

MAINE STATE LEGISLATURE

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1 (Governor's Bill)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TENTH LEGISLATURE
5

6 **Legislative Document**

No. 2000

8 H. P. 2050 House of Representatives, February 17, 1982
Referred to the Committee on Health and Institutional Services.
Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

9 Presented by Representative G. Diamond of Windham.

Cosponsors: Representative L. Higgins of Scarborough, Represent-
ative Kiesman of Fryeburg and Representative Brown of Bethel.

11 STATE OF MAINE
12

13 IN THE YEAR OF OUR LORD
14 NINETEEN HUNDRED AND EIGHTY-TWO
15

16 AN ACT Concerning Maine Emergency
17 Medical Services.
18

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

20 Sec. 1. 32 MRSA c. 2-A, as amended, is repealed.

21 Sec. 2. 32 MRSA c. 2-B is enacted to read:

22 CHAPTER 2-B

23 MAINE EMERGENCY MEDICAL SERVICES ACT

24 §81. Short title

25 This chapter may be cited as the "Maine Emergency Medi-
26 cal Services Act of 1982."

27 §82. Requirement for license

1 1. Licenses required. No ambulance service, ambu-
2 lance, first responder service or emergency medical ser-
3 vices' person may operate unless duly licensed by the
4 Department of Human Services pursuant to this chapter,
5 except as stated in subsection 2.

6 This chapter is subject to the penalty provisions of Title
7 22, section 47.

8 2. Licenses not required. A Maine license shall not
9 be required for:

10 A. Ambulance services and ambulances licensed in
11 another state or province, provided that they do not
12 have a base of operation in Maine and do not routinely
13 pick up patients from the scene of their illness or
14 injury in Maine and do not routinely carry patients
15 between points both of which are in Maine;

16 B. Ambulance services, ambulances, first responder
17 services and emergency medical services' persons
18 responding into Maine from out-of-state in response to
19 civil emergencies or natural disasters;

20 C. Ambulance services, ambulances, first responder
21 services and emergency medical services' persons
22 responding into Maine from out-of-state pursuant to
23 department approved mutual aid agreements with Maine
24 licensed services;

25 D. A licensed physician;

26 E. A person serving as an industrial nurse or safety
27 officer, a school or camp nurse, a life guard, a ski
28 patrolman, a nurse or technician in a hospital or a
29 physician's office, or other similar occupation in
30 which the person provides on-site emergency treatment
31 at a single facility to the patrons or employees of
32 that facility; or

33 F. A person serving as a medical technician with the
34 United States Armed Forces, the Maine Army National
35 Guard or the Maine Air National Guard.

36 When any doubt exists as to the applicability of this
37 section to any person or service, that person or service
38 shall seek an advisory opinion from the department.

39 §83. Definitions

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

3 1. Advanced emergency medical technician. "Advanced
4 emergency medical technician" means an emergency medical
5 services' person licensed to perform advanced emergency med-
6 ical treatment.

7 2. Advanced emergency medical treatment. "Advanced
8 emergency medical treatment" means those portions of emer-
9 gency medical treatment, as defined by the department, which
10 may be performed by persons licensed under this chapter only
11 when they are acting under the supervision of an appropriate
12 physician and within a system of emergency care approved by
13 the department.

14 3. Ambulance. "Ambulance" means any vehicle, whether
15 an air, ground or water vehicle, that is designed, con-
16 structed, used or intended to be used for the transportation
17 of patients. The licensing of these vehicles is in addition
18 to any registration required by other authorities. For the
19 purposes of this chapter, vehicles operated by the Maine
20 Army National Guard, Maine Air National Guard or the United
21 States Armed Forces shall not be considered ambulances.

22 4. Ambulance equipment. "Ambulance equipment" means
23 those materials and devices which are carried in ambulances.

24 5. Ambulance service. "Ambulance service" means any
25 person, persons or organization which holds itself out to be
26 a provider of transportation of ill or injured persons or
27 which routinely provides transportation for ill or injured
28 persons. For the purposes of this chapter, the Maine Army
29 National Guard, Maine Air National Guard and the United
30 States Armed Forces shall not be considered ambulance ser-
31 vices.

32 6. Basic emergency medical services' person. "Basic
33 emergency medical services' person" means a person licensed
34 to perform basic emergency medical treatment. Licensed
35 ambulance attendants and basic emergency medical technicians
36 are basic emergency medical services' persons.

37 7. Basic emergency medical technician. "Basic emer-
38 gency medical technician" means a basic emergency medical
39 services' person who has successfully completed the United
40 States Department of Transportation course for emergency
41 medical treatments and has met the other requirements for
42 licensure at this level.

1 8. Basic emergency medical treatment. "Basic emer-
2 gency medical treatment" means those portions of emergency
3 medical treatment, as defined by the department, which may
4 be exercised by licensed emergency medical services' person-
5 nel acting under their own authority.

6 9. Commissioner. "Commissioner" means the Commis-
7 sioner of Human Services.

8 10. Department. "Department" means the Department of
9 Human Services.

10 11. Emergency Medical Services' Advisory
11 Board. "Emergency Medical Services' Advisory Board" means
12 the board appointed by the commissioner which advises the
13 department on matters subject to this chapter.

14 12. Emergency medical services' person. "Emergency
15 medical services' person" means any person who routinely
16 provides emergency medical treatment to the sick or injured.

17 13. Emergency medical treatment. "Emergency medical
18 treatment" means those skills, techniques and judgments, as
19 defined by the department, which are directed to maintain-
20 ing, improving or preventing the deterioration of the medi-
21 cal condition of the patient and which are appropriate to be
22 delivered by trained persons at the scene of a patient's
23 illness or injury outside the hospital and during trans-
24 portation to the hospital.

25 14. First responder service. "First responder ser-
26 vice" means any organization, person or persons who hold
27 themselves out as providers of emergency medical care and
28 who do not routinely provide transportation to ill or
29 injured persons, and who routinely offer or provide services
30 to the general public beyond the boundaries of a single
31 recreational site, business, school or other facility. For
32 the purposes of this chapter, a physician making house calls
33 as a part of ordinary medical practice is not considered to
34 be a first responder service.

35 15. License. "License" means a full, temporary,
36 provisional or conditional license issued by the department
37 under this chapter.

38 16. Licensed ambulance attendant. "Licensed ambulance
39 attendant" means a basic emergency medical person who has
40 completed the minimum training specified in section 85, sub-
41 section 2 and has met the other conditions specified in

1 regulations under this chapter for licensure at this level.

2 17. Medical control physician. "Medical control
3 physician" means a physician who supervises advanced emer-
4 gency medical technicians.

5 18. Office of Emergency Medical Services. "Office of
6 Emergency Medical Services" means whatever administrative
7 unit of the department is assigned responsibility for carry-
8 ing out the purposes of this chapter.

9 19. Protocol. "Protocol" means the written statement,
10 representing a consensus of the physicians of an emergency
11 medical services' region and filed with the department,
12 specifying the conditions under which some form of emergency
13 medical care is to be given by emergency medical services'
14 persons.

15 20. Regional councils. "Regional councils" means
16 those groups recognized by the department which represent
17 the various regions of the State, as designated by the
18 department, with respect to matters subject to this chapter.

19 21. Regions. "Regions" means those geographical areas
20 of the State designated by the department to be represented
21 by a regional council.

22 §84. Department: powers and duties; goals; work plans

23 1. Powers and duties. The department has the follow-
24 ing powers and duties.

25 A. The department shall conduct an emergency medical
26 services' program to fulfill the purposes, requirements
27 and goals of this chapter. The department shall adopt
28 such forms, regulations, procedures, testing require-
29 ments and records as may be appropriate to carry out
30 the purposes, requirements and goals of this chapter.

31 B. Notwithstanding any other provision of law, any
32 rule-making hearing held under this chapter and re-
33 quired by the Maine Administrative Procedure Act, Title
34 5, chapter 375, shall be conducted by the Director of
35 the Office of Emergency Medical Services or a person in
36 a major policy-influencing position, as defined in
37 Title 5, section 711, who has responsibility over the
38 subject matter of the proposed rule.

39 C. Regulations promulgated pursuant to this chapter
40 shall include, but not be limited to, the following:

1 (1) The composition of regional councils and the
2 process by which they come to be recognized as
3 representing their regions;

4 (2) The manner in which regional councils shall
5 report their activities and finances, and the man-
6 ner in which those activities shall be carried out
7 under this chapter;

8 (3) The designation of regions within the State;

9 (4) The requirements for licensure for all vehi-
10 cles, persons and services subject to this chap-
11 ter, and including training and testing of person-
12 nel; and

13 (5) Fees to be charged for licenses under this
14 section, except that no fee may be charged for the
15 licensing of emergency medical services' persons
16 under this chapter.

17 2. Goals. The department shall establish and pursue
18 its goals as follows.

19 A. The department shall monitor the provision of emer-
20 gency medical services within the State. The depart-
21 ment shall establish, by regulation, its goals in moni-
22 toring the provision of services and in insuring that
23 these services are appropriately delivered. These
24 goals shall be in the nature of objectives and shall
25 not constitute absolute requirements.

26 B. In each year, and in conjunction with the prepara-
27 tion of the emergency medical services' report, the
28 director with the advice of the board shall prepare a
29 list of those among the goals which most need to be
30 pursued in the succeeding year. This list shall be
31 made available to the regional councils so that they
32 may propose projects to further particular goals within
33 their own regions.

34 C. In pursuing these goals, the department may make
35 grants to the regional councils for projects they have
36 proposed, and which the department has determined are
37 consistent with the requirements and goals of this
38 chapter; contract for services; cooperate with other
39 departments or agencies; accept and disburse granted
40 funds; or act in other lawful ways as may best serve
41 the public good.

1 3. Work plans. Each year, the department shall issue
2 an emergency medical services' report indicating:

3 A. The extent to which the emergency medical system
4 was used throughout the State, and the incidence of
5 various medical conditions which called it into ser-
6 vice;

7 B. The extent and nature of the continuing programs of
8 training and support for emergency medical services
9 carried out by the regional councils and the Office of
10 Emergency Medical Services;

11 C. The extent to which the goals laid down in this
12 chapter were pursued, and with what success;

13 D. The plan, for the coming year, to pursue the vari-
14 ous goals; and

15 E. The income and expenditures of the Office of Emer-
16 gency Medical Services and of the regional councils.

17 §85. Emergency medical persons

18 1. Basic and advanced skills. The department may
19 determine, by regulation, which skills, techniques and judg-
20 ments constitute:

21 A. Basic emergency medical treatment; and

22 B. Advanced emergency medical treatment. The depart-
23 ment may determine, by regulation, which such advanced
24 skills, techniques and judgments may be supervised by a
25 physician by means of standing orders, by voice radio
26 and by other means. Nothing in this section may pre-
27 clude protocols in a particular region from imposing on
28 the use of a skill, technique or judgment controls more
29 strict than those permitted by the department's regula-
30 tions. In every case, advanced emergency medical
31 treatment shall be given in accordance with protocols.

32 The department may establish by regulation appropriate
33 licensure levels for advanced emergency medical technicians
34 and fix the qualifications for persons to hold those
35 licenses.

36 2. Minimum requirements for licensing. In setting
37 regulations for the licensure of emergency medical services'
38 persons, the department shall insure that no person is li-

1 censed to care for patients unless his qualifications are at
2 least those specified in this subsection. Any person who
3 meets these conditions shall be considered to have the cre-
4 denentials and skill demonstrations necessary for the licensed
5 ambulance attendant level of licensure to provide basic
6 emergency medical treatment.

7 A. The person must have completed successfully the
8 United States Department of Transportation course for
9 first responders or completed successfully the American
10 Red Cross Advanced First Aid and Emergency Care Course,
11 with supplemental training in extrication, oxygen
12 administration and airway care, patient evaluation and
13 taking of vital signs.

14 B. The person must have successfully completed the
15 American Heart Association basic rescuer course in
16 cardiopulmonary resuscitation or its American Red Cross
17 equivalent.

18 C. The person must have successfully completed a state
19 written and practical test for basic emergency medical
20 treatment.

21 D. The person must be sponsored by a Maine licensed
22 ambulance service or first responder service.

23 The department may set by regulation intervals at which
24 these qualifications must be renewed and appropriate courses
25 and testing for that renewal.

26 §86. Ambulance services and first responder services

27 1. Ambulance services and first responder to be li-
28 censed. Every ambulance service and first responder service
29 shall be licensed and shall operate in accordance with the
30 regulations adopted for such services under this chapter and
31 shall carry the equipment called for in those regulations.

32 2. Care of patient. Whenever an ambulance transports
33 a patient from the scene of an emergency, the patient shall
34 be cared for by a physician or by a person licensed under
35 this chapter to provide emergency medical care. Whenever an
36 ambulance transports a patient from a hospital or other
37 health-care facility to another place, the patient shall be
38 cared for by the physician in charge of the patient's case
39 or by a person licensed under this chapter or by a person
40 appropriately trained to care for the patient and acting
41 under orders from the patient's physician. Whenever a

1 patient who is under a physician's care is conveyed by an
2 air ambulance, the flight shall be ordered in writing by a
3 physician.

4 The person specified in this subsection as caring for the
5 patient shall accompany the patient in the portion of the
6 ambulance where the patient rides.

7 §87. Ambulances

8 Each ambulance shall be licensed pursuant to this chap-
9 ter. It shall also meet the design criteria and shall be
10 equipped as specified in regulations adopted under this
11 chapter.

12 §88. Emergency Medical Services' Advisory Board

13 1. Composition; rules; meetings. The board's composi-
14 tion, conduct and compensation shall be as follows.

15 A. The board shall have one member representing each
16 regional council, and 5 persons in addition. Of the
17 additional persons, one shall be a physician, one an
18 attorney, one a representative of the public, one a
19 representative of for-profit ambulance services, and
20 one a representative of not-for-profit ambulance ser-
21 vices. The members shall serve for 3-year terms, and
22 shall be appointed by the commissioner.

23 B. The board shall elect its own chairman. It may
24 adopt internal rules, that shall require, among other
25 things, that the term of a member who does not attend
26 regularly be ended. In such a case, another person
27 shall be appointed by the commissioner. The Office of
28 Emergency Medical Services shall provide such staff as
29 is practicable to the board and shall maintain the
30 board's records and files.

31 C. The board shall meet at least quarterly, and shall
32 also meet at the call of its chairman or of the depart-
33 ment. When the board meets, its members shall be paid
34 their travel costs and expenses, plus \$20 each day.
35 The same fees shall be paid to board members conducting
36 hearings under this chapter.

37 2. Functions. The board shall perform the following
38 functions.

39 A. The board shall advise the department on the con-
40 duct of the emergency medical services' program.

1 B. The board shall hold informal public hearings on
2 any proposed changes in the regulations allowed for in
3 this chapter. Hearings held pursuant to this section
4 are not subject to the Maine Administrative Procedure
5 Act. In order to encourage participation in these
6 hearings by volunteers, the board shall hold 2 hearings
7 in each region. Each hearing shall be held in the eve-
8 ning. At least 2 members of the board shall attend
9 each hearing.

10 C. The board shall review applications for new and
11 renewed licenses for ambulance and first responder ser-
12 vices, and make recommendations to the department con-
13 cerning those applications.

14 §89. Regions and regional councils

15 1. Regions to be established; regional councils. The
16 commissioner shall delineate regions within the State for
17 the purposes of this chapter. The commissioner shall set
18 out conditions under which an organization in each region
19 may be recognized by the department as the regional council
20 for that region. A regional council shall, at least, pro-
21 vide adequate representation for ambulance and rescue ser-
22 vices, emergency room physicians and nurses, each hospital
23 and the general public. A regional council shall be struc-
24 tured to adequately represent each major geographical part
25 of its region. Only one regional council shall be recog-
26 nized in any region.

27 2. Duties of regional councils. Each regional council
28 shall carry out an annual program, approved by the depart-
29 ment, to further the goals specified in section 84 subsec-
30 tion 2. The council shall advise the department on the
31 licensing of new ambulance, first responder and air ambu-
32 lance services within its region. It shall assist the
33 department in carrying on a program of testing emergency
34 medical services' persons within its region. It shall nomi-
35 nate a member of the emergency medical services' advisory
36 board.

37 §90. Appeals

38 Any person or organization, which is aggrieved by the
39 decision of the department in refusing to issue or review a
40 license, may claim a hearing pursuant to the Maine Adminis-
41 trative Procedure Act.

