



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

Monday November 1, 2021 09:00-14:30

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

### MINUTES

Call to Order at 09:06

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

Members Absent: Laura Downing (excused)

Staff: Melissa Adams, Griffin Bourassa

Office of Attorney General (OAG): 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.”

***MOTION to accept the minutes of the September 23, 2021 meeting of the Investigations Committee as presented. (Kellner; seconded by Gerrish; passed unanimous of those present)***

#### Case Reviews

1. Informal Conference (09:05) – Case 21-168; Licensee Present.  
Beals and Drinkwater recused themselves.

**Summary 21-168:** A licensee allegedly responded to a request for service and provided care while intoxicated. This case was tabled at the September 23, 2021 meeting to allow staff to work with the licensee to voluntarily seek an evaluation for substance abuse disorder and participate in an informal conference.

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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

***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 21-168. (Gerrish, second by Conley; passed)***

***Roll call vote:***

***Gerrish - yes***

***Conley – yes***

***Kellner – yes***

***Drinkwater – recused***

***Beals - recused***

Entered executive session at 09:15

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

***Roll call vote:***

***Gerrish - yes***

***Conley – yes***

***Kellner – yes***

***Drinkwater – recused***

***Beals - recused***

Executive Session ended at: 09:49

***MOTION: The Committee recommends resolving case 21-168 by issuing a letter of guidance citing Maine EMS Rules chapter 11 §1 (7) “Responding to the scene of a call while under the influence of drugs or alcohol, whether or not the use of such substances is habitual”, encouraging the use of support systems and being conscientious about responding to calls following any use of alcohol or other intoxicating substances. This will remain on file for four (4) years. (Gerrish, seconded by Conley; passed)***

***Roll call vote:***

***Gerrish – yes***

***Conley – yes***

***Kellner - yes***

***Drinkwater – abstain***

***Beals – abstain***

2. Informal Review (Melissa) – Case 21-182

**Summary 21-182:** A patient complaint that a licensed service failed to take any improvement measures when notified that a crew dropped the patient.

***MOTION: The Committee recommends dismissal of case 21-182. (Gerrish, seconded by Conley; passed)***

*Roll call vote:*

*Gerrish – yes*

*Conley – yes*

*Kellner - yes*

*Drinkwater – yes*

*Beals – yes*

3. Informal Review (Melissa) – Case 21-193

**Summary 21-193:** A licensee allegedly abandoned a patient and failed to complete a patient care report.

***MOTION:*** *The Committee recommends resolving case 21-193 by issuing a letter of guidance citing Maine EMS Rules chapter 11 §1 (14) “Violation of any standard established in the profession” for not documenting a patient refusal and Chapter 5 §4. Requiring the licensee who provided primary patient care to enter an electronic patient care report within 24 hours. This will remain on file through April 30, 2025. (Conley, seconded by Drinkwater; passed)*

*Roll call vote:*

*Gerrish – yes*

*Conley – yes*

*Kellner - yes*

*Drinkwater – yes*

*Beals – yes*

4. Informal Review (Griffin) – Case 21-184

**Summary 21-184:** A licensed service failed to maintain required equipment and medications.

***MOTION:*** *The Committee recommends resolving case 21-184 by offering a consent agreement citing violation of Maine EMS Rules chapter 3 §14 (1) for a probationary period of six (6) months with terms that include a \$2,500 fine for each failed inspection, for a total of \$5,000; a requirement for 100% QA/QI review of each request for service to ensure an ePCR is entered, documentation is appropriate, and adequate care is provided; QA/QI must be contracted with a third party pre-approved by the EMS Office; requiring a comprehensive review of service operations by a third party with experience in such reviews; the reviewer must be pre-approved by the EMS Office; a detailed plan of how the service will address any deficiencies and/or make suggested improvements noted in the operations review; the service’s license renewal may be issued upon successful completion of all terms of probation. (Beals, seconded by Kellner; passed)*

*Roll call vote:*

*Gerrish – yes*

*Conley – yes*

*Kellner - yes*

*Drinkwater – yes*

*Beals – yes*

12:05 - 12:10 Recess. Drinkwater left the meeting.

Discussed during the review of case 21-187:

***MOTION to add the violation of Maine EMS Rules chapter 11 §1 (23) to docket 21-184. (Beals, second by Gerrish; passed)***

***Roll call vote:***

***Gerrish – yes***

***Conley – yes***

***Kellner - yes***

***Beals – yes***

5. Informal Review (Griffin) – Case 21-187

**Summary 21-187:** A licensee has demonstrated incompetent practice in failing to acknowledge contaminated equipment generally used for an invasive procedure and made inaccurate statements regarding their response to calls for service.

***MOTION: The Committee recommends resolving case 21-187 by issuing a letter of guidance encouraging the licensee to either downgrade their licensee to a level in which they feel comfortable providing care on all calls or to seek training to improve skills to a point in which they feel comfortable responding to all calls at their current license level; and to be mindful of providing accurate statements. This will remain on file for a period of two licensing cycles. (Conley, seconded by Kellner; passed)***

***Roll call vote:***

***Gerrish – yes***

***Conley – yes***

***Kellner - yes***

***Beals – yes***

6. Informal Review (Griffin) – Case 21-169

**Summary 21-169:** A licensee allegedly assaulted a patient. This case was continued at the August meeting to allow staff to obtain records from the fire department regarding any investigation or actions taken regarding this incident with the licensee including the use of a subpoena, if necessary.

***MOTION: The Committee recommends dismissing case 21-169. (Beals, seconded by Conley; failed)***

***Roll call vote:***

***Gerrish – no***

***Conley – yes***

***Kellner - no***

***Beals – yes***

***MOTION to table case 21-169 to allow for staff to acquire additional information. (Kellner, seconded by Gerrish; passed)***

***Gerrish – yes***

***Conley – yes***

***Kellner - yes***

***Beals – yes***

7. Informal Review (Griffin) – Case 21-202

**Summary 21-202:** Non-compliance with a consent agreement from case 20-124.

***MOTION: The Committee recommends setting a firm deadline (such as November 30, 2021) for the licensee to come into compliance with the terms of the consent agreement requiring the licensee to identify a third party QA reviewer and have the reviewer pre-approved by the Maine EMS Office; and, if the licensee does not comply, then the staff is authorized to issue a preliminary license denial on the licensee's renewal. (Beals, seconded by Gerrish; passed)***

***Roll call vote:***

***Gerrish – yes***

***Conley – yes***

***Kellner - yes***

***Beals – yes***

8. Informal Review (Melissa) – Case 21-195

**Summary 21-195:** A licensed EMD service allowed an employee to perform EMD services without an active license.

***MOTION: To table case 21-195 to allow staff to gather more information. (Beals, seconded by Gerrish; no one opposed)***

9. Material Consideration (Melissa) – No Docket

**Summary:** A licensee may have shared protected health information on social media.

***Following a review of the evidence the present members unanimously agreed that the content was not protected health information.***

## Application Reviews

1. Amanda Fielder

**Summary:** EMT new provider application disclosing a criminal conviction for three counts of theft by receiving stolen property in 2007; two of these are class D and one is a class B offense.

***MOTION: The Committee recommends issuing the applicant a license, finding they have been sufficiently rehabilitated to warrant the public's trust. (Kellner, seconded by Gerrish)***

***Roll call vote:***

***Gerrish – yes***

***Conley – yes***

***Kellner - yes***

***Beals – yes***

2. Giovanni Nappi

Summary: EMT new provider application disclosing a criminal conviction for assault, a class D offense, in 2013.

***MOTION: The Committee recommends issuing the applicant a license, finding they have been sufficiently rehabilitated to warrant the public's trust. (Kellner, seconded by Gerrish)***

***Roll call vote:***

***Gerrish – yes***

***Conley – yes***

***Kellner - yes***

***Beals – yes***

Old Business - None

New Business - None

Next meeting: Reschedule for November 15, 2021 due to the Thanksgiving Holiday.

Adjourned at 14:27