

Janet T. Mills
Governor

Sara Gagné-Holmes
Commissioner



Maine Department of Health and Human Services
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-3707; Fax: (207) 287-3005
TTY: Dial 711 (Maine Relay)

Testimony in Opposition
Director William Montejo, RN
Division of Licensing and Certification
Maine Department of Health and Human Services

Testimony for LD 238 – An Act to Protect Emergency Medical Services Persons' Right to Work
in Multiple Health Care Settings

Sponsor: Senator Farrin
February 4, 2025

Senator Bailey, Representative Mathieson and Members of the Committee on Health Coverage,
Insurance and Financial Services:

My name is Bill Montejo, I am the Director of the Division of Licensing and Certification for the
Department of Health and Human Services.

This bill provides that the Maine Emergency Medical Services Act of 1982 may not be construed
to prohibit a person licensed as an emergency medical services person from rendering medical
services in a hospital or other health care facility setting if those services are rendered in the
person's capacity as an employee, volunteer or contracted agent of the hospital or health care
facility and certain other conditions are met. Current law requires such a person to render those
services in the person's capacity as an employee of the hospital or health care facility for the
exemption provision to apply.

The Department is opposed to this bill, and we offer the following information to assist you in
your hearing. The current statutory language does not prohibit an Emergency Medical Services
Person from rendering medical services in a healthcare facility as a volunteer, contracted staff, or
employee of the facility provided those services are part of that individual's job, volunteer duties
description, or their contract terms within the healthcare facility - and in accordance with
regulatory standards for the specific healthcare facility.

Regulatory requirements for the Centers of Medicare and Medicaid Services (CMS) require that
federally certified healthcare facilities establish competency-based orientations and competency
evaluations for all volunteers, contracted staff and employees of the facility if part of the
individuals duties within the healthcare facility will include rendering medical care to patients,
visitors, staff of the health care facility.

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The concern of the Department is the passage of this may result in healthcare facilities overlooking or misunderstanding their responsibilities in this regard, and that the presence of a State Emergency Medical Services (EMS) license shifts instead the responsibility for competency evaluation and oversight from the healthcare facility to the State of Maine Emergency Medical Services Board. This will not be the case. This will have the unintended consequence of federal violations issued to Maine HealthCare facilities.

The Division of Licensing believes a change in the statute allowing EMS providers to act in the capacity of contracted agents in healthcare facilities would best be addressed by collaboration between the Division of Licensing and the Maine EMS office in order to first address unintended consequences of expanding the scope of EMS providers to act as contracted healthcare agents of a CMS certified healthcare facility.