



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

J. SAM HURLEY
 DIRECTOR

INVESTIGATIONS COMMITTEE MEETING

TUESDAY NOVEMBER 24, 2020, 09:00-16:00

ZOOM: <https://maine-ems-gov.zoom.us/j/91542570561>

MINUTES

Call to Order at 09:11

Members Present: Joe Kellner, Judy Gerrish, Amy Drinkwater, Laura Downing, Joe Conley

Staff: Melissa Adams, Griffin Bourassa

Office of Attorney General: Ron Guay

“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 Conference (9:00) – Case 20-126, Licensee present

Summary 20-126: Complaint received from a Service regarding a provider with unresolved QI deficiencies in documentation and patient care.

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 20-126. (Gerrish, second by Drinkwater)*

Roll call vote:

Gerrish - yes

Downing – yes

Drinkwater - yes

Kellner – yes

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PHONE: (207) 626-3860

TTY: (207) 287-3659

FAX: (207) 287-6251

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

Executive session entered at 09:15

Note: Joe Conley entered the meeting during this executive session but did not vote on the case because of the delayed attendance.

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

Roll call vote:

Gerrish - yes

Downing – yes

Drinkwater – yes

Kellner – yes

Executive session ended at 9:57

MOTION: The Committee made a motion to resolve this case by issuing a letter of guidance; citing the importance of standards of care and familiarity with the EMT scope of practice; recommending an EMT mentorship with initial second party documentation review on all calls for 6 months and that the service do a protocol review within 6 months; to be kept on file for two (2) years. (Drinkwater, second by Gerrish)

Roll call vote:

Gerrish - yes

Downing - yes

Kellner - yes

Drinkwater – yes

Conley - Abstained

2. Informal Conference (09:45) – Case 20-124; Licensee present

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

On September 24, 2020 the Committee made a motion to table this case to allow the Licensing Agent additional time to make contact with the licensee. Since this meeting all mail has been returned as undeliverable despite verifying the address for the licensee with the postal service.

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 20-124. (Gerrish, second by Downing)

Roll call vote:

Conley - yes

Gerrish - yes
Downing – yes
Kellner – yes
Drinkwater - yes

Executive session entered at 10:00

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

Roll call vote:

Gerrish - yes
Downing – yes
Kellner – yes
Drinkwater – yes
Conley - yes

Executive session ended at 10:48

MOTION: The committee made a motion to resolve this case by offering a consent agreement with a warning; citing violation of Maine EMS Rules Chapter 11 §1(14) for not utilizing ALS, leaving a patient alone, and encouraging a patient sign-off; requiring completion of a PEARS course within six (6) months, QA review of the provider’s next seventy-five (75) patient care reports by a third party approved by the Maine EMS Office, the QA reviewer will report to the Maine EMS office quarterly until complete; the licensee is responsible for all associated costs. (Kellner, second by Gerrish)

Roll call vote:

Conley – yes
Downing - yes
Kellner – yes
Drinkwater – yes
Gerrish - yes

3. Informal Conference (10:30) – Case 20-141; Licensee not present

Summary 20-141: A healthcare provider complaint that the licensee has refused to wear a mask while engaging in patient care. It is reported this occurred multiple times.

Kellner recused himself from this case and was placed in the waiting room of the virtual meeting.

MOTION: The Committee made a motion to resolve this case by offering a consent agreement with a reprimand; citing violation of Maine EMS Rules Chapter 11 §1(5), Chapter 11 §(14), and Chapter 11 §(21); to pay a \$50 fine for each documented masking infraction, for a total of \$100, to be paid within sixty (60) days. (Conley, second by Downing)

Roll call vote:

Conley - yes

Downing - yes

Drinkwater – yes

Gerrish - yes

4. Informal Conference (11:30) – Case 20-133; Licensee Present

Note: Drinkwater had to leave the meeting prior to the start of this case.

Summary 20-133: In a renewal application, the licensee disclosed a new criminal conviction for reckless conduct, a class D misdemeanor, resulting from a 2018 motor vehicle crash where the licensee was also charged with OUI.

Bourassa recused himself and was placed in the waiting room of the virtual meeting.

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 20-133. (Gerrish, second by Downing)

Roll call vote:

Conley - yes

Downing – yes

Kellner – yes

Gerrish - yes

Executive session entered at 11:35

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

Roll call vote:

Gerrish – yes

Downing – yes

Kellner – yes

Conley - yes

Executive session ended at 11:49

MOTION: The Committee made a motion to dismiss the case, finding that the licensee has been rehabilitated to warrant the public's trust. (Downing, second by Kellner)

Roll call vote:

Conley - yes

Downing - yes

Kellner - yes

Gerrish – yes

5. Informal Conference (12:30) – Case 20-138, Licensee not present

Summary 20-138: A healthcare provider complaint that the licensee “smacked” a patient. Upon investigation it was also learned the licensee may be refusing to wear a mask while representing the EMS service. It was also reported the licensee may have exhibited a history of poor clinical decision making.

MOTION: The Committee made a motion to table this case to allow the Licensing Agent to encourage the Licensee to participate in a rescheduled conference. (Gerrish, second by Conley)

Roll call vote:

Conley - yes

Downing - yes

Kellner - yes

Gerrish – yes

6. Informal Review (1:15) – Case 20-144, Applicant present

Note: Drinkwater rejoined the meeting.

Summary 20-144: On a new application for a paramedic license, Richard Souza disclosed an open patient care complaint with the Massachusetts Office of EMS (OEMS) regarding length of transport time and method of obtaining vital signs. Mr. Souza has been tasked with completing a continuing education course to resolve the MA OEMS complaint without discipline.

MOTION: The Committee made a motion to issue the license pending receipt of the documented remediation requirements from MA OEMS. (Gerrish, second by Drinkwater)

Roll call vote:

Conley - yes

Downing - yes

Kellner - yes

Drinkwater – yes

Gerrish – yes

7. Informal Conference (1:30) – Case 20-137, Licensee not present

Summary 20-137: This licensee is being reviewed for non-compliance with a previously agreed upon consent agreement. The licensee has already agreed to surrender his license as he no longer works in EMS.

MOTION: The Committee made a motion to resolve this case by offering the licensee a consent agreement to surrender their license. (Gerrish, second by Conley)

Roll call vote:

Conley - yes

Downing - yes

Kellner - yes

Drinkwater – yes

Gerrish – yes

8. Informal Review (2:45) – Case 20-143

Summary 20-143: This individual is applying for a “new” EMT license in Maine. He has previously held an EMT license that expired in 2019. On his new application the applicant self-reported a Class E conviction of disorderly conduct, fighting, that occurred in 2018.

MOTION: The Committee made a motion to issue the applicant’s license with a letter of guidance; citing the importance of professional conduct and reminding the applicant of their responsibility to report criminal convictions within ten (10) days pursuant to 32 M.R.S. 90-C; the letter is to be kept on file for five (5) years. (Conley, second by Downing)

Roll call vote:

Conley - yes

Downing - yes

Kellner - yes

Drinkwater – yes

Gerrish – yes

9. Informal Review (3:30) – Case 20-134, Applicant not present

Summary 20-134: Jessica Chartier, a previously licensed EMT, submitted a New Provider application, but failed to disclose a criminal conviction for negotiating a worthless instrument, a class D crime, from 2018. Ms. Chartier met with the Committee on October 22, 2020 and the case was tabled to allow her to acquire and submit letters of support for her application.

MOTION: The Committee made a motion to resolve this case by issuing the applicant's license with a letter of guidance, citing the importance of professional conduct and reminding the applicant of their responsibility to report criminal convictions within ten (10) days pursuant to 32 M.R.S. 90-C, the letter is to be kept on file for five (5) years. (Gerrish, seconded by Conley)

Roll call vote:

Conley - yes

Downing - yes

Kellner - yes

Drinkwater – yes

Gerrish – yes

Discussion of MEMS Rules Chapter 12 §1. 2(E) Resolution of Complaints without Discipline:

1. LOG – Approved Delegation Orders
2. Referral to Regional Medical Director for resolution: non-specific complaints at a service level may be referred to Medical Direction for review. If a formal complaint is received, or a specific provider/incident complaint is received it will be reviewed by the Committee.
3. Dismiss unfounded complaints or those not found to be a violation of Maine EMS rules or protocol: Committee agree that staff can determine these cases and dismiss without Committee and Board review when applicable. All cases will be docketed and summarized.
4. Dismiss with warning (based on criteria): This has been stricken from the revised rules proposal.

Discussion of MEMS Rules Chapter 12 §1.3(A) Informal Conferences:

The Licensee should be requested to participate in an informal conference when a complaint seems to warrant further action and circumstances and/or remediation/rehabilitation are in question. A pre-conference with the Committee may be requested by the AAG to discuss a case prior to an informal conference.

Next meeting will be Wednesday, December 23, 2020 at 9:00

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

Adjourned at 15:32