

# MAINE STATE LEGISLATURE

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# 122<sup>nd</sup> MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1373

H.P. 959

House of Representatives, March 17, 2005

### **An Act To Implement Emergency Medical Dispatch Services for E-9-1-1 Calls**

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Reference to the Committee on Utilities and Energy suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative ADAMS of Portland.  
Cosponsored by Senator BARTLETT of Cumberland and  
Representatives: BABBIDGE of Kennebunk, BLISS of South Portland, FITTS of Pittsfield,  
FLETCHER of Winslow, RINES of Wiscasset, Senator: ROSEN of Hancock.

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

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Sec. 1. 25 MRSA §2935 is enacted to read:

§2935. Emergency medical dispatch personnel

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Emergency Medical Services Board established under Title 32, section 88.

B. "Emergency medical dispatch services" means the provision of any of the following services in the context of an emergency call made to the E-9-1-1 system:

(1) Reception, evaluation or processing of calls;

(2) Provision of dispatch life support;

(3) Management of requests for emergency medical assistance; and

(4) Evaluation or improvement of the emergency medical dispatch process, including identifying the nature of an emergency request, prioritizing the severity of a request, dispatching necessary resources, providing medical aid and safety instructions to the caller and coordinating the responding resources as needed.

C. "Emergency medical dispatcher" means a person who provides emergency medical dispatch services.

D. "Emergency medical dispatch agency" means any person, business, organization or government agency that employs or supervises emergency medical dispatchers.

E. "Emergency Medical Dispatch Priority Reference System" means a system approved by the bureau and the board that includes:

(1) A protocol for emergency medical dispatcher response to calls;

(2) A continuous quality improvement program that measures compliance with the protocol through ongoing random case review of each emergency medical dispatcher; and

2                   (3) A training curriculum and testing process  
3                   consistent with the protocol.

4                   F. "Provider of emergency medical dispatch services" means  
5                   an emergency medical dispatcher or emergency medical  
6                   dispatch agency.

7                   2. Mandatory qualifications. The bureau, in consultation  
8                   with the board, shall adopt rules governing qualifications for  
9                   and standards to be observed by providers of emergency medical  
10                   dispatch services. The rules must, at a minimum:

11                   A. Require biennial certification of providers of emergency  
12                   medical dispatch services;

13                   B. Establish minimum education and continuing education  
14                   requirements for emergency medical dispatchers, including at  
15                   least 12 hours of emergency medical dispatch continuing  
16                   education each year;

17                   C. Establish a process for approving an Emergency Medical  
18                   Dispatch Priority Reference System that all emergency  
19                   medical dispatchers are required to follow;

20                   D. Require an emergency medical dispatcher to inform the  
21                   board and the bureau of the emergency medical dispatch  
22                   agency that employs or supervises the emergency medical  
23                   dispatcher;

24                   E. Establish or provide for approval of emergency medical  
25                   dispatcher certification training programs, which must be  
26                   conducted in accordance with appropriate national standards;

27                   F. Establish qualifications for instructors of emergency  
28                   medical dispatcher certification training programs;

29                   G. Require regular reporting to the bureau and the board by  
30                   an emergency medical dispatch agency with respect to the use  
31                   of the Emergency Medical Dispatch Priority Reference System;  
32                   and

33                   H. Require that each emergency medical dispatch agency  
34                   appoint a director of emergency medical dispatch services to  
35                   review and ensure compliance with the requirements of this  
36                   section.

37                   Rules adopted pursuant to this subsection are routine technical  
38                   rules as defined in Title 5, chapter 375, subchapter 2-A.

2           3. Prohibitions. Beginning January 1, 2007, the following  
3           provisions apply.

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5           A. A person may not provide emergency medical dispatch  
6           services unless the person is certified as an emergency  
7           medical dispatcher in accordance with this section.

8  
9           B. A person, business, organization or government entity  
10           may not operate as an emergency medical dispatch agency  
11           unless certified as an emergency medical dispatch agency in  
12           accordance with this section.

13           C. A person may not offer a training course that is  
14           represented as a course for emergency medical dispatcher  
15           certification unless the person is approved to provide such  
16           training in accordance with this section.

17           D. A person, business, organization or government entity  
18           may not provide emergency medical dispatch services except  
19           in accordance with an Emergency Medical Dispatch Priority  
20           Reference System approved in accordance with this section.

21           A person who willfully violates any provision of this subsection  
22           commits a Class E crime.

23  
24           4. Disciplinary proceedings and sanctions. The bureau  
25           shall investigate a complaint on its own motion or upon receipt  
26           of a written complaint filed with the bureau regarding  
27           noncompliance with or violation of this section or of any rules  
28           adopted pursuant to this section. The bureau shall consult with  
29           the board in all actions taken under this section.

30           A. An investigation pursuant to this subsection may include  
31           an informal conference before the bureau to determine  
32           whether grounds exist for suspension, revocation or denial  
33           of a certificate. The bureau may subpoena witnesses,  
34           records and documents, including records and documents  
35           maintained by a public safety answering point or other  
36           service organization or person related to the delivery of  
37           emergency medical services, in any investigation or hearing  
38           it conducts.

39           B. The bureau shall notify the certificate holder of the  
40           content of a complaint filed under this subsection against  
41           the certificate holder as soon as possible, but in no event  
42           later than 60 days after the bureau receives the initial  
43           pertinent information. The certificate holder has the right  
44           to respond within 30 days in all cases except those  
45           involving an emergency denial, suspension or revocation as  
46           provided in this subsection.

2 described in Title 5, chapter 375, subchapter 5. If the  
3 certificate holder's response to the complaint satisfies the  
4 bureau that the complaint does not merit further  
5 investigation or action, the matter may be dismissed, with  
6 notice of the dismissal to the complainant, if any.

7  
8 C. If, in the opinion of the bureau, the factual basis of a  
9 complaint under this subsection is or may be true and the  
10 complaint is of sufficient gravity to warrant further  
11 action, the bureau may request an informal conference with  
12 the certificate holder. The bureau shall provide the  
13 certificate holder with adequate notice of the conference  
14 and of the issues to be discussed. The conference must be  
15 conducted in executive session of the bureau pursuant to  
16 Title 1, section 405 unless otherwise requested by the  
17 certificate holder. Statements made at the conference may  
18 not be introduced at a subsequent formal administrative or  
19 judicial hearing unless all parties consent. The  
20 certificate holder may, without prejudice, refuse to  
21 participate in an informal conference if the certificate  
22 holder prefers to request an adjudicatory hearing. If the  
23 certificate holder participates in the informal conference,  
24 the certificate holder waives the right to object to a  
25 participant at the hearing who participated at the informal  
26 conference.

27  
28 D. If the bureau finds that the factual basis of a  
29 complaint under this subsection is true and is of sufficient  
30 gravity to warrant further action, it may take any of the  
31 following actions.

32 (1) The bureau may negotiate a consent agreement with  
33 the certificate holder that fixes the period and terms  
34 of probation necessary to protect the public health and  
35 safety and to rehabilitate or educate the certificate  
36 holder. A consent agreement may be used to terminate a  
37 complaint investigation, if entered into by the bureau,  
38 the certificate holder and the Attorney General.

39  
40 (2) If a certificate holder voluntarily surrenders a  
41 certificate, the bureau may negotiate stipulations  
42 necessary to ensure protection of the public health and  
43 safety and the rehabilitation or education of the  
44 certificate holder. These stipulations may be set  
45 forth only in a consent agreement signed by the bureau,  
46 the certificate holder and the Attorney General.

47  
48 (3) If the bureau concludes that modification,  
49 nonrenewal or suspension of a certificate is in order,  
50 the bureau shall so notify the certificate holder and

2 inform the certificate holder of the certificate  
3 holder's right to request an adjudicatory hearing. If  
4 the certificate holder requests an adjudicatory hearing  
5 in a timely manner, the adjudicatory hearing must be  
6 held by the bureau in accordance with Title 5, chapter  
7 375, subchapter 4. If the certificate holder wishes to  
8 appeal the final decision of the bureau, the  
9 certificate holder shall file a petition for review  
10 with the Superior Court within 30 days of receipt of  
11 the bureau's decision. Review under this paragraph  
12 must be conducted pursuant to Title 5, chapter 375,  
13 subchapter 7.

14 (4) Except in the specific circumstances when Title 5,  
15 section 10004 may be invoked, if the bureau concludes  
16 that suspension or revocation of the certificate is in  
17 order, the bureau shall request that the Attorney  
18 General file a complaint in the District Court in  
19 accordance with Title 4, chapter 5 and the Maine  
20 Administrative Procedure Act to commence either full or  
21 emergency proceedings.

22 **5. Grounds for disciplinary action.** A decision to take  
23 action against an applicant or certificate holder pursuant to  
24 this section or rules adopted pursuant to this section,  
25 including, but not limited to, a decision to refuse to issue or  
26 renew a certificate or to modify, suspend or revoke a  
27 certificate, may be predicated on the following grounds:

28 A. Fraud or deceit in obtaining a certificate under this  
29 section or in connection with service rendered within the  
30 scope of the certificate issued;

31 B. Habitual substance abuse that has resulted or is  
32 forseeably likely to result in the certificate holder is  
33 performing services in a manner that endangers the health or  
34 safety of the public;

35 C. A professional diagnosis of a mental or physical  
36 condition that has affected or is likely to affect the  
37 certificate holder's performance in a manner that endangers  
38 the health or safety of the public;

39 D. Aiding or abetting a person not duly certified under  
40 this section in performing activities for which a  
41 certificate is required under this section;

42 E. Incompetent professional practice as evidenced by:

2                   (1) Demonstrated inability to respond appropriately to  
                  E-9-1-1 calls; or

4                   (2) Inability to apply principles, skills or knowledge  
                  necessary to successfully carry out the practice for  
6                   which the certificate holder is certified;

8                   F. Violation of any reasonable standard of professional  
                  behavior, conduct or practice that has been established in  
10                  the practice for which the certificate holder is certified;

12                  G. Subject to the limitations of Title 5, chapter 341,  
                  conviction of a crime that involves dishonesty or false  
14                  statement, conviction of a crime that relates directly to  
                  the practice for which the certificate holder is certified,  
16                  conviction of a crime for which incarceration for one year  
                  or more may be imposed or conviction of a crime defined in  
18                  Title 17-A, chapter 11 or 45; or

20                  H. A violation of this section or any rule adopted pursuant  
                  to this section.

22                  6. Appeals. A person aggrieved by a decision of the bureau  
24                  in the interpretation of this section or rules adopted pursuant  
                  to this section or in any decision pursuant to this section, may  
26                  appeal the decision to the Public Utilities Commission for a  
                  final decision. The bureau's decision stands until the Public  
28                  Utilities Commission issues a decision to uphold, modify or  
                  overrule the bureau's decision. In the case of nonrenewal, the  
30                  person must be afforded an opportunity for hearing in accordance  
                  with the Maine Administrative Procedure Act.

32                  A final decision of the Public Utilities Commission constitutes  
34                  final agency action and may be appealed pursuant to Title 5,  
                  chapter 375, subchapter 7.

36                  7. Effect on tort claims. Nothing in this section  
38                  increases any liability that may arise or be limited under Title  
                  14, chapter 741.

40                  8. Assistance with costs. To assist persons and agencies  
42                  operating public safety answering points in meeting the  
                  requirements of this section, the bureau shall provide free  
44                  training courses for emergency medical dispatchers or reimburse  
                  emergency medical dispatch agencies for reasonable costs, as  
46                  determined by the bureau, incurred for training courses approved  
                  by the bureau and attended by employees of that agency, upon  
48                  submission by the agency of adequate documentation of completion  
                  of the courses by the employees. The bureau is not required to  
50                  provide free training to or to reimburse training costs incurred



2 by an agency or person other than an agency approved by the  
3 bureau to operate a public safety answering point or a person  
4 employed by such an agency. The bureau shall provide each  
5 emergency medical dispatch agency a sufficient number of approved  
6 Emergency Medical Dispatch Priority Reference System documents in  
7 printed or electronic format, as determined by the bureau.

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## SUMMARY

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11 This bill requires the Emergency Services Communication  
12 Bureau within the Public Utilities Commission, in consultation  
13 with the Emergency Medical Services Board, to adopt rules  
14 governing qualifications for and standards to be observed by  
15 providers of emergency medical dispatch services who respond to  
16 E-9-1-1 calls. Beginning in 2007, the rules regulate the  
17 provision of emergency medical dispatch services in response to  
18 E-9-1-1 calls and require all persons handling E-9-1-1 calls to  
meet certain qualifications.