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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  
OCTOBER 2, 2013  
DECHAMPLAIN CONFERENCE ROOM

MINUTES (APPROVED)

Members Present: Judy Gerrish (chair), Jeff Rowe (chair-elect), Tim Beals, Nate Contreras, Laura Downing, Nancy Jackson, Kalem Malcolm, Matt Sholl, MD (ex-officio), Mike Senecal, Brian Stockdale, Percy Thibeault

Staff: Jay Bradshaw, Dawn Kinney, Alan Leo, Jon Powers, Don Sheets, Drexell White

Office of Attorney General: Lauren LaRochelle, AAG

Regional Coordinators: Joanne LeBrun, Rick Petrie

Guests: Don Koslosky, Chris Paré, Dan Batsie, David Rackliffe

1. Introductions were made and all were welcomed.

2. Minutes – August 7, 2013

a. **MOTION: To approve the minutes of the August 7, 2013, meeting as corrected (Rowe; second by Contreras). Unanimous**

3. Public Comments – None

4. Old Business

a. Community Paramedicine Pilot Projects – Jay Bradshaw reported that there have been 11 pilot projects approved: North East Mobile Health, United Ambulance, Delta Ambulance, St. George Ambulance, Searsport Ambulance, NorthStar EMS, Mayo Hospital Ambulance, Crown Ambulance, Castine Fire Dept First Responders, C.A. Dean Ambulance, and Calais Fire Department. Most are already seeing patients. Northstar will begin on November 1; waiting for a startup date for Searsport. There are two applications (Winthrop Ambulance and Lincoln County Healthcare) that will be reviewed by the Steering Committee on October 10.

The next phase in this process is data collection and evaluation. Representatives from all CP pilot projects met last month to talk about their projects and begin developing common reporting mechanism. Muskie School, USM, has offered their assistance.

5. New Business

a. Investigations Committee

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**MOTION: For the Investigations Committee to approve the minutes of the August 14, 2013, meeting as distributed. (Beals; second by Senecal) Carried 3/0/1 with one abstention (Gerrish).**

Dawn Kinney reviewed the cases and responded to questions from Board members.

Dawn also asked for clarification on how the Board would like the office to proceed when a case is required to submit a review of run reports as part of a consent agreement.

**MOTION: The staff review of run reports will: a) involve the regional medical director, b) include notification to all services where the individual works, and c) notify subject that failure to improve will be considered a serious violation. (Beals; second by Senecal) Carried with one abstention (Rowe)**

**MOTION: For the Board to ratify the Investigation Committee minutes of August 14, 2013, as presented. (Beals; second by Malcolm) Carried with one abstention (Rowe – who disclosed outside contact regarding case #13-034).**

**MOTION: For the Investigations Committee to approve the minutes of the September 4, 2013, meeting as distributed. (Beals; second by Senecal) Unanimous.**

**MOTION: For the Board to ratify the Investigation Committee minutes of September 4, 2013, as presented. (Beals; second by Contreras) Unanimous.**

Lauren LaRochelle discussed with the Board the process through which reimbursement could be obtained for cost of an investigation. This could only be done if the Board found a violation occurred and would be included in notifying a subject about hearing options. At such time, it would be necessary to obtain financial information regarding the subject's financial capacity. There other agencies with experience in this area that Maine EMS can use as examples to develop its own form and process to collect and evaluate this information. In some cases this may result with the subject entering into a payment plan.

**MOTION: To pursue recovering the cost of investigations where permitted and following the process prescribed by the Office of the Attorney General. (Senecal; second by Jackson) Carried with one abstention (Thibeault).**

- b. Legislative and budget updates – Jay Bradshaw reported that Governor LePage has indicated he will not be submitting a supplemental budget for FY14, which means that the Legislature will have to develop a plan to resolve the anticipated budget shortfall. It is unknown if/how this will affect EMS.

Jay also reported that the Right to Know Advisory Committee (RTKAC) has been reviewing the use of technology to conduct Board functions. EMS has been involved in these discussions because the EMS Law includes the ability of the Board to do so. The RTKAC has reviewed legislation that would set restrictions on the use of technology by new agencies; however, the Board of EMS will not be affected.

- c. Committee reports

- i. Education – Don Sheets reported that the protocol update has been the primary work item. There is a protocol update on MEMSEd.org and Don will be attending all of the regional train-the-trainer updates.
  - ii. Data - Jon Powers reported that work is continuing to prepare for the rollout of NEMSIS 3.0 scheduled for July 2014.
  - iii. Exam – Drexell White reported there have been two new appointments: Scott Michaud, Aroostook EMS; and Andrea Thompson, Southern Maine EMS. The Committee is continuing its review and evaluation of the PSE process.
  - iv. EMD – Drexell White reported that the City of Portland (MEDCU) has received approval for their Response Plan and as a result, have terminated their pilot project.
  - v. Ops Team – Joanne LeBrun reported that among other routine update topics, the Ops Team discussed preparation for the 2014 EMS Week insert and the protocol update/rollout process.
- d. Work Plan for FY 14 – Judy Gerrish and Jay Bradshaw asked about the Board’s work plan for the coming year. Since there have been several new members to the Board, the consensus was suggested to have Lauren do an orientation to the Board’s role, responsibility, and legal considerations in December, following which the goals for the coming months will be decided.
- e. Waiver request – David Rackliffe. *Mike Senecal disclosed that he has known and worked with Mr. Rackliffe for several years and as such, recused himself from participating. Kalem Malcolm disclosed that he previously worked with Mr. Rackliffe, but that it would not affect his ability to objectively act in this matter.*

David Rackliffe was a paramedic whose license expired in July 2011. He is requesting a waiver of the Rules to allow him to renew his license using continuing education courses. He currently does not have any CEHs that could be used for this purpose, but if approved will work with Carol Pillsbury, Dr. Zanella, and Joanne LeBrun to develop a training and evaluation plan. A summary of the waiver request was distributed to the Board, who discussed the request at length.

In response to the questions which must be considered as part of a waiver request, the Board made the following findings:

1. Mr. Rackliffe did not take reasonable steps to ascertain the rule and comply with it, which does not support the waiver request.
2. Mr Rackliffe was not given inaccurate information by an agent or employee of Maine EMS, which does not support the waiver request.
3. There may be harm to Mr. Rackliffe in terms of time and expense to take a full paramedic course if the waiver is not granted, which does support the waiver request.
4. Granting the waiver would not pose a health or safety risk to the public or community, which supports the waiver request.
5. Waiving the Rule would set a precedent that would unduly hinder the Board or MEMS (5 agreed; 2 disagreed; 2 were neutral), which does not support the waiver request.

**MOTION: To table further action until Mr. Rackliffe is able to provide documentation of continuing education since his license expired. (Malcolm; second by Thibeault) Failed (3-6).**

**MOTION: To approve the waiver request provide the education plan is developed and described above and that Mr. Rackliffe completes the entire process within 6 months, and that the service have a preceptor program to assess his performance. (Jackson; second by Contreras). 5 in support; 4 opposed FAILED because a waiver requires approval by both a majority of the Board and 2/3 (6) of those present and voting.**

- f. Other – Jay Bradshaw reminded members that there will be a Town Meeting at the APEMS Samoset Conference on Friday, November 8 @ 5:30 – 6:30. This is an annual opportunity to discuss topics of interest to attendees and all are welcome.

6. Staff Reports

- a. MEMS – Jay Bradshaw reported that the app developer is aiming to have a test version of the protocol apps by mid-November, so that the final version can go through Apple’s approval process in time to be available December 1.

Jay also noted that he has been invited to join an EMS education session in Israel from October 26 – November 3. The trip is sponsored by the American Israel Education Foundation, which is taking handling all arrangements and expenses.

- b. Medical Director report – Dr. Sholl reported that:

- Discussions are ongoing with Drs. Dinerman, Tilney, Busko, and Pieh, and Tom Judge regarding the scope of practice for air ambulance providers.
- The MDPB will have at least one member at all protocol rollouts.
- Maine and the other New England states will be participating in a project with the Baylor College of Medicine to evaluate the utilization of evidence based pediatric protocols. This will be a multi-year, federally funded, project.
- Discussions continue with the MDPB regarding the involvement of EMS in active shooter incidence.

7. Other - none

8. The next scheduled Board meeting will be on Wednesday, December 4, 2013 @ 9:30 AM

9. Meeting adjourned at 12:25 PM.