



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



JOHN E. MORRIS  
COMMISSIONER

PAUL R. LEPAGE  
GOVERNOR

SHAUN A. ST GERMAIN  
DIRECTOR

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY MARCH 21, 2018  
GAMBLING BOARD ROOM, AUGUSTA  
MEETING MINUTES**

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

Staff: Alan Leo, Jason Oko

Office of Attorney General: Colin Hay, AAG

- 1. CASE #18-003 – Licensee present. Joe Kellner Was Recused, Judy Gerrish was 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 18-003. (Beals; second by Metayer) Unanimous.**

Executive session entered at 9:06 a.m.

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

Executive session ended at 9:20 a.m.

**Summary:** Maine EMS filed a complaint against a Non-Transporting Service after it was determined that the service was responding to EMS calls after their service license had expired. The license expired on November 30, 2017 and was renewed on January 16, 2018 after MEMS contacted the Chief of Service. The service responded to 46 calls after expiration. The calls were reviewed by MEMS and no patient harm was found.

**MOTION: The Committee recommends that the Board resolve case # 18-003 by issuing the licensee a letter of guidance as the conduct does not rise to a level warranting disciplinary action. The Letter is to be on file until January 31, 2020 and should cite the importance of maintaining a valid service license. The letter should also recommend that the service develop a policy on maintaining a valid service license including steps to make sure it does not expire. (Metayer; second by Beals) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-003 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**2. CASE #18-002 – Licensee present. Joe Kellner Was 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 18-002. (Beals; second by Gerrish) Unanimous.**

Executive session entered at 9:46 a.m.

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

Executive session ended at 9:55 a.m.

**Summary:** Maine EMS filed a complaint against a Non-Transporting Service after The EMS Chief reported to MEMS that the service license had expired on November 30, 2017 and they continued responding to EMS calls after the expiration date. The license was renewed on January 10, 2018. The service responded to 36 calls after expiration. The calls were reviewed by MEMS and no patient harm was found. The Service provided a policy to MEMS to prevent this from happening again.

**MOTION: The Committee recommends that the Board resolve case # 18-002 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 January 31, 2020 and should cite the importance of maintaining a valid service license. (Downing; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-002 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**3. CASE # 17-011 --Licensee present. Tim Beals Was 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 17-011. (Downing; second by Kellner) Unanimous.**

Executive session entered at 10:10 a.m.

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

Executive session ended at 10:45 a.m.

**Summary:** Maine EMS filed a complaint against a licensed AEMT for convictions not reported on his last renewal application. The convictions were 2 Operating Under the Influence, 3 Violating Conditions of Release and 1 Operating After Revocation, all occurring in 2016. An upgrade to Paramedic application is pending the outcome of this case.

**MOTION: The Committee recommends that this case be tabled to a future Informal Conference in order for the licensee to provide letters of reference and a report from the counselor who performed the substance abuse evaluation. (Metayer; second by Kellner) Unanimous.**

**4. CASE # 17-039– 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 17-039. (Downing; second by Gerrish) Unanimous.**

Executive session entered at 11:05 a.m.

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

Executive session ended at 11:45 a.m.

**Summary:** Maine EMS filed a complaint against this Maine EMS Paramedic after the director of a service reported an incident of a patient complaint that alleged the Paramedic responded to a 911 call for treatment and transport by the patient and the Paramedic refused to assist the patient. The patient was complaining of chronic back pain, and difficulty breathing. The patient complaint states that the patient indeed wanted to go to the hospital, however, she stated that she was not going to walk down the stairs to the ambulance. The Paramedic refused to assist the patient down the stairs, did not call for any lifting assistance but did attempt to notify the police department to witness a patient refusal. The patient refused to sign the patient refusal form at which point the Paramedic had her EMT partner sign as a witness to the patient's refusing to sign.

**MOTION: The Committee recommends that the Board resolve case # 17-039 by offering the Licensee a consent agreement for violating MEMS Rules Chapter 11§1(5), (14), (21). The consent agreement will contain a reprimand, 100 % O/A review of all calls for a period of 6 months and 100 % of all patient refusals for a period of one year for calls where the licensee is the primary patient caregiver. The review will begin at the time the licensee signs the consent agreement and the review will be performed by an independent reviewer approved by MEMS. The licensee must also provide 2 letters of reference from supervisors of the service she works for. The letters must address the licensee's skills advocating for the patient and customer service skills and must be submitted to MEMS within 90 days from the time the licensee signs the Consent Agreement. (Kellner; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-039 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

Informal Review--Case # 18-009--John Melcher—Applicant and Service Chief Present

Summary: Maine EMS has initiated a complaint based upon information obtained during the application process for licensure as an Emergency Medical Technician. He reported a 1997 conviction for assault with a deadly weapon. He served four years of a six-year sentence, and his parole was terminated early due to good compliance. The applicant provided substantial letters in support of his application.

**MOTION: The committee recommends the Board dismiss this case and issue the license to the applicant, as he has proven that he has been rehabilitated to warrant the public trust. (Kellner; seconded by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-009 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 2:00 p.m.

The next meeting is scheduled for May 4, 2018.