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GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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AUGUSTA, MAINE
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JOHN E. MORRIS
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
JUNE 1, 2011
DECHAMPLAIN CONFERENCE ROOM

MINUTES (APPROVED)

Members Present: Tim Beals (chair), Judy Gerrish (chair-elect), Ken Albert, Joe Conley, Laura Downing, Paul Knowlton, Kalem Malcolm, Lori Metayer, Jeff Rowe, Mike Schmitz, Mike Senecal, Percy Thibeault, Roy Woods

Staff: Jay Bradshaw, Dawn Kinney, Kerry Sousa Pomelow, Jon Powers, Drexell White

Regional Coordinators: Donnie Carroll, Joanne LeBrun, Rick Petrie

Office of Attorney General: Laura Yustak Smith, AAG, Shannon Stanhope (intern)

Guests: Jeffrey Coombs, Brent Libby

1. Members and guests introduced themselves.
2. Approval of May 4, 2011, minutes

MOTION: To approve the minutes of the May 4, 2011, meeting as distributed. (Thibeault, second by Gerrish). Unanimous

3. Public Comments – none

4. New Business

- a. Laura Yustak Smith presented a program on the EMS disciplinary process and review of the statutes and rules through which the Board conducts its business.
- b. Investigations Committee

MOTION: For the Investigations Committee to approve the minutes of the May 4, 2011, meetings as submitted. (Metayer; second by Knowlton) Unanimous

Dawn reviewed the cases presented to the Board.

MOTION: To ratify the Investigation Committee minutes of May 4, 2011, as presented. (Thibeault; second by Woods) Carried with one abstention (Senecal)

- c. Committee Action Items
 - i. Education

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MOTION: To accept the Education Committee recommendation regarding the qualifications for the Coordinator of an EMS Instructor/Coordinator program as presented in Appendix G of the Training Center Application Process (Metayer; second by Senecal) Carried with one opposed (Conley)

MOTION: To accept only the National Education Standards for programs taught at the Emergency Medical Responder ("First Responder), Emergency Medical Technician, and Paramedic levels effective September 1, 2011. (Senecal; second by Schmitz) Carried with one abstention (Rowe)

ii. Emergency Medical Dispatch

MOTION: To accept the EMD Committee's recommendation on Quality Assurance requirements as presented with the typo for the final QA marker to be September 1, 2012. (Gerrish; second by Woods) Carried with one opposed (Woods)

d. Waiver Requests

- i. Jeffrey Coombs – Mr. Coombs presented his request that the Board waive Chapter 5 § 4(5)(B)(2) and allow him to use a refresher course taken in February 2011 to renew his license that expired in April 2008.

The Board discussed with Mr. Coombs the history of his EMS license, why he let it expire in 2008, and his current request to be relicensed.

In reviewing the waiver requirements in Chapter 13 of the EMS Rules, the Board found that: 1) the applicant had not taken reasonable steps to ascertain and comply with the Rules; 2) the applicant was not given inaccurate information by an agent or employee of the state EMS program; 3) there would not be significant harm if the waiver was denied; 4) waiving the Rule may present a health or safety risk because his training did not meet the requirements; and 5) granting a waiver would establish a precedent that would unduly hamper the Board or office in its administration of the EMS system.

MOTION: To deny the waiver request from Jeffrey Coombs because of a lack of extraordinary circumstances and the Board did not find factors weighing in favor. (Senecal; second by Albert) Unanimous

Mr. Coombs was thanked for his interest in bringing his request to the Board and for his forthright manner.

- ii. Brent Libby on behalf of Cumberland County Fire Attack School requesting a waiver of Chapter 8 § 1.F and accept an EMS Refresher course that was taught April 29 – May 1, which was not approved prior to the course as required.

The Board discussed with Mr. Libby the circumstances surrounding a refresher course offered at the Cumberland County Fire Attack School which was not approved prior to the course beginning. CCFA advertised the class as meeting the MEMS licensing requirements and collected a tuition from each student, but did not get the necessary approval from an authorized Training Center.

In reviewing the waiver requirements in Chapter 13 of the EMS Rules, the Board found that: 1) the applicant had not taken reasonable steps to ascertain and comply with the Rules; 2) the applicant was not given inaccurate information by an agent or

employee of the state EMS program; 3) the Board was divided (6/6) on whether there would not be significant harm if the waiver was denied; 4) waiving the Rule may present a health or safety risk because his training did not meet the requirements; and 5) the Board was divided (8/4) on whether granting a waiver would establish a precedent that would unduly hamper the Board or office in its administration of the EMS system.

MOTION: To deny a waiver to Brent Libby on behalf of the Cumberland County Fire Attack School and strongly recommend that the CCFAS refund tuition paid by students who attended the program offered April 29 – May 1. (Conley; second by Metayer) Carried with two opposed (Rowe, Woods) and one abstention (Conley)

MOTION: That the Board accept a course taught by Brent Libby on April 29 – May 1, for the following students: Christopher Britting, Troy Cailler, Keith Gautreau, Carolyn Hall, William Hawkes, Stephen Terhune, Aaron Toth, and Linda Wells, which course was not compliant with the Training Center approval procedures, as discussed on the record by the Board in consideration of the request presented by Brent Libby on behalf of Cumberland County Fire Attack School, which waiver request was denied this date. The Board shall approve the foregoing class, despite the lack of prior approval, as meeting the refresher requirements for licensure at the EMT-Basic level. (Albert; second by Thibeault) Unanimous.

- e. Other – Jay noted that a couple members asked about the status of the correspondence with Southern Maine EMS regarding concerns described in a letter sent May 6, 2011. MEMS is awaiting a response and when one is received, it will be reviewed by the sub-committee tasked with reviewing regional contracts and performance reports.
5. Staff Report
 - a. MEMS – Jay reported that Geneva Sides has resigned from the Board due to personal demands. The Governor’s Office has been asked to review other applications recently submitted for this position. The EMS Awards were held at the Blaine House on May 18, 2011. Although the venue is much smaller than the Hall of Flags, those attending appreciated the atmosphere of having it at the Blaine House. Governor LePage, Commissioners Morris (DPS) and Mayhew (DHHS), and Tim Beals were among those participating.
 - b. Medical Director – Jay reported for Dr. Sholl who was unable to attend due to a scheduling conflict. The MDPB has completed its work on the medical portion of the 2011 Protocol revisions and MEMS will be going through the process to get them printed. The MDPB will establish an effective date when an estimated delivery is known, along with the training required. However, it is anticipated the date will be in the fall of 2011. The state QI committee is working drafting a state QI manual that builds upon the version used by KVEMS. The HART committee is working on better defining its role and in identifying a regular meeting date and time.
 6. Next Meeting – Wednesday, August 3, 2011, at 9:30 at Maine EMS
 7. Adjourn – meeting adjourned at 3:00 PM