



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
MAY 5, 2010
DECHAMPLAIN CONFERENCE ROOM

MINUTES (APPROVED)

Members Present: Judy Gerrish (chair-elect), Steve Diaz (ex-officio), Ken Albert (arrived at 9:20), Joe Conley, Peter DiPietrantonio, Richard Doughty, Paul Knowlton, Steve Leach, Jeff Rowe, Geneva Sides, Percy Thibeault, Wayne Werts

Staff: Jay Bradshaw, Dawn Kinney, Alan Leo, Kerry Sousa Pomelow, Jon Powers

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

Office of Attorney General: Laura Yustak Smith, AAG

Guests: Dan Batsie, Brian Chamberlin, Brian Dunnigan, Mark Minkler, David Robie, Eric Wellman

1. Introductions made and guests welcomed.
2. Minutes

MOTION: To approve the minutes of the March 3, 2010, as presented (Thibeault; second by Doughty)
Unanimous

3. Public Comments

Brian Dunnigan requested the opportunity to speak with the Board about two matters: 1) Removing reference to his license being issued with "...conditions of probation..." in the June 4, 2008, Investigations Committee minutes, and 2) Removing references to his "...voluntarily attendance at counseling..." in the consent agreement that was approved by the Board on July 2, 2008, and signed by him on July 29, 2008.

Jay reviewed the material that had been provided to the Board regarding Mr. Dunnigan and explained that he and Mr. Dunnigan discussed the format for the meeting and agreed that he would have 10 minutes to present his concerns, after which Laura Yustak Smith would have the opportunity to respond, then the discussion would be among Board members.

Mr. Dunnigan expressed his concern that having the above references available on the MEMS web site has had an adverse effect on his ability to obtain employment and questioned the appropriateness of the references in the minutes and in his consent agreement. He also stated that his attorney has discussed this case with a judge in Massachusetts and that the judge has indicated a willingness to consider dismissing the convictions from March 2003. In light of this, he would like the Board to make changes to his application file, the Investigation Committee minutes, and to the Consent Agreement.

(Ken Albert arrived during this discussion)

Laura Yustak Smith then explained the process used by the Investigations Committee in reviewing Mr. Dunnigan's convictions and provided examples where other consent agreements include much greater detail than those referenced in Mr. Dunnigan's case. She explained the importance of having an accurate record of the minutes, including any mitigating and aggravating circumstances.

Mr. Dunnigan then wanted to respond, but was reminded about the agreed upon process for this discussion. He then expressed his frustration with the Board and the process, and left the room at 9:30.

The Board then discussed his request and made the following motion:

MOTION: That the wording in the Investigation Committee minutes of June 4, 2008, and in the Consent Agreement with Mr. Dunnigan will remain as is and that the Board will wait until confirmation regarding an actual change of circumstances underlying the consent agreement is provided before reconsideration of this matter. (DiPietrantonio; second by Leach) Unanimous with two abstentions (Albert, Conley)

4. Old Business – none

5. New Business (minutes follow the order in which items were discussed)

- a. Service license consolidations – Wayne Werts assumed the role of chair for this agenda item. Dawn presented a summary of requests from two services to combine their bases under a single license as defined in Maine EMS Rules (Ch 3 §2.5.B). Both service plans have been approved by Dr. Diaz.

MOTION: To approve the request for Mayo Ambulance to operate under a single license number (Thibeault; second by Conley) Unanimous with one abstention (Gerrish)

MOTION: To approve the request of Ambulance Service Inc. to operate under a single license number (Doughty; second by Leach) Unanimous with one abstention (Thibeault)

- b. EMS Education Agenda for the Future – Kathy Robinson, RN, EMT-P, Program Manager with the National Association of EMS Officials conducted a webinar on the history of the EMS Education Agenda project and the work that has been done regarding development of education standards and the EMS scope of practice.

This project was part of the EMS Agenda for the Future that was released in 1996 and has included active involvement from state EMS offices, educators, medical directors, field providers, the National Registry of EMTs and many others. Two web sites that provide considerable information regarding this project and the educational toolboxes available are: www.ems.gov and www.nasemso.org

The education standards have been discussed by the MDPB, Exam Committee, Education Committee and Operations Team. The Education Committee recommends adopting the new education standards as text books that are currently being released are based upon these standards. There are also numerous educational resources available for BLS instructors. The MDPB will address Scope of Practice issues through its discussions and revisions to the EMS Treatment Protocols.

MOTION: To accept the National Education Standards for Emergency Medical Responder (First Responder), EMT, and Paramedic in addition to the existing national standard curricula for licensure courses, effective immediately. (Leach; second by Conley) Unanimous

- c. Investigations Committee (Note: Wayne Werts chaired this agenda item)

MOTION: For the Investigations Committee to approve the minutes of the March 17 2010, as presented (Doughty; second by Hand) Unanimous

Dawn then reviewed the cases included in the minutes.

MOTION: To dismiss the case regarding David Randolph with a warning letter. (Leach; second by Hand) Unanimous.

MOTION: To ratify the Investigations Committee minutes from March 17, 2010 as clarified by the previous motion. (Leach; second by Albert) Unanimous.

MOTION: For the Investigations Committee to approve the minutes of the April 7 meeting without case # 09/43, which will be referred back to the Committee for review of new information. (Douhty; second by Knowlton) Unanimous.

MOTION: To ratify the Investigations Committee minutes of the April 7, 2010, meeting without case # 09/43. (Leach; second by DiPietrantonio) Unanimous.

Laura Yustak Smith reminded the Board of the importance of avoiding outside discussions on matters that will be coming to the Board for action, and in situations where information was provided outside of a Board meeting, the Board member needs to disclose that contact and assess whether or not that information impacts their ability to act objectively on the matter.

Ken Albert reported that Mr. Dunnigan contacted him prior to today's meeting, but gave him no other information other than that which was provided to the Board. Ken abstained from today's discussion and action.

Steve Leach reported that Mr. Dunnigan contacted him about 2 months ago, initially talking about an ultrasound pilot project, but then went into other areas. No other information was provided beyond that which was provided to the Board and the prior contact with Mr. Dunnigan did not affect his decision regarding today's action.

Jeff Rowe reported that Mr. Dunnigan contacted him. No other information was provided beyond which was provided to the Board and the prior contact with Mr. Dunnigan did not affect his decision regarding today's action.

Wayne Werts reported that Mr. Dunnigan contacted him. No other information was provided beyond which was provided to the Board and the prior contact with Mr. Dunnigan did not affect his decision regarding today's action.

Joe Conley reported that Mr. Dunnigan contacted him about a job on May 4 and then began talking about the matter which came before the Board today. No other information was provided beyond which was provided to the Board and the prior contact with Mr. Dunnigan did not affect his decision regarding today's action.

- d. Medical Director Report – Dr. Diaz reported that the MDPB retreat was held at Dr. Coor's house and included: an overview of MEMS, discussion of landmark articles for EMS, EMS educational issues, medical director training, and the protocol revision assignments/process. Dr. Coor is leaving the state and Dr. Whitney Randolph has been appointed by MCEMS as the new regional medical director.

MOTION: To approve J. Whitney Randolph, D.O. as the regional medical director for Mid Coast EMS (Leach; second by Thibeault) Unanimous.

One goal is to include QI measurements in some of the revised protocols. These measures will use the NEMSIS guidelines and be integrated with MEMSRR to enable access to QI reports for providers, services, and medical directors.

Dr. Diaz also mentioned that today was his last meeting as State EMS Medical Director, the position he has held for 6 years. As discussed last year, on July 1, 2010, he and Dr.

Matt Sholl will switch roles. Dr. Sholl will become the EMS Medical Director and Dr. Diaz will be the Assistant State EMS Medical Director.

MOTION: To approve Dr. Matt Sholl as the state EMS Medical Director, effective July 1, 2011. (Leach; second by DiPietrantonio) Unanimous

The Board thanked Dr. Diaz for his vision and leadership over the past 6 years.

e. Committee Reports

- i. Exam – no meeting
- ii. Data – Jon provided a handout on the work that the Committee has been doing regarding changes to the data elements to ease input accuracy and reduce the current data clutter. These changes will require software modification for services who are not using ImageTrend software. Some have indicated this can be done as part of their software licensing contract, others have indicated that there may be associated costs.

MOTION: To support the recommendation of the Data Committee and require that by July 1, 2011, all services must be in compliance with the modified data element collection and that all new software approved by MEMS must comply with the new standards. (Leach; second by Doughty) Unanimous

Jon also asked for clarification regarding the Rules requirement that services must notify MEMS “in writing” about changes to their roster and specifically if a service chief modifying the information in MEMSRR, which requires a username and password to login, would meet this requirement.

MOTION: To accept MEMSRR changes as meeting the Rules requirement for providing written notification. (Albert; second by Conley) Unanimous

Ken also suggested checking with the AG’s office to see what guidance they offer on definition of “written” as it applies to electronic communications.

- iii. Operations Team – Rick Petrie reported that among the topics discussed by the Ops Team were: examinations, annual contracts, and a follow up meeting with Maine CDC regarding the role of regional EMS offices working with the ME CDC regional resource centers (MMC, CMMC, EMMC).
- iv. Education Committee – Committee is continuing work on: updating the Instructor/Coordinator program and developing an Assistant I/C level, revising the CEH categories to align with nationally used categories and develop a transition plan from current MEMS CEH categories, and monitoring protocol training needs.
- v. EMD – Efforts are focusing on education for both the public about EMD and for facilities about QA. The first QA reports were due on April 15 and Drexell is following up with those who did not meet this deadline. Drexell also reported on the Navigator Conference that he attended in Orlando. MEMS now has an MOU with ESCB (E-9-1-1) on the respective roles and responsibilities for both EMS and ESCB regarding EMD training, licensure, QA, and licensing compliance.

6. Staff Reports –

- a. Training Center updates – Mid Coast EMS has been approved as an ALS training center and work continues on the application submitted by Aroostook EMS.

7. Other – EMS Awards presentation will be on May 20 @ 1:00 in the Hall of Flags.

Adjourned at 1:43 PM – next meeting will be July 7, 2010.