**Department of Public Safety**

DEPARTMENT OF PUBLIC SAFETY

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163 MAINE EMERGENCY MEDICAL SERVICES SYSTEM

CHAPTER 21: Immunization Requirements

**BASIS STATEMENT AND RESPONSE TO COMMENTS**

**Basis Statement:**

Chapter 21 is a new chapter to be added to the Maine EMS Rules. No Entity may permit a Covered Emergency Medical Services Person to provide Direct Patient Care as defined by the rule without a Certificate of Immunization, or documentation of an Exemption pertaining to the Diseases enumerated in the Chapter after the Effective Date required by this chapter. New employees must have begun the COVID-19 series, or have an approved medical exemption, prior to providing Direct Patient Care, and come into compliance with the remaining administrations in accordance with the applicable immunization manufacturer’s dosing specification or labelling.

Required vaccines include:

* COVID-19

**Summary of the comments:**

* Three submissions were neither in support of nor opposed to the proposed rule,
* Forty-three comments were received in opposition to the proposed rule,
* Six comments were received in support of the proposed rule
* There were two comments clarifying previous statements, and
* one clarifying question was asked during the public hearings

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| **Line or Chapter** | **Comment** | **Submitted By** |
| **Subsection 1 - Definitions** |
| 20 & 21 | *“We believe the definition of “direct patient care” needs further review. The scale of the Rule becomes wide and includes many responders with extremely limited patient interaction. While there may be a case for EMS licensees to meet the vaccination requirements, additional review for other agency personnel with limited roles—driving only, rescue, etc. is needed. For many of our small EMS and FD agencies there are substantial numbers of additional personnel who provide important services but have extremely limited patient contact. We do not believe these personnel should be considered as providing patient care. The administrative and operating costs of these new regulations for these added personnel is formidable without clear demonstrable benefit. We believe there is a reasonable case to exempt these additional personnel from the Rule.”* -- Judge, Thomas*Reply: reject in part – changed requirement to only apply to licensees and students providing direct patient care. Removed all vaccinations except for COVID-19, which is available at no cost.*  | Thomas Judge, Life Flight of Maine |
| **Subsection 1 – Definitions** |
| 14-18 | Concerning in the definition of EMS person - "routinely provides direct patient care - certain folks do not routinely provide direct patient care*Reply: reject the comment - Maine EMS Rules speak to the noted ambiguity in the word “routinely” in multiple instances. The Maine Board of EMS believes that there is sufficient precedent to retain the word routinely as used in these rules.* | Roger Hooper |
| **Subsection 2 – Immunization Required** |
| 55-76 | Four comments regarding the number of immunizations required and the cost associated with onboarding new clinicians. *Reply: Accept the comment. Removed all vaccinations except for COVID-19, which is available at no cost.*  | Shawn Cordwell,Robert Arnold,Dwayne Lee Philbrook, Robert Arnold |
| **Subsection 3 - Exemptions** |
| 77-93 | Four comments regarding the lack of alternatives to immunization:* One saying they were willing to “*…do alternative measures to ensure that I am safe to work, and safe to provide care to my patients.”* --Seymour, James,
* One regarding the need to have declination forms
* One saying adopt the rule with exemptions
* Does not allow exemptions and testing

*Reply: reject the comment- Public Law, Ch. 154 (introduced as LD798): An Act to Protect Maine Children and Students from Preventable Disease by Repealing Certain Exemptions from the Laws Governing Immunization Requirements was signed by Governor Janet Mills on May 24, 2019. This new law took effect September 1, 2021.* | James Seymour,Jason Dean Frantz,Abigail McMahon,Robert Arnold, John Moulton |
| **Subsection 4 – Record Keeping** |
| 94-114 | Six comments regarding the difficulties of vaccination records:* *“As noted in the hearing most older EMS workers do not have copies of their childhood vaccinations and it is functionally impossible for most adults to obtain records of immunizations which were administered in childhood and confer life-immunity. We believe the administrative costs and logistics of these additional requirements need careful review by the Board prior to any adoption.”* -- Judge, Thomas
* vaccines required before going to college - administrative burden is concerning - suggest that vaccine reporting be done as part of license renewal, or part of the annual ambulance inspections
* due to administration related nightmares where we have to get employees to provide their vaccination records. Will a titer be sufficient for any of the vaccinations? New employment, how does this factor into the new rule?
* this covers more than COVID, seven vaccines now, it can be complicated, we are not the health department

*Reply: accept in part. Removed all vaccinations except for COVID-19. We believe this makes the record keeping requirement reasonable.*  | Thomas Judge,Roger Hooper,Shawn Cordwell,Robert Arnold,Jeff Rowe, Walter Reed |
| **Subsection 5 – Required Reports** |
| 133-136 | Comment regarding the reporting time period for additional requests by Maine EMS, 48-hour period was termed, “Obnoxious.”*Reply: Accept the comment – we will remove §5 (2). The board already has the authority to request records without the need for this additional section.*  | Robert Arnold |

**General Comments**

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| Workforce Shortage |
| 14 comments (twelve opposing, one in support of, and one neither in opposition nor support of the rule) that spoke to the proposed rule having an impact on the EMS workforce shortage*Reply: Accept in part. Removed all vaccination requirements except for COVID-19. We acknowledge the comment, however the Maine EMS board feels that the risk to the patient served outweighs the risk the commenter raises* | Jerome Senior,Melissa Smart,Elizabeth Shardlow,Sarah Quirk,Zachary Staples,Joe McNeely,Benjamin Wallace,Miles Villalobos,Tommy Chisholm,Marianne Moore,Kelly Meehan-Coussee,John Moulton,Christopher M. Gardner  |
| Three comments that spoke to the cost associated with compliance to the proposed rule*Reply- Accept in part. All vaccinations except for COVID-19 were removed, and this vaccine is available to all persons at no cost.*  | Thomas Judge,Shawn Cordwell,Robert Arnold |
| Five comments that spoke to a lack of data surrounding the vaccines.*Reply: Reject the comment. We acknowledge the comment, however the Maine EMS board feels that the risk to the patient served outweighs the risk the commenter raises. The Maine EMS board feels there are sufficient data regarding the safety and efficacy of the vaccines, which is supported by the Maine and Federal CDC.* | Melissa Smart,Eileen McGuire,Kelly Brown,Abigail McMahon,Calvin Morin |
| Thirteen comments that spoke to the commenter’s belief that immunizations should be a personal choice.*Reply: Reject the comment. We acknowledge the comment however the Maine EMS board feels that the risk to the patient served outweighs the risk the commenter raises*  | Sarah KenneyElizabeth ShardlowEileen McGuireZachary Staplesgracesoule@aol.comTroy CaillerCaitlin DemersChristopher PironeEmily NixonKelly BrownMarianne MooreMike NortonJohn Moulton |
| Five comments regarding the commenter’s belief that the proposed rule will lead to or has already led to extended response times by EMS agencies. *Reply: Reject the comment. Statewide EMS data do not support the notion of response times being affected by this rule.* | James SeymourMelissa SmartSarah QuirkMiles VillalobosChristopher M. Gardner |