

**INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY, DECEMBER 6, 2000  
MAINE EMS CONFERENCE ROOM, AUGUSTA**

**MEETING MINUTES**

**Present:** R. Doughty, C. Pillsbury, P. Knowlton, A. Azzara

**Staff:** D. White, B. Montejo

**1. Call To Order:** The meeting was called to order at 1:02 p.m.

D. White reported that J. McKenney, Chair of the Maine EMS Board, has appointed Alan Azzara as the newest member of the Investigations Committee.

**A. Additions/Deletions to the Agenda – None**

**B. Accept Minutes of the November 1, 2000, Meeting**

The minutes of the November 1, 2000, meeting were reviewed.

***Motion: To accept the minutes of the November 1, 2000, meeting (Pillsbury; Knowlton – motion carries).***

**2. Investigations**

**A. Barry Nickelsberg – Update**

Staff reported that the Attorney General has been requested to file a complaint in administrative court for the suspension/revocation of Mr. Nickelsburg's license.

**B. John Sawicki**

Staff reported that the Attorney General has been requested to file a complaint in the administrative court for the revocation or suspension of Mr. Sawicki's EMS license and Instructor Coordinator certification.

### C. Randy Harden

Licensee Randy Harden participated in an informal conference with the Committee and staff. Participants in the conference were committee members Pillsbury, Azzara, and Knowlton; the Licensee, and staff members White and Montejo. Committee member Doughty sat in on the informal conference but recused himself from participating as he was a former co worker of the licensee's and a former employee of the service with which the Licensee is currently employed.

***Motion: To enter executive session for the purpose of conducting an informal conference with licensee Randy Harden (Pillsbury; Knowlton – motion carries)***

The Committee entered executive session at 1:40 p.m. and exited same at 2:01 p.m.

The Committee then deliberated as to what action to take in this case. Concerns included that the Licensee had self administered a medication obtained from a McGovern Ambulance Service drug box and that he had made a false report to the Calais Hospital pharmacy as to what had happened to the medication.

**Motion: That Licensee Randy Harden's license be suspended for a period of 6 months (Pillsbury – motion dies for lack of a second)**

**Motion: That Licensee Randy Harden, at some point in the year 1999, self administered the drug Promethazine which he had obtained from a McGovern Ambulance Service drugbox; that the Licensee falsely reported to the Calais Hospital Pharmacy that the vial of Promethazine had been broken by accident, requiring replacement; that the Licensee's aforementioned actions constitute violations of §§ 12.A.7 and 12.A.18 of the Maine EMS Rules; that the Licensee's actions are mitigated by his admission of the violations, the letters of support he provided, the licensee' prior unblemished record, and his taking responsibility for his actions. Therefore, the Committee directs that the Licensee be offered a consent agreement that imposes a 60 day suspension of the Licensee's license in order to resolve this matter (Azzara; Knowlton – motion carries 2 – 1, Pillsbury opposed).**

### C. Jason Blake

Licensee Jason Blake participated in an informal conference with the Committee and staff. Participants in the conference were committee members Pillsbury, Azzara, Doughty and Knowlton; the Licensee, and staff members White and Montejo.

Staff noted that Mr. Blake had voluntarily surrendered his license upon the Committee's request (at the outset of this investigation).



STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
MAINE EMERGENCY MEDICAL SERVICES  
16 EDISON DRIVE  
AUGUSTA, MAINE  
04330

MICHAEL F. KELLY  
COMMISSIONER

***Motion: To enter executive session for the purpose of conducting an informal conference with licensee Jason Blake (Pillsbury; Doughty – motion carries).***

APPROVING IN  
GOVERNOR

JAY BRADSHAW  
DIRECTOR

The Committee entered executive session at 2:41 p.m. and exited same at 3:01 p.m.

The Committee then deliberated as to what action to take in this case. Committee members were concerned that little time had passed since the offense and that the Licensee is currently on probation.

***Motion: That Licensee Jason Blake's convictions for Assault, Class D and Unlawful Sexual Contact, Class C, constitute violations of §§ 12.A.4 and 12.A.5 of the Maine EMS Rules and that no application for reinstatement of the Licensee's license will be considered by Maine EMS until the Licensee has completed the probationary period imposed by the Maine Court System (Azzara: Doughty Motion Carries).***

**E. Todd Levesque &  
F. Paul Morrison**

Licensees Todd Levesque and Paul Morrison participated in an informal conference with the Committee and staff. Participants in the conference were committee members Pillsbury, Azzara, Doughty and Knowlton; the Licensee, staff members White and Montejo, and Mr. Sunenblick, Attorney for the Licensees. Also attending were members of the Sanford Fire Department.

By prior oral agreement, all parties agreed to conduct the informal conferences of the two licensees, concurrently

On the advice of their attorney, Levesque and Morrison declined to sign the *Waiver of Objections*, however Attorney Sunenblick stated that he was aware of the statute referenced. Also, upon advice of their attorney, the licensees declined to have the proceedings of the executive session tape recorded.

***Motion: To enter executive session for the purpose of conducting an informal conference with licensee Todd Levesque and Paul Morrison (Pillsbury; Doughty – motion carries).***

The Committee entered executive session at 3:35 p.m. and exited same at 4:38 p.m.

The Committee then deliberated as to what action to take in this case.

**Motion: That Licensee Todd Levesque practiced EMS patient care from April 1, 2000 to June 7, 2000, during which time he did not hold a valid Maine EMS license; that said practice is a violation of §12.A.17 of the Maine EMS Rules; that mitigating circumstances are that past licensing practices by the Sanford Fire Department led to an expectation by the Licensee that the licensing process was the responsibility of the service instead of the individual, that the Licensee has no history of past Rules violations, and that the Licensee completed required training and skills lab prior to the expiration of his license; and that an enhancing circumstance is that the Licensee received direct notice that his March, 2000, application for license renewal had been denied and that the Licensee made no effort to cease practice. Therefore, the Committee directs that the Licensee receive a letter of warning in this matter (Pillsbury; Knowlton, motion carries).**

The motion passed regarding Paul Morrison was:

**Motion: That Licensee Paul Morrison practiced EMS patient care from April 1, 2000 to June 7, 2000, during which time he did not hold a valid Maine EMS license; that said practice is a violation of §12.A.17 of the Maine EMS Rules; that mitigating circumstances are that past licensing practices by the Sanford Fire Department led to an expectation by the Licensee that the licensing process was the responsibility of the service instead of the individual, that the Licensee has no history of past Rules violations, that there was no evidence that the Licensee practiced direct patient care and that the Licensee, upon discovering that he did not hold a valid license, immediately notified his coworkers; and, that an enhancing circumstance is that the Licensee had not completed required training prior to the expiration of his license. Therefore, the Committee directs that the Licensee receive a letter of warning in this matter (Pillsbury; Knowlton, motion carries 3 –1- 0, Doughty opposed).**

**G. Aurora Investigation – Tabled to next meeting.**

### **3. Applications**

#### **a. Phillip Frederick**

The Committee discussed the eligibility of Phillip Frederick to be licensed as an EMS provider. Mr. Frederick has a history of convictions in 1993 for Burglary To A Motor Vehicle, Class C, Theft, Class D, and Criminal Mischief, Class D.

***Motion: To enter into a consent agreement with applicant Phillip Frederick that provides for the issuance of a conditional license, said condition being that if charges are brought against Mr. Frederick in any state or Federal court within the 3 year period of the agreement he shall immediately surrender his Maine EMS license (Doughty; Knowlton – motion carries).***

**4. Other**

- a. Staff updated the Committee on current cases.

**5. Next Meeting**

The next meeting will be held on January 3, 2001.

**6. Adjourn** – The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Drexell White, Licensing Agent