



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



JANET T. MILLS  
GOVERNOR

MICHAEL SAUSCHUCK  
COMMISSIONER ELECT

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
THURSDAY, APRIL 11, 2018  
GAMBLING BOARD ROOM, AUGUSTA,  
MEETING MINUTES**

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

Staff: Jason Oko

Office of Attorney General: Katie Johnson, AAG

**1. CASE # 18-042 Licensee Present**

**Brad Chicoine recused from this case presentation.**

**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 18-042. (Kellner; second by Downing) Unanimous.**

Executive session entered at 9:00 A.M.

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

Executive session ended at 9:19 A.M.

**Summary:** MEMS initiated a complaint against a licensed Paramedic alleging that while working as a preceptor for an EMT student, the licensee showed the student a naked picture of himself from a recent vacation.

***MOTION: The committee made a motion to settle this case by offering the licensee a consent agreement to include a voluntary surrender of his Maine EMS license with a covenant that any future applications for licensure for this applicant will be reviewed by the Maine EMS Investigations Committee. The committee cited a violation of Maine EMS Rules Chapter 11 §1(14) Violation of any standard established in the profession. The committee noted there was a violation of the public trust. (Beals; second by Kellner) Unanimous.***

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Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 18-042 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## **2. CASE #19-047 – Licensee Present.**

**Summary:** MEMS initiated a complaint against a licensed transporting EMS agency alleging that it allowed unlicensed practice in 54 incidents. A review of the incidents revealed no patient harm. The applicant was licensable at the time of the unlicensed practice.

### **MOTION:**

*The committee made a motion to resolve case #19-047 by sending the agency a letter of guidance to remain on file with Maine EMS for three years to reference Chapter 11§1(35) Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 2-B. (Kellner; second by Gerrish) Unanimous.*

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 19-047 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## **3. CASE #19-048 – Licensee Present.**

**Summary:** A transporting EMS agency notified MEMS that one of its employees had practiced without an EMT license in 54 incidents. A review of the incidents revealed no patient harm. The individual, who has since submitted an EMT application to MEMS, was licensable at the time of the unlicensed practice.

### **MOTION:**

*The committee made a motion to issue a license to this applicant with a letter of guidance to remain on file for two license cycles reminding the applicant of the importance of providing EMS care with a valid EMS license. (Conley; second by Gerrish) Unanimous.*

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 19-048 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## **4. CASE # 13-056 – Licensee present**

**Joe Conley recused 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 13-056. (Kellner; second by Gerrish) Unanimous.**

Executive session entered at 10:18 A.M.

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

Executive session ended at 10:40 A.M.

**Summary:** On an application for an EMT license, the applicant disclosed a 2015 Theft by Unauthorized Taking or Transfer (Class D) conviction.

**MOTION:**

***The committee made a motion to issue the license to this applicant with a letter of guidance to remain on file for ten years, reminding the applicant of the statutory requirement to report new convictions. The committee found that he had been sufficiently rehabilitated to warrant the public trust. (Kellner; second by Gerrish) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-056 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### **5. CASE # 19-045 – 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 19-045. (Kellner; second by Conley) Unanimous.**

Executive session entered at 10:56 A.M.

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

Executive session ended at 11:49 A.M.

**Summary:** Maine EMS initiated a complaint against a licensed Paramedic alleging that the licensee had failed to act when they inappropriately identified a patient as having a Do Not Resuscitate order when the patient was a full code and went into cardiac arrest.

**MOTION:**

*The committee made a motion to offer the licensee a consent agreement citing a violation of Maine EMS Rules Chapter 11 §1(14) violation of any standard established in the profession. The committee the licensee failed to obtain an adequate patient history. The conditions of the consent agreement will include a requirement that the licensee take and pass a:*

- *Full ACLS class,*
- *a documentation course as approved by Maine EMS,*
- *an Advanced Medical Life Support class,*
- *have all his ALS level runs reviewed by a QI reviewer approved by Maine EMS for 12 months from the date of the execution of this consent agreement*
- *be required to have another paramedic present on all ALS calls until the courses are complete.*
  - *All classes must be completed within six months of the execution of this consent agreement.*
  - *All costs of the above requirements must be borne by the licensee*

*The committee noted the mitigating circumstances included that the provider was cooperative, remorseful, and voluntarily disclosed this incident.*

*(Kellner; second by Chicoine) Unanimous.*

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 19-045 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### **6. CASE # 19-049 – 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 19-049. (Kellner; second by Downing) Unanimous.**

Executive session entered at 12:31 P.M.

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

Executive session ended at 1:04 P.M.

**Summary:** Maine EMS initiated a complaint against a licensed transporting service alleging that the service acted inappropriately in handling a patient care transfer that resulted in a provider error, and that the service did not have a quality assurance plan.

**MOTION:**

*A motion was made to offer the licensee a Letter of Guidance to reinforce the importance of maintaining a quality assurance plan to remain on file for four years. (Kellner; second by Downing) Unanimous.*

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 19-049 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**7. CASE # 19-050 – Applicant present**

**Informal Review**

**Summary:** On an application for an EMT license, the applicant disclosed a 2007 Disorderly Conduct (Class E) conviction.

**MOTION:**

***A motion was made to issue the license to the applicant and to dismiss the complaint. (Conley; second by Kellner) Unanimous.***

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 19-050 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**8. CASE # 17-024 – Applicant not present, Attorney present  
Joe Kellner recused himself from this case.**

**Case Presentation**

**Summary:** Maine EMS initiated a complaint against a licensee alleging that while attending a party and consuming alcohol, the licensee had done one or more of the following after another attendee fell on the floor:

- i. Identified himself as working for the local ambulance service
- ii. Identified himself as an EMT
- iii. Offered to take care of the individual and watch her for signs of concussion

Instead of following up on her care, the licensee took this individual to his apartment and engaged in sexual relations.

The licensee's Advanced EMT license expired as of December 31, 2018, and the licensee has indicated that he does not want to renew his EMS license.

**MOTION:**

***A motion was made to dismiss the complaint. (Conley; second by Chicoine) Conley and Chicoine for, Beals, Gerrish and Downing Opposed, Motion failed.***

***Motion was made to offer the licensee a consent agreement for censure citing a violation of Maine EMS Rules Chapter 11 §1(14) Violation of any standard established in the profession. The committee noted that there was a violation of the public trust, and the licensee failed to***

*follow up on patient care (Gerrish; Second by Downing) Beals, Gerrish and Downing For, Conley & Chicoine opposed.*

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 17-024 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**9. CASE # 18-028 – Licensee not present.  
Tim Beals recused Himself from this case.**

**Case Presentation**

**Summary:** Maine EMS initiated a complaint against a licensed Paramedic alleging that the licensee had on several instances sexually harassed co-workers. New information has been presented to Maine EMS indicating pending criminal charges for this licensee for Class D assault and unlawful sexual touching.

**MOTION:**

***A motion was made to offer the licensee an interim consent agreement to include a condition that will not allow the licensee to provide patient care until the completion of the criminal case. (Motion by Kellner, Second by Conley) Unanimous***

Unless otherwise directed by the Board, the Committee will consider this case following completion of the applicant's criminal case.