



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



JOHN ELIAS BALDACCI
GOVERNOR

ANNE H. JORDAN
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
JUNE 3, 2009
DECHAMPLAIN CONFERENCE ROOM

MINUTES (FINAL)

Members Present: Wayne Werts (chair), Tim Beals (chair-elect), Steve Diaz (ex-officio), Percy Thibeault, Peter DiPietrantonio, Joe Conley, Steve Leach, Richard Doughty, Paul Knowlton, Ken Albert, Judy Gerrish, Roy Woods, Lori Metayer, Bob Hand, Geneva Sides, Jim Ryan

Staff: Jay Bradshaw, Jan Brinkman, Dawn Kinney, Alan Leo, Jon Powers, Drexell White

Regional Coordinators: Donnie Carroll, Steve Corbin, Joanne LeBrun, Rick Petrie, Bill Zito

Office of Attorney General: Lara Nomani, AAG (9:00 - 10:40), Laura Yustak Smith, AAG (after 10:40), Meagan Magoon (intern)

Guests: Mike Carroll, Rita Lundin, Chris Moretto, Eric Wellman

1. Introductions – those present introduced themselves and were welcomed by the Board chair.
2. Minutes

MOTION: To approve the minutes of the March 4, 2009, Board meeting as presented. (Beals: second by Doughty) Unanimous

3. Public Comments – none
4. Old Business – none
5. New Business
 - a. Legislative & Budget Update – Jay reported that the impact of the budget passed by the Legislature has a reduction of ~ \$30,000 from FY09, which is the approximate amount of the lease for office space. At one point in the budget process, EMS was anticipating a more significant cut as a result of the loss of the EMSC Grant, but the Legislature restored funding to continue publishing the Journal of Maine EMS. In order to meet the budget cuts, it was recommended that the distribution of service and vehicle fees between the state and regional offices be flipped. Currently the state retains 25% and pays 75% back to the regions from which the funding originates. Reversing these percentages would result in ~ \$30,000 for MEMS and a net reduction to the regional offices of between 4 – 13%.

MOTION: To approve the recommendation to reverse the licensing fee distribution and have MEMS retain 75% with 25% going to the regional offices. (Doughty; second by Beals)

Discussion took place regarding the MEMS budget and the impact on each region.

MOTION: To table this matter to later in the meeting and to distribute copies of budget information. (Leach; second by Doughty) Unanimous

Jay then addressed the letter that was sent to Commissioner Jordan from the Criminal Justice and Public Safety Committee in response to a Resolve regarding the manner in which MEMS records minutes and makes those minutes available. Resolve 309 was defeated in Committee, but CJPS asked the Commissioner and EMS to look at three issues and report back to them.

The first issue was the level of detail recorded in the Investigation Committee minutes. Discussion by staff, AAG Nomani, and Board members resulted in consensus that the details currently recorded and reported are the necessary mitigating and aggravating factors taken into consideration by the Committee and ultimately by the Board. The minutes only record information provided in open sessions.

The second issue was the whether or not recording in the minutes that a person has received or is receiving counseling is considered revealing private health information. AAG Nomani reported that this question was reviewed by an AAG who specializes in such issues and the opinion is that reporting such information is not revealing private health information.

The last issue was with regard to the manner in which the minutes are made available. There was considerable discussion on how other licensing boards provide this information and the merits and concerns about how this applies to EMS. It was the consensus of the Board that the current practice of publishing the outcome of final action in the Journal and to make Investigation Committee minutes available on the MEMS web site is appropriate. It was agreed that although Consent Agreements are also considered public documents and include a statement regarding this fact which is signed by all parties, it is not necessary to include a link to the Consent Agreements on the web site, they can be obtained from MEMS in accordance with the Freedom of Information Act.

MOTION: To continue the current practice of information that is included in the Investigation Committee minutes and to post these minutes on the MEMS web site after they have been approved by the Committee and ratified by the Board. (Leach; second by Doughty). Unanimous.

6. Medical Director's Report

Dr. Diaz commented that there have been several settings in which mention has been made about reliance on a volunteer model for both EMS delivery and for EMS system support.

Projects still in progress include the protocol companion books that have been previously discussed. These are nearing the final stages of drafting and should be available later this year. At their June meeting, the MDPB will get a report from Joanne on a survey that was sent to PIFT medical directors, services, and providers.

The MDPB and QI Committee continue to work on Airway QI. For a time there was an airway QI sheet that providers were supposed to complete and submit to the regional offices, but with the implementation of electronic run reporting, most of the airway data is now online. However, regions and services do need to have a mechanism for confirming intubation placement, since this is a very high risk and problematic area.

At the June HART meeting, discussion will continue about STEMI and Therapeutic Hypothermia.

7. Investigations

MOTION: For the Investigations Committee to approve the minutes of the 4/22/09 meeting. (Doughty; second by Hand) Unanimous

MOTION: For the Board of EMS to ratify the Investigations Committee minutes of 4/22/09. (Leach; second by Conley) Unanimous with one abstention (Sides).

8. Waiver Request – Rita Lundin

Note: Paul Knowlton and Richard Doughty disclosed that they both work with Ms. Lundin. They then recused themselves from this discussion and left the room until after the vote on the motion that follows.

Dawn provided an overview of the staff decision to deny Ms. Lundin's paramedic application. Ms. Lundin completed a paramedic course, but failed the NREMT written exam 3 times. She then took a refresher course and failed an additional 3 times. After receiving notice from NREMT that she would need to take another paramedic exam before attempting to take the written exam, she went to the NREMT web site and was somehow able to register to take the exam again, which she passed. However, taking that additional exam was not consistent with MEMS Rules. Ms. Lundin is requesting a waiver of Chapter 3 and allowing her to use her refresher course to take the exam.

In reviewing the considerations for a waiver, the Board made the following findings:

- 1) Ms. Lundin did not take reasonable steps to ascertain and comply with the Rules.
- 2) Ms. Lundin was not given inaccurate information by an agent or employee of Maine EMS.
- 3) That there would not be significant injury or harm to Ms. Lundin or any other individual or group if the waiver is not granted.
- 4) That waiving the rule would pose a health or safety risk to the public at large, a particular individual, or a community.
- 5) That granting this waiver would establish a precedent that would unduly hinder the Board of EMS or the office of EMS in its administration of Maine's EMS system.

MOTION: Based upon the finding that the majority of waiver conditions do not support Ms. Lundin's request, the waiver of Chapter 3 of the Maine EMS Rules is denied. (Conley; second by Woods). Unanimous.

MOTION – To remove from the table the motion regarding the MEMS budget. (Doughty; second by Conley). Unanimous

Considerable discussion took place regarding the process by which the EMS budget was developed. Included in this discussion was the impact of not having the EMSC grant application funded. Jay reported that in an earlier version of the budget, MEMS was looking at additional cuts that among other areas, would have affected regional funding and the Journal of Maine EMS. At that time, MEMS was anticipating EMSC funding to offset these latter cuts, but as was previously reported, the EMSC grant was not funded. The Legislature restored part of this cut for FY10 to support the Journal of MEMS.

MOTION: To accept the budget recommendation as presented; to change the service and vehicle fee reimbursement to 25% regional and 75% state; and to solicit other funds for the Journal of Maine EMS (Metayer; second by Ryan). Unanimously defeated.

Discussion continued regarding changing the regional reimbursement for a portion of the service & vehicle fees and options for changing the frequency of the Journal and making it an online only publication.

MOTION: To recommend reducing the funding for the Journal of Maine EMS by \$30,000, to provide the Journal online only, to pursue funding for a printed version, and to maintain the current funding distribution for service and vehicle fees of 25% state and 75% regional. (Metayer; second by Thibeault) Approved 11 – 2 (Doughty, Conley)

9. Operations Team.

Donnie Carroll requested an opportunity at the September meeting to make a presentation on the regional offices activity regarding dedicated funding for the MEMS system. He also described the “spare change” project to raise funds for the EMS Memorial – the goal is to raise \$50,000 through this effort over the next several months.

Other items discussed at the Ops Team meeting included: Safe Kids Projects; the state budget and contracts; MEMSRR (QA and access to data); an H1N1 activity update; the challenges of access to Pearson Vue Test Centers; changes in the CEH numbering as a result of the new licensing program; and the Training Center Approval Process.

10. Education Committee

Jan reported that the Committee has been reviewing the new National Education Standards and anticipates having a recommendation regarding the NES later this year. The Committee is also discussing an ongoing problem with meeting attendance and achieving a quorum. As a result, the Committee is working on restructuring committee membership and will present that for Board consideration as part of its annual report this fall.

One AVOC instructor course was offered in Bangor and another is scheduled this summer in Lewiston. MEMS will be sending a list of currently approved AVOC instructors to the regional offices to help assist them with assessing the need and interest for a new AVOC instructor course.

A sub committee has been formed to review the entrance requirements for EMS courses as well as for other allied health programs.

Instructor/Coordinator course requirements. Maine has been using the New England Council curriculum for several years, but it has grown outdated and the Committee is recommending that Maine adopt NHTSA National Guidelines for Educating EMS Instructors.

MOTION: To adopt the National Guidelines for Educating EMS Instructors for Maine I/C courses. (Leach; second by Albert) Unanimous.

Jay asked for clarification regarding the approval process for Training Centers. The consensus from the Board was that the MEMS office could issue approval as they do with other license applications. Members requested that a summary report provided during the MEMS staff report at future Board meetings.

11. Emergency Medical Dispatch

Drexell reported that: there are 75-80 dispatchers remaining to be trained in Medical Priority Dispatch. These are mostly part time and per diem employees. The EMD QA reviewer program is being taught at numerous locations around the state and on July 7, the first ProQA and AQUA implementation starts in southern Maine. The accompanying CAD interface is optional and at the PSAPs expense, but is likely to be installed in Portland and perhaps other locations. Cape Elizabeth is dropping its EMD center. There is a great deal of interest in response codes, but before those can only be implemented after EMD is solidly in place.

Jim Ryan expressed his concern that before response codes are implemented there must also be training for field EMS personnel so that they understand what is meant when a dispatcher assigns a response code to a call. The ultimate decision as to the level of response will still be the responsibility of the responding service(s).

12. Exam

Drexell reported that the committee has finished its review of the EMT-I written exam and that Jacky Vaniotis has taken a new job and has resigned as committee chair. Jacky has served as a member of the Exam Committee for 11 years and as its chair for 10 years. The Board asked that MEMS convey sincere thanks to Ms. Vaniotis.

13. EMSC

Jan will be attending the annual EMSC Grantee Meeting in Washington DC next week. Although MEMS is not receiving EMSC funds this year, the EMSC National Resource Center is funding the expenses for Jan and Kelly Roderick to attend in hopes of providing information that will improve the potential for MEMS to have a successful grant application in the next round.

14. Regional Contracts

The Board discussed the scope of work for the regional contracts for FY10/11 that was drafted by the Board's Modeling Committee. Of particular interest was both the payment schedule and the need for a standardized template that would be used by the regional offices for their progress reports.

MOTION: To accept the recommendations of the committee, to include a procedure to create a template to monitor performance and include procedure for utilizing progress reports as a means of monitoring progress within the regions. (Albert; second by Metayer). Carried with 10 in favor; 1 opposed (Leach); and 1 abstention (Gerrish).

MOTION: That the Modeling Committee continue to work on the report template and regional progress report evaluations. (Werts; second by Conley). Unanimous

15. Rules

The Board reviewed public comments received to the proposed Rules hearings (see attachment). Following a review of each comment in each chapter, the following motion was made:

MOTION: To accept the proposed Rules with changes made in response to comment and to accept the basis statement for the Rules changes except for Chapter 15, and to set an effective date of October 1, 2009, for Chapters 1 – 14 and Chapter 16; and an effective date of January 1, 2010, for the equipment changes in Chapter 17. (Beals; second by Metayer) Carried with 8 in favor; 1 opposed (Woods); and 1 abstention (Leach).

Because of an apparent conflict between the EMS Law and the proposed changes to Chapter 15 of the Rules, the Rules sub-committee will meet to discuss this with the AG's office and report back at the next meeting.

16. Nominating Committee

Wayne's term as chair is up this month, but will continue until a new slate of officers has been acted upon by the Board. Tim Beals, Chair-elect, will take over as Chair, and a nominating committee is needed to make recommendations for a new chair-elect. Tim Beals, Steve Leach, and Paul Knowlton agreed to be on a committee and will make recommendations at the next meeting.

17. Priority Reference System

MOTION: To adopt the Emergency Medical Dispatch Priority Reference System as recommended by the Maine EMS EMD Committee. (Beals; second by Albert) Unanimous.

18. Maine EMS Report

Jay reported that the final day in the EMS Management Program was held on May 18, and that 20 students have attended all sessions. Those students will receive a certificate from the University of Vermont Institute for Rural EMS. The series was very well accepted and begin again in the fall.

Jon Powers was introduced as the new Data & Preparedness Coordinator. Jon is an NREMT-P from Union who also has experience as a dispatcher in addition to being an active prehospital provider.

19. Next meeting – July 1 @ 8:30. This is intended to be a brief meeting to act upon the Board's response to Chapter 15 of the Rules and to take action on the nominating committee's report.

Meeting adjourned at 3:47 PM.