

TESTIMONY OF JASON COONEY

**IN SUPPORT**

OF LD 2128

AN ACT TO REORGANIZE THE EMERGENCY MEDICAL SERVICES' BOARD TO IMPLEMENT THE  
RECOMMENDATIONS OF THE BLUE RIBBON COMMISSION TO STUDY EMERGENCY MEDICAL  
SERVICES IN THE STATE

Senator Bailey, Representative Mathison, and esteemed members of the Committee On Health Coverage, Insurance and Financial Services

My name is Jason Cooney. I am a resident of the Town of Topsham and a licensed Paramedic in the State of Maine. I have been practicing and licensed in the State since I was in high school, over fifteen years ago. I currently work as a Licensing Agent within the Maine Office of Emergency Medical Services. I prepared this testimony on my own time and without using any State resources. This testimony is my personal testimony; it is not representative of the position or opinion of the Executive Branch of Government, the Department of Public Safety, or the Office of Maine Emergency Medical Services.

I am testifying in support of LD 2128, and to add critical information for the committee to consider in its deliberations.

**Background**

In 2004, an assessment of the Maine EMS System was performed by the EMSSTAR Group LLC of Annapolis, Maryland, under contract with the State of Maine, Department of Public Safety. This assessment identified on its 3<sup>rd</sup> page, the top three priorities of the system to include "The regulatory and system support functions must be separated, with the state EMS office executing the regulatory aspects of its legislative mandate". Subsequently to this report, in 2022, the Maine Emergency Medical Services' Board ("Board") and the legislature undertook work in parallel: The Board undertook development of a strategic plan for the system visioned upon where the Board wanted to be in 2035; the Legislature convened the first Blue Ribbon Commission to Study Emergency Medical Services in the State of Maine. Both of these processes engaged significant input by all of the stakeholders within our system. In 2023, the legislature convened a second Blue Ribbon commission to Study Emergency Medical Services in the State of Maine. The Board's strategic plan was released in 2023 as the "Plan for a Sustainable EMS System in the State of Maine" (hereafter "Vision 2035 Plan"), and addresses where the Board visioned the "Structure Within Government" of our system with a milestone of "The EMS Board is small and agile with nine members representing EMS regions and key stakeholder groups. It provides guidance on EMS system planning and development, provides

representative input from various Ems stakeholders and provides a check and balance in rule-making". The Vision 2035 Plan was adopted by the Board with a unanimous vote on April 5, 2023 (see enclosed minutes). Separately, the legislature's report of the Blue Ribbon Commission to Study Emergency Medical Services in the State, released in January of 2024, included the recommendation, B-3, "The Legislature should support the proposed reorganization of the EMS Board, which would established a 9-member EMS Board charged with the strategic direction and oversight of the EMS system..." In the 132 legislature's first special session, P.L. 2025 Ch. 520, required as emergency legislation that "By December 3, 2025, the Department of Public Safety, Maine Emergency Medical Services shall submit...a report, including proposed draft legislation, for the reorganization of the Emergency Medical Services' Board...consistent with the document titled "Maine EMS: Two-Year Action Plan"..." while this legislation was not approved until after the statutory deadline, the Department of Public Safety submitted proposed draft legislation for this body to consider.

The current Board is comprised of sixteen (16) members, 6 of which are currently vacant. Additionally, this Board has overlap in representation; 32 M.R.S. § 88(1)(A), establishes the composition of this Board to have "...one member representing each region and 12 person in addition. Of the additional persons...one a fire chief, one a representative of a statewide association of fire chiefs, one a municipal emergency medical services provider..." Of the currently ten appointed members, the Board has: Two (2) regional representatives that serve with a fire department, one as a Deputy Chief of the Westbrook Fire Department and one as the Deputy Chief of the Presque Isle Fire Department; A municipal representative that is currently employed by the Falmouth Fire Department; a member who is a Fire Chief; and a member representative of the Maine Fire Chiefs Association.

#### Discussion

The focus of the testimony is twofold: supportive of the reorganization of the Board to a slimmer, more agile 9-member composition, and supportive of the re-structuring of the membership of the Board. The support of the reorganization of the Board to a smaller group, I hope, is firmly established by the above background; the Board, the Legislature, and an independent assessment all recommend that a smaller Board is in the system's best long-term interests. The restructuring of the membership of this Board, is where this discussion is best kept.

As outlined above, currently, five (5) of the currently ten (10) appointed and serving members of the Board are employed by, or represent, the interests of fire-based Emergency Medical Services. While fire-based Emergency Medical Services make up more than half of all emergency medical services in the State of Maine, the intent of the diverse representation of this Board is to garner opinions from a wide variety of stakeholders as opposed to a narrow

focus on the interests of one subset of the current industry. The legislation, as proposed, maintains the regional representation, and adds five (5) additional persons appointed by the Governor, selected by the function that they serve within our system, rather than the special interest group within our industry the current model provides. It also makes a major shift within our system by providing that instead of a nomination process leading to a regional representative selected by the Governor, the regional councils directly appoint a member to the Board. When it comes to policy making, Maine EMS has frequently been criticized as not representative of the wishes of its stakeholders – this change seems directly responsive and supportive of a local voice reaching the Board. It makes that regional representative responsible to the regional council, whose composition is designed to represent the local services provided in that area – as fire-based EMS holds the majority of services, that proportionality of interest can be best covered by this regional role, without dominating the totality of the voice on the Board. Another key addition to this Board is the representative of municipal administration. Maine EMS's policies often directly impact a municipality's budget through the promulgation of rules that impact a services license owned or contracted with that municipality. As such, it is key to ensure that this body, charged with the planning and system rulemaking, has a clear voice for the city and town administrators in the State of Maine who can lend their expertise, as well as serve as a conduit for greater understanding of EMS in Maine by those who lead our municipalities.

I strongly urge the members of this committee to **support LD 2128 as currently drafted.**

Links referenced documents:

January 2024 Blue Ribbon Commission Report - <https://legislature.maine.gov/doc/10601>

2004 EMSSTAR Report - <https://www.maine.gov/ems/sites/maine.gov.ems/files/inline-files/EMSSTAR-Report-2004.pdf>

Maine EMS Vision 2035 Plan - <https://www.maine.gov/ems/sites/maine.gov.ems/files/inline-files/20230522-Maine-EMS-Vision-and-Plan.pdf>

Enclosures:

April 5, 2023 – Maine Emergency Medical Services' Board Minutes



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



JANET T. MILLS  
GOVERNOR

MICHAEL SAUSCHUCK  
COMMISSIONER

J. SAM HURLEY  
DIRECTOR

**Board of EMS Meeting**  
April 5, 2023, at 8:30 AM  
Via ZOOM and Chamberlain Conference Room  
Minutes

“The mission of Maine EMS is to promote and provide for a comprehensive and effective Emergency Medical Services system to ensure optimum patient care with standards for all providers. All members of this board should strive to promote the core values of excellence, support, collaboration, and integrity. In serving on this Board, we commit to serve the respective providers, communities, and residents of the jurisdictions that we represent.”

Board Member	In Attendance	Late Arrival (if applicable)	Early Departure (if applicable)
Nate Allen			
Timothy Beals	X (Virtual)		
Bill Cyr	X		
Katelyn Damon	X (Virtual)		
Laura Downing	X		
Amy Drinkwater	X		
Judy Gerrish	X		
Brandon Giberson	X		
Brent Libby	X		
John Martel			
Matthew Sholl			
Steve Smith	X		
Andy Turcotte	X		
Christopher Whytock	X		
Kate Zimmerman	X		

Staff: Sam Hurley, Melissa Adams, Jason Oko, Christopher Azevedo, Darren Davis, Marc Minkler, Anna Masefski, Jason Cooney, Megan Salois, Robert Glaspy, Soliana Goldrich, Samantha Morgan

Stakeholders & Guests: Aiden Koplovsky, Ben Wallace Jr., Brian Langerman, Bryton Nickerson, Charles McMahan, Chip Getchell, Christopher Pare, Dwight Corning, Eric Wellman, Fred Porter, Jay Bradshaw, Jim MacDonnell, Joanne Lebrun, Joe Kellner, Mike Choate, Myles Block, Patrick Underwood, Sally Taylor

1. Introductions

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2. Disclosure of any conflicts of interest
  - a. Drinkwater Recusing from Case 22-248
3. Modifications to the Agenda
  - a. None
4. Public Comments
  - a. Chief Kindelan (Scarborough) — Requesting the Board to reconsider Chapter 21 of Maine EMS Rules, particularly the upcoming requirements for influenza vaccination. Offered that it may be beneficial to add exemptions to the influenza requirements.
5. Investigations
  - a. Committee Meeting Minutes

**MOTION** to accept minutes as submitted. (Giberson, seconded by Drinkwater)

Roll Call: (Yes) Drinkwater, Giberson, Beals, Gerrish, Downing, Turcotte; (Abstain) Smith

**Motion Carries**

- b. Consent Agreement Presentation RE Board v. Brown (Case #21-183) — Hearing Officer Rebekah Smith

**MOTION** to accept the consent agreement as presented by parties. (Downing, seconded by Smith)

Roll Call: (Yes) Smith, Beals, Damon, Downing, Giberson, Turcotte, Cyr, Libby; (No) Drinkwater, Whytock, Gerrish

**Motion Carries**

- c. Case 23-270

Summary: The licensee is alleged to have omitted and inaccurately recorded material information from a patient care report by documenting the disposition of the incident as “No Patient Found/Contact”, failing to document patient contact, vital signs, and medical history, and is alleged not to have worn appropriate Personal Protective Equipment.

The Investigations Committee recommends that the Board resolve the complaint through a consent agreement with a warning for violation of Maine EMS Rules Chapter 11 §1(14), (15), and (31).

**MOTION** to accept the committee’s recommendation (Giberson, seconded by Cyr)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

- d. Case 22-216

Summary: The licensee allegedly responded to a request for medical transport while under the influence of alcohol. The licensee did not make patient contact.

The Investigations Committee recommends the Board resolve this complaint through a consent agreement with a warning for violation of Maine EMS Rules Chapter 11 §1 (5) and (7).

**MOTION** to accept the committee's recommendation (Cyr, seconded by Turcotte)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

e. Case 22-248

Summary: It is alleged that despite previous remediation at the service level for the clinical care of cardiac patients, the licensee failed to recognize and appropriately treat cardiac arrhythmias on two incidents.

The Investigations Committee recommends that the Board dismiss this case with a letter of guidance reinforcing that the Board encourages the licensee to seek additional training in cardiac rhythm recognition and advanced life support care with their Regional Office; the letter will stay on file for two (2) license cycles.

**MOTION** to accept the committee's recommendation (Giberson, seconded by Gerrish)

Roll Call: (Yes) Smith, Beals, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish; (Recused) Drinkwater

**Motion Carries**

f. Case 22-255

Summary: It is alleged that an Emergency Medical Technician regularly directs the actions of higher licensed clinicians to the detriment of patient care.

The Investigations Committee recommends that the Board dismiss the complaint.

**MOTION** to accept the committee's recommendation to dismiss the case (Turcotte, seconded by Drinkwater)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

g. Decision Matrix will come before the Board in May

6. Director Update

a. New Staff Persons

i. New Deputy Director — Anthony Roberts

ii. New Office Associate II — Teresa Glick

b. Legislative Update

i. Discussed legislative items as presented in the 2023-04 Staff Update (pg. 10-14)

7. MDPB Update

a. Ecchymotic section (Brown, Purple, Grey, and Black)

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- b. Reviewed Community Paramedicine Scope of Practice
- c. ALS Representative
- d. Continuing to review Jackman Pilot Project
- e. Operational Physicians
- f. Continuing to monitor infectious diseases
- g. Ongoing medication shortages — specifically ketamine, ipatropium, albuterol, TXA

## 8. Old Business

- a. Strategic Planning (Presentation by Dr. Becknell)
  - i. If approved, this will empower SafeTech and Maine EMS to develop a two-year action plan (July 1, 2023 through June 30, 2025)

**MOTION** to adopt the vision document as presented to the Board (Whytock, seconded by Giberson)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

- b. Community Paramedicine Scope of Practice

**MOTION** to enter executive session pursuant 1 MRS Sect. 405(6)e. (Downing, seconded by Drinkwater)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

Entered Executive Session at 09:43

Exited Executive Session at 10:02

Dr. Lowry presented the Scope of Practice Document to the Board and seeking approval to move the Committee forward based on the draft document.

MDPB has offered a memorandum supporting the Scope of Practice Document

**MOTION** for the Board to signal support to the Committee for their continued work — defining educational requirements, reform the scope of practice, licensure requirements. (Giberson, seconded by Whytock)

Roll Call: (Yes) Beals, Drinkwater, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish; (Abstain) Beals, Damon

**Motion Carries**

**MOTION** to direct the Rules Committee to establish rule for Scope of Practice for licensure levels and designations (Cyr, seconded by Turcotte)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

9. New Business

a. MDPB ALS Representative Nomination

Dr. Zimmerman presented a summary of the interview/nomination process

**MOTION** to accept the recommendation to accept the nomination from the MDPB to appoint Paramedic Colin Ayer to the ALS Representative and to express appreciation to Claire Dufort for her service the MDPB (Turcotte, seconded by Giberson)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

b. EMS Awards

Chair Libby discussed the memorandum provided in the Board packet regarding annual EMS Awards Process

**MOTION** to establish the Awards Committee comprised of Director Hurley, Sally Taylor, Judy Gerrish, Laura Downing, Stephen Smith, Katelyn Damon to solicit nominations and make selections for the awards identified in the memorandum. (Drinkwater, seconded by Cyr)

Roll Call: Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

c. Action by Director, Chair, and State EMS Medical Director

Chair Libby discussed recent action by Director, Chair, and State EMS Medical Director to authorize an agency to continue operating a ventilator transport service, requiring them to submit a pilot program as well as potential referral to investigations. This was precipitated from the Board's recent action regarding interfacility transport requirements.

Turcotte requested data regarding the incidence of interfacility transports where patients are transferred from a ventilator to a BVM to facilitate the transport with a Maine EMS PIFT paramedic.

d. Community Paramedicine Legislation

Paramedic Dennis Russell (United Ambulance) stated that it seems as though there has been significant progress to alleviate the issues that were initially raised as concerns.

Director Montejo from Maine DHHS Division of Licensure and Certification spoke to the proposed exclusion for the home health statute.

Whytock proposed that the Board should consider looking at participating in the Maine Background Check Center for all licensees that is used by the DHHS DLC.



Chair Libby proposed an Agenda item for May Board Meeting.

e. Chair-Elect Nomination Committee

Chair Libby seeking three Board members to sit on the nomination committee.

**MOTION** to establish a nominating committee for the Chair Elect position consisting of the following Board Members: Turcotte, Libby, Cyr. Open nominations from today until May 1, 2023, at 23:59 EST. (Libby, seconded by Gerrish)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

f. Voluntary Surrender of EMS Licensure Delegation

AAG Morgan summarized a situation where there are some licensees who are seeking to voluntarily surrender their license in certain conditions. AAG Morgan discussed the draft delegation order that was circulated in the Board packet.

**MOTION** to adopt the drafted "Limited Delegation of Authority to Maine EMS Staff to Allow Licensees to Voluntarily Surrender Licenses Under Certain Circumstances" with an amended expiration of Nov. 30, 2025. (Turcotte, seconded by Giberson)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

10. Other

a. Director is seeking funding authorization of up to \$40K to relocate the office within the 45 Commerce Drive location

**MOTION** to authorize Maine EMS to expend up to \$40K for office relocation (Cyr, seconded by Turcotte)

Roll Call: (Yes) Smith, Beals, Drinkwater, Damon, Downing, Giberson, Turcotte, Cyr, Whytock, Libby, Gerrish

**Motion Carries**

b. Items for next meeting agenda

- i. Chapter 21 Rule RE Immunization Requirements (Executive Session)
- ii. Explorer Program and Junior Program Update
- iii. Investigations Matrix

c. Next meeting is scheduled for 09:30 on May 3, 2023, via Zoom. A viewing option is available at 45 Commerce Drive, Augusta, ME.

**Meeting adjourned at 11:12**