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STATE OF MAINE  
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## INVESTIGATIONS COMMITTEE MEETING

Thursday, May 26, 2022 09:00-11:30

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

### MINUTES

Called to Order at 09:00

Members Present: Tim Beals, Amy Drinkwater, Laura Downing, Dr. Brandon Giberson, Judy Gerrish, Joe Kellner

Members Absent: Andrew Turcotte

Staff: Melissa Adams, Jason Cooney

Guest(s): David Ireland

Office of the Attorney General: AAG Samantha Morgan

“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.”

#### Investigations

1. Informal Review (Melissa; 09:05) - Tibbetts Application, Applicant Present

**Summary:** The applicant has a conviction for unlawful possession of a scheduled drug, a class E misdemeanor, in 2015. This case was presented in committee on April 22, 2022, where staff was asked to arrange for the applicant to be present for an informal review at the next committee meeting.

Judy Gerrish joined the meeting at 09:06

***MOTION: The committee recommends issuing the license with a letter of guidance citing the importance of professional conduct to remain on file for a period of two license cycles. (Giberson, seconded by Gerrish; passed)***

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

*Roll call vote:*

*Beals - yes*

*Downing – yes*

*Drinkwater - yes*

*Gerrish - yes*

*Giberson – yes*

*Kellner – yes*

2. Informal Conference (09:30; Jason) – Case 22-223, Licensee Present

**Summary 22-223:** The Licensee responsible for patient care did not document an adverse procedure that was performed on a patient.

***MOTION:** To enter executive session pursuant to 1 M.R.S. § 405(6)(E) & (F) to conduct an informal conference concerning case number 22-223. (Kellner, second by Giberson)*

*Roll call vote:*

*Beals - yes*

*Downing – yes*

*Drinkwater - yes*

*Gerrish - yes*

*Giberson – yes*

*Kellner – yes*

Entered executive session at 09:18

Executive Session ended at 09:34

***MOTION:** The committee recommends dismissing case 22-223. (Kellner, seconded by Gerrish; passed)*

*Roll call vote:*

*Beals - yes*

*Downing – yes*

*Drinkwater - yes*

*Gerrish - yes*

*Giberson – yes*

*Kellner – yes*

3. Informal Review (Jason) – Case 22-222

**Summary 22-222:** Licensee performed a procedure outside of their scope of practice on a patient after resuscitation had been terminated, and without the consent of the EMS clinician responsible for patient care.

***MOTION:** The committee recommends resolving case 22-222 by offering a consent agreement citing violation of 32 MRS § 90-A(5)(F), Chapter 11 §1.14., and 32 MRS §*

*90-A(5)(H), Chapter 5 §2 and §3, with terms of voluntary surrender of the AEMT license and issuance of an EMT license with a suspension for 90 days from the date of issuance, during which time the licensee must complete an EMT level refresher course; followed by a probationary period which will be effective until such time as the licensee enters into a written agreement with a quality assurance reviewer authorized by the licensee's affiliated service and the reviewer completes quality assurance review of (25) twenty-five patient care reports for which the licensee is the primary care provider and the licensee makes payment of a \$500 fine. (Giberson, seconded by Drinkwater; passed)*

*Roll call vote:*

*Beals - yes*

*Downing – yes*

*Drinkwater - yes*

*Gerrish - yes*

*Giberson – yes*

*Kellner – yes*

4. Informal Review (Melissa) – Case 22-227

**Summary 22-227:** Licensee received discipline including a deferred suspension and revocation against their EMS license in another state for violations relative to the practice of EMS. The discipline was not reported to Maine EMS within 10-days pursuant to statute.

***MOTION:** The committee recommends resolving case 22-227 by issuing the license with a letter of guidance citing the duty of all licensees to report certain information to the Board, this will remain on file for a period of two license cycles. (Beals, seconded by Kellner; passed)*

*Roll call vote:*

*Beals - yes*

*Downing – yes*

*Drinkwater - yes*

*Gerrish - yes*

*Giberson – yes*

*Kellner – yes*

5. Application Review (Melissa) – Locke Application

**Summary:** Previously licensed applicant with an open docket, #02-02 for failing to disclose criminal history and the conduct associated with the criminal history as it pertains to the profession, to be adjudicated upon reapplication.

***MOTION:** The committee recommends issuing the license. (Kellner, seconded by Giberson; passed)*

*Roll call vote:*

*Beals - yes*

*Downing – yes*  
*Drinkwater - yes*  
*Gerrish - yes*  
*Giberson – yes*  
*Kellner – yes*

6. Application Review (Jason) – Guerrette Application

**Summary:** Applicant disclosed a conviction for allowing a minor to possess or consume liquor, a class D misdemeanor, in 2013.

***MOTION: The committee recommends issuing the license with a letter of guidance citing professional conduct standards, to remain on file for two license cycles. (Giberson, seconded by Kellner; passed)***

***Roll call vote:***

***Beals - yes***  
***Downing – yes***  
***Drinkwater - yes***  
***Gerrish - yes***  
***Giberson – yes***  
***Kellner – yes***

7. Application Review (Jason) – Bean Application

**Summary:** Applicant disclosed a conviction for operating after suspension, a class E misdemeanor, in 2015.

***MOTION: The committee recommends issuing the license. (Kellner, seconded by Gerrish; passed)***

***Roll call vote:***

***Beals - yes***  
***Downing – yes***  
***Drinkwater - yes***  
***Gerrish - yes***  
***Giberson – yes***  
***Kellner – yes***

Old Business – None

New Business – None

Next meeting: Rescheduled to Wednesday, June 29, 2022 at 09:00 a.m. due to staff conflicts.

Adjourned at 11:20.