



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 JANUARY 3, 2018
 GAMBLING BOARD ROOM, AUGUSTA
MEETING MINUTES**

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

Staff: Alan Leo, Jason Oko

Office of Attorney General: Colin Hay, AAG

1. CASE #17-015 – 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 17-015. (Coyne; second by Downing) Unanimous.

Executive session entered at 9:15 a.m.

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

Executive session ended at 9:55 a.m.

Summary: Maine EMS filed a complaint against a Non-Transporting Service after it was determined that the service was responding to EMS call and not filing a patient care report for every call. After a review of dispatch records this service was dispatched and responded to 108 calls in 2017 and there were no reports entered for 42 of these calls. Additionally, of the reports which were entered, 28 were found to have not been reported after the service was notified of this complaint. Due to the large number of violations MEMS decided to review the reports for 2016 and found that there were 82 responses and 53 reports were never entered.

MOTION: The Committee recommends that the Board resolve case # 17-015 by offering the Licensee a consent agreement for violating MEMS Rules Chapter 3§9. The consent agreement will include: a reprimand; a fine of \$1,500 per violation, totaling \$105,000 with all but \$250 suspended; a requirement to submit a written action plan and policy regarding the filing of patient care reports, submit an updated O/A policy; provide a mandatory documentation class for all service members within 90 days of the execution of this agreement; and submit monthly data to MEMS for a period of two years, listing the reports filed in MEFERS, which MEMS will compare to the dispatch logs. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-015 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #17-016 – 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 17-016. (Coyne; second by Kellner) Unanimous.

Executive session entered at 10:05 a.m.

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

Executive session ended at 10:20 a.m.

Summary: Maine EMS filed a complaint against a Transporting Service that continued to respond to calls after its license expired on January 31, 2017. The license was renewed on April 14, 2017. The service responded to 19 calls without having an active license. After a review of the reports MEMS determined that no patient harm occurred.

MOTION: The Committee recommends that the Board resolve case # 17-016 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 30, 2021 and should cite the importance of maintaining a valid service license. MEMS would also like the service to provide a policy on maintaining a valid service license including steps to make sure it does not expire and on updating contact information. (Downing; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-016 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 17-040 --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 17-040. (Coyne; second by Gerrish) Unanimous.

Executive session entered at 10:35 a.m.

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

Executive session ended at 11:25 a.m.

Summary: Maine EMS filed a complaint against an EMD provider whose EMD license expired May 31, 2017. The provider continued to perform EMD on emergency calls until October 14, 2017 when she filed her renewal application and was notified that she was unlicensed. The period of unlicensed practice covered four months and involved fifty (50) 911 calls. All of the calls during the time frame were subject to independent EMD-Q Review. The reviewer determined that all 50 calls were non-compliant and could have caused patient harm. The reviewer also determined that the provider deviated from the Priority Dispatch Medical Protocols.

MOTION: The Committee recommends that the Board resolve case # 17-040 by offering the Licensee a consent agreement for violating MEMS Rules Chapter 5-a § 1 and Chapter 11 §§ 1(2), 1(3) and 1(31) as well as 32 M.R.S.A. § 82(1). The consent agreement will include: a reprimand; a requirement that the provider successfully complete an EMD class prior to the renewal of her EMD license; and a requirement that after renewal the provider will provide monthly O/A reports to MEMS for a period of 6 months. The O/A reviewer is to be approved by MEMS and if there are any O/A issues or the compliance score falls below 70 % then she will be noticed of a new complaint and scheduled for an Informal Conference with the Investigations Committee. (Downing; second by Kellner) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17- 040 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. CASE # 17-040-A – 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 17-040-A. (Coyne; second by Kellner) Unanimous.

Executive session entered at 11:35 a.m.

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

Executive session ended at 11:55 a.m.

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 four (4) months and involved Fifty (50) calls.

MOTION: The Committee recommends that the Board resolve case # 17-040-A by issuing a letter of guidance as the licensee's conduct does not rise to a level warranting disciplinary action. The letter shall be on file until November 30, 2019 and should cite the importance of only allowing MEMS licensed EMD providers to perform EMD on 911 calls. (Downing; second by Coyne) Unanimous.

5. CASE # 17-041 --Licensee present.

Tim Beals and Joe Kellner recused themselves from discussion and decision of the matter.

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 17-040-A. (Coyne; second by Downing) Unanimous.

Executive session entered at 12:35 p.m.

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

Executive session ended at 1:30 p.m.

Summary: MEMS filed a complaint against a service who delayed and/or refused to respond to a request for ALS backup from services that have active mutual aid agreements in place for this type of response. On one call the service delayed responding for 10 minutes so they did not have to respond all the way to the town that requested ALS. On the other call the service denied a response altogether as they did not feel they could cover their primary service area if they responded to the mutual aid request.

MOTION: The Committee recommends that the Board resolve case # 17-015 by offering the Licensee a consent agreement for violating MEMS Rules Chapter 11§1(5), (22), (24). The Consent to contain a reprimand, a \$3,000 fine with all but \$500 suspended. (Metayer; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-041 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. CASE # 17-044 --Licensee present along with service members.

Joe Kellner recused himself from discussion and decision of the matter.

This Informal Conference was held in open session at the request of the Licensee in accordance with 32 M.R.S.A. § 90(A)(3).

Summary: MEMS filed a complaint against a paramedic who became ill during a call and administered Zofran to herself and continued with the call until back-up arrived. This paramedic was also precepting an EMT student during this incident, had the student get the medication out of the bag and give it to her. The paramedic did not record the incident and did not contact her supervisor.

MOTION: The Committee recommends that the Board resolve case # 17-044 by offering the Licensee a consent agreement for violating MEMS Rules Chapter 11 §§ 1(14), 1(17), and 1(18) that includes a warning. (Beals; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-044 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. Steven Merrill Request to Rescind LOG from 2015

In 2015 Steven Merrill came before the Investigations Committee due to a charge of Domestic Violence Stalking, a Class D Misdemeanor, which he self-reported. He was issued a Deferred Disposition on the charge and if successfully completed by March 1, 2017, the charge would be dismissed and no conviction would be found. The Committee issued him a letter of guidance ("LOG") for this incident and the letter cites the conviction as the reason for the letter. He completed the Disposition early in September 2016 and the charge was dismissed.

The minutes of the Informal Conference and the issuance of the LOG were posted on the MEMS website. Mr. Merrill informed MEMS that he has been denied employment opportunities because of the LOG.

Mr. Merrill requests that the LOG be rescinded and removed from the minutes as he was never convicted of anything. MEMS ran a Criminal History Report in October 2017 and no charges or convictions were listed.

MOTION: The Committee recommends that the minutes be amended to show a dismissal of the case, the LOG rescinded and any mention of this case be removed from the MEMS website. (Coyne; second by Gerrish) Unanimous

The Committee adjourned at 3:10 p.m.

The next meeting is scheduled for March 7, 2018.