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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY JULY 6, 2016
GAMBLING BOARD ROOM, AUGUSTA
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Lori Metayer, Michael Senecal

Staff: Jason Oko, Alan Leo
Office of Attorney General: Katie Johnson, AAG

1. Case 16-010 – Licensee Present.

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 number 16-010. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 9:06 A.M.

MOTION: To exit executive session. (Metayer; second by Senecal) Unanimous.

Executive session ended at 9:21 A.M.

Summary: Maine EMS initiated a complaint against a licensed Non-Transporting Service that failed to enter patient care reports into the Maine EMS Run Reporting (“MEMSRR”) system within one business day as stated in the Maine EMS Rules.

MOTION: To recommend that the Board resolve case # 16-010 by dismissing the case. The committee feels the evidence shows the issue has been addressed by the service and the service has been compliant with Maine EMS run reporting requirements in the current calendar year. (Senecal; second by Beals) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-010 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

2. Case 16-038 – Licensee Present.

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 number 16-038. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 9:30 A.M.

MOTION: To exit executive session. (Senecal; second by Gerrish) Unanimous.

Executive session ended at 9:46 A.M.

Summary: Maine EMS initiated a complaint against a licensed Transporting Service that failed to participate in a Q/A data collection project concerning no-transport calls. The service processed four no-transport calls during the study period.

MOTION: To recommend that the Board resolve case # 16-038 by issuing a letter of guidance that recommends the service work to update their QA/OI Plan and submit it to Maine EMS. The letter of guidance will be kept on file for three years from the date of Board approval (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-038 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. Case 15-072 – Licensee Present

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 number 15-072. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 10:01 A.M.

MOTION: To exit executive session. (Gerrish; second by Senecal) Unanimous.

Executive session ended at 10:45 A.M.

Summary: Maine EMS initiated a complaint against a Maine licensed Paramedic, based on information indicating that patient care reports were not being submitted subsequent to patient refusals for treatment and/or transport, as well as inappropriate conduct with regards to patient and public interaction.

Aggravating Circumstances: The Licensee has recent consent agreements for similar conduct.

Mitigating Circumstances: N/A

MOTION: To recommend that the Board resolve case # 15-072 by offering a consent agreement for the revocation of the Licensee's Maine EMS Paramedic License. The committee found that the Licensee had violated the following Maine EMS Rules (dated May 1, 2013):

Chapter 5§3 In addition to providing patient care, licensees are responsible for completing and submitting an electronic Maine EMS patient care report, as specified by Maine EMS, for each request for service, or for each patient when more than one patient is involved in a call. Reports must be submitted within one business day.

Chapter 11§1(14) Violation of any standard established in the profession

Chapter 11§1(21) Acting negligently or neglectfully when caring for or treating a patient and

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, student or the general public; or
- B. Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice or instruction for which he/she is licensed, or for which a Training Center is authorized

(Gerrish; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-072 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. Case 16-067 – Licensee Present. Tim Beals recused himself from this case.

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 number 16-067. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 12:19 PM.

MOTION: To exit executive session. (Metayer; second by Senecal) Unanimous.

Executive session ended at 12:28 P.M.

Summary: Maine EMS initiated a complaint against a licensed Maine EMS Advanced EMT renewal applicant for a new conviction of OUI, a Class D charge.

MOTION: To recommend that the Board resolve case # 16-067 by issuing a letter of guidance that disapproves of the behavior and to issue a license to the renewal applicant provided that the applicant provides a letter of reference from her service chief before the next Board meeting. The letter of guidance will remain on file for one licensing period (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-067 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. Case 16-066 – Licensee Present

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 number 16-066. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 1:20 P.M.

MOTION: To exit executive session. (Senecal; second by Metayer) Unanimous.

Executive session ended at 1:50 P.M.

Summary: Maine EMS initiated a complaint against a Maine licensed EMT renewal applicant, based on three convictions for Disorderly Conduct, Loud Unreasonable Noise, Class E charges.

Aggravating Circumstances: There were three separate instances of the inappropriate conduct, the Licensee failed to recognize the fear caused by the actions, and as well as the choice of the venue in which the incidents occurred was inappropriate.

Mitigating Circumstances: The committee found that the Licensee was cooperative with the investigation process, provided two letters of reference and was remorseful for his actions.

MOTION: To recommend that the Board resolve case # 16-066 by means of a consent agreement to include a warning and the condition that the Licensee attend in-person sensitivity training, to be approved by Maine EMS staff, within six months of the execution of the agreement. The Committee found that the Licensee had been sufficiently rehabilitated to warrant the public trust. The Committee found that the Licensee had violated the following Maine EMS Rules (dated May 1, 2013):

Chapter 11§1(4) Any criminal conviction, subject to the limitations of Maine statute.
Chapter 11§1(5) Acting in ways that are dangerous or injurious to the licensee or other persons.

Chapter 11§1(14) Violation of any standard established in the profession
(Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-066 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. Case 16-068 – Licensee Present

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 number 16-068. (Gerrish; second by Senecal) Unanimous.

Executive session entered at 2:10 PM.

MOTION: To exit executive session. (Beals; second by Gerrish) Unanimous.

Executive session ended at 2:22 P.M.

Summary: Maine EMS initiated a complaint against a licensed Maine EMS Advanced EMT for a new conviction of OUI, a Class D Charge.

MOTION: To recommend that the Board resolve case # 16-068 by issuing a letter of guidance that disapproves of the behavior and reinforces professional conduct. The letter will remain on file for the remainder of the current licensing period. (Beals; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-068 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. Case 16-081 Licensee Present. Tim Beals recused himself from this case.

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 number 16-081. (Senecal; second by Metayer) Unanimous.

Executive session entered at 11:28 A.M.

MOTION: To exit executive session. (Beals; second by Gerrish) Unanimous.

Executive session ended at 11:52 A.M.

Summary: Maine EMS initiated a complaint against a Maine EMS Transporting Service for allowing unlicensed practice on 33 calls on which the provider was either the primary or secondary patient caregiver.

MOTION: To recommend that the Board resolve case # 16-081 by issuing a letter of guidance emphasizing the importance of ensuring that only licensed personnel respond to calls, to remain on file until June 30, 2017 (Senecal; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-081 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.