



JANET T. MILLS
GOVERNOR

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



MICHAEL SAUSCHUCK
COMMISSIONER

J. SAM HURLEY
DIRECTOR

INVESTIGATIONS COMMITTEE MEETING

THURSDAY MARCH 25, 2021 09:00-12:00

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

MINUTES

Call to Order at 08:59

Members Present: Tim Beals, 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.”

Case Reviews

1. Informal Conference (09:12) – Case 20-153

Summary 20-153: An EMD Center allowed the unlicensed practice of emergency medical dispatch and has failed to meet quality assurance requirements exceeding a period of one year.

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 20-153. (Kellner, second by Conley)

Gerrish - yes

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Downing – yes
Drinkwater – yes
Conley – yes
Kellner – yes
Beals - yes

Executive Session entered at: 09:13

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

Roll call vote:

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

Executive Session ended at: 09:47

MOTION: The Committee recommends resolving this case by offering a consent agreement with a censure; citing violation of Maine EMS Rule Chapter 3-A §6(1) and §4(1)(B)(4), and 32 M.R.S. §85-A (3)(D); requiring that the center add a means for ensuring that they are only using licensed EMDs for processing emergency medical calls; recognizing mitigating circumstances that the organization has taken steps to outsource QA reviews and has drafted a proper QA/QI policy; and recognizing aggravating circumstances that the organization failed to notify the Maine EMS office or seek a waiver knowing that they were deficient in quality assurance. (Kellner, second by Gerrish)

Roll call vote:

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

2. Informal Review (09:51) – Case 21-165

Summary 21-165: A new applicant for an EMT license disclosed a history of criminal convictions for OUI in 2013 and criminal trespass in 2015.

MOTION: To enter executive session pursuant to 32 M.R.S. § 90-A(3) and 1 M.R.S. § 405(6)(E) & (F) to discuss confidential medical information concerning case number 21-165. (Kellner, second by Gerrish)

Roll call vote:

Gerrish - yes

Downing – yes

Drinkwater - yes

Conley – yes

Kellner – yes

Beals - yes

Executive session entered at 10:04

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

Roll call vote:

Gerrish - yes

Downing – yes

Drinkwater – yes

Conley – yes

Kellner – yes

Beals - yes

Executive session exited at 10:11

MOTION: The Committee recommends issuing the EMT license; finding the applicant has been sufficiently rehabilitated to warrant the public trust. (Kellner, seconded by Drinkwater)

Roll call vote:

Gerrish – yes

Downing – yes

Drinkwater – yes

Conley – yes

Beals – yes

Kellner – yes

Old Business - None

New Business – Discussion of an Administrative Voluntary Suspension Procedures

The purpose of the procedure would be to divert cases where, a licensee has self-identified a concern pertaining to a condition, to seek evaluation and treatment (as

needed) without a formal intrusive investigation which otherwise would be required to protect the public. The purpose of discussing this procedure is to disclose prosecutorial discretion intended to be applied by staff, as well as inform the Board of an upcoming request for delegated authority to staff when the licensee voluntarily discloses a potential condition that could disqualify them.

A form of an administrative non-disciplinary consent agreement, which does not require the finding of a violation, which would be non-reportable as far as discipline, but would become a matter of public record will be developed for review and approval by the Board.

Pending adoption of this form of consent agreement, staff, when aware of conditions that could result in disqualification if untreated, will forego an investigation of the condition provided that the licensee provides assurance that they will seek treatment for the condition, refrain from practice unless cleared by the treating provider, and maintain all certification and/or continuing education requirements for licensure. If the licensee seeks evaluation (and when indicated, treatment) and subsequently provides a professional opinion of their fitness for duty, the inquiry into the condition will be administratively dropped.

These procedures will not provide a licensee with a vehicle to avoid discipline pertaining to conduct that is otherwise subject to discipline while they have a condition. The procedure distinguishes between conduct and conditions, with conduct remaining subject to discipline even if the Licensee seeks treatment for a condition that may have contributed to the conduct in violation of EMS regulations (although treatment for a condition could be considered a mitigating factor).

A delegation order will be drafted by AAG Guay and reviewed at the Board meeting on April 7, 2021. No action was taken on this matter in committee.

Next meeting will be Thursday, April 22, 2021 at 9:00

MOTION: To adjourn. (Conley, seconded by Downing)

Adjourned at 11:21