

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY JULY 16, 2008 DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON AUGUST 6, 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: Lara Nomani, AAG

1. Call To Order: The meeting was called to order at 9:15 a.m.

A. Additions to the Agenda – Cases 07-24 and 08-13

2. Complaint/Investigation Cases 07-24, 08-16 and 08-20.

The committee entered executive session for the purpose of reviewing investigation and discussing cases 07-24, 08-16 and 08-20.

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 cases 07-24, 08-16 and 08-20. (Doughty; Knowlton – motion carries).

The committee entered executive session at 10:35 a.m. and exited at 11:00 a.m.

During executive session, the committee reviewed the status of the investigation and discussed options for disposition of cases 07-24, 08-16 and 08-20.

Motion: In case 07-24, the Committee directs staff to continue the investigation and schedule an informal conference for the next available meeting. (Leach; Doughty – motion carries).

Motion: In case 08-16, the Committee directs staff to schedule an informal conference for August 13, 2008. (Leach; Doughty – motion carries).

Motion: In case 08-20, the Committee directs staff to schedule an informal conference for August 13, 2008. (Leach; Doughty – motion carries).

3. Informal Conference

A. Case #08-19

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 #08-19. (Doughty; Knowlton – motion carries).

The committee entered executive session at 09:20 a.m. and exited at 10:00 am.

During executive sessions, the Committee met with the Licensee and discussed options for the disposition of case 08-19.

Motion: To table informal conference until 1:30 p.m. (Leach; Knowlton – motion carries).

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 #08-19. (Doughty; Knowlton – motion carries).

The committee entered executive session at 11:30 a.m. and exited at 11:55 am.

During executive sessions, the Committee met with the Licensee and discussed options for the disposition of case 08-19.

Motion: The Committee finds that the Licensee 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 the Licensee having responded to 20 ambulance calls between February 1, 2008 and June 2, 2008, while having an expired license; the Licensee provided patient care on 9 of those 20 calls. The Committee found the following to be an aggravating circumstance: the length of time and number of calls that Licensee responded to with an expired license. The Committee found the following mitigating circumstances: the Licensee took responsibility and was forthright and cooperative with the Committee; Licensee stopped providing patient care immediately upon discovery of his unlicensed status; the Licensee had the requisite training and was otherwise licensable prior to the expiration of his license; the absence of patient harm; and the impact of the sanctions imposed on Licensee by the service.. In consideration of the mitigating factors, the Committee directs staff to issue a license with a Letter of Reprimand. The Committee considers this investigation 08-19 resolved and closed upon issuance of the Letter of Reprimand. (Leach; Metayer – motion carries).

B. Case 08-15

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 #08-15. (Doughty; Leach – motion carries).

The Committee entered executive session at 10:05 a.m. and exited at 10:30 a.m.

During executive session, the Committee met with Licensee and discussed options for disposition of case 08-15.

Motion: The Committee finds that the Licensee 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 the Licensee having responded to 14 ambulance calls between May 1, 2008 and May 11, 2008, during which he provided patient care, while having an expired license.. The Committee found the following mitigating circumstances: Upon learning of his expired license status, the Licensee quickly notified Maine EMS and his service that his license was expired; the Licensee was forthright and cooperative with the Committee and took responsibility for the lapse in his licensing; the Licensee stopped providing patient care immediately upon learning that his license had expired; the Licensee had the requisite training and was otherwise licensable prior to the expiration of his license; the period of time in which the Licensee was providing treatment while unlicensed was relatively short (11 days); 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 kept in his file for 4 years. The Committee considers this investigation 08-15 resolved and closed upon issuance of the Letter of Guidance. (Leach; Metayer– motion carries).

C. Case 07-46

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 #07-46. (Doughty; Leach – motion carries).

The committee entered executive session at 12:30 p.m. and exited at 2:05 p.m.

This case was originally scheduled to be heard at 11:00. When the Licensee did not appear at that time, the Committee attempted but was unable to reach the Licensee by telephone. The Committee waited approximately 1 ½ hours for the Licensee to appear; when he did not, the Committee began the conference in his absence. Prior to its consideration, Steve Leach disclosed that he knew both the Licensee and regional QA Coordinator and had heard about the investigation in very general terms. He stated such knowledge would not affect his ability act fairly and impartially in this case. During executive session, the Committee reviewed documents submitted by Maine EMS and discussed options for disposition of case 07-46.

Motion: The Committee finds that Licensee violated the following Maine EMS Rules (dated September 1, 2006: (1) Chapter 11§(1)(5) Acting in ways which are dangerous or injurious to the licensee of other persons, namely the Licensee did not initiate or perform any patient care including CPR or proper airway management for approximately 18 minutes; (2) Chapter 11§(1)(21) Acting negligently or neglectfully when caring for or treating a patient, namely the Licensee did not advise dispatch that this was a cardiac arrest and did not bring in the proper equipment ; and (3) Chapter 11 §(1)(22) Incompetent practice. A licensee or applicant shall be deemed incompetent in the practice if the licensee or applicant has:

A. Engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client, patient, or the general public; namely the Licensee did not initiate CPR or advise dispatch that this ambulance call was for a cardiac arrest and did not bring in the proper equipment, or

B. Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which he is licensed, namely the Licensee did not : (1) initiate any patient care for approximately 18 minutes ; (2) perform CPR; (3) apply the cardiac monitor; (4) attempt any ALS interventions ie: IV, Intubation and (5) do proper airway management.

The Committee will resolve this with a Consent Agreement with the Licensee to accept one of the following conditions:

1. *Licensee will obtain an ALS refresher course and show documentation of 10 successful I.V. cannulations on live patients and 5 intubation; or*
2. *Licensee will obtain a BLS refresher course and downgrade to the EMT Basic level; or*
3. *Licensee will voluntarily surrender his MEMS EMT-I license.*

In the event the Licensee elects not to enter into a Consent Agreement with the above conditions, the Committee will resolve this with a three, 90 day suspensions, to run consecutively to each other for a total suspension of 270 days pursuant to 32 M.S.R.A. §88(3)(B)[Suspend a license or registration for up to 90 days for each violation of applicable laws, rules and conditions of licensure or registration or for each instance of actionable conduct or activity.] The Investigations Committee is recommending that a 90 day suspension be imposed for the violation of EMS Rule Chapter 11§(1)(5) Acting in ways which are dangerous or injurious to the licensee of other persons, Chapter 11§(1)(21) Acting negligently or neglectfully when caring for or treating a patient; and Chapter 11 §(1)(22) Incompetent practice. for the reasons stated above and recommends that such suspensions run consecutively.

*The Investigation Committee will consider case # 07-46 resolved and closed with the issuance of the Consent Agreement or the disciplinary suspension of 270 days. (Metayer; Knowlton – all in favor – motion carries).**

D. Case 08-13

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 #08-13. (Doughty; Leach – motion carries).

The Committee entered executive session at 2:25 p.m. and exited at 3:10 p.m.

During executive sessions, the Committee met with Licensee and discussed options for disposition of case 08-13.

Motion: To table until the August 13, 2008 Investigation meeting. (Metayer; Leach – motion carries)

4. Applications

A. None

5. Next Meeting

The next meeting is scheduled for Wednesday August 13, 2008 at 9:00 a.m.

6. Adjourn

Adjourn – The meeting was adjourned at 03:20 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent

* Amended as reflected in the August 6, 2008 Board minutes.