

16 DEPARTMENT OF PUBLIC SAFETY

163 EMERGENCY MEDICAL SERVICES BOARD (MAINE EMS)

CHAPTER 12: EMERGENCY MEDICAL SERVICES LICENSING BOARD

PURPOSE: The purpose of this chapter is to outline the operation of the Emergency Medical Services Licensing Board (hereafter “Licensing Board”), including the terms of service of a Licensing Board appointee, the selection of a Chair and Chair-elect, the calling and frequency of meetings, and explanation of the consultation process during rulemaking on licensure functions required by statute.

SECTION 1. Licensing Board Operations

1. Delegation of Authority to Issue Licensure

A. The Licensing Board and its staff are hereby delegated the authority, pursuant to 32 M.R.S. § 88(2)(C) and 32 M.R.S. § 88(2)(H) to issue licensure to Emergency Medical Services Persons, Ambulances and Emergency Medical Services Vehicles, Emergency Medical Services Ambulance Operators, Emergency Medical Services Dispatchers, Emergency Medical Services Instructor/Coordinators, and Emergency Medical Services Training Centers.

2. Appointment to Licensing Board and Selection of Chair and Vice-Chair.

A. The Licensing Board is appointed in accordance with 32 M.R.S. § 84(1)(H).

B. If the Director of Maine EMS selects a designee for appointment to the Licensing Board, that designee must be an employee of Maine Emergency Medical Services, in the Department of Public Safety. The Designee’s appointment must be confirmed by the Emergency Medical Services Board.

C. No more than two (2) current members of the Emergency Medical Services Board may serve on the Licensing Board.

D. The Emergency Medical Services Board must make a reasonable effort to fill a vacancy of a position with a suitable candidate within one (1) calendar year of the vacancy.

(1) A “reasonable effort” means that the Emergency Medical Services Board must advertise the vacancy of the position on its website, and consider any applications received within such time as the Emergency Medical Services Board considers appropriate. It does not require the Emergency Medical Services Board to appoint any applicant to the position upon the elapse of one (1) calendar year

E. The Licensing Board may, by majority vote, elect a chair and a chair-elect. The Director of Maine Emergency Medical Services or the director’s designee may not serve as chair or chair-elect. In the event of a tie for chair or chair-elect, the Director of Maine Emergency Medical Services or the director’s designee may cast the deciding vote; the Director or the Director’s designee may not otherwise participate in the election of a Chair or Chair-elect of the Licensing Board.

F. The Chair-elect serves for a term of two (2) years, after which they will become the Chair.

- 45 G. The Chair serves for a term of up to two (2) years.
- 46 H. Upon the resignation or departure of a Chair who has not completed their term, the
- 47 Chair-elect shall become the Chair. A Chair-elect shall serve the remainder of the
- 48 resigning or departing Chair's term, plus their own, but in no case may their term as
- 49 Chair exceed the term limit of their appointment to the Licensing Board.
- 50 3. Terms, Term Limits, and Removal for Cause
- 51 A. A member is appointed to the Licensing Board for a term of four (4) years. Three (3)
- 52 of the appointed members may be appointed to a single term of five (5) years upon
- 53 the inaugural appointment of members to the Licensing Board for the purpose of
- 54 ensuring that terms of the members are staggered so that no more than half of the
- 55 appointed members' terms expire in any given year.
- 56 B. If a designee is appointed by the Director to the Licensing Board, confirmed by the
- 57 Emergency Medical Services Board, their term shall be four (4) years.
- 58 C. Terms shall be staggered so that no more than half of the appointed members' terms
- 59 expire in any given year.
- 60 D. A member appointed to the Licensing Board may not serve for more than two (2)
- 61 consecutive terms, excluding the director or the director's designee.
- 62 (1) A member appointed may continue to serve in their position at the discretion of
- 63 the current Chair of the Emergency Medical Services Board until a new member
- 64 is appointed to their position.
- 65 (2) A member whose term has expired may not serve in this manner longer than one
- 66 (1) calendar year from the date of expiration of their term.
- 67 E. A member who resigns may have their term completed by the appointment of an
- 68 appropriate person who is not already serving on the Licensing Board, to the
- 69 resigning member's position by the Emergency Medical Services Board Chair. This
- 70 person may not be a member of the Maine Emergency Medical Services Board. A
- 71 person appointed in this manner does not have this term counted as consecutive.
- 72 F. Any member, except the Director of Maine Emergency Medical Services, may be
- 73 removed for cause by a 2/3 majority vote of the Emergency Medical Services Board.
- 74 In the event the Director's designee is removed for cause or resigns, the Director shall
- 75 serve the remainder of the term.
- 76 G. Once the Director, or the Director's designee is appointed to the Licensing Board,
- 77 that individual shall be considered the appointee to serve the designated term; a
- 78 designee currently serving on the Licensing Board may not be substituted by the
- 79 Director.
- 80 4. Meetings
- 81 A. The Licensing Board shall meet at least monthly unless there is no business to come
- 82 before the Licensing Board, at the call of its chair, or at the request of four (4) of its
- 83 currently appointed and serving members. The Licensing Board may meet more
- 84 frequently should sufficient need arise.
- 85 B. The Licensing Board may only conduct its business with a quorum of members; a
- 86 quorum is a majority of the members currently appointed and serving.

- 87 C. Public input into the public proceedings of the Licensing Board is not permitted when
88 considering a complaint during an initial presentation or preliminary review.
- 89 D. All members shall identify conflicts of interest related to agenda items at the
90 beginning of each meeting. Should an additional item be added to the agenda,
91 members shall acknowledge any potential conflicts of interest for transparency in
92 process. Those with conflicts that have the potential to impact their decision-making
93 on the matter at hand shall recuse themselves from the matter.

94 5. Remote Meetings

- 95 A. This section of rule covers the use of remote methods of participation in a public
96 proceeding by a member of the Licensing Board. The Emergency Medical Services
97 Board recognizes that there are benefits to meeting in-person. It further recognizes
98 that in-person participation can be challenging for various members who have
99 impediments to meeting in-person at each meeting and those impediments may, over
100 time, discourage people from participating on the Licensing Board. Accordingly,
101 Licensing Board members are encouraged to attend in person but are permitted to
102 participate remotely.
- 103 B. The Licensing Board may hold a virtual meeting, meaning a meeting where there is
104 no physical location where either the public or Licensing Board members can attend,
105 if an emergency or urgent issue exists as determined by the Licensing Board Chair, or
106 if the Chair is unavailable, the Chair-elect.
- 107 C. An “emergency” or “urgent issue” includes, but is not limited to:
108 (1) A declaration of emergency issued by the Governor of the State of Maine, the
109 President of the United States, or by an applicable state or federal agency;
110 (2) Circumstances that required an immediate meeting such as an imminent risk of
111 harm to person or property; or
112 (3) Conduct or condition of a licensee or any other person that places the health or
113 physical safety of the Licensing Board or any other person in immediate jeopardy
114 by holding an in-person meeting.
- 115 D. Access to virtual meetings due to an emergency or urgent issue shall be provided by
116 the Licensing Board to members of the public to permit a meaningful opportunity to
117 attend.
- 118 E. The Licensing Board may not limit the public’s ability to attend a public proceeding
119 in person except when the existence of an emergency or urgent issue is determined
120 pursuant to paragraph C of this rule;
- 121 F. The Licensing Board shall identify a physical location for members of the public to
122 attend in person, except when the existence of an emergency or urgent issue is
123 determined pursuant to paragraph C of this rule.
- 124 G. The Licensing Board shall provide remote methods for the public to attend whenever
125 members of the Licensing Board participate by remote methods, and reasonable
126 accommodations may be provided when necessary to provide access to individuals
127 with disabilities.
- 128 H. Any Licensing Board member who participates remotely must have the technology,
129 including internet access, in their remote location sufficient to be seen and heard

- 130 during the meeting and participate in the same capacity as those members physically
131 present. Licensing Board members shall be responsible for any costs associated with
132 obtaining and maintaining the technology and equipment necessary to participate
133 remotely.
- 134 I. In the event that technical difficulties preclude any member of the Licensing Board
135 from participating in a meaningful way, then the Licensing Board members shall
136 determine whether the member may continue to participate remotely.
- 137 J. A member of the Licensing board who participates remotely in a public Board
138 proceeding is present for the purposes of quorum and voting.
- 139 K. All votes taken by the Licensing Board during a public Board proceeding using
140 remote methods for participation by any Licensing Board member must be taken by
141 roll call vote that can be seen and heard by the other members of the Licensing Board
142 and the public.
- 143 6. Emergency Medical Services Board Consultation
- 144 A. Consultation
- 145 (1) When the Emergency Medical Services Board initiates the drafting of a rule for
146 which consultation with the Licensing Board is required, the Emergency Medical
147 Services Board will, prior to the proposal of the rule for public comment, send the
148 draft to the Licensing Board for their review and advice.
- 149 (2) After the conclusion of a public comment period and review by the Emergency
150 Medical Services Board, for any rule for which consultation with the Licensing
151 Board is required, the Emergency Medical Services Board will send a copy of the
152 proposed rule with any changes resulting from the public comment period, a copy
153 of those public comments and the Emergency Medical Services Board's
154 Responses to those comments, to the Licensing Board for their review and advice
155 on any proposed changes to the rule as a result of public comments, and the
156 Emergency Medical Services Board's responses to those comments.
- 157 B. Timeline
- 158 (1) When the Licensing Board has been sent rulemaking documents for its
159 consultation prior to proposal for public comment, the Licensing Board has thirty
160 (30) calendar days to complete its review and provide advice.
- 161 (a) The Licensing Board shall notify the Chair of the Emergency Medical
162 Services Board if more time is needed, and an extension may be granted by
163 the Chair, not to exceed a total of ninety (90) calendar days.
- 164 (i) The Chair of the Emergency Medical Services Board may choose, in the
165 case where an extension has been requested, to hold a joint meeting with
166 the Licensing Board, during which the rule may be debated, and after
167 which the Emergency Medical Services Board may determine the grant of
168 the extension.
- 169 (2) When the Licensing Board has been sent rulemaking documents after the public
170 comment period and review by the Emergency Medical Services Board for its
171 consultation, the Licensing Board has no more than thirty (30) business days to
172 complete its review and provide advice.

- 173 C. Record
174 (1) The Licensing Board’s advice on a rule shall be in writing and shall advise the
175 Board on the policy as it pertains to the proper execution of the Licensing Board’s
176 duties.
177 (2) The Licensing Board’s written advice shall be made part of the rulemaking
178 record.
179 D. Authority
180 (1) The phrase “consultation with” does not authorize or grant permission to the
181 Licensing Board to veto or override any rule of the Emergency Medical Services
182 Board.

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185 AUTHORITY: 32 M.R.S. § 84(1)(A) & (H), 32 M.R.S. § 88(2)(C)
186
187 EFFECTIVE DATE: July 3, 1978 (EMERGENCY)
188
189 AMENDED: April 1, 1982
190 December 25, 1982 - Sec. 2.31, 3131, 6.311, 6.63 and 6.73
191 January 1, 1984 - Sec. 1, 2, 3, 5, 6, 8.32, 10.2, 10.3, 11.1066, 11.1067
192 April 30, 1985 - Sec. 1, 2.846.222, 6.332, 9.313, 8.3216 and 9.11
193 January 1, 1986 - Sec. 1, 6. 8.15, 8.2, 8.3, 8.4 and 11.103
194 September 1, 1986
195 August 25, 1987 - Sec. 5, 6.011 and 12 (added)
196 July 1, 1988
197 March 4, 1992
198 September 1, 1996
199
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202
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207 TBD