

**16 DEPARTMENT OF PUBLIC SAFETY**

**163 BUREAU OF EMERGENCY MEDICAL SERVICES (MAINE EMS)**

**CHAPTER 21: IMMUNIZATION REQUIREMENTS**

**§1. Definitions**

1. “Certificate of Immunization” means documentation from a health official of the administration of an immunization, specifying the vaccine administered and the date it was administered. Electronic health records, having been compiled and maintained as an official document based on certificates of immunization, which provide at a minimum the month and year that the immunization was administered may also be accepted as proof of immunization.
2. “Covered Emergency Medical Services Person” means an advanced emergency medical services person, a basic emergency medical services person or any person licensed by this board who routinely provides Direct Patient Care. For the purposes of this definition, EMS students that provide Direct Patient Care are Covered Emergency Medical Services Persons.
3. “Direct Patient Care” means any activity that places an individual within 6 feet of a patient for a period of 15 minutes or more.
4. “Disease” means the following conditions which may be preventable by immunization:
  1. Influenza; and
  2. COVID-19.
5. “Effective Date” means thirty (30) days after publication of this chapter by the Secretary of State for COVID-19 and by November 1, 2023 for Influenza.
6. “Entity” means an organization which holds a license issued by the Board that authorizes it as an organization to provide emergency medical services, or a training center licensed by the Board.
7. “Exemption” means a formal procedure to procure discharge from the requirement to vaccinate under this rule in accordance with Section 3 below.
8. “Immunization” means a vaccine, antitoxin or other substance used to increase an individual’s immunity to Disease.
9. “Primary Series” means the first dose of a one-dose series vaccine, and the first and second doses of a two-dose series vaccine.

## **§2. Immunization Required**

1. Each Entity with which a Covered Emergency Medical Services Person is associated must require that the Covered Emergency Medical Services Person provide to the Entity a Certificate of Immunization or documentation of an Exemption pertaining to the Diseases enumerated in the Chapter.
2. No Entity may permit a Covered Emergency Medical Services Person to provide Direct Patient Care without a Certificate of Immunization demonstrating compliance with paragraph 3 of this section, or documentation of an Exemption pertaining to the Diseases enumerated in the Chapter. Covered Emergency Medical Service Persons must have begun the COVID-19 series, or have an approved medical exemption, prior to providing Direct Patient Care, and must come into compliance with the remaining administrations in compliance with paragraph 3 of this section. The Seasonal Influenza vaccine is required annually, or as otherwise recommended by the US Centers for Disease Control.
3. Covered Emergency Medical Services Persons are considered vaccinated against COVID-19 when they have received all recommended doses in the primary series.
4. Any such immunization must meet the standards for biological products which are approved by the United States Public Health Service.

## **§3. Exemptions**

1. A Covered Emergency Medical Services Person who does not provide a Certificate of Immunization may be permitted to provide direct patient care if that Covered Emergency Medical Services Person possesses an Exemption.
2. An Exemption is available to a Covered Emergency Medical Services Person who provides a written statement from a licensed physician, nurse practitioner or physician assistant that, in the physician's, nurse practitioner's or physician assistant's professional judgment, on forms approved by Maine EMS, immunization against any of the Diseases enumerated in this Chapter may be medically inadvisable, provided that, the Covered Emergency Medical Services Person has an established patient-qualified provider relationship with the provider issuing the written statement. An exemption is considered permanent.

**§4. Record Keeping**

1. An Entity must keep a record of the immunization status of each Covered Emergency Medical Services Person associated with the Entity. The record must include, at a minimum, the month and year that each immunization dose was administered.
2. Where an Exemption has been granted to a Covered Emergency Medical Services Person, the Entity must maintain the written documentation of the Exemption on file.
3. Each Entity must maintain a listing of the names of all Covered Emergency Medical Services Person associated with the Entity who are not currently immunized against Diseases enumerated in the Chapter. The list must also include the names of all Covered Emergency Medical Services Persons with Exemptions.
4. All records required under this chapter shall be deemed, for the purposes of public access, confidential medical records under statute. Notwithstanding this statement, the Board may obtain and disclose records required under this chapter in accordance with 32 M.R.S. § 91-B.

**§5. Required Reports**

**1. Periodic Reporting**

Each Entity must, on an annual basis, submit a summary report on the immunization status of all Covered Emergency Medical Services Persons associated with the Entity on a form prescribed by Maine EMS no later than November 30<sup>th</sup> of that year as part of the EMS service license renewal. The summary report will include the following information at a minimum: specific contact information identifying the Entity, the total number of Covered Emergency Medical Services Persons who are immunized, the total number of Covered Emergency Medical Services Persons who possess Exemptions, and the total number of Covered Emergency Medical Services Persons who do not possess a Certificate of Immunization or an Exemption. Each report must be signed by a representative of the Entity as a certification that the information is accurate.

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