



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  
AUGUST 7, 2019  
9:30 AM  
DE CHAMPLAIN CONFERENCE ROOM  
MINUTES (APPROVED 9/4/19)

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

Staff: Janet Joyeux, Chris Azevedo, Jay Bradshaw, Jason Oko, Marc Minkler, Jessica Ricciardelli, Kate Zimmerman, DO

Office of the Attorney General: Katie Johnson, AAG,

Stakeholders: Ben Zetterman, Rick Petrie, Roy Potter, Daren Graves, Roland Abbott, Jim MacDonnell

- 1) Introductions were made. Jay introduced Jessica Ricciardelli, EMS Licensing Assistant, who joined the office mid-June.
- 2) Disclosure of any conflicts of interest – Amy Drinkwater will recuse herself from Investigation # 19-056.
- 3) Public comments – Chief Roy Potter, Edgecomb Fire Department, expressed his concern with the delay in getting staff licensed who have criminal convictions. His request is that the Board consider a mechanism to pre-screen applicants before the individual and the department have gone through the time and expense of completing a training program. He also expressed the impact this has had on staffing for his department.
- 4) Minutes:  
Jay reviewed the minutes of several previous meetings.

**MOTION: To accept the minutes of the March 6, 2019, meeting as amended. (Libby; second by Russell) Unanimous**

**MOTION: To approve the minutes of the May 1, 2019, meeting as amended. (Kellner; second by Russell) Unanimous**

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**MOTION: To accept the minutes of June 5, 2019, minutes as amended (Libby; second by Kindelan). Unanimous**

Jay reported that Steve Smith of Farmington has been appointed by Governor Mills to be the Tri County EMS Board representative, filling the position previously held by Lori Metayer. The appointment was made last week and Steve is awaiting the paperwork from the Secretary of State to complete his appointment.

- 5) Medical Director report – Dr. Zimmerman reported that the MDPB has completed its protocol review and that the final version with hyperlinks embedded will be uploaded to the website within the next week.

The July MDPB meeting included the regular joint session with the LifeFlight of Maine Clinical Practice Committee which included discussions on LOM activities and challenges. Interfacility transfers have been an increasing challenge and LOM has been called several times not because of critical patient needs, but because there were no ground ambulances available.

Medication shortages continue to be an issue, including Sodium Bicarbonate D50 is being replaced with D10 in many places.

On August 2, Maine EMS received a report regarding failures of Curaplex brand nasopharyngeal airways that in one case required ENT intervention in the emergency department to retrieve the tube from the posterior pharynx of a pediatric patient. MEMS contacted a supplier, Bound Tree, who was aware of the issue from other reports, but there has been no recall.

MEMS staff then consulted with the state medical directors before putting out a bulletin to alert services, regional medical directors, and regional offices about this problem.

Jay noted that this is the first time he's aware of such an issue being first reported to MEMS as usually MEMS is the recipient of such a notice from the FDA or manufacturer. MEMS is drafting a policy to help guide services and MEMS staff on how to handle these situations in the future.

- 6) Investigations Committee

**MOTION: For the Investigations Committee to accept the minutes of the July 23, 2019, meeting as amended. (Beals; second by Conley) Unanimous**

Jason then reviewed each case.

**19-057 MOTION: To approve the Committee's recommendation to preliminarily deny the license as documented in the minutes. (Kindelan; second by Ontengco) Unanimous**

19-056 Amy Drinkwater recused herself and left the room.

Katie Johnson explained that the statute allows the board to only consider prior convictions for a period of ten years unless the underlying conduct relates to the practice for which an applicant is licensed or applying to be licensed.

**MOTION: To approve the Investigation Committee's recommendation to dismiss the case and grant the license. (Libby; second by Russell) Carried with one opposed (Cote).**

19-058 Jason provided additional information that came to the office's attention following the Investigations Committee meeting, to wit: the applicant had two prior suspensions of his Motor Vehicle Inspector certification and had his law enforcement officer license revoked. Neither of these were disclosed on the application as required.

**MOTION: To preliminarily deny the application based upon Rules Ch 11§ (30) and 32 MRS Ch 2-B, § 90-A (5)(A). Kindelan; failed to obtain a second.**

**MOTION: To table action on this application until the next meeting to allow for the additional information to be provided by the applicant and reviewed by the Investigations Committee. (Kindelan; second by Ontengco) Defeated (5 in favor; 7 opposed).**

Daren Graves, the applicant, said he thought the application question only related to action taken by EMS. Jason clarified that the language requires reporting of any action taken against a professional license.

**MOTION: To preliminarily deny the license, but offer a consent agreement with a warning about full disclosure of all actions against a professional license; EMS Rules Ch 5 § 5(5)(E) and Ch 11§ (1). (Beals; second by Conley) Carried with 8 in favor and 6 opposed (Ontengco, Kindelan, Cote, Libby, Chicoine, Allen).**

Discussion of the disciplinary matrices was withdrawn and will be discussed at the September meeting.

7) Old Business

- a. CARES – Jay raised a question about when the Board approved CARES. Katie provided a link to the minutes of April 2016 when this took place.
- b. Legislative Update – Jay reported that in the final days of the 1<sup>st</sup> Regular Session, the Legislature incorporated the goal of LD 915 (setting MaineCare reimbursement at the Medicare levels) into LD 1028. That will result in ~ \$10 million in additional revenue for EMS services starting January 1, 2020.

There was discussion about potential bills for the 2<sup>nd</sup> regular session to address issues relating to data collection and the trauma registry which resulted in considerable discussion. Several years ago, MEMS purchased the ImageTrend Patient Registry; however, that has not been used due to concern from at least one hospital's attorney regarding the statutory authority to provide that information to MEMS. The three trauma centers have also been training on TQUIP, which is an ACS project and very different than the ImageTrend system.

Jay will follow up with Dr. Zimmerman and the trauma coordinators about the most effective way to proceed.

Another initiative would transfer to LifeFlight of Maine assets and equipment that has been used in the mobile patient simulator training. This project began in 2004 and the funds currently held by DPS belong to LOM in accordance with a

2014 MOU.

- c. EMS Rules – Jason presented an update to Chapter 17 of the EMS Rules that creates a table of the equipment required by EMS services. There was also discussion about a letter provided by Marc Minkler the day before. Following considerable discussion, the following action was taken:

**MOTION: To approve Chapter 17 as amended provided the amendments are approved by the AG's office, Maine EMS, and the Chair-elect who will act on behalf of the Board. (Libby; second by Russell) Unanimous**

Jason then reviewed the hearing activity and Basis Statement regarding the Community Paramedicine rules (Ch 19).

**MOTION: To adopt the Basis Statement with a correction in the date, and Chapter 19 with the AAG's recommendation. (Ontengco; second by Libby) Unanimous.**

8) New Business

- a. Maine EMS staffing update – Jay reported that the second round of interviews for the Director position will take place on August 23. If a successful candidate is identified and initially accepts the position, that candidate will be presented to the full board for action at the Sept 4, meeting. Jay will continue in an acting capacity until a new director is in place.

The Licensing Agent vacancy created when Chris Azevedo was appointed Training Coordinator has been posted for the past two weeks. Jay will review the applications and schedule interviews as soon as possible.

- b. Nominating Committee – Judy Gerrish reported that Brent Libby, Dennis Russell, and Rich Kindelan expressed interest in the chair-elect position. Following presentations by each candidate, Brent Libby was elected by written ballot.
- c. Biospatial – Jay reviewed the highlights of a presentation by Biospatial last month. Biospatial uses de-identified NEMSIS data to create a dashboard that allows users to use templates and custom reports and display data at a variety of levels based upon the users' permission.

Biospatial provides this resource at no cost to state and local users, and sells the aggregate results only in a manner that is consistent with EMS activities and never in a manner that allows individual identification.

Jay explained that the approval process includes support of the MDPB and signing a data use agreement, which has already been drafted and reviewed by the AG's office.

As part of the integration process, MEMS identifies data fields that will not be part of the NEMSIS export to further protect patient information.

**MOTION: To approve sharing EMS data with Biospatial including potentially identifiable data, because of the benefits it provides for research, quality**

**improvement, and public health surveillance. (Conley; second by Russell)**  
**Carried with two opposed (Libby and Kellner)**

- d. Committee reports – annual reports were provided to the board in a combination of written and verbal formats. Highlights were:
  - i. TAC (Dr. Zimmerman) – Committee chair is Rick Petrie, meetings have continued to be held quarterly. Recent projects include traumatic brain injury, pediatric initiative such as dog bites and stove burns. Outreach programs include technical assistance and rural trauma team development. Marc Minkler is the assigned MEMS staff.
  - ii. EMSC (Marc Minkler) – Committee meets bi-monthly, but does not have a formal chair. They are seeking both pediatric medical director and family advocate members. Committee is working on the grant requirements including safe and effective transport of children; education, training, and equipment. The annual report has been submitted to HRSA and distributed. A statewide survey is underway working with the National EMS Data Analysis Resource Center (NEDARC). Marc participates in the New England regional pediatric meetings.
  - iii. Community Paramedicine and EMD – Jason shared and reviewed committee summaries.
  
- 9) Other
  - a. Items for next Board meeting
    - i. Decision matrix
    - ii. Investigation process – Katie was requested to present an overview as an orientation for newer members and refresher for others.
  
  - b. Next Board meeting will be Wednesday, September 4, 2019, at 9:30 AM
  
- 10) Meeting adjourned at 12:38 PM