



Department of Public Safety

DEPARTMENT OF PUBLIC SAFETY

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163 MAINE EMERGENCY MEDICAL SERVICES SYSTEM

CHAPTER 27: IMPLEMENTATION OF EMS SUSTAINABILITY PROGRAM

BASIS STATEMENT AND RESPONSE TO COMMENTS – 2nd Comment Period

Basis Statement:

Pursuant to the requirements of 32 M.R.S. §84(1)(A), 32 M.R.S. §88(2)(B), and 32 M.R.S. §98, the Maine EMS Board is adopting a permanent rule, Implementation of EMS Sustainability Program. Previously, the Board adopted Chapter 24: Implementing the Maine EMS Stabilization Program. The Board is using as a basis for its policy decision the report published in December of 2022 by the 130th Legislature’s Second Regular Session Blue Ribbon Commission To Study Emergency Medical Services in the State, in which they record as findings and recommendations that: “...members expressed grave concern that EMS in the State is not only at the edge of a cliff but that in many areas of the State, particularly rural areas, EMS is already over that cliff. The primary issue facing EMS is a lack of funding...emergency medical services provided by an ambulance service are essential services. Funding is necessary and vital to delivering those essential services...” 32 M.R.S. §98 describes the purpose of that section as “...to increase the sustainability, efficiency and resiliency of emergency medical services throughout the State and to help ensure that all residents of the State continue to have access to high-quality, out-of-hospital clinical care provided by the emergency medical services system.” 32 M.R.S. §81(A) states that “...The Legislature finds that the provision of medical assistance in an emergency is a matter of vital concern affecting the health, safety and welfare of the public...” The promulgation of this rule is necessary to continue the uninterrupted functioning of this program and to ensure that the disbursement of funds continues, acknowledging that there is a continued need as established by the legislature.

The Board is distributing \$7,500,00.00 to emergency medical services training centers to assist in establishing a trained workforce and ensure adequate emergency response to Maine's residents and visitors. A Blue-Ribbon Commission to Study Emergency Medical Services (EMS) in the State was established by Public Law 2021, chapter 749 (Appendix A). The committee was in session from 1 Sep 2022 through 5 December 2022. The



commission's third meeting (6 Oct 2022) contained multiple presentations and discussions regarding EMS workforce development and training programs.

Multiple points were made regarding EMS education and issues with EMS clinician recruitment and retention:

- Training programs for EMS clinicians (public and private) have seen an increasing demand for services that they are having difficulty meeting.
- Retention of individuals completing licensure courses has been problematic.

After the committee's recommendation B-3, Legislative Document 244 (passed 4 May 2023) directed Maine Emergency Medical Services to convene a stakeholder group to explore career pathways and educational opportunities for emergency medical services providers in the state. That group involved the Maine Community College System, the University of Maine System, and other public and private entities that provide EMS education or training programs, as well as individuals with relevant backgrounds and experiences in EMS education and the delivery of EMS. In 2024, this group submitted a report to the Joint Standing Committee on Criminal Justice and Public Safety outlining the activities of the stakeholder group and many of the proposed solutions from the group.

The stakeholder group held six meetings between 20 Nov 2023 and 18 Dec 2023 to review various aspects of the EMS education system. The group provided a high-level examination of strengths, weaknesses, needs, and opportunities. The objectives for each meeting were established as follows:

- Objective #1 - To examine existing EMS licensure programs and pathways to EMS licensure in Maine
- Objective #2 - To examine opportunities to create paths for career development and EMS degrees
- Objective #3 - To examine continuing education opportunities and mechanisms
- Objective #4 - To examine funding considerations for education (infrastructure, students, etc.)

The distribution to emergency medical services training centers is structured to address all four objectives.

The Board is distributing \$1,000,000.00 to regional councils to fund the cost of regional medical directors and associate regional medical directors. Medical direction, tasked with creating, adopting, and maintaining the Maine Emergency Medical Services protocols, is a fundamental component of the EMS system. In addition, this provides additional funding for the regional council and the EMS regional manager to resource collaborative efforts in the region.



The Board is distributing the remaining \$10,808,000.00 to ambulance services and non-transporting services to ensure that all residents and visitors of the State of Maine continue to have access to high-quality, out-of-hospital clinical care provided by the emergency medical services system.

Second Comment Period

Maine EMS received seven (7) comments from four (4) commenters. The comments have the following positions:

- Three (3) Comments Oppose the Rule
- No (0) Comments Support the Rule
- Two (2) Comments are Neither For Nor Against the Rule
- Two (2) Comments Indicate No Position on the Rule

Section 4: Funding Pool

Oppose the Rule - This one-time funding for the Training Centers is a bandaid that will only kick the can down the road. If the Board feels that there should be one-time funding given to the Training Centers, then the amount should not be more than \$5 Million so as not to take too much money away from the organizations it was designed to support. If Maine EMS does support this one-time funding, then they should also throw the full weight of the Board behind legislation that is designed to provide permanent funding to the Community College system to build the infrastructure necessary for the EMS Education System in Maine to survive.

Rick Petrie
NorthEast
Mobile Health
Services

Suggested Maine EMS's Reply: Thank you for your comment. Maine EMS is making no changes as a result of this comment. The enacted legislation governing this funding, 32 M.R.S. §98(1) defines "B. Emergency medical services entity" to mean "an ambulance service or nontransporting emergency medical service or emergency medical services training center licensed under this chapter or a regional council." The portion of this statute that established the Sustainability grant, 32 M.R.S. § 98(4), states in part; "This subsection provides requirements for grants to emergency medical services entities to increase support and develop a plan for sustainability, collaboration and enhancement of efficiency in the delivery of emergency medical services in the State. The board shall adopt rules establishing requirements for grants under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A." The legislature clearly identified training centers as part of the recipients of this portion of the available funding by specifically naming them in the definition of an emergency medical services entity, and additionally directed that the Emergency Medical Services Board establish routine technical rules. This legislation, as enacted by the full legislature, does not



specify that the funds are to be divided, nor distinguishes between the types of recipients included as emergency medical services entities.

The Legislature authorized \$31 Million for Ambulance Services (\$25 Million), non-transporting services (\$5 Million), and Regional Councils/Training Centers (\$1 Million). Maine EMS was successful in getting that divided into a 40% - 60% split over 2 allocations. The second allocation for Ambulance Services was supposed to be \$15 million. Not only is this proposal half of what was authorized, it is less than the first allocation. Services were told of the 40%-60% split from the beginning, and many made plans to start projects based on the expectation of a 60% share for the 2nd allocation. If the Board is adamant that there should be a pot of money given to Training Centers larger than what was originally approved, then the 2nd allocation of money should at least equal the first allocation, \$10 million dollars, leaving \$5 million for training Centers.

Suggested Maine EMS's Reply: Thank you for your comment. Maine EMS is making no changes as a result of this comment. The enacted legislation governing this funding, 32 M.R.S. §98(1) defines "B. Emergency medical services entity" to mean "an ambulance service or nontransporting emergency medical service or emergency medical services training center licensed under this chapter or a regional council." The portion of this statute that established the Sustainability grant, 32 M.R.S. § 98(4), states in part; "This subsection provides requirements for grants to emergency medical services entities to increase support and develop a plan for sustainability, collaboration and enhancement of efficiency in the delivery of emergency medical services in the State. The board shall adopt rules establishing requirements for grants under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A." The legislature clearly identified training centers as part of the recipients of this portion of the available funding by specifically naming them in the definition of an emergency medical services entity, and additionally directed that the Emergency Medical Services Board establish routine technical rules. This legislation, as enacted by the full legislature, does not specify that the funds are to be divided, nor distinguishes between the types of recipients included as emergency medical services entities.

Section 6: Funding Allocation for Maine EMS Licensed Training Centers and Board Designated Regional Councils

Rick Petrie
NorthEast
Mobile Health
Services

Neither For Nor Against - Who is this money going to? The Maine EMS law states that the Board shall set the conditions by which an organization may be recognized as the Regional Council, and Maine EMS Rules state that the Regional Councils shall be established by application for designation to be submitted by a business entity. The contracts with the business entities have been cancelled, and there have been no changes to the law or the rules.

	<p>Suggested Maine EMS's Reply: Thank you for your comment. The current contracts have expired, and rulemaking for recent changes to Chapter 15: Maine EMS Regions and Regional Councils has been completed. The Office of Maine EMS, with the Board, is working to implement those changes to Chapter 15. Maine EMS is making no changes to the rule as a result of this comment.</p>
<p>Eric Wellman</p>	<p>Oppose the Rule - The items listed below seem to conflict with Maine EMS standards. They should be corrected to reflect the current standard used to evaluate Training Centers in the State.</p> <p>SECTION 6. FUNDING ALLOCATION FOR MAINE EMS-LICENSED TRAINING CENTERS AND BOARD-DESIGNATED REGIONAL COUNCILS Subsection 1. Emergency Medical Services Training Centers</p> <p>“This algorithm is based on the number of students who obtained their training from the applicant, and who passed within six attempts at the National Registry Certification Examination certification in the last calendar year calculated from January 1, 2024-December 31st, 2024.”</p> <p>This is not the standard established by the Maine EMS Board for Training Centers. The NREMT pass rate is calculated after three (3) attempts for Training Centers to meet their outcome requirements.</p> <p>From the Training Center Standards:</p> <p>Maine Emergency Medical Services Maine Emergency Medical Services Training Center Standards, Published May 2023 § 6 Student and Graduate Evaluation/Assessment; B. Student Outcomes, Page 34 Appendix C - Change History; Summary of 2023 Changes and Implementations to the Training Center Standards: XV, Page 64</p> <p>“XV. Outcome Assessment and Reporting</p> <ul style="list-style-type: none"> a. Defines that all programs will need to achieve the following goals: <ul style="list-style-type: none"> i. Retain and graduate 70% of all enrolled students. <ul style="list-style-type: none"> 1. A student is considered enrolled once they have completed 10% of the Program (CoAEMSP standard) b. 70% of retained and graduated students are certified by the NREMT within three (3) attempts. c. 70% of the NREMT certified graduates are employed in a position that uses their certification. <ul style="list-style-type: none"> i. Employed is a loose term, exceptions are made for military personnel, students that are continuing their education, and volunteers.



	<p>d. Reported annually to Maine EMS through annual reports. e. Corrective action plans must be reported to Maine EMS if goals cannot be achieved. f. Specific policies needed by the Training Center”</p> <p>Additional allocations should be made to training centers that comply with the training center standards. This measurable standard was intended to ensure that training centers do not exceed their resources.</p> <p>Suggested Maine EMS’s Reply: Thank you for your comment. Maine EMS has designed the rule to be less restrictive than the Training Center Standards, to allow for the adequate resourcing of all Training Centers currently in the State of Maine. The Board believes that this approach will assist those training centers not currently meeting those standards to meet compliance. Maine EMS is making no changes as a result of this comment.</p>
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Section 7: Requirements, Criteria, and Unauthorized Uses of Funds	
Eric Wellman	<p>Neither For Nor Against - Section 7. REQUIREMENTS, CRITERIA, AND UNAUTHORIZED USES OF FUNDS</p> <p>Subsection 8 - Board-Licensed Training Centers Only:</p> <ul style="list-style-type: none"> Increasing retention of enrolled students to a percentage higher than 70%, NREMT pass rate by a third attempt to a percentage higher than 70%, and job placement rate to a percentage higher than 70% should all be permissible funding goals as these are measurable outcomes. That increase should be higher than the current retention, NREMT passes by the third attempt, or job placement rate. <p>Suggested Maine EMS’s Reply: Thank you for your comment. Maine EMS has designed the rule to be less restrictive than the Training Center Standards, to allow for the adequate resourcing of all Training Centers currently in the State of Maine. The Board believes that this approach will assist those training centers not currently meeting those standards to meet compliance. Maine EMS is making no changes as a result of this comment.</p>

GENERAL COMMENTS	
George Demchak	<p>No Position - I am commenting on the latest proposed rule change to the implementation of the EMS Sustainability program. First, I would like to state I have spoken to State Senator Brad Farrin, who was a member of the Blue-Ribbon committee that recommended how the 31 million dollars should be distributed to the EMS agencies. This was done to ensure the quickest distribution to the agencies. Maine Ems took it upon themselves to establish rules that were very difficult for a lot of services to navigate. Therefore, some services elected to</p>



forego the process. The developing of the rules also slowed the distribution of money. The second distribution of money involves 19 million dollars that was designated by the committee as 17.1 million to Ems agencies, 1 million to training centers and \$850,000 to MEMS to administer the program. Maine EMS has now changed the intent of the Blue-Ribbon committee with a completely different intent! Now delaying the second distribution even more! The latest proposal by MEMS is about 10.8 million to Servies, over 6 million less than the Legislature wanted. It increases the amount intended for Training centers by 6.5 million dollars! It also increases the amount intended for MEMS by \$150,000. This is totally unacceptable! It was the immediate need of the EMS services to stay solvent, for the money to be appropriated. Apparently, Maine EMS, after using the services to argue for the need of the money, has now decided to change that need and take a large portion of that money for a different purpose. A total misappropriation of the original intent. That hugely reduces the credibility of MEMS and makes the true plight of the Services look exaggerated! Why would the legislature every take the EMS crisis as real again? If Maine EMS believes the Training centers need this kind of help, let them go to the legislature and present their case. Taking money from the Services to go to the Training centers is nothing but a money grab, that was not the intent of the money! Maine EMS should be ashamed. As an operations Director of a small rural Maine EMS service, I am disgusted by this proposed change

Suggested Maine EMS's Reply: Thank you for your comment. Maine EMS is making no changes as a result of this comment. The enacted legislation governing this funding, 32 M.R.S. §98(1) defines "B. Emergency medical services entity" to mean "an ambulance service or nontransporting emergency medical service or emergency medical services training center licensed under this chapter or a regional council." The portion of this statute that established the Sustainability grant, 32 M.R.S. § 98(4), states in part; "This subsection provides requirements for grants to emergency medical services entities to increase support and develop a plan for sustainability, collaboration and enhancement of efficiency in the delivery of emergency medical services in the State. The board shall adopt rules establishing requirements for grants under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A." The legislature clearly identified training centers as part of the recipients of this portion of the available funding by specifically naming them in the definition of an emergency medical services entity, and additionally directed that the Emergency Medical Services Board establish routine technical rules. This legislation, as enacted by the full legislature, does not specify that the funds are to be divided, nor distinguishes between the types of recipients included as emergency medical services entities.

Mike Senecal
MaineHealth

No Position - Dear Mr. Cooney:



Thank you for this opportunity to comment on the proposed rule for the implementation of the EMS Sustainability Program. We have four specific comments below:

Compliance with the 70-70-70 Standard: Training centers should be required to meet the 70% retention, 70% pass rate, and 70% job placement standard to be eligible for grant funding. This standard comes from the Maine EMS Training Center Standards manual that was published in May 2023. The 70-70-70 standard ensures that funds are directed toward programs demonstrating effectiveness in workforce development.

Accountability for Fund Utilization: Training centers should be required to submit a clear and detailed plan on how they will utilize funding to improve outcomes beyond the 70-70-70 standard. This accountability measure will help ensure that resources are being used effectively to enhance program success.

Pass Rate Calculation: We recommend Maine EMS to modify the funding allocation algorithm in Section 1.A.(2). to be based on pass rates within three attempts, rather than the currently proposed six attempts. Students exceeding three attempts typically require additional education and remediation, which incurs further costs.

Support for New Training Centers: Funding should also be allocated to allow agencies or entities to apply for grants to establish new training centers. Expanding access to training programs will help address workforce shortages and improve EMS system sustainability.

Sincerely,
Mike Senecal, WEMT-P
Senior Director - EMS & Interfacility Ops
MMC Interfacility Transport

Suggested Maine EMS's Reply: Thank you for your comment. Maine EMS has designed the rule to be less restrictive than the Training Center Standards, to allow for the adequate resourcing of all Training Centers currently in the State of Maine. The Board believes that this approach will assist those training centers not currently meeting those standards to meet compliance. Additionally, this rule as currently written, does not prohibit an Ambulance Service or Non-Transporting Emergency Medical Service from using their awarded funds to obtain licensure as a Training Center. Maine EMS is making no changes as a result of this comment.