



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



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 COMMISSIONER

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**MAINE EMS
 INVESTIGATIONS COMMITTEE MEETING
 WEDNESDAY MARCH 1, 2017
 GAMBLING BOARD ROOM, AUGUSTA,
 RATIFIED BY THE MAINE EMS BOARD ON APRIL 5, 2017
MEETING MINUTES**

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

Staff: Alan Leo, Jason Oko

Office of Attorney General: Katie Johnson, AAG

1. CASE #17-002 – 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 17-002. (Coyne; second by Gerrish) Unanimous.

Executive session entered at 9:04 a.m.

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

Executive session ended at 9:30 a.m.

Summary: Maine EMS filed a complaint based on documentation from a service director that one of his providers, who is licensed as an EMT, had initiated and successfully completed an IV procedure and administered a medication, both of which are above his license level, on a patient while working a scheduled shift as an EMT for an ambulance service. He was partnered with a Paramedic on this call. The medication was Duo-Neb which is a Paramedic level medication. The EMT is enrolled in an AEMT class but was not in a scheduled clinical setting or ride along time associated with this class, and the Paramedic was not a preceptor for that service.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 17-002 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 March 31, 2021 and should cite the importance of not performing patient care above his license level and being aware of when he is in a scheduled clinical setting.(Downing; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-002 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #17-001 – 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 17-001. (Coyne; second by gerrish) Unanimous.

Executive session entered at 9:50 a.m.

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

Executive session ended at 10:15 a.m.

Summary: Maine EMS filed a complaint against the licensee, a Paramedic, based on documentation from a service director that the Paramedic allowed an EMT to initiate and successfully complete an IV procedure as well as administer a medication, both of which are above the EMT's license level, on a patient while working a scheduled shift as an EMT for the ambulance service. The medication was Duo-Neb, which is a Paramedic medication. The EMT is enrolled in an AEMT class but was not in a scheduled clinical setting or ride along time associated with this class. There is no mention of the EMT performing these skills in the MEMSRR Report as the Paramedic's initials are listed as performing them. The Paramedic is not a preceptor for the ambulance service.

Aggravating Circumstances: Based on his years of experience as a preceptor, the provider should have known he could not allow this treatment to occur. He did not self-report the incident.

Mitigating Circumstances: There was no patient harm.

MOTION: The Committee recommends that the Board resolve case # 17-001 by (Gerrish; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-001 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 17-003 --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 17-003. (Coyne; second by Downing) Unanimous.

Executive session entered at 11:00 a.m.

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

Executive session ended at 11:55 a.m.

Summary: MEMS received documentation from the Chief of an ambulance service that states one of his Paramedics administered a narcotic, Midazolam, to a conscious and alert patient, who had previously experienced seizure activity and then did not state this in the MEMSRR Report. It also appears in the documents provided that Mr. Roy was unsure if he wasted any of the medication or administered it all to the patient.

In 2015 this provider was brought before the Board for administering Fentanyl as an AEMT while enrolled in a Paramedic class. He received a reprimand and has the Consent Agreement on file with MEMS.

Aggravating Circumstances: The Licensee was not forthright and has previous disciplinary action regarding administering medication on file with MEMS.

Mitigating Circumstances: The Licensee was cooperative.

MOTION: The Committee recommends that the Board resolve case # 17-003 by offering the Licensee a Consent Agreement for violating MEMS Rules Chapter 6 §3 and Chapter 11 §1(5), (14), (15), (21), and (22b). The consent agreement will include the following conditions: the licensee will successfully complete the following: a Maine EMS documentation class, an AMLS or EMPACT class, and a Pharmacology class that especially deals with paramedic medications. These classes to be completed within a three month period after the consent agreement has been signed by all parties. The licensee will take a medical ethics class, the content of which will be approved by Maine EMS Staff, and which will be completed within a 6 month period after the consent agreement has been signed by all parties. The licensee will have O/A performed on 100 EMS emergency Paramedic level calls where he is the primary care giver. No routine transfer calls will be accepted. The name of the person who will do the O/A review will be submitted to Maine EMS Staff for approval, and the approved person will provide a report to Maine EMS after every 25 calls have been completed. If there are any O/A concerns MEMS Staff will bring those before the Investigations Committee to determine any course of action. The licensee will also pay a \$500 fine to be paid within 30 days after the consent agreement is signed by all parties. (Beals; second by Downing) Unanimous.

The Board at its April 5, 2017 meeting rejected the above recommended Consent Agreement. The Board issued an emergency suspension of the providers' license for 30 days and instructed AAG Johnson to offer him a Consent Agreement to include a revocation of the Paramedic license, reduce the providers license level to an AEMT, with the opportunity to reapply for a Paramedic license after completing a new Paramedic class and passing all of the tests for National Registry and applying to MEMS for licensure as long as no new patient care issues arise in the future.

4. CASE # 17-006 – Licensee Present (Tin 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 17-006. (Coyne; second by Gerrish) Unanimous.

Executive session entered at 12:40 p.m.

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

Executive session ended at 12:55 p.m.

Summary: On November 16, 2016 MEMS received documentation that this Paramedic, during a scheduled clinical shift with an ambulance service, administered an incorrect amount of Fentanyl to the patient after being informed of the correct amount to administer by the Preceptor. There was no patient harm; however the Paramedic has a Letter of Guidance on file for a previously administering Nitro and not calling for ALS.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve Case # 17-006 by dismissing the complaint due to a lack of a violation. (Senecal; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17- 006 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE # 16-108 --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 16-108. (Coyne; second by Downing) Unanimous.

Executive session entered at 1:55 p.m.

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

Executive session ended at 2:10 p.m.

Summary: MEMS initiated a complaint against an EMD provider for providing EMD from December 1, 2016 through December 14, 2016, after her EMD license expired. This involved 25 EMD calls. E-mail reminders were sent to the provider but there was a change in e-mail addresses that was not relayed to MEMS.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 16-108 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 two years from the date of renewal. The letter should cite the importance of all EMD providers maintaining a valid MEMS license. (Downing; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-108 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. CASE # 17-007 --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 17-007. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 2:25 p.m.

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

Executive session ended at 2:40 p.m.

Summary: MEMS initiated a complaint against an EMD provider for providing EMD from January 1, 2017 to January 11, 2017, after her EMD license expired. This involved 15 EMD calls. E-mail reminders were received by the licensee on multiple occasions. The licensee completed the renewal application on January 10, 2017, as well as providing the EMD Center approval of herself as a renewal applicant and an employee of the Center, and continued to provide EMD until the next day when her supervisor was alerted to the unlicensed status and removed her from her EMD role.

Aggravating Circumstances: This was not the first time renewing the license, and the renewal notifications were ignored.

Mitigating Circumstances: The licensee was remorseful, cooperative and there was no patient harm.

MOTION: The Committee recommends that the Board resolve case # 16-108 by offering the Licensee a Consent Agreement that contains a warning for violating 32 M.R.S. § 82(1), 32 M.R.S. § 85-A(3)(A), and MEMS Rules Chapter 11§1(5)(A)(1) (Downing; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-108 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

Licensing Reviews

1. Jameson Buck – Case # 17-010-Review of new application - Applicant present

Summary: On January 4, 2017, MEMS received an application for an EMT license from Jameson Buck. On that application were listed convictions for Disorderly Conduct Offensive Words on November 6, 2013 and Reckless Conduct on May 11, 2015 after completing a Deferred Disposition and the dismissal of a Driving to Endanger charge. A conviction of Loaded Firearm or Crossbow in a Motor Vehicle was not listed on the application.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

MOTION:

The Committee recommends that the Board issue the license and dismiss the complaint as the applicant has been sufficiently rehabilitated to warrant the public trust. (Beals; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-010 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. Heather Umphrey - Case # 17-008 -Review of new application- Applicant present

This case was held in executive session on the advice of AAG Johnson because personal health information submitted as part of an application under the EMS Act is confidential.

MOTION: To enter executive session pursuant to 1 M.R.S. Section 405(6)(F) to receive legal advice and to conduct an informal conference concerning case number 17-007. (Senecal; second by Coyne) Unanimous.

Executive session entered at 1:15 p.m.

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

Executive session ended at 1:30 p.m.

MOTION: The Committee recommends that the license be issued with a Letter of Guidance to be on file for 3 years from the issue date and should remind the applicant of the importance of professional conduct and refraining from the misuse of substances. (Senecal; second by Gerrish) Unanimous.

3. John O' Brion-Case # 15-089- Review of new applicant- Applicant present

Summary: On October 13, 2015, Maine EMS received a new application for licensure as an EMT from John M. O'Brion. Mr. O'Brion answered "no" to all of the criminal conviction questions on the application. A routine SBI report performed by MEMS showed a conviction on August 2010 for Operating Under the Influence, with a BAC of .18.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

MOTION: The Committee recommends that the Board issue the license and dismiss the complaint. (Gerrish; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-089 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 May 3, 2017 at 9:00 a.m.