



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

BOARD OF EMS MEETING  
SEPTEMBER 4, 2019  
9:30 AM  
DE CHAMPLAIN CONFERENCE ROOM  
MINUTES (FINAL)

Members Present: Joe Kellner (Chair), Brent Libby (Chair-elect), Nathan Allen, Tim Beals, Brad Chicoine, Joe Conley, Heidi Cote, Laura Downing, Amy Drinkwater, Judy Gerrish, Rich Kindelan, John Martel, MD, Julie Ontengco, DNP (phone), Dennis Russell, Steve Smith, Scott Susi

Staff: Commissioner Sauschuck (phone), Janet Joyeux, Chris Azevedo, Jay Bradshaw, Jason Oko, Marc Minkler, Kate Zimmerman, DO

Office of the Attorney General: Katie Johnson, AAG,

Stakeholders: Ben Zetterman, Rick Petrie, Joanne Lebrun, Jim MacDonnell

- 1) Rich Kindelan requested a moment of silence for John Whittier, paramedic and EMS instructor from United Ambulance and New Gloucester Fire Dept who passed away over the weekend from a medical event.
- 2) Introductions – Steve Smith was welcomed as a newly appointed member representing Tri County EMS. Steve lives and primarily works in the Farmington area and has been an active EMS provider and instructor. He also does some part time work with Atlantic Partners EMS with Quality Improvement.
- 3) Disclosure of any conflicts of interest – None
- 4) Public comments – None
- 5) Joe requested to take an item out of order so that Commissioner Sauschuck is able to participate on his way to a conference.

**MOTION: To enter executive session pursuant to 1 MRS Ch 13 § 405 (6) A and F, for the purpose of discussing applicants to the position of Bureau Director, Maine EMS, and for discussing records which are confidential pursuant to 5 MRS Ch 372 § 7070. (Susi; second by Kindelan) Unanimous.**

Executive Session started at 9:36 AM.

**MOTION: To exit Executive Session (Beals; second by Susi). Unanimous**

Executive Session ended at 9:57 AM.

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Joe explained that in Executive Session, the Board discussed the application and interview process for the state EMS director and the recommendation of the interview panel.

**MOTION: Pursuant to the Board's duties under 32 MRS Ch 2B § 84 (1)(E), to conditionally appoint the candidate selected in executive session to the position of Bureau Director, Maine EMS, pending the Commissioner's approval and the candidate's acceptance of the offer. Upon accepting the position, the Director and Chair are authorized to notify the public of the selected candidate. (Susi; second by Gerrish) Unanimous.**

- 6) Minutes:  
Jay reviewed the minutes of several previous meetings.

**MOTION: To accept the minutes of the August 7, 2019, meeting as amended. (Russell; second by Conley) Unanimous**

- 7) Medical Director report – Dr. Sholl reported that there was no MDPB meeting in August, but that considerable work has been done on the protocols over the summer.

Upcoming discussions will include the CMS ET3 project, which requires participating services to have on-scene medical control either in person or via telemedicine; and have arrangements for transporting to an alternative site for cases where medical control has determined that to be an appropriate plan.

Considerable discussion about the CMS requirements for proposals and that these requirements are a work in progress. It is anticipated there will be very few services applying in the first round, which is due Sept. 19. Other services may decide to participate in subsequent project periods.

Dr. Sholl thanked Jason Oko for his work with QI and Marc Minkler for the 2018 MEFIRS report.

Upcoming agenda items for the MDPB include: the process to select and make a recommendation for the new positions that become available on Sept. 19 (BLS provider, ALS provider, pediatric specialist physician); and updating the Paramedic Interfacility Transfer (PIFT) protocols.

- 8) Investigations Committee – work on the matrices will continue within the Investigations Committee and be presented to the Board at a future meeting.
- 9) Old Business
- a. EMS Rules –
    - i. Jason reported that the Community Paramedicine rules have been finalized and approved by the Secretary of State's Office.
    - ii. Discussion regarding the draft language in Chapter 4 regarding insurance requirements.

**MOTION: To remove draft changes in Chapter 4 § 5.7 and retain current language that the applicant has public liability insurance.**

**(Russell; second by Kindelan). Unanimous**

- iii. Discussion regarding minor grammatical changes to sections 3 & 17 regarding ground ambulances and non-transporting services.

**MOTION: To incorporate the grammatical changes as described and proceed with the rulemaking process per the Administrative Procedures Act. (Russell; second by Conley). Unanimous.**

Jay explained the APA requirement for conducting hearings in a timely manner after publication and the consensus was to coordinate the schedule to include the new director and conduct one of the hearings at the Samoset conference. It is anticipated that there will be in-person hearings in each of the regions and each hearing requires at least two Board members to be present.

#### 10) New Business

- a. Maine EMS staffing update – Jay reported that due to a low response to the initial posting, the Licensing Agent position was re-opened. Work is also underway to advertise the Data Preparedness (Business System Associate) position vacated by Tim Nangle’s resignation. There will also be a second such position funded by a federal grant for three years. Regarding the latter, there is a process underway to formally create the position within MEMS that should be completed soon. If there are two suitable candidates identified in this process the potential exists to fill both vacancies in a single posting.

In response to questions about the federal funding, at the end of the project period if the grant is not extended the position would need to be funded by another source (general fund or special revenue) or eliminated.

- b. License cards and welcome packet – Jay requested input from the board on reconsidering issuing license cards, a patch, and a welcome letter to licensees. Although this was once the practice of the office, several years ago with the onset of e-licensing, the decision was made to end that practice and enable licensees to download a PDF of their license.

The idea behind reinstating this practice is that it provides an opportunity to connect with licensees and inform them about the Maine EMS system. Jay estimated that the cost would be ~ \$5,000/yr.

The consensus of the Board was that this is worth pursuing. Staff will work on the logistics and report back at the October meeting.

- c. Interfacility transfer committee – Jay discussed the challenges this committee has had making meaningful progress and suggested that it would be worthwhile to engage an outside subject matter expert to coordinate the project. There was discussion about the timing of moving forward with such a plan in light of having a new director soon.

**MOTION: To table activity on the Interfacility Transfer Committee until a new director is in place. (Beals; second by Conley) Unanimous.**

- d. Conflict of Interest policy – Jay reviewed the history of the conflict of interest policy that has caused confusion among Board members. He talked with both the AAG and the Governor’s Deputy Director of Boards and Commissions, and learned that the policy online at the Governor’s website only applies to the Department of Professional and Financial Regulation; it does not apply to other departments. The policy presented to some Board members was developed by the former director at the direction of the former DPS commissioner.

Jay talked with Commissioner Sauschuck who requested that the Board review the COI provision within their own Code of Conduct and update if/as necessary to provide the appropriate level of understanding about potential conflicts, but not unnecessarily restrict participation of members who are also affiliated with other EMS entities.

There was discussion about having a few Board members provide input to Jay, and doing so in a manner that would be consistent with FOAA and Maine’s open meeting laws. Jay will work with the AAG to assure the appropriate compliance and report back at the October meeting.

- e. Katie Johnson, AAG, reviewed the investigation process and the role of the Investigation Committee and the Board of EMS. Including applicable statutes and rules regarding consideration of past criminal convictions and disciplinary options.

11) Other

- a. Items for next Board meeting:
  - i. Process for approving new MDPB members
  - ii. Update on welcome packets for EMS licensees
  - iii. Interfacility Transport Committee (after new director is in place)
  - iv. Policy for notifying services of the change in license status of an EMS provider – refer to Investigations Committee
  - v. Investigation Committee matrices
- b. Joe Kellner thanked Scott Susi for his leadership as Board Chair and the Maine EMS office for their ongoing efforts during a challenging time of staffing changes,
- c. Next Board meeting will be Wednesday, October 2, 2019, at 9:30 AM

12) Meeting adjourned at 12:04 PM