



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  
THURSDAY, NOVEMBER 5, 2018  
GAMBLING BOARD ROOM, AUGUSTA,  
MEETING MINUTES**

Members Present: Judy Gerrish, Laura Downing, Joseph Conley, Brad Chicoine

Staff: Alan Leo, Jason Oko

Office of Attorney General: Katie Johnson, AAG

**1. CASE # 18-030 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 18-030. (Downing; second by Chicoine) Unanimous.**

Executive session entered at 9:04 A.M.

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

Executive session ended at 9:15 A.M.

**Summary:** MEMS initiated a complaint against a licensed Paramedic alleging that the provider was improperly assigning Continuing education categories to CEH courses he was offering.

**MOTION: The committee made a motion to settle this case by means of a Letter of Guidance to stress the importance of paying attention to course categories when applying for continuing education hours. This letter of guidance will remain on file for a period of three years from the date of acceptance by the Maine EMS Board. (Downing; second by Chicoine) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-030 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

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With offices located at the Central Maine Commerce Center, 45 Commerce Drive, Suite 1, Augusta, ME 04330

## 2. CASE #18-034 – 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 18-034. (Downing; second by Chicoine) Unanimous.**

Executive session entered at 9:38 A.M.

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

Executive session ended at 10:19 A.M.

**Summary:** MEMS initiated a complaint against a licensed Emergency Medical Dispatch Center alleging that on August 24, 2018, a 9-1-1 caller, and a resident of a nursing home, complaining of chest pain and diarrhea, was not provided with Emergency Medical Dispatch as required by Title 32 Chapter 2-B § 85-A (2-A). The Emergency Medical Dispatcher called the nursing home to report the caller. Approximately twenty minutes later the nursing home called 9-1-1 requesting an ambulance for the same patient who was now unresponsive with ineffective breathing on the floor in the hallway. The patient was deceased when the ambulance arrived.

**MOTION:**

***The committee made a motion to resolve case #18-034 by offering the agency a consent agreement to include a reprimand, and citing Title 32 Chapter 2-B § 85-A. Conditions of the consent agreement include:***

- ***The agency must submit a revised quality assurance and quality improvement plan to MEMS within two months of acceptance of this consent agreement.***
  - ***The QA/QI plan must outline ongoing Emergency Medical Dispatch training and education.***

***Aggravating circumstances - the caller died;***

***Mitigating circumstances -the center updated their policy immediately(Downing; second by Chicoine) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-034 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## 3. CASE #18-036 – 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 18-036. (Downing; second by Chicoine) Unanimous**

Executive session entered at 10:44 A.M.

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

Executive session ended at 11:16 A.M.

**Summary:** Maine EMS initiated a complaint against a licensed Emergency Medical Dispatcher alleging that on August 24, 2018, the EMD did not provide a 9-1-1 caller complaining of chest pain and diarrhea with Emergency Medical Dispatch. The EMD contacted the nursing home and advised that they received a call from a patient of theirs. There was no ambulance dispatched. Approximately twenty minutes later, the nursing home called 9-1-1 requesting an ambulance for the same patient who is now unconscious with ineffective breathing, on the floor, in the hallway.

**MOTION:**

***A motion was made to resolve case 18-036 with a consent agreement siting violations of:***

***Title 32, Chatter 5-A 3§1 & Chapter 11§1 (37).***

***The consent agreement which includes a reprimand and conditions of:***

- ***100% Quality assurance review of this EMD's calls to be completed by an outside agency, to be approved by MEMS, for a period of six months.***
  - ***The licensee must bear all costs, if any, associated with the outside review.***
- ***The licensee must maintain a minimum compliance score of 70%.***
  - ***If compliance falls below 70% MEMS will initiate a new complaint.***

***Aggravating circumstances include: the patient died due to lack of response, Mitigating circumstances include: this was due to a workplace culture. (Downing; second by Chicoine) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-036 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### **4. CASE # 18-019 – Licensee present**

Executive session was not entered as the licensee brought a union representative into the room

**Summary:** Maine EMS initiated a complaint against a licensed Emergency Medical Dispatcher for noncompliance with the conditions of a consent agreement. Those conditions stated that for a period of six months after license issuance, the licensee will provide monthly EMD-Q reports, if the reports indicate a performance below 70% compliance, Maine EMS will initiate a new complaint. The licensee's compliance over the past six months has been below 70% compliance.

**MOTION:**

***A motion was made to issue a Consent Agreement citing violations of Chapter 11 §1 (22) & Chapter 18 § 5. The agreement includes:***

- ***A report to MEMS from the licensee on a monthly basis, stating that she has received, reviewed and acted upon her feedback that was provided by the EMD-Q reviewing her calls,***
- ***The licensee must maintain a compliance score over 70% over the next 6 months.***
  - ***100 % quality assurance review to be completed by an outside agency to be approved by MEMS,***
  - ***all expenses will be borne by the licensee.***
- ***Issue a fine of \$100 to be paid within 60 days of acceptance of this consent agreement***

***Aggravating circumstances include that this is the second time we have seen these issues and the licensee did not act on the opportunity to change these behaviors. (Downing; second by Chicoine) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-019 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**5. CASE # 18-037 – 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 18-037. (Downing; second by Chicoine) Unanimous.***

Executive session entered at 1:00 P.M.

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

Executive session ended at 1:32 P.M.

**Summary:** Maine EMS initiated a complaint against a licensed Paramedic alleging that the licensee had falsified a continuing education roster and added herself as the course instructor and as an attendee of the course while she was not present for the course.

**MOTION:**

***A motion was made to offer the licensee a consent agreement citing violations of Chapter 11§ 1(14 & 26). The consent agreement will include a warning, and a condition that MEMS must be the training center she requests courses through for the next five years.***

***Aggravating circumstances include the fact that the documentation was falsified and this is a second instance of falsified documentation by this licensee. (Chicoine; second by Downing) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-037 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**Brad Chicoine left the informal conferences after the previous case.**

**6. CASE # 18-028 – Licensee Present with legal representation**

**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 18-028. (Downing; second by Conley) Unanimous.**

Executive session entered at 1:47 P.M.

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

Executive session ended at 2:54 P.M.

**Summary:** Maine EMS initiated a complaint against a licensed Paramedic alleging that the licensee had on several instances sexually harassed co-workers.

**MOTION:**

***A motion was made to offer the licensee a consent agreement citing violations of Chapter 11 §1 (5 & 14). The conditions of the consent agreement include:***

- ***The licensee must take an, in person, sexual harassment class within three months of the execution of the consent agreement,***
- ***The licensee must take a class on ethics within three months of the execution of the consent agreement***
  - ***This class must be approved by MEMS and may be taken in an online format***

- ***all conditions must be completed within three months, of the execution of the consent agreement***  
***(Gerrish; second by Conley) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-028 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### **7. CASE # 18-029 – 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 18-029. (Downing; second by Conley) Unanimous.***

Executive session entered at 3:15 P.M.

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

Executive session ended at 3:45 P.M.

**Summary:** Maine EMS initiated a complaint against a licensed Paramedic alleging that charges of Domestic Violence Assault Class D and Criminal Mischief Class D were filed against the licensee on December 12, 2015. On April 6, 2017, the assault charge was dismissed and he was convicted of the Criminal Mischief charge.

**MOTION:**

***A motion was made to offer the licensee a Letter of Guidance to contain a reminder that the licensee is to refrain from this type of behavior. The letter to be on file for a 3-year period.***

***(Gerrish; second by Downing) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-029 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### **8. CASE # 16-087 – Applicant present**

**Informal Review**

**Summary:** Maine EMS initiated a complaint against a reciprocity applicant for licensure as an Advanced EMT, alleging that on his application for licensure, the applicant omitted several convictions that had occurred here in Maine.

**MOTION:**

***A motion was made to issue the license to the applicant with a letter of guidance to remain on file for three years, to reinforce the importance of not making false statements in an application for licensure. (Gerrish; second by Conley) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-087 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.