

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
THURSDAY MAY 17, 2007
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD – AUGUST 01, 2007**

MEETING MINUTES

Present: Rick Doughty, Paul Knowlton, Oden Cassidy, Carol Pillsbury,

Staff: Dawn Kinney, Alan Leo

Maine EMS Investigator: Karen Packard

AAG: Laura Yustak Smith

1. Call To Order: The meeting was called to order at 9:30 a.m.

A. Additions/Deletions to the Agenda – Cases 04-35, 06-11, 07-18 and 07-23

2. Complaint/Investigation Cases 04-24, 04-25, 04-34, 06-01, 06-16, 06-17, 07-02, 07-04, 07-05, 07-05, 07-06, 07-08, 07-10, 07-11, 07-12, 07-15, 07-16, 07-17, 07-19, 07-20, 07-21, 07-22 and additions 04-35, 06-11, 07-18 and 07-23.

The committee entered executive session for the purpose of review and reviewing investigations and discussing cases, 04-24, 04-25, 04-34, 06-01, 06-16, 06-17, 07-02, 07-04, 07-05, 07-05, 07-06, 07-08, 07-10, 07-11, 07-12, 07-15, 07-16, 07-17, 07-19, 07-20, 07-21, 07-22 and additions 04-35, 06-11, 07-18 and 07-23.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of discussing cases 04-24, 04-25, 04-34, 06-01, 06-16, 06-17, 07-02, 07-04, 07-05, 07-05, 07-06, 07-08, 07-10, 07-11, 07-12, 07-15, 07-16, 07-17, 07-19, 07-20, 07-21, 07-22 and 07-23 and 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Knowlton - motion carries)

The committee entered executive session at 9:30 a.m. and exited at 01:50 p.m.

During executive session, the committee discussed options for disposition of cases 04-24, 04-25, 04-34, 06-01, 06-16, 06-17, 07-02, 07-04, 07-05, 07-05, 07-06, 07-08, 07-10, 07-11, 07-12, 07-15, 07-16, 07-17, 07-19, 07-20, 07-21, 07-22 and additions 04-35, 06-11, 07-18 and 07-23.

Motion: In case 04-25, The Committee moves that staff send a Letter of Guidance with emphasis and concern of the lack of sufficient documentation on the run report. The Committee found mitigating circumstances in that Licensee did document the risks of the patient to refuse transport and did have the patient's signature of refusal. The Letter of Guidance will be kept on file for 5 years. The Committee considers this investigation 04-25 resolved and closed. (Doughty; Pillsbury – motion carries).

Motion: In case 04-34, The Committee finds no Maine EMS Rules violations and moves that this case be dismissed. The Committee considers this investigation 04-34 resolved and closed.

Motion: In case 06-01, The Committee moves to deny renewal application based on the Licensee's failure to disclose the following convictions on his November 20, 2001 application;

- ***April 24, 1990 conviction for Assault, in violation of 17-A M.R.S.A. §207***
- ***January 13, 1992 conviction for Criminal Threatening in violation of 17-A M.R.S.A. §209***
- ***December 22, 1992 conviction for Negotiating a Worthless Instrument, Class E, - five (5) counts in violation of 17-A M.R.S.A. §708***

And, Licensee's failure to disclose the following convictions on his September 8, 2004 renewal application received by MEMS on November 9, 2004;

- ***May 1991 conviction for Operating Under the Influence***
- ***April 1999 conviction for Operating After Suspension***
- ***April 24, 1990 conviction for Assault, in violation of 17-A M.R.S.A. §207***
- ***January 13, 1992 conviction for Criminal Threatening in violation of 17-A M.R.S.A. §209***
- ***December 22, 1992 conviction for Negotiating a Worthless Instrument, Class E, - five (5) counts in violation of 17-A M.R.S.A. §708***
- ***September 11, 2004 charge for Operating Under the Influence, convicted on November 29, 2004.***

The Committee finds that Licensee was in violation of the Maine EMS Statute Title 32 M.R.S.A. §90(5)(A)(F)(G) and MEMS Rules (dated September 1, 2006) Chapter 11§1(4) Any criminal conviction, subject to the limitations of Maine statute; Chapter 11§1(5) Acting in ways that are dangerous or injurious to the licensee or other persons; Chapter 11§1(13) Engaging in conduct prohibited by law, other than conduct that falls with the following categories and is not related to the practice: minor traffic violations; minor civil violations; and conduct that could be charged as Class E crimes under Maine law; Chapter 11§1(14) Violation of any standard established in the profession; and Chapter 11§1(22) (a) Incompetent practice and Chapter 11§1(29) Willfully making a false statement in application for a license or renewal of a license, or in any activity or documents intended to be used to satisfy a requirement for licensure. The Committee finds that these convictions are directly related to the profession; and that the Licensee has not shown that he has been reasonably rehabilitated to warrant the public trust. The Committee considers this investigation 06-01 resolved and closed. (Doughty; Pillsbury – motion carries).

Motion: In case 06-16, Investigation Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

In case 06-17, The Committee was updated that the Licensee has appealed his preliminary denial of his renewal license. A hearing will be scheduled with the MEMS Board.

Motion: In case 07-02, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(34) Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 20B. The Committee moves that staff send a Letter of Guidance for allowing an unlicensed provider to respond and provide patient care on their behalf. The Committee found mitigating circumstances in that; Licensee took full responsibility for what occurred; Licensee developed a policy and procedure for the service to prevent this from happening again and no one was harmed. In consideration of the mitigating factors the violation did not warrant disciplinary action. The Letter of Guidance will be kept on

file for 5 years. The Committee considers this investigation 07-02 resolved and closed. (Doughty; Pillsbury - motion carries).

Motion: In case 07-05, The Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

Motion: In case 07-07, The Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

Motion: In case 07-08, The Committee directed staff to continue investigation. (Doughty; Pillsbury – motion carries).

Motion: In case 07-12, The Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

Motion: In case 07-19, The Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

Motion: In case 07-20, The Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

Motion: In case 04-24, The Committee directed staff to send Notice of Complaint to Licensee that an investigation is pending to determine if Licensee is in violation of the MEMS Rules or statutes, 32 M.R.S.A. Chapter 2-B and will continue if Licensee should reapply for another Maine EMS license. This notice will remain on file indefinitely. (Doughty; Pillsbury – motion carries).

Motion: In case 07-04, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(34) Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 20B. The Committee moves that staff send a Letter of Guidance for allowing an unlicensed provider to respond and provide patient care on their behalf. The Committee found mitigating circumstances in that; Licensee took full responsibility for what occurred; Licensee developed a policy and procedure for the service to prevent this from happening again and no one was harmed. In consideration of the mitigating factors the violation did not warrant disciplinary action. The Letter of Guidance will be kept on file for 5 years. The Committee considers this investigation 07-04 resolved and closed. (Doughty; Pillsbury - motion carries).

Motion: In case 07-10, The Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

Motion: In case 07-11, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(34) Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 20B. The Committee moves that staff send a Letter of Guidance for allowing an unlicensed provider to respond and provide patient care on their behalf. The Committee found mitigating circumstances in that; Licensee took full responsibility for what occurred; Licensee developed a policy and procedure for the service to prevent this from happening again and no one was harmed. In consideration of the mitigating factors the violation did not warrant disciplinary action. The Letter of Guidance will be kept on

file for 5 years. The Committee considers this investigation 07-11 resolved and closed. (Doughty; Pillsbury - motion carries).

Motion: In case 07-15, The Committee directed staff to continue investigation and to schedule an Informal Conference.. (Doughty; Pillsbury – motion carries).

Motion: In case 07-16, The Committee directed staff to continue investigation and to schedule an Informal Conference for June 21, 2007. (Doughty; Pillsbury – motion carries).

Motion: In case 07-17, The Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

Motion: In case 07-21, The Committee directed staff to continue investigation and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

Motion: In case 07-22, The Committee directed staff to send Notice of Complaint and schedule and Informal Conference.

Motion: In case 04-35, The Committee directed staff to send Notice of Complaint to Licensee that an investigation is pending to determine if Licensee is in violation of the MEMS Rules or statutes, 32 M.R.S.A. Chapter 2-B and will continue if Licensee should reapply for another Maine EMS license. This notice will remain on file indefinitely. (Doughty; Pillsbury – motion carries).

Motion: In case 06-11, The Committee directed staff to send Notice of Complaint to Licensee that an investigation is pending to determine if Licensee is in violation of the MEMS Rules or statutes, 32 M.R.S.A. Chapter 2-B and will continue if Licensee should reapply for another Maine EMS license. This notice will remain on file indefinitely. (Doughty; Pillsbury – motion carries).

Motion: In case 07-18, The Committee directed staff to send Notice of Complaint to Licensee that an investigation is pending to determine if Licensee is in violation of the MEMS Rules or statutes, 32 M.R.S.A. Chapter 2-B and will continue if Licensee should reapply for another Maine EMS license. This notice will remain on file indefinitely. (Doughty; Pillsbury – motion carries).

Motion: In case 07-23, The Committee directed staff to send notice to Licensee pursuant to the terms of the current consent agreement that Licensee will immediately surrender any license issued to him by the Board and schedule and Informal Conference.

A. Informal Conference – None

3. Applications

A. Paul Bean

The Committee reviewed the Applicant's relapse prevention plan. ***Motion: The Committee directed staff to deny the application if the conduct underling the conviction can legally be considered. If legal basis for the denial is not clear, present to the MEMS Board for further action. (Doughty; Pillsbury – motion carries).***

4. Next Meeting

The next meeting is scheduled for Thursday, June 21, 2007 at 9:30 a.m.

5. Adjourn

Adjourn – The meeting was adjourned at 2:10 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent