

Testimony in **opposition** of LD 245
*An Act to Implement the Recommendations of the Blue Ribbon Commission to
Study Emergency Medical Services in the State*
Kate D. Zimmerman, DO, FACEP, FAEMS of Yarmouth
February 10, 2025

Senator Beebe-Center, Representative Hasenfus, and Members of the Joint Standing Committee on Criminal Justice and Public Safety,

My name is Kate Zimmerman. I am a board-certified emergency medicine and EMS physician. I am the Associate State Medical Director for Maine EMS, and a service-level medical director. I work clinically in an academic hospital where I am responsible for the oversight of medical students, interns, and residents in our department. My primary role as a physician and medical director, is to assure the safety of our patients, and in today's case, the patients that our EMS clinicians care for.

I am in opposition of LD 245 as written. Specifically, page 2 lines 13-16 which read:

Sec. 3. 32 MRSA §85, sub-§7, ¶A, as amended by PL 2021, c. 587, §1, is further amended to read:

- A. Rendered in the person's capacity as an employee or contractor of the hospital or health care facility.

This language is in LD 238, *An Act to Protect Emergency Medical Services Persons' Right to work in Multiple Health Care Settings*. The hearing for this bill was last week in front of the Committee on Health Coverage, Insurance and Financial Services. There is a work session scheduled for this Wednesday. As this is being addressed in LD 238, this Committee should allow the Committee on Health Coverage, Insurance and Financial Services to resolve this through their process.

This proposed language is not a direct recommendation from the December 2022 report, *Blue Ribbon Commission To Study Emergency Medical services in the State* which further supports the fact that it should not be included in this bill.



132nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2025

Legislative Document

No. 238

S.P. 104

In Senate, January 21, 2025

**An Act to Protect Emergency Medical Services Persons' Right to
Work in Multiple Health Care Settings**

Reference to the Committee on Health Coverage, Insurance and Financial Services
suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator FARRIN of Somerset.
Cosponsored by Representative SALISBURY of Westbrook and
Senators: BEEBE-CENTER of Knox, CYRWAY of Kennebec, TALBOT ROSS of
Cumberland, Representative: CLOUTIER of Lewiston.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §85, sub-§7, ¶A,** as amended by PL 2021, c. 587, §1, is further
3 amended to read:

4 A. Rendered in the person's capacity as an employee, volunteer or contracted agent of
5 the hospital or health care facility;

6 **SUMMARY**

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

Testimony in opposition of LD 238
*An Act to Protect Emergency Medical Services Persons' Right to Work in
Multiple Health Care Settings*

Kate D. Zimmerman, DO, FACEP, FAEMS of Yarmouth
February 4, 2025

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

My name is Kate Zimmerman. I am a board-certified emergency medicine and EMS physician. I am the Associate State Medical Director for Maine EMS, and a service-level medical director. I work clinically in an academic hospital where I am responsible for the oversight of medical students, interns, and residents in our department. My primary role as a physician and medical director, is to assure the safety of our patients, and in today's case, the patients that our EMS clinicians care for.

I oppose LD 238 because it jeopardizes patient safety due to lack of appropriate oversight and regulation. Maine EMS is structured to oversee 911 EMS encounters, interfacility transfers and Community Paramedicine programs. Maine EMS is not set up to oversee EMS as contracted or volunteer agency to provide health care in other health care settings. These settings have their own rules and regulations. Maine EMS does not have the staffing, nor the bandwidth to take on another regulatory responsibility, particularly when this has not been carefully explored with the pertinent stakeholders. In 2022, I stood before this same committee opposing LD 1858¹, which added "health care facility" to the law, but the proposed "contracted agent" language was rejected based on testimony from several stakeholder organizations. Two years later, I stood before the Committee on Criminal Justice and Public Safety during their February 28th work session for LD 1515², "An Act to Implement the Recommendations of the Blue Ribbon Commission to Study Emergency Medical Services in the State", in which the proposed sponsor's amendment added the same "contracted agent" language from LD 1858. I have read the Blue Ribbon Commission's report³. Nowhere can I find the recommendation to amend the MEMS Services Act in this manner. LD 1515 died on the table last session and has been brought back as LD 245⁴. It still has this same "contracted agent" language imbedded within it and that hearing has yet to be scheduled. Does this mean if LD 238 does not pass, that its same intent may in LD 245? This is a push by a particular agency with the desire to fix a problem that is not theirs to fix. Their attempt resulted in a failed pilot project which triggered a CMS investigation and placed a community at risk. While we are looking at this law⁵, given that the pilot project is no longer approved by the Emergency Medical Services' Board, Section 2 should be removed.

¹ <https://legislature.maine.gov/billtracker/#Paper/SP0633?legislature=130>

² <https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=106680> (p.2 lines 31-34)

³ <https://legislature.maine.gov/doc/9404>

⁴ <https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=108648> (p.2 lines 13-16)

⁵ <https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=91877>