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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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ANNE H. JORDAN
COMMISSIONER

JAY BRADSHAW
DIRECTOR

BOARD OF EMS MEETING
SEPTEMBER 3, 2008
9:00 AM
DECHAMPLAIN CONFERENCE ROOM

MINUTES (FINAL)

Members Present: Wayne Werts, Chair; Tim Beals, Chair-elect, Ron Jones, Ken Albert, Roy Woods, Judy Gerrish, Peter DiPietrantonio, Jim McKenney, Paul Knowlton, Richard Doughty, Lori Metayer, Bob Hand, Jim Ryan, Geneva Sides, Steve Leach, Steve Diaz (ex-officio)

Staff: Jay Bradshaw, Dawn Kinney, Alan Leo, Drexell White

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

Office of the Attorney General: Lara Nomani, Esq., AAG

Guests: Eric Wellman, Dan Batsie, Kelly Roderick, Chris Moretto, Lori Solari, Michelle Foy, Tom Levesque, John Beyer, Mike Carroll, Patrick Underwood

1. Approval of August 6, 2008, minutes.

MOTION: To accept the minutes of the August 6, 2008, meeting as presented. (DiPietrantonio; second by Beals). Unanimous.

2. Public Comments – Wayne Werts reported presented Kelly Roderick with a certificate in appreciation for her serving as Maine’s EMSC Chair and Family Representative for the past 6 years. Kelly was also recognized for this accomplishment at the annual Grantee Meeting in Bethesda, MD, in June.

3. Old Business

a. Rules Committee – Jay reported that the Rules Committee had not yet met and asked that Committee members compare calendars to set a meeting before leaving today.

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4. New Business

- a. Legislative & Budget Issues – Jay reported that MEMS has submitted a request for a Department bill to make several technical changes to the EMS Law, and to establish the option to appoint an assistant state EMS medical director. There is no funding request for this position, but if authorized it would provide an important added resource with the same liability protection as is provided to the state EMS medical director. Jay also reported that they have requested 2 new positions at MEMS: a research and project manager to strengthen the support for several key functions (e.g. data, EMD, investigations, and education), and a second administrative support person. This request will be presented to the Governor's Office in the coming weeks.
- b. Investigation Committee Action Items

MOTION: For the Investigations Committee to approve the minutes of the August 13, 2008, meeting as presented. (Doughty; second by Leach). Unanimous.

MOTION: For the Board of EMS to ratify the minutes of the August 13, 2008, Investigations Committee meeting. (Leach; second by Doughty). Unanimous.

- c. MEMS Policy re: Letters of Guidance – Dawn presented a draft of a policy that would have enabled MEMS staff to issue Letters of Guidance (LOG) to individuals or services whose license had lapsed. The policy included examples of the conditions under which an LOG might be considered.

The Board expressed concern that such a policy would reduce the concern of providers and services for assuring that their license status is current and valid. Considerable discussion ensued about the severity of providers or services providing patient care without a license.

MOTION: To table further discussion on a policy regarding unlicensed practice and refer the matter back to the Investigations Committee for further discussion. (Ryan; second by Gerrish). Unanimous.

- d. Medical Director's Report – Dr. Diaz reported that the MDPB has 3 work groups that are working on a companion book for the EMS protocols that will include sections on: Disasters, Wilderness EMS, and Specialty Programs. The goal is to have a book that is similar in format to the current Protocols. He also reported that Dr. Jay Reynolds has stepped down as Aroostook EMS Medical Director and that Dr. Peter Goth has taken on this role.

MOTION: To approve the appointment of Dr. Peter Goth as the Aroostook EMS regional medical director. (Woods; second by McKenney). Unanimous.

- e. Operations Team - Donnie Carroll reported that at the Ops Team meeting, there were discussions on: AVOC refresher and instructor training programs (Rick will follow up on this with Scott Cook), clarified what AED/CPR training was required for dispatchers, discussed the IPE retest form, revisions to the current CEH form, the

state AED contract (which is going out to re-bid the end of September). The next Ops meeting is scheduled for October 7.

f. Committee Reports

- i. Education – Dan Batsie reported that work continues on the Training Center Approval Process. Copies of the revised draft were distributed that now incorporate several other documents that were referenced, but not included, in earlier versions. Comments on this draft are being solicited, and work will continue to update the Clinical Behavioral Objectives and Equipment sections.
- ii. EMD – Drexell reported that the Committee has not met, but they have communicated their interest in the status of the single vendor to provide EMD training and protocols. Jim Ryan expressed his concern that the delay in acting upon this by the Emergency Services Communication Board.

MOTION: To support legislation to move EMD training responsibilities and resources from ESCB/PUC in to DPS/EMS and express to the administration of both Departments the concern about the impact upon public safety by the lack of training being provided in the absence of the RFP award and contract. (Ryan; second by Doughty). Unanimous.

- iii. EMSC – the regularly scheduled September meeting will not be a full committee meeting, but an opportunity for Jan, Kelly, and Jay to review the grant expectations and begin planning the application for the next grant cycle.
 - iv. Exam – the committee has not met since the last Board meeting.
 - v. Data – the committee has not met, but is planning to do so in October.
- g. Southern Maine IPE – Ron Jones recused himself from this discussion because he is a member of the SMEMS Executive Board.

Drexell reported to the Board that on August 28, 2008, there was an IPE at SMEMS that was scheduled to begin at 6:00 PM. At ~ 6:30 he received a call from John Leighton that the evaluator, Dan Batsie had not arrived, but that he started the testing process. Drexell then attempted to call Dan, and other evaluators to ascertain their availability.

Dan confirmed that after checking his calendar that he had overlooked this commitment. Because it would have taken > 1.5 hours to get another evaluator to SMEMS, Drexell called John back and told him to proceed, but that this would have to be presented to the Board of EMS since the IPE was done without a state evaluator present.

Donnie Carroll stated that he knew the evaluator had not arrived before leaving the SMEMS office and that he gave instructions to Mr. Leighton to proceed with the exam as scheduled.

There was considerable discussion about the IPE process including a requirement that an evaluator be present before the exam begins. Drexell reported that the IPE Policy & Procedure is that the evaluator make contact with the course I/C 2 weeks before the exam, then again 2 days before the exam. In this instance, neither contact happened.

Before proceeding to review the waiver provision in the Rules, there was also discussion on defining who was requesting the waiver of the Rules and who it would affect. MEMS staff indicated that MEMS was presenting this information on behalf of the students who took the exam in question.

In response to the Rules requirements, the following votes were taken:

1. Whether the person seeking the waiver took reasonable steps to ascertain the rule and comply with it; (Yes: 13/0 – supports waiver request)
2. Whether the person seeking the waiver was given inaccurate information by an agent or employee of the State EMS program; (Yes: 10/3 – supports waiver request)
3. Whether the person seeking the waiver, or any other individual or group, would be significantly injured or harmed if the rule were not waived; (Yes: 10/4 – supports waiver request)
4. Whether waiver of the rule in the particular case would pose a health or safety risk to the public at large or a particular individual or community. (No: 13/1 – supports waiver request)
5. Whether waiver of the rule in the particular case would establish a precedent that would unduly hinder the Board or office of EMS in its administration of Maine's EMS system. (No: 12/1 – does not support request)

MOTION: To grant a waiver of Chapter 7 § 1 & 2, and accept the exam given on August 28, 2008, as meeting the requirements for licensure (Woods; second by Albert) Carried: 11/2.

- h. Roles & Responsibility of Board & Investigations Committee. AAG Nomani reviewed the statute and EMS Rules regarding the disciplinary process and the responsibilities of the Board and of the Investigations Committee, which was established by the Board to conduct informal conferences and make recommendations on disciplinary action. Investigations Committee recommendations must be ratified by the Board of EMS. The Board of EMS is responsible for conducting Fair Hearings, which also require a Hearing Officer. Hearing Officers formerly provided by the Department of Labor are no longer available for this purpose, which required obtaining a blanket contract to obtain these services from other sources on an “as needed” basis.
- i. Other – Jay requested that the Personnel & Finance Committee convene for the purpose of conducting his annual performance evaluation. The Committee consists of

the Chair, Chair-elect, past chair, and other members as interested. Lori Metayer and Dr. DiPietrantonio expressed an interest in participating.

5. Staff Report (Jay Bradshaw)

- a. Jan Brinkman will be attending a NEDARC Grant Writing training program. Attending NEDARC training is a requirement of the EMSC grant, which provides funding for this purpose.
- b. There have been 2 sessions of the EMS Management Program conducted, with positive responses from those who attended. Work is underway to schedule the 3rd module for this fall.
- c. The long awaited EMD RFP has been concluded and the scoring completed. When the appeal period is over, information about the vendor selected to provide EMD training, protocols, and QI will be made public.
- d. The AED contract recently awarded to LifeSavers for the DefibTech AED has been withdrawn due to technical problems with the Purchasing process. This will be re-bid in late September.
- e. Jay will be attending the National Assn of State EMS Officials annual meeting in Tacoma, WA, the week of September 22.

6. Other

- a. Samoset “Town Meeting” will be on Friday, November 14 during the Mid Coast EMS Conference.
- b. The next regular Board meeting will be on Wednesday, November 5, 2008 @ 9:00.

7. Adjourn – meeting adjourned at 1:35 PM.