



JANET T. MILLS
GOVERNOR

MICHAEL SAUSCHUCK
COMMISSIONER

J. SAM HURLEY
DIRECTOR

INVESTIGATIONS COMMITTEE MEETING
THURSDAY SEPTEMBER 24, 2020, 09:00-12:30
GAMBLING CONTROL BOARD ROOM, AUGUSTA
ZOOM: <https://maine-ems-gov.zoom.us/j/91542570561>

MINUTES

Call to Order 09:08

Members Present: Tim Beals, Joe Conley, Joe Kellner, Amy Drinkwater, Laura Downing

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.”

- 1. Informal Review (09:00) – Case 20-128; 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 20-128. (Kellner, second by Conley)

Roll call vote:

Beals – yes

Conley – yes

Downing – yes

Kellner – yes

Drinkwater - yes

● **Excellence** ● **Support** ● **Collaboration** ● **Integrity** ●

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

Executive session entered at 09:12

MOTION: To exit executive session. (Kellner, second by Downing)

Roll call vote:

Beals – yes

Conley – yes

Downing – yes

Kellner – yes

Drinkwater - yes

Executive session ended at 09:26

Summary 20-128: Licensee with criminal conviction for OUI in 2019.

MOTION: The committee made a motion to resolve the case with a letter of guidance citing the importance of compliance with 32 M.R.S. § 90-C (1)B and professional conduct. The letter is to be kept on file for a period of six (6) years. (Kellner, second by Conley)

Roll call vote:

Beals – yes

Conley - yes

Gerrish – yes

Conley – yes

Drinkwater - yes

2. Informal Conference (09:30) – Case 20-118; 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 20-118. (Kellner, second by Drinkwater)

Roll call vote:

Beals – yes

Conley – yes

Downing – yes

Kellner – yes

Drinkwater - yes

Executive session entered at 09:38

MOTION: To exit executive session. (Downing, second by Conley)

Roll call vote:

Beals – yes

Conley – yes

Downing – yes

Kellner – yes

Drinkwater - yes

Executive session ended at 10:30

Summary 20-118: A patient complaint that the licensee failed to treat a patient after being requested by a BLS unit. The licensee then allegedly abandoned the patient.

MOTION: The Committee made a motion to resolve this case by offering a consent agreement with a warning; citing violations of Maine EMS Rules Chapter 11 §1(14); 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 quarterly. All associated costs will be the burden of the licensee. (Kellner, second by Drinkwater)

Roll call vote:

Beals - yes

Downing - yes

Kellner - yes

Conley - yes

Drinkwater - yes

3. Informal Conference (10:50) – Case 20-124; Licensee not present

Summary 20-124: A patient complaint that the licensee allegedly was incompetent is carrying out his duties as an EMT. The inadequate patient care and delay in obtaining definitive care/ALS backup is in question.

MOTION: The Committee made a motion to table this case to allow the Investigator to contact the Licensee for attendance at the October meeting. (Kellner, second by Beals)

Roll call vote:

Beals - yes

Downing - yes

Kellner - yes

Conley - no

Drinkwater – yes

4. Informal Conference (11:00) – Case 20-125; Licensed Service Representatives and Legal Counsel 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 20-125. (Kellner, second by Conley)

Roll call vote:

Beals – yes

Conley – yes

Downing – yes

Kellner – yes

Drinkwater - yes

Executive session entered at 11:09

MOTION: To exit executive session. (Kellner, second by Beals)

Roll call vote:

Beals – yes

Conley – yes

Downing – yes

Kellner – yes

Drinkwater – left the meeting

Executive session ended at 11:48

Summary 20-125: A patient complaint that the licensed service does not have the necessary pediatric medical equipment. The decision-making ability, standards of conduct, and transport policy at this department are also in question.

MOTION: The Committee made a motion to table this case to allow the Service to provide the following documents for review at the October meeting:

- ***QI plan – outlining who will be responsible for reviews, what calls will be reviewed, etc.***
- ***Training plan – mandatory training for the involved personnel, at a minimum, specific to the issues cited.***
- ***Transfer of care policy – outlining how the service expects clinicians to transfer patients between levels of care, specifically downgrading care.***
- ***Mutual aid policies – outlining when and how clinicians are expected to request mutual aid, and factors for determining the most appropriate resource to request.***

- *Inspection policy – clearly defining roles and responsibilities of all staff.*
(Kellner, second by Downing)

Roll call vote:

Beals - yes

Downing - yes

Kellner - yes

Conley - yes

Drinkwater – left the meeting

5. Informal Review (11:50) – Case 20-129; Michael O’Brien present

Summary 20-129: Applicant with conviction for three (3) counts of manslaughter (class A, 2002) released from the criminal justice system in 2014.

MOTION: *The Committee made a motion to issue the applicant’s license, finding that the applicant has been sufficiently rehabilitated to warrant the public’s trust. (Conley, second by Downing)*

Roll call vote:

Beals – recused, left the meeting

Downing - yes

Kellner - yes

Conley - yes

Drinkwater – left the meeting

We did not review the patient care violations, QA participation violations, and unlicensed practice violations. These will be addressed at the October meeting.

Next meeting will be October 22, 2020, 09:00

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

Roll call vote:

Conley – yes

Downing – yes

Kellner – yes

Adjourned at 12:18