



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
152 STATE HOUSE STATION
AUGUSTA, MAINE
04333



PAUL R. LEPAGE
GOVERNOR

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DIRECTOR

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY JANUARY 4, 2017
GAMBLING BOARD ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON FEBRUARY 1, 2017
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Mike Senecal, Lori Metayer, Laura Downing,
Greg Coyne

Staff: Alan Leo, Jason Oko

Office of Attorney General: Katie Johnson, AAG

1. CASE #15-065 – 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 15-065. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 9:10 a.m.

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

Executive session ended at 9:25 a.m.

Summary: Maine EMS filed a complaint after discovering that the Licensee had been charged with Domestic Violence Criminal Threatening with a Dangerous Weapon (Class C) and Aggravated Assault (Class B). On January 12, 2016 the Licensee was convicted of Domestic Violence Criminal Threatening (Class D), and the other charge was dismissed. The Licensee served a probationary period that ended on January 12, 2017. This was a continuation of a previous Informal Conference, during which the Committee requested documentation of successful completion of substance abuse, psychological and anger management evaluations; reports from the probation officer and couples counselor; and letters of reference. All of the documentation was provided.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee, finding that the Licensee had been sufficiently rehabilitated to warrant the public trust, recommends that the Board resolve case # 15-065 by issuing the license with a Letter Of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action. The Letter to be on file for 3 years from the date of licensing as long as a final letter from the probation officer has been received by MEMS Staff before the February 1, 2017 Board meeting. Beals; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-065 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #16-103 – 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 16-103. (Senecal; second by Coyne) Unanimous.

Executive session entered at 11:00 a.m.

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

Executive session ended at 11:20 a.m.

Summary: On September 29, 2016, Maine EMS Staff received an electronic application for an AEMT license from the Licensee. On that application the Licensee listed a conviction on February 24, 2016 for Operating Under the Influence (Class D). A routine SBI report confirmed this conviction. After a review of the CEHs provided it was determined by MEMS that the Licensee needed 1 hour of Assessment. Three E-mails were sent to the Licensee regarding the CEH hour needed as well as a request for statement from him and 6 professional letters of reference. MEMS has yet to receive the CEH hours as of this date. At this time the Licensee is not licensable.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 16-103 by issuing the license with a Letter Of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action. The Letter to be on file for 6 years from the date of licensing as long as he submits a letter from his AA sponsor, provides an assessment letter from his counselor, and completes the missing CEH before the February 1, 2017 Board meeting. (Beals; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-103 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 16-099 --Licensee present- (Tim Beals Recused)

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 16-099. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 11:25 a.m.

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

Executive session ended at 11:55 p.m.

Summary: MEMS received a complaint from the Office of the Governor concerning a Paramedic who had responded to a private residence where two victims were deceased. Maine State Police had determined the scene to be an active crime scene, and then the Paramedic provided details to members of the general public.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 16-099 by issuing a Letter Of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action. The Letter is to be on file until January 31, 2022. The letter should advise the Licensee not to repeat the conduct involved (Metayer; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-099 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. CASE # 16-069 & 16-106 – Licensee Present (Judy Gerrish Recused)

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 16-069 & 16-106. (Senecal; second by Downing) Unanimous.

Executive session entered at 2:00 p.m.

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

Executive session ended at 3:25 p.m.

Summary: The Licensee has already entered into a consent agreement that resolved allegations of incompetence. The agreement restricts the Licensee from practicing above the AEMT level until she completes additional education and clinical ride time. MEMS initiated a complaint against the EMS provider based on new patient care issues provided to MEMS by medical staff at Downeast Community Hospital.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve Case # 16-069 & 16-106 by revoking the conditions of the previous Consent Agreement and having the provider enter into a new Consent Agreement that will downgrade the provider's license level to EMT and stating that if the provider wishes to upgrade to a higher license level that she will take and pass a licensure class for that level. (Beals; second by Downing) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-069 & 16-106 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE # 16-101 --Licensee present (This case was added to the session upon request of the Committee and with the approval of the Center Director)

Summary: MEMS initiated a complaint against an EMD Center for allowing an unlicensed EMD provider to practice without a valid MEMS license on 140 calls from June 6, 2016 to November 2, 2016.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 16-101 by issuing a Letter Of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action, provided the center forwards an updated policy regarding tracking the licensing procedures and expiration dates associated with EMD employees to MEMS Staff before the February Board meeting. The Letter is to be on file until November 30, 2019. The letter should cite the importance of all EMD providers holding valid MEMS licenses before being allowed to EMD calls. (Senecal; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-101 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

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Licensing Reviews

1. Rebecca White – Case # 16-093-Review of new application - Applicant present

Summary: On August 11, 2016 MEMS received an application for an EMT license from Rebecca White. Ms. White stated that she did have a criminal conviction and listed that as an Operating Under the Influence conviction. A routine SBI Criminal History Report was performed by MEMS Staff and that confirmed the OUI (Class D) conviction on May 20, 2015 and also a Violating Conditions of Release (Class E) conviction on the same day that was not listed on the application.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

MOTION:

The Committee recommends that the Board issue the license with a Letter Of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action, provided the applicant sends documentation to MEMS Staff of a completion certificate from her DEEP program, a criminal background check report from Massachusetts, a letter from her counselor and a statement from her EMT class I/C regarding her behavior during the class prior to the February 1, 2017 Board meeting. The Letter is to be on file for 6 years from the date of licensing (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-093 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. John O'Brion- Case # 15-089-Review of new application- Applicant not present

The applicant was confused about communications with MEMS Staff and failed to attend the meeting. The Committee decided to table until the March Informal Conferences.

MOTION: The Committee recommends that the Case 15-089 be tabled until March 2017. (Senecal; second by Metayer) Unanimous.

3. Nina Haines-Case # 16-100- Review of new applicant- Applicant present

Summary: MEMS initiated a complaint against Nina Hines as she provided EMD on 140 911 emergency medical calls between June 6, 2016 and November 2, 2016 without a MEMS EMD license and she had never applied for a MEMS license until she was contacted by MEMS Staff about the unlicensed practice. Her application arrived on November 3, 2016.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

MOTION: The Committee recommends that the Board issue the license with a Letter Of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action. The Letter is to be on file for 2 years from the date of licensing and to reference the importance of maintaining a valid MEMS license before practicing EMD. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-093 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 4:00 p.m.

The next meeting will be on March 1, 2017 at 9:00 a.m.