

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY JUNE 4, 2008
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON JULY 2, 2008
MEETING MINUTES**

Present: Rick Doughty, Paul Knowlton, Robert Hand, (departed meeting at 12:00 pm)
Lori Metayer, Steve Leach

Staff: Dawn Kinney and Alan Leo,

AAG: Melissa O’Dea, AAG, Lara Nomani, AAG and David Morse (intern)

1. Call To Order: The meeting was called to order at 9:00 a.m.

A. Additions to the Agenda – None

2. Complaint/Investigation Case 08-09.

The committee entered executive session for the purpose of reviewing investigation and discussing case 08-09.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing case 08-09. (Doughty: Knowlton – motion carries).

The committee entered executive session at 12:10 a.m. and exited at 12:40 p.m.

During executive session, the committee reviewed the status of the investigation and discussed options for disposition of case 08-09.

Motion: In case 08-09, the Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11 § (1)(2) Violating a lawful order, rule or consent agreement of the Board and Chapter 11 § (1)(3) Violating any of the provisions of 32 M.R.S.A. Chapter 2-B. The Committee finds that the violations are based on Licensee’s July 31, 2006 conviction for Possession of Alcohol by a Minor and a March 21, 2008 conviction for Operating a Vehicle Under the Influence of Alcohol. The Committee found mitigating circumstances in that Licensee was forthright and accepted responsibility and Licensee submitted multiple references. In consideration of the mitigating factors, the Committee found that violation did not warrant disciplinary action and recommended that the matter be resolved with a Letter of Guidance with emphasis on the importance of not endangering other people. The Letter of Guidance will be kept on file for three years. The Committee considers this investigation 08-09 resolved and closed upon issuance of the Letter of Guidance. (Leach; Metayer – motion carries 3-1 - Doughty opposed).

3. Informal Conference

A. Case #08-02

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)(E)(F) for receiving legal advice and for the purpose of conducting an informal conference concerning case #08-02. (Doughty; Knowlton – motion carries).

The committee entered executive session at 09:10 a.m. and exited at 10:00 am.

During executive sessions, the committee met with Licensee and discussed options for disposition of case 08-02.

Motion: In case 08-02, the Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11 § (1)(4) Any criminal conviction, subject to the limitations of Maine statute and Chapter 11 § (1)(5) Acting in ways that are dangerous or injurious to the licensee or other persons. The Committee finds that the violations are based on the underlying conduct and Licensee's 2005 conviction for Falsifying Physical Evidence (Class D) in violation of 17-A M.R.S.A. §455 (1)(A). The Committee directed staff to obtain the results of Licensee's Fitness for Duty Evaluation, and a letter from counselor stating that Licensee had completed all the court requirements. The Committee found aggravating circumstances in the nature of the conduct underlying the conviction. The Committee found mitigating circumstances in that the Licensee took responsibility and was forthright with Committee, voluntarily attended counseling and had several letters of recommendation. In anticipation that the requested documents would be produced and in consideration of the mitigating factors, the Committee proposed to resolve this investigation by means of a Consent Agreement that would include the following conditions on licensure: Licensee will report any criminal charges filed against Licensee in any state or Federal Court within 10 days of charges being docketed; that if charges are filed against Licensee in any State or Federal court, Licensee will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into the conduct unless Licensee can show good cause as to why the license should continue pending the investigation; Licensee will pay \$15.00 on renewal of his applications for a criminal background check; and that Licensee will continue counseling as long as recommended by counselor with reports provided to Maine EMS every six months. This Consent Agreement will be in effect for six years. Investigation 08-02 will be resolved and closed with the execution of the Consent Agreement by all parties. (Leach; Metayer – motion carries.)

B. Case 08-12

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)(E)(F) for receiving legal advice and for the purpose of conducting an informal conference concerning case #08-12. (Doughty; Leach – motion carries).

The committee entered executive session at 10:50 a.m. and exited at 11:15 a.m.

During executive sessions, the committee met with Licensee and discussed options for disposition of case 08-12.

Motion: In case 08-12, the Committee finds that Service 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 2-B. The violations are based on the Service Licensee allowing an unlicensed provider to respond and provide patient care on its behalf. The Committee found mitigating circumstances in that: Service Licensee took full responsibility for what occurred; Service Licensee developed a policy to prevent recurrence; Service Licensee took action to refund any Advanced Life Support charges; and there was no patient harm. In consideration of the mitigating factors, the Committee found that the violation did not warrant disciplinary action. A Letter of Guidance will be issued and kept on file for three years. The Committee considers this investigation 08-12 resolved and closed upon issuance of the Letter of Guidance. (Leach; Knowlton – motion carries).

4. Applications

A. David Champagne – Informal Review

Motion: The Committee finds that Applicant violated Maine EMS Rules (dated September 1, 2006) Chapter 11§(1)(30) [Providing treatment at a level for which a person is not licensed.] and 32 M.R.S.A. §82(1) License required [An emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services Board]. This violation is based on Applicant providing patient care with an expired license on nine ambulance calls during a period from December 1, 2007 to April 14, 2008. The Committee found the following mitigating circumstances: Applicant took responsibility and notified Maine EMS immediately upon learning of his unlicensed status; Applicant stopped providing patient care immediately; Applicant had the training prior to the expiration of his license and maintained a Paramedic National Registry license; Applicant submitted several letters of recommendation; and there was no patient harm. In consideration of the mitigating factors, the Committee directs staff to issue a license with a Letter of Guidance to be issued and kept on file for four years. (Leach; Knowlton – motion carries)

B. Adam Plourde – Informal Review

Motion: The Committee finds that Applicant violated Maine EMS Rules (dated September 1, 2006) 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 within the following 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. Possession of a useable amount of marijuana in violation of 22 M.R.S.A. § 2383 is not considered a minor civil violation. The Committee finds that the violations are based on Applicant's May 2002 conviction for Operating ATV Under the Influence, an October 2006 conviction for Criminal Mischief, Civil violation in May 2002 for Possession of Drug Paraphernalia and a July 2004 civil violation for Possession of Marijuana. The Committee found aggravating circumstances in the recent nature of the convictions. The Committee found mitigating circumstances in that the Applicant took responsibility and was forthright with the disclosures, and the Applicant submitted two letters of recommendation. In consideration of the mitigating circumstances, the Committee directs staff to issue license with a Letter of Guidance to be issued and kept on file for four years. (Metayer; Leach; – motion carries).

C. Brian Dunnigan – Informal Review

Motion: The Committee finds that Applicant violated Maine EMS 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. The Committee finds that the violations are based on Applicant's 2003 convictions for Assault and Battery on a Police Officer; Assault with a Dangerous Weapon and Disorderly Conduct. The Committee found mitigating circumstances in that the Applicant was forthright with disclosure, voluntarily attends counseling, and

submitted letters of recommendation. In consideration of the mitigating circumstances, the Committee finds the Applicant has been sufficiently rehabilitated to warrant the public trust and directs staff to issue license with the following conditions of probation: Applicant will report any criminal charges filed against Applicant in any state or Federal Court within 10 days of charges being docketed; that if charges are filed against Applicant in any State or Federal court, Applicant will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into the conduct unless Applicant can show good cause as to why the license should continue pending the investigation. The probation period will be for 5 years. (Leach; Metayer – motion carries).

D. Charles Jones

Motion: The Committee finds that Applicant violated Maine EMS 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. The Committee finds that the violations are based on Applicant's 1999 and 2004 convictions for Operating Under the Influence. The Committee found aggravating circumstances in that the blood alcohol level was high in both convictions. The Committee found mitigating circumstances in that the Applicant was forthright with disclosure, and submitted two letters of recommendation. In consideration of the mitigating circumstances, the Committee directs staff to issue license with the following conditions of probation: Applicant will report any criminal charges filed against Applicant in any state or Federal Court within 10 days of charges being docketed; that if charges are filed against Applicant in any State or Federal court, Applicant will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into the conduct unless Applicant can show good cause as to why the license should continue pending the investigation. The probation period will be for 6 years. (Leach; Metayer – motion carries).

5. Next Meeting

The next meeting is scheduled for Wednesday July 16, 2008 at 9:00 a.m.

6. Adjourn

Adjourn – The meeting was adjourned at 03:00 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent