

MAINE EMERGENCY MEDICAL SERVICES LICENSING BOARD

ORDER DELEGATING AUTHORITY TO BOARD STAFF

Background

In April and June 2016, the Maine Emergency Medical Services Board ("the Board") adopted formal policies that provided guidelines to the Staff of the Office of Maine Emergency Medical Services ("Board Staff") for issuing letters of guidance for the failure to submit patient care reports, the failure to participate in quality assurance activities, unlicensed practice, and allowing EMS personnel or emergency medical dispatchers to practice without a license. In April 2022, the Board added guidelines for issuing letters of guidance for the failure to demonstrate required continuing education at the time of renewal. In March of 2025, the Board incorporated Ambulance Operator Licensure within this delegation, revised the timeframes for letters of guidance to reflect current licensure durations, and clarified the applicable circumstances surrounding unlicensed practice for Ambulance Services.

On September 24, 2025, P.L. 2025 c. 491 became effective, establishing the Maine Emergency Medical Services Licensing Board ("Licensing Board"). This legislative change transferred the authority to issue Letters of Guidance or Concern to the Licensing Board and gave the Licensing Board the authority to delegate that function to Board Staff.

This Limited Delegation of Authority revises, updates, and re-establishes previous delegations to Board Staff, to be consistent with legislative change. It authorizes Board Staff to issue Letters of Guidance to applicants and licensees in limited situations where their conduct does not rise to the level of misconduct sufficient to merit disciplinary action. The practical effect of this delegation of authority will be to avoid bringing every such matter to the Licensing Board for resolution, allowing for the expedient and fair resolution of investigations involving applicants and licensees.

Applicable Law

Pursuant to 32 M.R.S. § 90-A(8), the Licensing Board has the ability to issue a letter of guidance or concern to an applicant or licensee, and gives the Licensing Board the authority to delegate this power to the Board's Staff:

8. Authority to issue letters of guidance. In addition to authority otherwise conferred, the licensing board or, as delegated, its staff may issue a letter of guidance or concern to an applicant or licensee.

A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations, and express concern over action or inaction by the licensee or applicant that does not rise to the level of misconduct sufficient to merit

disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any other provision of law, a letter of guidance or concern is not confidential. The licensing board or, as delegated, its staff may place a letter of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or applicant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the licensing board or its staff in any subsequent action commenced against the applicant or licensee within the specified time frame.

Delegation

The Licensing Board hereby delegates authority to Board Staff to issue a Letter of Guidance (hereafter “LOG”) to an applicant or licensee pursuant to 32 M.R.S. § 90-A(8), in the circumstances described below, when the facts of the case obtained meet the criteria specified in the limitations as described below, for the timeframe specified below for that circumstance.

Board Staff reserves the right to bring any case that falls within the above situations to the Licensing Board for resolution. In the event that a licensee has another Letter of Guidance or Board Action concerning the same issue on file, Board Staff will **not** take the delegated action and will instead bring the matter to the Licensing Board for resolution.

This Delegation of Authority is effective upon the approval of the Licensing Board, and will expire on the Expiration Date indicated below, at which time the Licensing Board shall review the actions taken pursuant to this Delegation, and determine whether to renew, suspend, or modify this delegation.

Staff will provide the Licensing Board with reports, no less than quarterly, listing the number of times, by circumstance, that this Delegation of Authority is used. This report will be cumulative over time for trending purposes and shall be used to satisfy the Licensing Board’s oversight responsibility.

Specific Circumstances, Limitations, and Length of Issuance

Circumstance	Limitations	Specific Delegated Action
A licensed EMS clinician failed to submit a completed electronic patient care report as specified by Maine EMS, within twenty-four hours pursuant to Maine EMS System Rules, Chapter 22 § 3(2) and § 4(2).	<ol style="list-style-type: none"> 1. Less than 10 patient care reports were not submitted or were not submitted within twenty-four hours; 2. No medication administration or invasive procedures were performed; and 	A LOG shall be issued for two (2) years.

	<ol style="list-style-type: none"> 3. This incident is the first occurrence of such conduct 	
<p>A licensed ambulance service or non- transporting emergency medical service failed to ensure that, for each request for service, or for each patient when more than one patient is involved in a call, a completed electronic patient care report as specified by Maine EMS was submitted within twenty-four hours by the EMS clinician(s) primarily responsible for patient care, or by a participating EMS clinician(s) when no patient is presented, pursuant to Maine EMS System Rules, Chapter 3 § 9 and Chapter 22 § 3(1).</p>	<ol style="list-style-type: none"> 1. Less than 10 patient care reports (collectively) were not submitted or were not submitted within twenty-four hours; 2. No medication administration or invasive procedures were performed; and 3. This incident is the first occurrence of such conduct. 	<p>A LOG shall be issued for two (2) years.</p>
<p>A licensee operated an ambulance while associated with a ground-transport ambulance service, after the individual's Maine EMS license had expired. Unlicensed Practice under 32 M.R.S. § 82(1).</p>	<ol style="list-style-type: none"> 1. The individual has submitted a renewal application; 2. The individual operated an ambulance on 10 or fewer emergency medical calls; 3. The individual was licensable at the time of expiration of their license; and 4. This incident is the first occurrence of such conduct. 	<p>The renewal will be issued with a LOG to be kept on file for four (4) years.</p>
<p>An applicant operated an ambulance while associated with a ground-transport ambulance service, while the individual did not hold a Board license to operate an ambulance. Unlicensed practice under 32 M.R.S. § 82(1).</p>	<ol style="list-style-type: none"> 1. The individual was licensable at the time of the occurrence; and 2. The individual operated the ambulance in response to 10 or fewer emergency medical calls. 	<p>The license will be issued with a LOG to be kept on file for four (4) years.</p>

<p>An ambulance service allowed one or more individuals to operate an ambulance while associated with the ground-transport ambulance service, while that person did not have an active Board license. Aiding or abetting the practice of emergency medical care by an unlicensed person under 32 M.R.S. § 90-A(5)(D).</p>	<ol style="list-style-type: none"> 1. The individual(s) operated an ambulance on 10 or fewer emergency medical calls (collectively); 2. The individual was licensable at the time of expiration of their license; and 3. The incident is the first occurrence of such conduct. 	<p>A LOG shall be issued for two (2) years.</p>
<p>An emergency medical dispatcher provided EMD services after their EMD license expired. Unlicensed practice under 32 M.R.S. § 82(1).</p>	<ol style="list-style-type: none"> 1. The individual has submitted a renewal application; 2. The individual performed EMD on 10 or fewer emergency medical calls; 3. The individual was licensable at the time of expiration of their license; and 4. This incident is the first occurrence of such conduct. 	<p>The renewal will be issued with a LOG to be kept on file for four (4) years.</p>
<p>An applicant provided EMD services while the individual did not hold a Board license to perform EMD. Unlicensed practice under 32 M.R.S. § 82(1).</p>	<ol style="list-style-type: none"> 1. The individual was licensable at the time of the occurrence; and 2. The individual performed EMD on 10 or fewer emergency medical calls. 	<p>The license will be issued with a LOG to be kept on file for four (4) years.</p>
<p>A licensed EMS service or EMD center failed to participate in Maine EMS quality assurance activities pursuant to Maine EMS System Rules, Chapter 18 §§ 4-5.</p>	<p>This is the first occurrence of such conduct.</p>	<p>A LOG shall be issued for four (4) years.</p>

<p>A licensee failed to notify the board in writing within 10 days</p>	<ol style="list-style-type: none"> 1. Relative to § 90-C(B): the criminal conviction does not involve: conduct directly related to the license; dishonesty or false statement; conviction of a crime for which incarceration for one year or more may be imposed; or the conviction relates to a crime defined in Title 17-A, chapter 11, 12, or 45; 2. Relative to § 90-C(C): the disciplinary action taken was not based on conduct related to the profession or otherwise open to disciplinary proceedings with the Board; and 3. The incident was the first occurrence of such conduct. 	<p>4 years.</p>
<p>A licensee failed to present proof of satisfactory completion of continuing education upon submitting a license renewal application pursuant to Maine EMS System Rules, Chapter 5 § 6(3)(C)(4) and (5).</p>	<ol style="list-style-type: none"> 1. The licensee was deficient in a total of less than or equal to two (2) continuing education hours at the time of application; 2. The licensee subsequently satisfies the deficient continuing education hour requirement in accordance with Maine EMS Rules, within 10 business days after notification is made to the applicant by Board staff; and 	<p>A letter of guidance shall be issued for 4 years.</p>

	3. The incident is the first occurrence of such conduct.	
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EFFECTIVE: January 22, 2026

EXPIRES: February 28, 2026

SO ORDERED:


Joseph Kellner (Jan 28, 2026 15:31:12 EST)

Joseph Kellner, Interim Chair
EMS Licensing Board

HISTORY:

ADOPTED: November 4, 2020, by the Maine Emergency Medical Services' Board
TBD, by the Maine Emergency Medical Services Licensing Board

REVISED/RENEWED:

Revised by Maine Emergency Medical Services' Board on March 3, 2021
Revised by the Maine Emergency Medical Services' Board on April 6, 2022
Renewed by the Maine Emergency Medical Services' Board on November 2, 2022
Revised by the Maine Emergency Medical Services' Board on March 5, 2025
Revised (partial) by the Maine EMS Licensing Board on January 22, 2026

Rules Violation Delegation Order (1-28-26)

Final Audit Report

2026-01-28

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