

STATE OF MAINE

**EMERGENCY MEDICAL SERVICES
PERSONNEL REPORTING RULE**

**10-144 CODE OF MAINE RULES
CHAPTER 124**



**DEPARTMENT OF HEALTH & HUMAN SERVICES
MAINE CENTER FOR DISEASE CONTROL & PREVENTION
11 STATE HOUSE STATION
AUGUSTA, MAINE 04333**

Provisionally Adopted

**10-144 Department of Health And Human Services
Maine Center for Disease Control and Prevention**

Chapter 124: Emergency Medical Services Personnel Reporting Rule

SUMMARY

Pursuant to 22 MRS § 820, the Department is authorized to implement rules to require certain entities to report information related to public health emergency preparedness and responsiveness in the event of a declaration of an extreme public health emergency, in accordance with 22 MRS § 802(2-A). This rule establishes requirements of a uniform system of reporting during an extreme public health emergency certain information related to emergency medical service (EMS) system personnel capacity to respond to cases or suspected cases of notifiable diseases or conditions and to further the coordination and integration of activities and resources related to emergency medical services to inform the overall planning, evaluation, coordination, facilitation and operation of emergency medical services systems, including personnel. This rule permits the collection of information specific to EMS responders, emergency medical transportation service providers and emergency medical dispatchers who are absent from duty due to exposure or potential exposure to a notifiable disease, or signs or symptoms of a notifiable condition. Reports will be used for public health purposes and will inform decisions regarding EMS workforce capacity as a key element of a comprehensive and effective emergency medical services system that ensures optimum patient care during declared extreme public health emergencies.

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SECTION 1. DEFINITIONS

- A. Purpose:** This rule requires information that is specific to licensed emergency medical service personnel who are absent from duty during an extreme public health emergency due to an exposure or potential exposure to a notifiable disease or condition, to be reported to the Department for public health purposes, including informing emergency preparedness and strategies to address potential shortage of certain healthcare workers.
- B. Definitions.** As used in this rule, unless the context indicates otherwise, the following terms have the following meanings:
1. **Ambulance Service** means any person, persons or organization, licensed by Maine Bureau of Emergency Medical Services (Maine EMS) to provide routine or emergency transportation for ill or injured persons. Ambulance service includes ground ambulance and air ambulance services.
 2. **Declared Extreme Public Health Emergency** means the event proclaimed by the Governor that is a state of actual or threat of widespread exposure to a highly infectious or toxic agent posing a risk to public health, pursuant to 22 MRS chapter 250 and Title 37-B, chapter 13, subchapter II.
 3. **Department** means the State of Maine, Department of Health and Human Services Maine Center for Disease and Prevention.
 4. **EMD Center** means any entity that holds itself out to be a provider of emergency medical dispatch (EMD) services and that is licensed by Maine EMS.
 5. **Emergency Medical Treatment** means those skills, techniques and judgments, as defined by the Emergency Medical Services' Board, which are directed to maintaining, improving or preventing deterioration of the medical condition of the patient and which are appropriate to be delivered by trained persons at the scene of a patient's illness or injury outside the hospital and during transportation to the hospital.
 6. **EMS Personnel** means any person licensed by Maine EMS who routinely provide emergency medical treatment to the sick or injured, including, but not limited to emergency medical responders, emergency medical technicians, advanced emergency medical technicians and paramedics. For the purpose of this rule, EMS personnel also includes those providing medical service transports (i.e. ground ambulance and air ambulance services) to the sick or injured and emergency medical dispatchers.
 7. **EMS Service Organization** means any ambulance service or non-transporting service that is licensed by Maine EMS, including but not limited to ground ambulance services, air ambulance services, and non-transporting services

8. **Extreme Public Health Emergency** means the occurrence or imminent threat of widespread exposure to a highly infectious or toxic agent that poses an imminent threat of substantial harm to the population of the State, as defined in 22 MRS § 801.
9. **Maine Emergency Medical Services or Maine EMS** means the Emergency Medical Services' Board, the emergency medical services director, and staff within the Department of Public Safety responsible for providing oversight of matters relating to the care delivered by EMS providers in Maine, pursuant to 32 MRS §§ 81 – 95, including ensuring the operations of a comprehensive and effective emergency medical services (EMS) system that optimizes patient care.

SECTION 2. REQUIRED REPORTING

- A. **Reports of Absences of EMS Personnel.** During the ~~pendency-period~~ of a declared extreme public health emergency, the entities designated in subsection B must report to the Department the temporary or permanent absence from duty, whether by suspension, medical or other leave, or other means, of EMS personnel as a result of their exposure or potential exposure to a notifiable disease, or presentation of signs or symptoms of a notifiable condition.
- B. **Who Reports.** EMS service organizations and EMD centers are responsible for ensuring compliance with the reporting requirements under this rule. EMS service organizations and EMD centers may designate staff responsible for reporting and monitoring the status of those EMS personnel absent from duty due to reasons related to a notifiable condition. Reports made pursuant to this rule must identify the reporter and be in the form and content prescribed by the Department. The electronic reporting required under this rule is in addition to other reporting required by Maine laws and rules.
- C. **Required Information.**
 1. When EMS personnel are absent from duty under Section A, the following information must be entered within 24 hours of the removal into the electronic system designated by the Department to collect information related to EMS personnel capacity:
 - a. The identity of the EMS service organization or EMD center;
 - b. The professional license number of the individual absent from duty;
 - c. Date(s) of absence from the EMS or EMD workforce; and
 - d. Whether the absence was a result of self-quarantine due to exposure or potential exposure of a notifiable condition or was a result of the individual exhibiting signs and symptoms of a notifiable disease or condition.
 2. When EMS Personnel have been reported absent from duty pursuant to Section 2 (A) (1), the responsible EMS Service Organization or EMD Center must provide the following, additional information regarding such personnel as may become applicable, within 24 hours of the event:
 - a. EMS personnel enter self-quarantine.

- b. EMS personnel complete self-quarantine.
 - c. EMS personnel exhibit signs or symptoms consistent with a notifiable condition.
 - d. EMS personnel are tested for the notifiable condition/communicable disease.
 - e. EMS personnel receive confirmation of a positive test.
 - f. EMS personnel are admitted to a hospital.
 - g. EMS personnel are deceased due to, or likely due to, the disease or condition.
 - h. EMS personnel have returned to work.
 - i. EMS personnel resign or terminate employment before returning to work after being absent from duty due to reasons related to a notifiable disease or condition.
3. Any additional information reasonably requested by the Department pertaining to the EMS organizations or EMD centers' personnel capacity and functions related to emergency management operations must be provided upon request.

SECTION 3. CONFIDENTIALITY

- A.** Confidential Information Reported. Pursuant to 22 MRS § 824, information reported under this rule including, but not limited to, the names of EMS personnel who have been temporarily absent from duty, as well as any other information that may identify those individuals, is confidential unless otherwise stated in law or this rule.
 - B.** The information collected under this rule may be released to private health care providers and health and human services agencies, including Maine EMS, for the purpose of carrying out public health functions as authorized by statute. Additionally, information provided to Maine EMS that does not identify individuals may be used for the purpose of reporting, including, but not limited to, the requirements specified in 32 MRS §§ 84(2), (3).
 - C.** Disclosure. Any person receiving a disclosure of identifying information pursuant to this rule may not further disclose this information without the consent of the infected person or by court order.
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STATUTORY AUTHORITY

Statutory Authority: 22 MRS § 820(1)(C)

Effective Date:

**LIST OF CHANGES TO THE
PROVISIONALLY ADOPTED MAJOR SUBSTANTIVE RULE**

**Emergency Medical Services Personnel Reporting Rule
10-144 CMR Ch. 124**

The Department of Health and Human Services, Maine Center for Disease Control and Prevention, proposed a new rule, the Emergency Medical Services Personnel Reporting Rule. Notice of this major substantive rulemaking was published on December 30, 2020, with a 30-day public comment period in lieu of a public hearing.

The final day for public comments was January 29, 2021. No public comments were received by the Department during the public comment period.

LIST OF CHANGES TO PROVISIONALLY ADOPTED RULE

1. The Department removed reference at the end of the rule to the “effective date” of the provisionally adopted rule. A major substantive rule is not legally effective until after the Legislature has reviewed and approved the provisionally adopted rule, and the agency files the finally adopted rule with the Secretary of State’s Office.
2. As a result of the OAG review as to form and legality, the Department made changes to clarify that this rule is applicable only in the event of a declaration of an extreme public health emergency and specific to notifiable conditions or diseases, pursuant to 22 MRS § 802(2-A). The Department added a definition for the term *Declared Extreme Public Health Emergency* and removed the term ‘pendency’ from Sec. 2(A). These changes are consistent with the proposed major substantive rule and help clarify the scope of this rule.
3. Similarly, as a result of the OAG review as to form and legality, the Department finds that it must remove redundant language in the Confidentiality Section 3(B), which included reference to 37-B MRS § 742. As noted, this rule is applicable in the event of a declaration of an extreme public health emergency per 22 MRS § 802(2-A).
4. The Department corrected a typographical error in the internal reference in Section 2, changing the citation from 2(A)(1) to 2(C)(1).

