

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY OCTOBER 1, 2008  
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON NOVEMBER 5, 2008  
MEETING MINUTES**

Present: Rick Doughty, Paul Knowlton, Robert Hand, Lori Metayer

Staff: Dawn Kinney and Alan Leo

AAG: Lara Nomani, AAG

**1. Call To Order:** The meeting was called to order at 9:10 a.m.

**A. Additions to the Agenda** – None

**2. Complaint/Investigation Case 07-24.**

**Background context?**

The committee entered executive session for the purpose of reviewing investigation and discussing case 07-24.

***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 3:10 p.m. and executed at 3:20 p.m.

During executive session, the committee reviewed the status of the investigation and discussed options for disposition of case 07-24. This case was continued from the September 13, 2007 meeting to allow the Licensee to obtain a Psychological Fitness For Duty Evaluation. The following is the motion from the September 13, 2007 Investigation Committee minutes:

Motion: In case 07-24, The Committee found that Licensee 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. The Committee finds that the violation is based on Licensee's June 2005 conviction for Violating Protective Order (Class D) in violation of 19-A M.R.S.A. § 4011(1)(A). The Committee found mitigating circumstances in that the Licensee took responsibility and was forthright with Committee; voluntarily attended counseling; former partner and complainant in Protection from Abuse Order supports licensure and support from employer. In consideration of the mitigating factors the Committee proposes to table for 90 days and to allow staff to extend for good cause, to allow Licensee the opportunity to obtain a fitness for duty evaluation from a counselor approved by Maine EMS at his cost. If the evaluation shows that he is fit for duty, to resolve this investigation with a Consent Agreement to include the following conditions: Licensee will report any criminal charges filed against Licensee in any state or Federal Court within 10 days of charges being docketed; that Licensee will report if a permanent Protection From Abuse order is issued;

that if charges are filed against Licensee in any State or Federal court, or a permanent Protection From Abuse order is issued, 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. This Consent Agreement will be for seven years. Investigation 07-24 will be resolved and closed with the execution of the Consent Agreement by all parties. (Doughty; Knowlton – motion carries).

***Motion: In case 07-24, the Committee directs staff to follow the recommendation of the August 8, 2008 Psychological Fitness For Duty Evaluation and to enter into a Consent Agreement. (Doughty; Knowlton–motion carries).***

### 3. Informal Conference

#### A. 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; Knowlton – motion carries).***

The committee entered executive session at 09:15 a.m. and exited at 9:30 a.m.

During executive sessions, the Committee discussed options for the disposition of case 08-13. The Licensee had received a notice of the informal conference but did not attend. This case was continued from the July 16, 2008 Investigation Committee meeting where the committee met with Licensee. This case was tabled to allow the Licensee to submit the required run reports.

***Motion: The Committee directed staff to enter into a Consent Agreement subject to the following conditions: 1) Licensee will be compliant with submitting monthly run reports; 2) Licensee must participate in Kennebec Valley EMS (KVEMS) regional Quality Assurance initiatives and quarterly reviews to be monitored by KVEMS; and 3) In the event of non-compliance, 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. The Consent Agreement will be for 2 years. The Committee will consider case #08-13 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the parties. (Doughty; Metayer – motion carries).***

#### B. 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; Hand – 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 his counsel and discussed options for disposition of case 08-21.

***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 for Licensee only taking one set of vitals, with no vitals taken after the administration of fentanyl even when multiple doses were administered and the administration of multiple doses of fentanyl to an extremely hypotensive patient. The Committee finds Licensee violated Maine EMS Pre-hospital Treatment Protocols (green 17) for Licensee not obtaining On Line Medical Control permission prior to administering fentanyl to patients that did not have an isolated extremity trauma and for administering incorrect doses in excess of the standing order for fentanyl. The Committee found aggravating circumstances in the number of violations documented from January 2008 to June 2008 (20 Protocol violations and 35 Rules violations) and the seriousness of the potential harm to the patient and therefore the public. The Committee found mitigating circumstances in that the Licensee was cooperative and forthright with Committee, has no prior history of any violations, and had no opportunity to remediate his practice through oversight provided by the service. The Committee recommends that this case be resolved with a Consent Agreement, subject to the following conditions: 1) A reprimand; 2) Licensee will receive permission from On Line Medical Control prior to the administration of any narcotic; 3) Licensee will cooperate with 100% Quality Assurance (QA) review of all run reports with narcotic administration by the Regional Medical Director, or by an independent party approved by Maine EMS and secured by Licensee, with a quarterly QA report submitted to Maine EMS by reviewer; 4) Licensee will instruct 3 agency wide CEH programs, approved by Maine EMS, regarding pain management and administration; 5) In the event of non-compliance, 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. The Consent Agreement will be for 2 years. The Committee will consider case #08-21 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the parties. (Metayer; Knowlton – motion carries)***

C. Case 08-26

***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 #08-26. (Doughty; Hand – motion carries).***

The Committee entered executive session at 1:25 p.m. and exited at 1:55 p.m.

During executive session, the Committee met with Licensee and discussed options for disposition of case 08-26.

***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 11 ambulance calls between August 1, 2008 and August 21, 2008, during which time he provided patient care, while having an expired license. The Committee found the following aggravating circumstances: the number of ambulance runs; the Licensee received several notices informing him that his license was due to expire; and the Licensee did not self report the expiration of his license. The Committee found the following mitigating circumstances: the Licensee was forthright and cooperative with the Committee, Licensee took responsibility for the lapse in his license; 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; there was no patient harm; and the Licensee incurred significant financial hardship resulting from the expiration of his license. The Committee recommends that this case be resolved with a Consent Agreement, subject to the***

***following conditions: 1) a reprimand; and 2) a fine of \$50.00 per violation for a total of \$550.00, all of which shall be suspended due to the financial hardship Licensee has experienced. The Consent Agreement will be for 6 years. The Committee will consider case #08-26 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the parties. (Doughty; Metayer – motion carries)***

#### D. Case 08-27

***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 #08-27. (Doughty; Hand – motion carries).***

The Committee entered executive session at 2:10 p.m. and exited at 2:50 p.m.

During executive session, the Committee met with Licensee and discussed options for disposition of case 08-27.

***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 on its behalf and provide patient care on eleven calls. The Committee found the following aggravating circumstances: 1) this is the second such offense in 13 months, and, 2) the violation was not self reported. The Committee found the following mitigating circumstances: 1) the service did have a policy in place to reduce the likelihood of such an event and were following said policy; the service took immediate remedial action, including redrafting the policy to close those gaps which contributed to this violation; the service incurred significant financial costs as a result of the violation; ; a licensed provider was on every call; and there was no patient harm. The Committee recommends that this case be resolved with a Consent Agreement, subject to the following conditions: 1) A reprimand; 2) the service shall follow the policy in place to prevent unlicensed providers from responding on their behalf; 3) the Licensee shall pay a fine of \$200.00 per violation for a total of \$2,200.00 with all but \$550.00 suspended, at the time of execution of the Consent Agreement; and 4) the service shall submit to Maine EMS an affidavit which states that the service has reviewed its billing records for those eleven calls, made any necessary corrections to reflect the unlicensed provider's billing status and certifies that these calls were billed in accordance with state and federal laws. This Consent Agreement will be for 5 years. The Committee will consider case #08-27 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the parties. If these 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; Knowlton - motion carries).***

#### 4. Applications

A. None

#### 5. Other

The Committee directed staff to develop a matrix for resolution by the Investigations Committee of specific types of unlicensed provider complaints; this matrix will be presented to the Maine EMS Board for discussion when completed.

**6. Next Meeting**

The next meeting is scheduled for Wednesday December 3, 2008 at 9:00 a.m.

**7. Adjourn**

Adjourn – The meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P  
Licensing Agent