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GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
152 STATE HOUSE STATION
AUGUSTA, MAINE
04333



MICHAEL P. CANTARA
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
MAY 4, 2005
9:30 AM
MAINE EMS CONFERENCE ROOM

MINUTES

Board Members: Steve Leach (chair), Wayne Werts (chair-elect), Bob Ashby, Alan Azzara, Oden Cassidy, Joseph Conley, Peter DiPietrantonio, Richard Doughty, Bill Dunwoody, Sue Dupler, James Farrell, Kevin Kendall, Paul Knowlton, Penelope Kneeland, Jim McKenney, Carol Pillsbury

Regional Coordinators: Joanne LeBrun, Bill Zito

Staff: Jay Bradshaw, Dawn Kinney, Drexell White, Laura Yustak Smith, AAG

1. Introductions

- a. Joseph Conley, EMT-P, was introduced and welcomed as a new Board member representing For-Profit ambulance services. Mr. Conley is a Paramedic with AMR in Scarborough.
- b. Guests: Dave Robie, Cory Morse, Mike Senecal, Felecia Harris (Northstar Ambulance); Dr. Mark Jackson, Dennis Russell (UVAC), and Chief Charles Hammond (Windham Fire/EMS)

2. Approval of March 2, 2005, meeting minutes.

MOTION: To approved the minutes of the March 2, 2005, meeting as distributed. (Dunwoody; second by Kneeland) Unanimous.

3. Old Business

- a. EMS Assessment Report.
 - i. Jay reported that the contracts for the 4 work group facilitators were approved by the Bureau of Purchases on May 2, 2005. The initial meeting of the facilitators will be on May 9. At that meeting, the facilitators will coordinate how the work groups record their activity and develop a standardized reporting format. It is anticipated that the initial meeting schedule will also be developed at that time and commence as soon as possible.

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- b. Jay distributed an update of Legislative bills that MEMS is tracking. In addition to the list provided, two bills had hearings or work sessions on May 3: LD 1373 will require all PSAPs to provide emergency medical dispatch (pre-arrival instructions) with certified EMD dispatchers. MEMS testified in support of the bill which also tasks MEMS with the certification process; however, EMS also testified that this will require an additional staff person. Funding for that position will come from the E-9-1-1 telephone surcharge. Unanimously approved by the Utilities and Energy Committee. If passed by the Legislature and signed into law, MEMS will have 2 years to work with the Emergency Services Communications Bureau to develop the standards for training, EMD protocols, certification and continuing education.
- c. Jay also reported that the Joint Standing Committee on Criminal Justice and Public Safety have requested a meeting with MEMS on May 11, 1:00 – 3:00. Jay will be contacting Re. Richard Sykes (R-Harrison) to identify the items they would like to discuss in order to have necessary information for that session. Steve Leach encouraged Board members to contact their Legislators and express support for MEMS – and to attend the May 11, meeting if available.
- d. Discussion then took place with regard to how the Board of EMS could communicate its interest in legislative bills that may be contrary to the Executive Branch's position. For example, the Board unanimously supports LD 196 which will increase the MaineCare reimbursement to the same levels as federal MediCare rates; however, because of the fiscal note of this bill (\$1.8 million), the office is not able to testify in support of this legislation. The Board directed Jay to work with Laura Yustak Smith and report back with options. The Board also discussed the possibility of forming a Legislative Review sub-committee; however, because of the legal requirements for meetings (including both public notice and physical presence) nothing was finalized and the discussion will continue about this, and other, possible sub-committees.
- e. Budget. The budget which was passed by the Legislature and signed into law by Gov. Baldacci provides funding for FY06 at the same level as FY05. If the "People's Veto" is successful in obtaining the required signatures by the June 20 deadline, that budget will become null and void. At that time a continuing resolution will be necessary to continue operations beyond July 1. It is not known how all this will affect the regional contracts, but Jay is working on this with DPS Administrative Services.

At this point in the meeting, the Board took items in a different order than printed on the agenda. These minutes reflect the order in which items were discussed.

4. New Business

- a. University of Maine Volunteer Ambulance Corps. Dr. Mark Jackson and service director Dennis Russell presented a request to the Board to enable UVAC to transport certain patients (students and faculty only) to the Cutler Health Center instead of to one of the Bangor hospitals.

After hearing from the UVAC representatives, the Board was supportive of the proposal, but unsure how to respond in a manner that did not set an unintended precedence. Board directed staff to work with the AAG and UVAC to develop language for approval and present same at the next Board meeting for approval.

b. Waiver Request – NorthStar Ambulance, Farmington.

Because of her employment with NorthStar, Carol Pillsbury recused herself from this discussion and sat with the other guests.

NorthStar Ambulance is requesting a waiver of Chapter 3 § 2.5 and 3 in order to consolidate their 5 bases under a single license.

Representatives of NorthStar explained their request and the impact of the waiver upon their efforts to consolidate several remote bases into a single service. After considerable discussion, much of which centered around the Board's questioning the need for the waiver and concern about setting a precedent for other waivers, the following action was taken:

MOTION: That the Board waives Maine EMS Rules (dated July 1, 2003) Chapter 3 §2.5 – Base Location- to the extent necessary to allow Northstar Ambulance Service to position ambulances within its service area based upon system requirements instead of predefined base locations and Chapter 3 §3- Changes in License Factors – to the extent necessary to allow Northstar to license a single base of operations instead of requiring the service to obtain separate licenses for ambulance bases located within its response areas; that factors for granting the waivers include that the communities in the service's primary response area are contiguous and the service routinely transports its emergency transports to a single hospital destination; and that the Board grants the waivers with the following conditions: 1) NorthStar Ambulance will use system status management for vehicle placement and staffing, 2) the service will utilize a single quality improvement plan and 3) these waivers will remain in effect until the next EMS Rules change, regardless of whether or not the sections being waived are changed. (Dunwoody; second by McKenney) Unanimous with 3 abstentions (Kendall, Kneeland, and Doughty).

At this point, Carol Pillsbury returned to the Board table for the remainder of the meeting.

c. Appeal of staff decision: Warren Ambulance Service.

Joining the meeting at this time were: Bob Wood, Ed Grinnell, Grant Watmough, Bill Lufkin and Roger Katz, Esq. (Warren Ambulance); Denise Lord and Kathy Plante (Dept. of Corrections), and Leanne Robishaw (Bangor Daily News)

Warren Ambulance Service is appealing a MEMS staff decision that WAS must respond to emergencies at the Maine State Prison in Warren. It is the opinion of staff that because the prison is within the primary service area of WAS, and as such WAS must respond to emergency calls from the public.

WAS's position is that the prison and its employees and visitors should not be considered as members of the public and that responding to calls at the prison is adversely affecting the service due to the increase in calls and low reimbursement provided.

Penny Kneeland left the meeting during this discussion and was not present for voting.

After hearing testimony from staff, the Town of Warren, and the Warren Ambulance Service, the following action was taken.

MOTION: That the Board upholds the Maine Emergency Medical Services staff's March 4, 2005 interpretation of Maine EMS Rule (Me. Dep't. of Public Safety 16 163 CMR 3(2)(4)(A); that Maine State Prison inmates, workers, and visitors are considered members of the public as referenced in the Maine EMS Rules; and that the Warren Ambulance Service must respond to emergency calls at the prison as it would to similar calls from other locations. (Pillsbury; second by Doughty) Unanimous.

MOTION: To deny a waiver request to Warren Ambulance Service affecting its primary service area because to approve the waiver may cause harm to the public by delaying emergency medical services and set a precedence that could have a negative impact on other facilities and correctional institutions. (Pillsbury; second by Doughty). Unanimous.

- d. Operations Team Action items – due to other scheduling conflicts, the Ops Team did not meet on May 3. The next meeting is scheduled for May 31.
- e. Education Committee Action Items
 - i. There are no Education Committee action items at this time.
- f. Investigations Committee Action Items

MOTION: To ratify the Investigations Committee meeting minutes of March 2, 2005 (McKenney; second by Kendall) Unanimous.

MOTION: To approve the terms of the consent agreement in case #04-26. (DiPietrantonio; second by Dupler) Unanimous.

MOTION: To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of reviewing cases 04-21, 05-01, 03-12, and 03-20 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned (Dupler; second by Doughty). Unanimous.

Executive session started at 3:00 PM.

MOTION: To exit Executive Session. (Werts; second by Pillsbury) Unanimous.

Executive session ended at 3:15 PM.

MOTION: To accept the Investigations Committee recommendation regarding case # 04-21, to include violations of 32 MRSA § 90.A.5 and Maine EMS Rules (dated July 1, 2003) Chapter 17 §1.4 - Any criminal conviction, subject to the limitations of Maine statute, §1.5 - Acting in ways that are dangerous or injurious to the licensee or other persons, §1.14 - Violation of any standard established in the profession and §1.22 - Incompetent practice. A licensee or applicant shall be deemed incompetent in the practice if the licensee or applicant has (a) engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client, patient, or the general public, or (b) engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which he is licensed; and that that staff pursue a consent agreement to revoke licensee's license and failing that, to direct the Office of the Attorney General to file for revocation of licensee's license in District Court. (Kendall; second by Farrell) Unanimous.

MOTION: To approve the summary in the matter of Stephen Smith and authorize Carol Pillsbury to sign the decision as the Presiding Officer on behalf of the Board. (Kendall; second by Doughty) Unanimous.

MOTION: To ratify the Investigation Committee meeting minutes of the April 6, 2005. (Kendall; second by Cassidy) Unanimous.

g. Annual EMS Awards.

Jay reported that the annual EMS awards will be presented on May 18, 2005 @ 2:30 in the State House Hall of Flags. Both Gov. Baldacci and Commissioner Cantara are scheduled to participate. The Awards Committee selected the following individuals to receive awards:

Governor's Award, Robert Tredwell; Excellence in EMS, Thomas Doak, Lifetime Achievement Award, Linda Roberts, Susan Frye, and James & Evelyn Cox.

5. Staff Update

a. MEMS

- i. Staff changes – Missy Donovan has left MEMS and returned to her previous position at the State Bureau of Identifications. MEMS has applied for a waiver of the hiring freeze in order to fill this vacancy. Dawn has cancelled many of her inspections in order to help process license applications – other staff also sharing providing clerical coverage (phones, mail, etc.)
- ii. License update – Drexell continues to work the iCST on implementing the update to the licensing program. Due to numerous delays from iCST, Jay has talked with DPS-MIS about the need to pursue third party arbitration to resolve several outstanding issues. Drexell will also be meeting with InforME (state web portal) to coordinate update of MEMS web site to include anticipated features of the new licensing program.
- iii. E-Run Report project – Jay has had several conversations with the vendor selected for this project, ImageTrend, LLC. At the suggestion of DPS-MIS and other states who have gone through a conversion to electronic run reporting, he will also be issuing an RFP for a data project manager. Funding for this will come from the partnership of MEMS, Highway Safety, and OPHEP.
- iv. Protocols – Jay reviewed the details of the recent protocol update and the factors that resulted in reprinting the books. The consensus of the Board was that the steps taken in the protocol process were reasonable, that the decision to reprint the books while unfortunate was also appropriate, and that developing a written procedure for use in future updates will be beneficial to make the process more effective and efficient.
- v. Other – Jay reported that later this year, MEMS will be receiving ~\$190,000 from the Rural Access to Emergency Devices grant. This brings the total received to almost \$1,000,000 over the past 4 years. MEMS also received a grant from MEMA to distribute Mass Casualty Training CDs to all EMS service. Joanne LeBrun will be developing a written test in the next few weeks and conducting instructor training programs in the coming months.

b. MDPB

- i. Jay reported for Dr. Diaz that the MDPB approved changing the effective date of the protocols to July 1, 2005.
- ii. John Bastin and others have developed a model for Go Boxes to provide antidotes and treatment for use in possible bioterrorist situations. The plan is to have a total of 25 boxes deployed at hospitals near the 12 Strike Teams already in place. These will only be for the use of paramedics who have attended

- iii. an Advanced HazMat Life Support program. This is a work in progress being done in cooperation with OPHEP and there is much more to do before this becomes reality.
 - iv. Work is continuing on a program for Online Medical Control training.
 - v. The CPAP pilot project that has been underway was approved to continue for another year. The project has entered 39 patients into the study and will continue for another 6 months are report back to the MDPB with both raw data and statistical analysis).
 - vi. The next MDPB meeting will be on May 18, 2005.
6. Other
- a. Steve Leach suggested that the term of chairs of standing committees be concurrent with the Board chair and that with a change of Board chair, committees will be contacted for recommendations about their chair. Steve said that his intention is to give others who may be interested in a leadership position the opportunity to pursue same – and at the same time not force current chairs into feeling that theirs is a never-ending.
 - b. Next scheduled meeting is June 1, 2005.

Meeting adjourned at 3:40 PM.