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GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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COMMISSIONER

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DIRECTOR

INVESTIGATIONS COMMITTEE MEETING

Friday, January 28, 2022 09:00-11:00

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

MINUTES

Called to Order at 09:00

Members Present: Joe Kellner, Amy Drinkwater, Judy Gerrish, Laura Downing, Andrew Turcotte, Tim Beals

Absent: Dr. Brandon Giberson (excused)

Note: Andrew Turcotte and Dr. Brandon Giberson were appointed to the Investigations Sub-Committee by Maine EMS Board Chairperson, Brent Libby, at the regular meeting of the Maine EMS Board on January 5, 2022.

Staff: Melissa Adams

Office of Attorney General (OAG): Ron Guay

Public: Earle Albert, Amy Babb, Sara Alkhaled, Matthew Farrington, Tom Malcolm

“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 (Melissa) – Case 21-169; Licensee is Present
Summary 21-169: A licensee allegedly assaulted a patient. This case was continued at the August 26, 2021 meeting to allow staff to obtain records from the fire department regarding any investigation or actions taken regarding the incident with the licensee including the use of a subpoena, if necessary. The case was continued again at the November 1, 2021 meeting to allow for staff to acquire additional information.

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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 discuss confidential details in case number 21-169. (Gerrish, second by Drinkwater; passed)

Roll call vote:

Gerrish - yes

Kellner – yes

Drinkwater – yes

Downing – yes

Turcotte - yes

Entered executive session at 09:05

Tim Beals joined the meeting during the executive session.

MOTION: To exit executive session. (Beals, second by Turcotte; passed)

Roll call vote:

Gerrish - yes

Kellner – yes

Drinkwater – yes

Beals – yes

Downing - yes

Turcotte - yes

Executive Session ended at: 09:26

MOTION: The Committee recommends dismissing this case. (Beals, seconded by Drinkwater; passed)

Roll call vote:

Gerrish – yes

Kellner - yes

Drinkwater – yes

Beals – yes

Turcotte – yes

Downing - yes

2. Informal Review (Melissa) – Case 21-183

Summary 21-183: The licensee allegedly initiated a sexual relationship with a junior member of a licensed EMS agency. This case was continued at the December 23, 2021 meeting for further investigation.

MOTION: The committee recommends resolving this case by offering a consent agreement with a warning for violation of 32 M.R.S. §90-A(5)(F) “any reasonable standard of professional behavior, conduct or practice that has been established in the practice for which the licensee is licensed”; a period of probation, during which time the Licensee may not work for a Maine EMS licensed agency with an approved Junior

Program, effective for eight (8) years from the execution date of this agreement; counseling as recommended by the Licensee's established clinician, until such time as the Licensee is successfully discharged by the clinician; and a fine in the amount of \$500, to be paid in full within 90-days of execution of the consent agreement. (Kellner, second by Drinkwater; passed)

Roll call vote:

Gerrish – was present during the case review but absent (due to a technical issue) for the vote

Kellner - yes

Drinkwater – yes

Beals – yes

Downing – yes

Turcotte – yes

3. Informal Review (Melissa) – Case 21-207

Summary 21-207: A licensee was convicted for OUI, a class D crime, for an offense in February 2021.

Judy Gerrish rejoined the meeting and recused herself from this case.

***MOTION:** The committee recommends resolving this case with a letter of guidance citing the importance of conducting oneself based on professional standards, including caring for one's own mental and physical wellbeing, so as to maintain the public's trust; the letter is to remain on file for three (3) years. (Downing, second by Turcotte; passed)*

Roll call vote:

Gerrish – recused

Kellner - yes

Drinkwater – yes

Beals – yes

Downing – yes

Turcotte – yes

Application Reviews

1. Sanborn EMT Application

Summary: Applicant disclosed a criminal conviction for OUI in 2017.

Kellner recused himself from this case.

***MOTION:** The committee recommends issuing the license with a letter of guidance citing the importance of conducting oneself based on professional standards so as to maintain the public's trust; the letter is to remain on file for three (3) years. (Gerrish, second by Downing; passed)*

Roll call vote:

Gerrish – yes

Kellner - recused

Drinkwater – yes

Beals – yes

Downing – yes

Turcotte – yes

2. Corson EMT Application

Summary: Applicant disclosed a criminal conviction for cultivating marijuana in 2012.

MOTION: The committee recommends issuing the license, finding the applicant has been rehabilitated to warrant the public's trust, with a letter of guidance citing their obligation to report criminal history on all future licensing applications and in accordance with 32 M.R.S. §90-C; the letter is to remain on file for three (3) years. (Turcotte, second by Gerrish; passed)

Roll call vote:

Gerrish – yes

Kellner - yes

Drinkwater – yes

Beals – yes

Downing – yes

Turcotte – yes

Old Business

1. Case 21-124: The licensee has an active consent agreement for this case that was executed on August 2, 2021, with terms to be completed by January 29, 2022. On December 22, 2021, the Licensee submitted an application to upgrade to an AEMT license and has met all other conditions to do so. The licensee has taken steps to be compliant with the terms of the open consent agreement but will not meet the established deadline of January 29, 2022.

MOTION: The committee recommends offering a new consent agreement to issue a probationary AEMT license with terms to complete the conditions of the consent agreement resolving case 21-124, taking the place of the previous consent agreement (Beals, seconded by Gerrish; passed).

Roll call vote:

Gerrish – yes

Kellner - yes

Drinkwater – yes

Beals – yes

Downing – yes

Turcotte – yes

New Business – None

Public Comment: Amy Babb thanked the committee for their review and consideration in case 21-183. She states, as the complainant in this case, she was hoping for more punitive action that would take into consideration the Licensee's criminal history. Mrs. Babb offered her time and efforts to work with Maine EMS to take steps to improve the Junior EMS program standards to protect Junior EMTs from potential predatory behavior.

Chairperson Beals requested that a public comment period be added to the regular agenda for this committee going forward.

Next meeting: February 24, 2022

MOTION to adjourn. (Drinkwater, second by Kellner; passed)

Adjourned at 10:58