

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY, DECEMBER 2, 2009  
GAMBLING BOARD ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON JANUARY 6, 2010  
MEETING MINUTES**

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

Board Member: Judy Gerrish

Staff: Dawn Kinney, Alan Leo and Drexell White

AAG: Laura Yustak Smith, AAG

1. **Call To Order:** The meeting was called to order at 9:05 a.m.
2. **Business:** The Committee held informal conferences on cases #09-43 and # 09-46 and made the recommendations outlined below:
3. **Application:** The committee reviewed one new application and made the recommendations outlined below:
4. **Other:** Laura Yustak Smith provided an overview of the Maine statute of what types of convictions are actionable for the investigation committee members and explained how the underlying conduct could be considered. She then explained how to determine what Maine EMS Rules a person would be in violation of.
5. **Next Meeting:** The next meeting is scheduled for Wednesday, February 3, 2010 at 9:00 a.m.
6. **Adjourn:** The meeting was adjourned at 4:00 p.m.

**COMPLAINT/INVESTIGATIONS CASE:**

1. NONE

**INFORMAL CONFERENCES:**

1. **CASE # 09-46 - Licensee present**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-46. Motion: To enter executive session pursuant to 1 M.R.S.A. §405(6)(E),(F) to receive legal advice and to conduct an informal conference. (Doughty; Leach – motion carries). The committee entered executive session at 12:40 p.m. and executed at 1:40 pm. During executive session, the committee met with Licensee and discussed options for disposition of case # 09-46.

**Case Summary and Rules Violation:** After discussion, Leach moved to recommend that the Board find that the Licensee's license expired on April 30, 2009 and that the Licensee continued to provide Emergency Medical Dispatch Services, in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1)(30) - Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted, and statute §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter]. Specifically, the Licensee continued to provide Emergency Medical Dispatch Services during a period of time from May 1, 2009 to November 9, 2009.

**Aggravating Circumstances:**

- None.

**Mitigating Circumstances:**

- Licensee had sufficient training to renew license at time of renewal;
- Licensee was cooperative with the committee;
- This was Licensee's first renewal and never received a 6 month or 2 month renewal notice;
- Licensee received a monetary loss; and
- There was no follow up due to confusion in previous Rules that have been since changed regarding certification and licensure of Emergency Medical Dispatchers.

**RECOMMENDED ACTION:**

**Due to the above mitigating circumstances, the Investigation Committee recommends that this case be resolved with a Letter of Guidance to be maintained in Licensee's file for three years.**

The Committee will consider case # 09-46 resolved and closed upon the ratification by the Board of the Letter of Guidance. (Leach; Knowlton - motion carries).

**2. CASE # 09-43 - Licensee was not present.**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-43. Motion: To enter executive session pursuant to 32 M.R.S.A. §90 (A)(3) and 1 M.R.S.A. §405(6)(E),(F) to receive legal advice and to conduct an informal conference concerning case # 09-43. (Doughty; Leach – motion carries). The committee entered executive session at 1:45 p.m. and exited at 1:55 p.m. During executive session, the discussed options for disposition of case # 09-434.

**Case Summary and Rules Violation:** After discussion, Doughty moved to recommend that case # 09-43 be tabled until after the next Maine EMS Board meeting. (Doughty; Metayer - motion carries).

The Committee had discussion on how to proceed with disposition of cases regarding unlicensed Emergency Medical Dispatchers and made the following motion:

Motion: Leach requests that the Maine EMS Board authorize Maine EMS staff to review unlicensed EMD providers and if they were licensable at the time of expiration to issue the license with a Letter of Guidance for 3 years. This review would continue through January 2011 after that time they will be treated as any other unlicensed provider. Also, have staff send all Emergency Medical Dispatch Centers a listing of any expired EMD providers. (Leach; Ryan – motion carries).

**APPLICATIONS:****1. Mark Horn – Informal Review**

**Case Summary and Rules Violation:** After discussion, Leach moved to recommend that the Board find that the Applicant's conduct underlying his convictions for three counts Assault and Criminal Mischief in 1997, and Assault and Terrorizing in 1998 violates 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, and Chapter 11 §(1)(14) – Violation of any standard established in the profession.

**Aggravating Circumstances:**

- None

**Mitigating Circumstances:**

- Over ten years from Applicant's last conviction, with no known evidence of subsequent criminal conduct;
- Applicant has shown that he has been sufficiently rehabilitated to warrant the public trust.
- Applicant has four letters of recommendation
- Applicant has steady employment and currently is a driver for an ambulance service; and
- Applicant has been a volunteer firefighter for 12 years.

**RECOMMENDED ACTION:**

**The Investigation Committee recommends that the case be resolved by issuing the license with a Letter of Guidance to be maintained in Applicant's licensing file for seven years.**

The Committee will consider case resolved and closed upon the ratification by the Board. (Leach; Metayer - motion carries).

Respectfully submitted,

Dawn Kinney, EMT-P  
Licensing Agent