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130<sup>TH</sup> MAINE STATE LEGISLATURE  
LEGISLATIVE COUNCIL

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REP. JOEL STETKIS

March 29, 2021

Ms. Bridget Bagley, Policy Analyst  
Department of Health and Human Services  
Maine Center for Disease Control and Prevention  
11 State House Station  
Augusta ME 04333-0011

Re: Submission of provisional rules for legislative review

Dear Ms. Bagley:

This letter is to acknowledge our receipt of the major substantive rules provisionally adopted by the Department of Health and Human Services, Maine Center for Disease Control and Prevention and related materials filed pursuant to 5 MRSA §8072, sub-§2. They were received on March 24, 2021. The provisional rules are entitled: "**Ch. 24: Emergency Medical Services Personnel Reporting Rule**", and are authorized pursuant **22 §820, sub-§ 1, par. C**. We have reviewed the filing and have concluded it is sufficiently complete for the purposes of beginning the review process.

Because the rules were filed after the legislative deadline of January 16, 2015 for submission of major substantive rules, the Legislature may, but is not obligated to, review the rules this session. If the Legislature does not review the rules this session, the review may be conducted during the next Regular Session of the Legislature or possibly during an intervening Special Session. The Department of Health and Human Services, Maine Center for Disease Control and Prevention may not finally adopt or implement the rules until the Legislature has completed its review.

If a review of the provisionally adopted rules is authorized, a legislative resolve regarding these rules will be introduced in the House of Representatives for referral to the appropriate joint standing committee. The committee may ask representatives from the agency to appear before it to explain certain provisions of the rules or answer questions. In addition, the committee may request additional information from the agency that may assist the committee in its review.

The committee review process will include application of the review criteria of 5 MRSA §8072, sub-§4 to the rules. The committee may hold a public hearing and work sessions on the bill as it does with other pending legislation and your agency will be notified of the committee hearing or meetings as they are scheduled.

Notice of Receipt of Provisional Rules

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The resolve regarding the provisional rules will not contain the text of those rules; you should anticipate receiving requests from the public for copies of the rules if the resolve is advertised for public hearing by the committee.

In the meantime, if you have questions, please contact Anna Broome, Sr. Legislative Analyst and Erin Dooling, Legislative Analyst in the Office of Policy and Legal Analysis. Anna and Erin staff the Joint Standing Committee on Health and Human Services and may be reached at 287-1670.

Sincerely,



Suzanne M. Gresser  
Executive Director, Legislative Council

SMG/ajh

cc: Don Wismer, Secretary of State's Office

Distribution List-Provisional Rules

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**MEMORANDUM**

**TO:** Office of Revisor of Statutes

**FROM:** Suzanne M. Gresser, Executive Director  
Legislative Council *SMG*

**DATE:** March 29, 2021

**RE:** Resolve for Major Substantive Rules

Please prepare a resolve for the following major substantive rule:

Portions of Ch. 24: Emergency Medical Services Personnel Reporting Rule which were provisionally adopted by the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

Thank you.

SMG/ajh



Agency: DHHS, Maine Center for Disease Control and Prevention Rule Chapter 124  
 Date Received (Exec. Dir. date stamp): 3/23/2021  
 Date Accepted: 3/24/2021 Date Rejected (if rejected): \_\_\_\_\_

Letter:

- After Adjournment - Rules Review Letter
- After Deadline Acceptance - Rule Review Letter
- Before Deadline Rules Review Letter
- Rejection - Rules Review Letter
- Emergency - MSR acceptance

Title (Mr./Ms.)	Ms.
First Name	Bridget
Last Name	Bagley
Job Title	Policy Analyst
Company (same as agency)	DHHS, MCDCP
Address 1	11 SHS
Address 2	286 Water Street
City	Augusta
State	Maine
Postal Code	04333-0011
Rule Name	Chapter 24: Emergency Medical Services Personnel Reporting Rule
Rule Authority	22 § 820, sub-§ 1, par. C
cc: Name & Title	Don Wismer, Rules Administrator
cc: Company Name	Secretary of State
cc: Director/commissioner of agency & Title	Jeanne M. Lambrew, Commissioner
Analyst First Name	Aina <del>Erin</del>
Analyst Last Name	Brume <del>Dooling</del>
Analyst Title	Sr. Leg. Analyst <del>Leg. Analyst</del>
Committee	HHS

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forget \*

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**CHECKLIST FOR MAJOR SUBSTANTIVE RULES FILINGS**

**Twenty copies of the following are required by law**

- Full text of the provisionally adopted rule (for rule amendments, new language underlined and language to be deleted stricken through)
- Description and copy of any existing rule the agency proposes to amend or repeal  
*(new rule)*
- Summary of the rule (may be the same as rule description required for notice of proposed rules by 5 MRSA §8057-A, sub-§1, para. B)
- Statement of the circumstances that require the rule (basis statement for adopted rules required by 5 MRSA §8052, sub-§5)
- A statement of the economic impact of the rule on the State and its residents.

**One copy of the following is "required by the committee"**

- Identification of an agency contact
- Verification that the rule has been approved as to form and legality by the Attorney General's Office (identification of the member of the AG's staff who reviewed and approved the rule)  
*(MAPA-1 Rulemaking Cover Sheet)*
- Statement, signed by the head of the agency, certifying that the agency has complied with the procedural requirements of the MAPA and any other applicable law in provisionally adopting the rule submitted for review *(MAPA-1 Rulemaking Cover Sheet)*
- Copy of the procedural checklist required by 5 MRSA §8056-A, sub-§1
- Citation of the statutory authority for adoption of the rule *(Rulemaking Fact Sheet)*
- N/A Copy of any federal law or regulation that governs the content of the rule
- N/A Copy of the transcript of the public hearing on the rule (if one exists)
- Copy of any written comments or testimony submitted during agency rulemaking proceedings on the proposed rule  
*(no comments received other than from AG review of prior rule proposal)*
- Electronic copy of the full text of the rule in Microsoft Word -- 2010 format, if possible  
*emailed*



# Rulemaking Fact Sheet

(5 MRS §8057-A)

**AGENCY:** Maine Center for Disease Control and Prevention

**NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:** Bridget Bagley, 11 SHS; 286 Water St, Augusta, Maine 04333-0011; Tel: 207-287-9394; Fax: 207-287-2887 or 711 (TTY); [bridget.bagley@maine.gov](mailto:bridget.bagley@maine.gov)

**CHAPTER NUMBER AND RULE TITLE:** 10-144 CMR ch. 124 - Emergency Medical Services Personnel Reporting Rule

**TYPE OF RULE (check one):**     Routine Technical     Major Substantive

**STATUTORY AUTHORITY:** 22 MRS §820(1)(C)

**DATE, TIME AND PLACE OF PUBLIC HEARING:**

**COMMENT DEADLINE:**

**PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE:** [see §8057-A(1)(A)&(C)] The Department, authorized to implement rules related to the risk or potential risk of a shortage of health care workers, is proposing this rule to assist with public health emergency preparedness and responsiveness. (22 MRS §820(1)(C).) Pursuant to 5 MRS §8072, this major substantive rulemaking is proposed to permanently establish reporting requirements for emergency medical service (EMS) organizations and emergency medical dispatch (EMD) centers. Consistent with the existing emergency rule in effect since April 22, 2020, this rule requires EMS organizations and EMD centers to monitor and report information about the status of EMS personnel temporarily removed from service during a health emergency or extreme public health emergency for reasons related to exposure or potential exposure to a notifiable condition or disease. EMS personnel includes licensed emergency medical service responders, medical service transporters and dispatchers. This proposed rule would enable the surveillance of the personnel aspect of Maine emergency medical system during a state of civil emergency, to ensure that the Department can assist in responding appropriately to public health emergencies and support the Maine EMS as a comprehensive and effective system for optimizing patient care during a state of civil emergency.

**IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE?** \_\_\_ YES X NO [§8056(1)(B)]

**ANALYSIS AND EXPECTED OPERATION OF THE RULE:** [see §8057-A(1)(B)&(D)]. The Department will coordinate with the Department of Public Safety Maine EMS as the licensing entity for EMS personnel including licensed EMS responders, emergency medical transportation services and dispatch. Under this rule, EMS organizations and EMD centers are required to provide the Department with information about employees removed from service, in accordance with the guidelines issued by the Department, in partnership with Maine EMS. Reporting must be in the form prescribed by the Department. Electronic reports must be completed within 24 hours of the removal of the EMS personnel and the individual must be monitored for changes in status that must be reported within 24 hours of the change (i.e. date completed self-quarantine, hospitalization, returned to work, etc.). Information collected will be used for public health purposes and may not be further disclosed, except as specifically permitted by this rule. This proposed rule would help ensure that the Department has information to further the coordination and integration of activities and resources related to emergency medical services and inform the overall planning, evaluation, coordination, facilitation and operations of emergency medical services systems, including personnel, as a matter of vital concern affecting public health and safety.

**BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE** (including up to 3 primary sources relied upon) [see §§8057-A(1)(E) & 8063-B] 10-144 CMR ch. 124 - Emergency Medical Services Personnel Reporting Rule (Emergency rule effective: April 22, 2020), U.S. Center for Disease Control guidance and expertise of staff within the Department Maine CDC and Department of Public Safety Maine EMS

**ESTIMATED FISCAL IMPACT OF THE RULE:** [see §8057-A(1)(C)] None anticipated.



# Administrative Procedure Act

## CHECKLIST

Agency: Maine Center for Disease Control & Prevention, Department of Health & Human Services

Chapter Number and Title of Rule: Ch. 124 - Emergency Medical Services Personnel Reporting Rule

### PROPOSED RULE:

1. Was this rule listed on the last regulatory agenda? No
2. Date of notification of:
  - Anyone on mailing list 12/30/2020
  - Any trade, industry or professional group 12/30/2020
  - Any trade publications 12/30/2020
3. Date Notice of Rulemaking Proposal (MAPA-3) sent to Secretary of State: 12/22/2020
4. Date Fact Sheet sent to Executive Director of Legislative Council: 12/30/2020
5. Date of publication in Secretary of State's rule-making ad: 12/30/2020
6. Date of hearing(s): NA
7. Comment deadline(s): 1/29/2020

### PROVISIONALLY ADOPTED MAJOR SUBSTANTIVE RULE:

8. Was comment deadline extended or comment period reopened? No  
If yes, date of second notice publication in Secretary of State's rule-making ad:
9. Is provisionally adopted rule consistent with what was proposed? Yes  
(If not, please address the changes in the comments and responses section of your filing.)
10. Is the person signing the Certification Statement (MAPA-1) authorized to do so as stated in your statutes or in 5 MRSA, c.71? Yes
11. Was the rule provisionally adopted within 120 days of the comment deadline? Yes
12. Was the rule approved and signed by the Office of the Attorney General within 150 days of the comment deadline? Yes
13. Is a Basis Statement included? Yes  
Is a copy of the Fact Sheet included? Yes  
Are comments, with names and organizations, and your responses included? NA



**BASIS STATEMENT**  
**PROVISIONALLY ADOPTED MAJOR SUBSTANTIVE RULE**

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

The Department of Health and Human Services (Department) provisionally adopts a new major substantive rule, 10-144 CMR chapter 124, Emergency Medical Services Personnel Reporting Rule. On April 22, 2020, the Department implemented these changes via an emergency major substantive rule, which, per 5 MRS 8073, shall be effective for up to one year or until the Legislature reviews the provisionally adopted rule. Pursuant to 5 MRS § 8072, the Legislature must review this provisionally adopted rule, and following that time, the Department shall file a finally adopted rule; a major substantive rule has legal effect only after Legislative review and final adoption by the Department. 5 MRS § 8072(1).

Through its authority in 22 MRS § 820(1)(C), the Department seeks to establish a uniform system of reporting requirements, to enable statewide surveillance of the response capacity of the State's healthcare workforce, specifically emergency medical service (EMS) personnel, during a declared Extreme Public Health Emergency (22 MRS § 802(2-A)). This rule ensures the Department's continued coordination and integration of activities and resources related to emergency medical services, to inform the overall planning, evaluation, coordination, facilitation and operations of an effective comprehensive statewide emergency medical services system.

This rule requires EMS organizations and emergency medical dispatch (EMD) centers to report information about EMS personnel who, during a declared Extreme Public Health Emergency, have been removed from the workforce temporarily because they have been exposed to a Notifiable Disease or Condition, or because they have developed symptoms of a Notifiable Disease, in accordance with the guidance issued by the Department, in partnership with the Department of Public Safety Maine EMS. Under this rule, EMS organizations and EMD centers are responsible for compliance with electronic reporting. Reporting must be completed within 24 hours of when the EMS personnel is removed from service. Reporting of certain subsequent events must also be completed within 24 hours. Information collected specific to EMS personnel, which includes licensed emergency medical service responders, emergency medical transportation services and dispatch, will be used for public health surveillance purposes and will inform decisions regarding healthcare workforce capacity as a key element of a comprehensive and effective emergency medical services system. Accurate and reliable statewide data is essential for coordinating with municipal localities, other State offices, federal emergency management agencies and healthcare systems across the State, in order to prepare for and respond to public health emergency needs.

Following a 30-day notice period on the proposed major substantive rule, the Department did not receive any comments. As a result of legal review, the Department finds that certain changes are required, as set forth specifically in the Summary of Comments document. For example, the Department clarified that the provisionally adopted major substantive rule is not legally effective. Additionally, the Department clarified the meaning of a declared Extreme Public Health Emergency by adding reference to 22 MRS § 802(2-A) and removing redundant language from the Confidentiality section 3(B). These changes do not make the provisionally adopted rule materially different from the rule that was proposed.

**STATUTORY AUTHORITY**  
22 MRS § 820(1)(C)

**EFFECTIVE DATE**

## **ECONOMIC IMPACT STATEMENT**

### **Provisional Adoption of a Major Substantive Rule**

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

The Department is authorized to implement rules related to the risk of a shortage of health care workers at 22 MRS § 820(1)(C). This new major substantive rule will assist agencies with state-wide emergency preparedness and responsiveness, supporting the continued reporting and surveillance of personnel within Maine's emergency medical systems (EMS), to inform system response during an Extreme Public Health Emergency. The EMS workforce is a key element of a comprehensive and effective emergency medical services system that ensures optimum patient care.

This provisionally adopted rule will help ensure efforts to make permanent the electronic reporting requirements implemented by emergency rule on April 22, 2020. Emergency medical service (EMS) organizations and emergency medical dispatch (EMD) centers will be responsible for continuing to monitor employees absent from duty during an extreme public health emergency due to a Notifiable Disease or Condition and report certain information related to the employee's absence, to allow for ongoing surveillance of workforce capacity during Extreme Public Health Emergencies.

The Department has determined that the electronic reporting required by this rule is reasonable and the most efficient method for obtaining data necessary for ongoing surveillance of workforce capacity during an Extreme Public Health Emergency. The Department considered the potential burden on these regulated parties who must identify resources to be dedicated to the administrative reporting process required during a declared state of emergency, in order to comply with this rule and determined the fiscal impact to be nominal for EMS organizations and EMD centers. No comments were submitted on the major substantive rule that proposed these requirements. The Department interprets the absence of public comments or suggested changes as agreement to the changes that require EMS organizations and EMD centers to monitor and report information about the status of EMS personnel who are absent from duty during an Extreme Public Health Emergency, as a result of their exposure or potential exposure to a Notifiable Disease or Condition.

#### **STATUTORY AUTHORITY**

22 MRS §§ 820(1)(C)

#### **EFFECTIVE DATE**