CEHs to count for these required hours.

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: 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: yes 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 approve the waiver of Rules Chapter 5 §5.5C to allow excess Con-Ed hours to be applied to skills hours.

Made by: Libby; Seconded by Kindelan

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

No: (0)

c. Rules Comments

Jason Oko presents

Mr Oko requests that the Board accept the responses to the comments and also that the Board makes a motion to accept the basis statement and move forward to adoption.

MOTION: To adopt the Basis Statement to accept the comments and adopt the Rules with proposed changes.

Made by: Kindelan; Seconded by: Conley

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

No: (0)

d. EMT Scope of Practice

Dr. Sholl is requesting that the Board allow the entire Paramedic, AEMT, and EMT workforce to provide vaccinations. He requests that the Board expand the EMT scope of practice to add IM injection of COVID-19 and Influenza vaccines.

MOTION: To add IM injection of COVID-19 and Influenza vaccines to the EMT scope of practice.

Made by: Libby; Seconded by: Martel

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

No: (0)

11. Other

a. Items for next meeting agenda

i. Retention and Staffing Committee Update

b. Next meeting date (TBD)

January 6 2021 @ 9:30 AM

12. Adjourn 1:23

Motion: To adjourn

Made by: Kindelan; Seconded by Libby