

May 31, 2022

Dear Ms. Strout,

In accordance with the “Board Member Remote Participation Policy” adopted by the Board on August 12, 2021 and after consultation with you, I am directing that the June 9, 2022 meeting of the Board followed by Day 3 of the Adjudicatory Hearing regarding Paul Gosselin, DO be conducted virtually through exclusively remote participation pursuant to Sections 2.1.A and 2.4 of that policy. In support of this directive, I have determined that, based on the following circumstances, there exists an emergency or urgent issue which, pursuant to the policy, requires the Board to meet by entirely remote methods on June 9, 2022:

1. The Secretary of the U.S. Dept of Health & Human Services first proclaimed on January 31, 2020, and most recently renewed on April 16, 2022, the nationwide public health emergency (PHE) due to the continued consequences of the Coronavirus Disease 2019 (COVID-19) pandemic. (<https://aspr.hhs.gov/legal/PHE/Pages/COVID19-12Apr2022.aspx>)
2. The Commissioner of the Maine Dept of Health & Human Services declared on July 1, 2021 a health emergency due to the continued consequences of the COVID-19 pandemic, which shall remain in effect through the duration of the PHE declared by the Secretary of the U.S. Dept of Health & Human Services. (<https://www.maine.gov/dhhs/sites/maine.gov.dhhs/files/inline-files/Public%20Health%20Emergency%20Declaration%206-30-21.pdf>)
3. The acting Secretary of the U.S. Dept of Health & Human Services wrote a letter to all Governors on January 22, 2021 stating, “To assure you of our commitment to the ongoing response, we have determined that the PHE will likely remain in place for the entirety of 2021, and when a decision is made to terminate the declaration or let it expire, HHS will provide states with 60 days' notice prior to its termination.” (<https://ccf.georgetown.edu/wp-content/uploads/2021/01/Public-Health-Emergency-Message-to-Governors.pdf>)
4. Efforts to combat the pandemic continue in Maine where, as of May 31, 2022, 262,572 residents have been infected (189,301 confirmed and 73,271 probable), 4,951 residents have been hospitalized with the virus, and 2,346 people have died from the virus since January 2020. (<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>)
5. As of May 31, 2022, the number of new COVID-19 infections in the State of Maine as confirmed by testing brings the seven-day average of new cases in the State to 439; the number of new cases (confirmed and probable) statewide is 2,634; the number of current hospitalizations is 167 (with 21 in critical care); the number of validated vaccine breakthrough cases is 95,056 and the total number of deaths is 2,346. (<https://www.maine.gov/dhhs/mecdc/infectious-disease/epi/airborne/coronavirus/data.shtml>)
6. Viruses like SARS-CoV-2 continuously evolve. The Omicron variant of SARS-CoV-2 (including B.1.1.529, BA.1, BA.1.1, BA.2, BA.3, BA.4 and BA.5 lineages) is currently classified as a Variant of Concern . As of May 31, 2022, the Omicron variant represents 100 percent of all sequenced samples collected in Maine.

7. As of May 31, 2022, 1 of Maine's counties (Sagadahoc) is in the “low”, 9 counties (Cumberland, Kennebec, Knox, Lincoln, Piscataquis, Somerset, Waldo, Washington & York) are in the “medium” and 6 counties (Androscoggin, Aroostook, Franklin, Hancock, Oxford, & Penobscot) are in the “high” transmission category as defined by the U.S. Centers for Disease Control and Prevention.
8. An in-person meeting of the Board is foreseeably likely to result in an increased risk of exposure to the COVID-19 virus, which has an incubation period of 2-14 days before the onset of symptoms, for members of the Board, its staff, licensees, and members of the public.
9. Conducting an in-person Board meeting on June 9, 2022 is not practicable due to the widespread rise in COVID-19 infections and the potential exposure to the COVID-19 virus to Board members and to members of the public. Therefore, after consultation with you, I have determined that there is an emergency such that the June 2022 Board meeting shall be held entirely remotely as the best way to protect the safety and wellbeing of the members of the Board, its staff, licensees, and members of the public.

There will be no physical location where members of the public may attend this meeting. The Board will continue to provide members of the public a meaningful opportunity to attend the meeting remotely via Zoom as it has successfully done since April of 2020. Please post this determination to the Board website and update the agenda to include the Zoom information as soon as possible.

Signed: 

Dated: 6/6/2022