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GOVERNOR

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



MICHAEL SAUSCHUCK
COMMISSIONER

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DIRECTOR

INVESTIGATIONS COMMITTEE MEETING

THURSDAY AUGUST 27, 2020, 09:00-12:30

CHAMPLAIN ROOM, AUGUSTA

ZOOM: <https://zoom.us/j/2076263862>

MINUTES

Call to Order 09:02

Members Present: Tim Beals, Joe Conley, Joe Kellner, Judy Gerrish, Amy Drinkwater

Staff: Melissa Adams, Griffin Bourassa, Sam Hurley

Office of Attorney General: Katie Johnson

“The mission of Maine EMS is to promote and provide for a comprehensive and effective Emergency Medical Services system to ensure optimum patient care with standards for all providers. All members of this board/committee should strive to promote the core values of excellence, support, collaboration, and integrity. In serving on this Board/Committee, we commit to serve the respective providers, communities, and residents of the jurisdictions that we represent.”

Membership: Brad Chicoine resigned his position on the Investigations Committee on August 5, 2020. Committee Chairman Beals nominated Amy Drinkwater to this vacant position, recognizing her Municipal representation. Amy Drinkwater was subsequently appointed to the Investigations Committee by EMS Board Chairman Kellner on August 26, 2020.

1. Informal Review (09:00) – Case 20-113; Robert Morris present

MOTION: To enter executive session pursuant to 32 M.R.S. § 90-A(3) and 1 M.R.S. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 20-113. (Kellner, second by Conley)

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

Roll call vote:

Beals – yes

Conley – yes

Gerrish – yes

Kellner – yes

Drinkwater - absent

Executive session entered at 09:12

MOTION: To exit executive session. (Kellner, Conley)

Roll call vote:

Beals – yes

Conley – yes

Gerrish – yes

Kellner – yes

Drinkwater - absent

Executive session ended at 09:25

Summary 20-113: Applicant with criminal conviction for OUI in 2019.

MOTION: The committee made a motion to issue the applicant's license with a letter of guidance, citing the importance of conduct becoming of an EMS clinician. The letter of guidance will remain on file for two licensing cycles. (Kellner, second by Conley)

Roll call vote:

Beals – yes

Conley - yes

Gerrish – yes

Conley – yes

Drinkwater - absent

2. Informal Conference (09:20) – Case 20-114; Licensee Absent

Summary 20-114: Licensee alleged to have lied on the licensing application, denying action taken against their EMS license in another jurisdiction. Review of the investigations and actions taken against the clinician's license in IN for performing invasive skills beyond their current scope of practice, and MA for impersonating an EMT and altering patient care reports.

MOTION: The Committee made a motion to resolve the case by offering a consent agreement revoking the license, citing violations of Maine EMS Rules Chapter 11 §1.1., Chapter 11 §1.5, and Chapter 11 §1.14. As well as seeking an emergency suspension by the Board. (Kellner, second by Gerrish)

Roll call vote:

Beals - yes

Gerrish - yes

Kellner - yes

Conley - yes

Drinkwater - absent

3. Informal Review (10:08) – Case 20-120; Jacob Kaplan present

Summary 20-120: Applicant allegedly posted a racially charged rant on social media with threats of doing harm to patients.

MOTION: The Committee made a motion to issue a preliminary denial on the grounds of Maine EMS Rules Chapter 11 §1.5 and §1.14. (Kellner, second by Gerrish)

Roll call vote:

Beals – yes

Conley – no

Drinkwater – yes

Gerrish – yes

Kellner - yes

4. Informal Review (10:34) – Case 20-117; Nathan Phillips not present

Summary 20-117: Applicant disclosed a 2013 criminal conviction for misdemeanor indecent exposure stemming from an incident with a coworker while on duty in the relevant profession. Review of disciplinary action taken against the applicant’s license related to this incident in TX, and in NH for non-disclosure of this incident during the licensing process.

MOTION: The Committee made a motion to issue a preliminary denial on the grounds of Maine EMS Rules Chapter 11 §1.4 and §1.5, without evidence of sufficient rehabilitation to warrant the public trust. (Beals, second by Drinkwater)

Roll call vote:

Beals – yes

Conley – yes

Drinkwater – yes

Gerrish – yes

Kellner – yes

5. Informal Conference (11:15) – 20-116; Licensee present

MOTION: To enter executive session pursuant to 32 M.R.S. § 90-A(3) and 1 M.R.S. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 20-116. (Kellner, second by Gerrish)

Roll call vote:

Beals – yes

Conley – yes

Drinkwater – yes

Gerrish – yes

Kellner – yes

Executive session entered at 11:22

MOTION: To exit executive session.

Roll call vote:

Beals – yes

Gerrish - yes

Conley – yes

Drinkwater – yes

Kellner – yes

Executive session ended at 12:16

Summary 20-116: Licensee allegedly failed to care for and treat a patient.

MOTION: The Committee made a motion to resolve this case by offering a consent agreement issuing the licensee a reprimand; citing violations of Maine EMS Rules Chapter 11 §1.14, §1.21, §1.22.a., §1.22.b, §1.37; requiring the licensee to complete an approved educational course on documentation with three (3) months and submit a certificate to the EMS Office; requiring the licensee to prepare and instruct a CEH program for personnel at her service, approved by the Maine EMS Education Coordinator, developed within three (3) months, and delivered within six (6) months; and requiring a 100% QA/QI review of all the licensee's PCRs for a period of one year, conducted by a qualified individual not related to a service where the licensee is

employed. The reviewer must be approved by Maine EMS staff, and the reviewer will report to the EMS Office monthly and provide a final summary at the end of the one year review period. All associated costs will be the burden of the licensee. (Kellner, second by Drinkwater)

Roll call vote:

Beals – yes

Conley – yes

Drinkwater – yes

Gerrish – yes

Kellner – yes

Criminal History Delegation Matrices Review

MOTION: The Committee made a motion to present the new criminal conviction delegation matrix to the Board for approval. (Beals, Gerrish)

Roll call vote:

Beals – yes

Conley- yes

Drinkwater – yes

Gerrish – yes

Kellner – yes

Next meeting will be September 24, 2020, 09:00

MOTION: To adjourn. (Kellner, second by Conley)

Roll call vote:

Beals – yes

Conley – yes

Drinkwater – yes

Gerrish – yes

Kellner – yes

Adjourned at 12:19