



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



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**MAINE EMS
 INVESTIGATIONS COMMITTEE MEETING
 WEDNESDAY SEPTEMBER 6, 2017
 RATIFIED BY MAINE EMS BOARD ON OCTOBER 4, 2017
 GAMBLING BOARD ROOM, AUGUSTA
MEETING MINUTES**

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

Staff: Alan Leo, Jason Oko

Office of Attorney General: Katie Johnson, AAG

1. CASE #17-020 – 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 17-020. (Coyne; second by Downing) Unanimous.

Executive session entered at 9:20 a.m.

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

Executive session ended at 9:30 a.m.

Summary: Maine EMS filed a complaint against a service for unlicensed practice. The service license expired on February 28, 2017 and the renewal application was filed with MEMS on April 13, 2017, after the service chief called MEMS to inquire about the license. The service responded to a total of 158 EMS call during the period of expiration. After a Q/A review of those calls, MEMS determined that there was no patient harm and no protocol violations.

MOTION: The Committee recommends that the Board resolve case # 17-020 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 February 28, 2019 and should cite the importance of maintaining an ambulance service license. (Metayer; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-020 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

2. CASE #17-025 – Licensee Present.

The licensee was present along with his supervisor, and the licensee opted not to have the informal conference in executive session.

Summary: Maine EMS filed a complaint against an EMD licensee, whose license expired on April 30, 2017. Maine EMS did not receive his renewal application until June 1, 2017. The licensee continued to perform EMD after expiration until June 1st when his license was renewed. He answered and performed EMD on 36 calls, 16 of which were scheduled transfers. All of the calls during the time frame were subject to EMD-Q Review, and it was determined that no patient harm occurred.

MOTION: The Committee recommends that the Board resolve case # 17-025 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 April 4, 2021 and should cite the importance of maintaining an emergency medical dispatcher license. (Downing; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-025 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 17-026 --Licensee Present.

The licensee was present and opted not to have the informal conference in executive session.

Summary: Maine EMS filed a complaint against an EMD center, which allowed an unlicensed EMD provider to continue to perform EMD on emergency calls after that provider's license had expired. The period of unlicensed practice covered 90 days and involved 36 calls, 16 of which were scheduled transfers. All of the calls during the time frame were subject to EMD-Q Review, and it was determined that no patient harm occurred.

MOTION: The Committee recommends that the Board resolve case # 17-026 by issuing a Letter Of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action. The Committee recommends that the EMD Center provide a policy to the Board stating the steps it will take to ensure this conduct does not occur again. The Letter is to be on file until November 30, 2019 and should cite the importance of using licensed emergency medical dispatchers. (Downing; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17- 026 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. CASE # 17-015 – Licensee Not 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 17-015. (Coyne; second by Gerrish) Unanimous.

Executive session entered at 10:50 a.m.

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

Executive session ended at 11:00 a.m.

Summary: MEMS staff discovered that this service was not submitting patient care reports. From January 1, 2016 to April 1, 2017, the service was dispatched to 106 calls but filed 45 reports.

MOTION: The Committee recommends that the Board table this until the service chief can attend a future informal conference. (Downing; second by Gerrish) Unanimous.

5. CASE # 15-032 --Licensee Present with His Attorney.

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 15-032. (Coyne; second by Gerrish) Unanimous.

Executive session entered at 1:10 p.m.

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

Executive session ended at 1:25 p.m.

Summary: This case was brought forward from 2015 as the licensee's EMS license expired in July of 2016, and a renewal application arrived at MEMS on June 6, 2017. The provider was convicted of Assault Class D and Obstructing Report of a Crime Class D after successfully complying with the terms of a deferred disposition agreement..

MOTION: The Committee recommends that the Board resolve case # 15-032 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 for 3 years from the date of renewal and should cite the importance of refraining from conduct that would be dangerous or injurious to the licensee or other persons. (Metayer; second by gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-032 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. CASE # 17-023 --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 17-023. (Coyne; second by Gerrish) Unanimous.

Executive session entered at 2:00 p.m.

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

Executive session ended at 2:40 p.m.

Summary: MEMS initiated a complaint against a licensed Paramedic after his former wife filed a complaint regarding the Paramedic administering Zofran to her son, via IV. The Paramedic was not working for a service at the time.

MOTION: The Committee recommends that the Board resolve case # 17-023 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 October 4, 2022 and should cite the importance of not possessing, obtaining, furnishing, or administering prescription drugs except as directed by a person authorized by law to prescribe such drugs. (Coyne; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-023 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. Case Number 16-082 --License Present with Her Attorney. Laura Downing Recused herself 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 16-082. (Coyne; second by Gerrish) Unanimous.

Executive session entered at 3:30 p.m.

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

Executive session ended at 4:40 p.m.

Summary: On June 21, 2016 a service contacted MEMS Staff inquiring why and how an administrator with another service had accessed its run reports in the MEMSRR system. MEMS determined through its investigation that the licensee could have only accomplished this by using her user name and password associated with her other employer, as her service administrator privileges would only allow her to review that service's reports. The administrator did not have permission from anyone at complaining service to access its reports.

Aggravating Circumstances: The offense itself, and that it occurred more than once on separate dates.

Mitigating Circumstances: The licensee was cooperative and honest.

MOTION: The Committee recommends that the Board resolve case # 15-082 by offering the Licensee a consent agreement for violating MEMS Rules Chapter 11 §1(12) and (14). The consent agreement will include a warning and a condition that she will not have an administrative privileges in any MEMS run reporting system for a period of 5 years from the date of the completed consent agreement. MEMS is to issue all pending licenses when the consent agreement is completed provided that the licensee is licensable. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-082 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

Licensing Reviews

1. Spencer Bailey – Case # 17-029-Review of new application - Applicant present

Summary: On December 21, 2016, Maine EMS received an application from Spencer Bailey. Mr. Bailey disclosed three criminal convictions on the application for licensure as a new EMT. The convictions were Eluding an Officer (Class C) and two counts of Operating Under the Influence (Class D). The three convictions resulted in a one year jail sentence with all but 75 days suspended, a fine, an order to pay restitution, and a 90-day driver's license suspension. On July 11, 2008, he was discharged from probation after successfully completing one year of supervision with no known violations.

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. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-029 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 4:45 p.m.

The next meeting is TBD per the caseload.