



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

BOARD OF EMS MEETING
 JANUARY 6, 2021 AT 9:30 AM
 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, Brad Chicoine, Joe Conley, Heidi Cote, Laura Downing, Amy Drinkwater, Rich Kindelan, Brent Libby, Julie Ontengco, Steve Smith, Scott Susi, Matt Sholl M.D. (ex officio), Kate Zimmerman D.O. (ex officio)

Absent: Dennis Russell, Judy Gerrish, John Martel

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: Debbie Morgan, Dawn, Rick Petrie, Tom Bradsell, Jim MacDonald, Paul Hewey, Travis Norsworthy, Paul Marcolini, Chip Getchell, Benjy Lowry, Butch Russell, Dayna Emerson, L’easa Blaylock, Aiden Koplovsky, Joanne Lebrun

START TIME 9:32

- Excellence
- Support
- Collaboration
- Integrity
-

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With offices located at the Central Maine Commerce Center, 45 Commerce Drive, Suite 1, Augusta, ME 04330

1. Introductions
2. Disclosure of any conflicts of interest
None
3. Modifications to the agenda
 - a. Update on Vaccine Rollout
4. Public comments
None

5. Director's Report
Director Hurley

Maine EMS is currently waiting for End of Year reports from our regional offices. We did offer an extension because they were actively assisting some of the counties with their ongoing vaccination projects and vaccination campaigns. They have until January 27th to finalize their reports.

We took some curtailments this year to the general fund, we have moved some of the funds to special revenue budgets and we've moved some other projects to federal funding. We have a regularly scheduled meeting with our Financial Services Officer later this week.

We will be beginning the RFP process for ImageTrend, however, we will be seeking a one-year extension for this contract before we send it out for RFP. This contract will impact MEMS, the Fire Marshals Office and Maine Forestry.

- a. Legislative Update

LR305 An act to create a registry to improve access to AEDs
This charges Maine EMS with creating and maintaining a registry.

LR323 An act to expand eligibility to special emergency services registration plates for ambulance operators.
We do not currently have the language for this yet.

LR738 An act to license ambulance drivers who are not licensed by EMS.

LR1889 An act concerning the dispensing of naloxone by EMS providers

LR1579 An act to amend the statement of the Maine EMS Act of 1982
We have not seen the language of this bill yet.

Vaccinations

Vaccination administration is generally going well throughout the state; although this has been a learning process. We have delivered 1,855 doses recorded through appropriate charting, there are 24 additional records that need review for IMPACT validation. The Maine EMS office continues to work with the vaccinating services to work out the twists in the system. Once we get everything worked out, we would like to add new agencies.

Committee Updates

Education Committee

Brian Chamberlin- Education Chair

Chairman Chamberlain and Co-Chair Koplovsky stated that the Committee is continuing to work on Training Center document revisions. The Committee is currently looking into increasing the frequency of their meetings to complete this task.

Exam Committee

Chris Azevedo

Mr. Azevedo states that the Exam Committee did not meet in the last month, however there is another meeting scheduled for January. They continue to work on finding solutions for the psychomotor exam and portfolios. This will be done in conjunction with the Education Committee.

Community Paramedicine

Jason Oko

The CP Committee met last month, and they are working on putting guidelines in a viewable format to present to the MDPB. The Committee is also working on reimbursement models for CP including "Hospital at Home", which allows a hospital to admit a patient at home and allows for billing by the hospital and reimbursement for two daily visits by a CP provider.

QI Committee

Jason Oko

Mr. Oko states that the QI Committee did not meet in December

Data Committee

Darren Davis

The Data Committee met in December and interviewed several candidates for the open positions on the Committee. The next meeting will be in January and they will be working on putting together the framework for the ImageTrend RFP.

EMS-C

Marc Minkler

Mr. Minkler scheduled the next meeting for January. The EMS-C annual report was submitted to HRSA in December. He was notified by the federal representative that Maine has one of the highest quality EMS-C programs in the country.

An RFP was submitted in December to develop pediatric education, however no proposals were received so we are currently looking at other opportunities to use the money.

The annual EMS-C survey went out today via email. There will be a link to the survey, and it should take about ten minutes to complete.

EMD Committee

Melissa Adams

Ms. Adams states that there is nothing new to report and the next quarterly meeting is scheduled for January 21st.

Trauma Advisory Committee

Rick Petrie

Mr. Petrie stated that they are working on setting up bylaws and membership requirements as well as updating their current membership list. Dr. Zimmerman also states that they are working to revise the State Trauma Plan. The next quarterly meeting will be in January and each of these items will be presented in final draft form.

6. Medical Director report

a. MDPB

Dr. Sholl

Dr. Sholl states that the MDPB as met five times since the last Board meeting. They have also held six town hall vaccination education and discussion forums. They have been tracking and trending the increase in positive COVID-19 tests and hospitalizations.

The MDPB continues to work on the protocols. They are finishing up the gold section and they will begin the green section in January.

7. Investigations

MOTION: To approve the minutes of the previous Investigations Committee

Made by: Conley; Seconded by: Drinkwater

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

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 that the licensee may have exhibited a history of poor clinical decision making.

The Investigation Committee’s recommendation is to resolve this case by offering a consent agreement for the licensee to voluntarily surrender their Paramedic license for an AEMT license; the licensee will take a refresher class at the AEMT level within six (6) months, the class must be pre-approved by the Maine EMS staff and the licensee is responsible for the cost.

***Due to procedural error there was no motion or second. A roll call vote was performed with the results as follows:**

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

Case 20-150 Summary: A licensed EMS agency terminated service twice within 45 days, without notifying the public. The second time was after a verbal warning from Maine EMS staff. The service also had three inspections in 2020 with deficiencies noted on all three inspections.

The Investigation Committee’s recommendation is to resolve this case by offering a consent agreement with a warning, citing a violation of Maine EMS Rules Chapter 3 §17 and Chapter 11 §1 (14); requiring the service to provide policies and procedures related to ensuring that vehicles are adequately stocked and ready for response, as well as when the agency response can be terminated and by whom; policies must be reviewed and approved by Maine EMS staff; mitigating circumstances include cooperation by agency representatives and efforts to remediate past practice.

MOTION: To approve the Investigation Committee’s recommendation with an added fine of \$1,000 per violation of the Maine EMS Rules Chapter 3 §17, with two documented violations for a total fine of \$2,000.

Made by: Beals; Seconded by: Smith

Roll Call Vote (Yes): Allen, Beals, Chicoine, Cote, Drinkwater, Kindelan, Libby, Ontengco, Smith

No: Conley, Downing, Kellner, Susi

Case 20-103 Summary: Applicant disclosed a criminal conviction for calls D assault.

In May of 2020, the Investigation Committee recommended issuing the applicants license with a letter of guidance stressing professional conduct with respect to acting in ways that are dangerous or injurious to oneself or others to be kept on file for five years.

In June of 2020, the Board preliminarily denied the applicants license based on the underlying behavior and violations of MEMS rules citing violation of MEMS Rules Chapter 11 §1.5.

In August of 2020 at the Maine EMS Board meeting, A.A.G. Johnson requested that this case be brought back to the Board with a request that the Board also consider adding a criminal conviction to the preliminary denial under 32 M.R.S. §90-A 5G which is subject to the limitations of Title Five Chapter 341; a conviction of a crime that relates directly to the practice for which the licensee is licensed. Mrs. Johnson states that should the Board choose to add this; they would have to find that the applicant has not been sufficiently rehabilitated to warrant the public trust.

The Board voted, in August of 2020, to add a violation of 32 M.R.S. §90-A 5G to the original violation; finding that the applicant has not been sufficiently rehabilitated.

A.A.G Guay wishes to advise the Board only of their roles and responsibilities in executive session and states that he cannot discuss the case specifically without the applicant and his representation present.

Chairmen Kellner states that we should discuss the new information on the case in open session.

A.A.G Guay advises that under Maine EMS Rules Chapter 12, the Board can reconsider their vote based on new information. He offered that the medical records received as new information do not indicated any type of diagnosis or condition that may affect the applicant's ability to practice safely. A.A.G Guay recommends reconsideration of the denial, to issue the license with a consent agreement providing conditions on the applicant's license including the ability to immediately suspend without a hearing based on any substantive information of any MEMS Rules of EMS statute violation.

MOTION: To reconsider Case 20-103.

Made by: Libby; Seconded by: Beals

Roll Call Vote: (Yes)

Allen, Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Kellner, Kindelan, Libby, Ontengco, Smith, Susi

No: (0)

MOTION: To resolve case 20-103 by issuing the applicant a license with a consent agreement requiring the licensee to immediately report to Maine EMS any charges or criminal convictions, consistent with M.R.S. 32 Chapter 2-B§90-C. The licensee will have a five (5) year probationary period during which the Maine EMS Office may suspend the applicants license immediately upon receipt of substantive information of any relative EMS rule or statute violation. The Board requires that a neutral party, agreed upon by the Maine EMS Office and the applicant to perform a psychiatric evaluation with report to the Maine EMS Office within 180 days of issuance of the license. The psychiatric evaluation must include impulsivity, anger management and fitness for duty. The expense of the evaluation is to be borne by the licensee. Any adverse findings will be reported back to the Board for further evaluation.

Made by: Kellner; Seconded by: Drinkwater
Roll Call Vote (Yes): Allen, Beals, Chicoine, Conley, Cote, Downing, Drinkwater, Kellner, Smith, Susi
No: Kindelan, Libby, Ontengco

8. Old Business

a. Anti-Discrimination/Anti-Harassment Statement

Today Maine EMS is requesting the Boards approval of the Anti-Discrimination/Anti-Harassment Statement.

MOTION: To approve the document presented by director Hurley as written

Made by: Kindelan; Seconded by: Chicoine

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

No: (0)

b. LD 2105 Update

Chair Kellner Presents

The Committee has reached a consensus on the facts and the challenges that face ambulance companies as well as commercial carries regarding how they are paid and how much they are paid. The next meeting will focus on looking into the recommendations, which, currently look like a standard offer on aspects such as the time limits on filing claims, appeal rights, etc. There is also some discussion on requiring insurance carriers to pay some multiplier of Medicare. There is also a lot of interest across the Committee on looking at system efficiency and design and we will be discussing recommendations around either Certificate of Need or Community Self-Determination. The Committee will be meeting every Tuesday at 8:30.

c. Staffing Retention Update

Steve Smith Presents

Mr. Smith stated that he has been appointed Chair and Mr. Beals has been appointed Co-Chair of this Committee. Griffin Bourassa will be the Maine EMS staff contact for the Committee. The first meeting was spent discussing the purpose of the Committee and setting the goals for consideration, including low pay and reimbursement, limited advancement, EMT course availability, shift-work and other less desirable aspects of EMS culture. The next meeting will include the formation of a mission statement, determining a timeline and establishing any stakeholder involvement.

Most of the meeting was talking about setting everything up and how to move forward with this.

d. Rules

Mr. Oko informed the Board that the adopted rules have been sent to the Secretary of State's office. Unfortunately, at this time, we do not have a timeline for publication.

9. New Business

a. Vaccination Rollout

This item was discussed under the Directors Report agenda item.

10. Other

a. Items for next meeting agenda

i. Minutes for December Meeting

b. Next meeting date

February 3, 2021 @ 9:30 AM

11. Adjourn 11:15

MOTION: To adjourn.

Made by: Conley; Seconded by: Ontengco