

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY AUGUST 13, 2008
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON
MEETING MINUTES – RATIFIED ON SEPTEMBER 3, 2008**

Present: Rick Doughty, Paul Knowlton, Robert Hand, Lori Metayer, and Steve Leach

Staff: Dawn Kinney and Alan Leo,

AAG: Lara Nomani, AAG

1. Call To Order: The meeting was called to order at 9:05 a.m.

A. Additions to the Agenda – Case 08-17

Motion: To enter executive session pursuant to 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice. (Doughty; Knowlton – motion carries).

The committee entered executive session at 9:05 a.m. and executed at 9:25 a.m.

2. Complaint/Investigation Case 08-17.

The committee entered executive session for the purpose of reviewing investigation and discussing case 08-17.

Motion: To enter executive session pursuant to 32 M.R.S.A. §92(3) for the purpose of discussing case 08-17. (Doughty; Leach – motion carries).

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

During executive session, the committee reviewed the status of the investigation and discussed options for disposition of case 08-17

Motion: In case 08-17, the Committee directs staff to table until further notice. (Doughty; Leach – motion carries).

3. Informal Conference

A. Case #08-05

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 #08-05. (Doughty; Knowlton – motion carries).

The committee entered executive session at 09:25 a.m. and exited at 10:25 a.m.

During executive sessions, the Committee met with the Licensee and discussed options for the disposition of case 08-05.

Motion: The Committee finds that the Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§(1)(14) Violation of any standard established in the profession. The Committee finds that the Licensee’s interaction with a patient created the appearance of rude and unprofessional conduct. The Committee recommends that the case be dismissed and a Letter of Warning issued. According to Maine EMS Rules, Chapter 12, §1 (1)(E), a dismissal with a letter of warning is permitted, when: (a) Misconduct subject to sanction under EMS rules or statutes has occurred; (b) The misconduct is minor; (c) There is little or no injury to the public, the emergency medical services system or the profession; and (d) There is little likelihood of repetition. The Committee made all such findings. The Committee further recommends that the Letter be kept in Licensee’s file for 4 years. The Committee considers this investigation 08-05 resolved and closed upon issuance of this Letter of Warning. (Metayer; Leach – motion carries).

B. Case 08-08

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

The Committee entered executive session at 10:05 a.m. and exited at 11:15 a.m.

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

Motion: The committee finds no factual basis to the complaint and directs staff to dismiss case 08-08. Hand; Knowlton – motion carries.

C. Case 07-47

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

The Committee entered executive session at 11:30 a.m. and exited at 12:25 p.m.

During executive session, the Committee met with Licensee and discussed options for disposition of case 07-47.

Motion: The Committee recommends that this case be resolved with a Consent Agreement, subject to the following conditions: (1) The Licensee agrees to the voluntary surrender of his license; (2) Relicensure shall require that the Licensee take a full licensure course; he may not rely upon CEH's or a refresher course for relicensure; and (3) the Consent Agreement shall remain in effect indefinitely.. The Consent Agreement shall be drafted by the staff and Office of the Attorney General. The Committee will consider case #07-47 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the parties. . If these two conditions are not met, the Committee recommends that the Licensee be notified of his right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rule, Chapter 12, § 1 (4)(B). Steve; Knowlton – motion carries.

D. Case 08-24

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 #08-24. (Doughty; Leach – motion carries).

The Committee entered executive session at 1:00 p.m. and exited at 1:15 p.m.

During executive session, the Committee met with Licensee and discussed options for disposition of case 08-24.

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 8 ambulance calls between July 1, 2008 and July 22, 2008, during which time 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 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; 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 5 years. The Committee will consider this investigation 08-24 resolved and closed upon issuance of the Letter of Guidance. (Leach; Metayer– motion carries).

E. Case 08-16

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 #08-16. (Doughty; Leach – motion carries).

The Committee entered executive session at 1:25 p.m. and exited at 1:45 p.m.

During executive session, the Committee met with Licensee and discussed options for disposition of case 08-16.

Motion: 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 2-B. The Committee found this violation for the service allowing an unlicensed provider to respond and provide patient care on its behalf. The Committee found aggravating

circumstances in that this is the second such offense in 9 months. The Committee found mitigating circumstances in that the service self reported to Maine EMS. The Committee recommends that this case be resolved with a Consent Agreement, subject to the following conditions:: 1) The Licensee shall track the licensure status of all emergency medical service providers in his employ on an on going basis; 2) the Licensee shall notify providers at least 45 days prior to the expiration of their license; (3) 3) the Licensee shall pay a fine of \$200.00 at the time of execution of the Consent Agreement. The Committee will consider case #08-16 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the parties. If these two conditions are not met, the Committee recommends that the Licensee be notified of his right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rule, Chapter 12, § 1 (4)(B) (Doughty; Metayer; Hand recused - motion carries).

F. Case 08-21

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 #08-21. (Doughty; Leach – motion carries).

The committee entered executive session at 3:00 p.m. and exited at 4:45 p.m.

During executive session, the Committee met with Licensee and discussed options for disposition of case 08-21.

Motion: The Committee directed staff to conduct further investigation. The Informal Conference will be reconvened at a later date. The Licensee was present with counsel and did not object. . Leach; Knowlton – motion carries.

4. Applications

A. None

5. Next Meeting

The next meeting is scheduled for Wednesday October 1, 2008 at 9:00 a.m.

6. Adjourn

Adjourn – The meeting was adjourned at 4:45 p.m.

Respectfully submitted,
Dawn Kinney, EMT-P
Licensing Agent