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### INVESTIGATIONS COMMITTEE MEETING

Thursday, August 25, 2022

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

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### MINUTES

Call to Order at 09:01

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

Members Absent: Judy Gerrish, Andrew Turcotte

Staff: Melissa Adams, Jason Cooney, AAG Samantha Morgan

Guest(s): Paul Hewey (Oxford Fire), David Ireland (Northeast Mobile Health)

“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.”

Public Comment: None

Modifications to the agenda:

- Case 20-138 added under Old Business.
- Seek guidance from the sub-committee of the Board on how to proceed with docketing a new complaint under New Business.

Investigations:

1. Informal Review (Jason) - Case 22-231

**Summary:** While actively licensed in 2020, the former AEMT Licensee was charged with Class C Theft by Unauthorized Transfer or Taking, a felony. The former Licensee’s license subsequently expired on July 31, 2021. On January 4, 2022, the former licensee was adjudicated guilty of Class E Theft by Unauthorized Taking or Transfer, a misdemeanor. On May 26, 2022, the former Licensee applied for license reinstatement utilizing the

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waiver passed by the Board. On July 28, 2022 this case was tabled to allow the applicant to submit letters of support from a potential employer(s) that acknowledge an awareness of the conviction and related circumstances.

**MOTION** to recommend the full Board grant the license; finding the Licensee has been successfully rehabilitated. (Beals, seconded by Drinkwater; passed 4-0-1)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Kellner – Abstain

Giberson - yes

Beals - yes

2. Informal Review (Jason) – Case 22-245

**Summary:** The licensee failed to demonstrate sufficient continuing education hours to renew at their license level during the audit process after attesting to having met all the requirements on their renewal application.

**MOTION** to recommend the Board resolve this case by issuing a letter of guidance citing the importance of accurately maintaining one’s education for renewal; to be kept on file for two (2) licensing cycles, up to four (4) years. (Kellner, seconded by Giberson; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Kellner – yes

Giberson - yes

Beals - yes

3. Informal Review (Jason) – Case 22-246

**Summary:** The licensee failed to demonstrate sufficient continuing education hours to renew at their license level during the audit process after attesting to having met all the requirements on their renewal application.

**MOTION** to recommend the Board resolve this case by issuing a letter of guidance citing the importance of accurately maintaining one’s education for renewal; to be kept on file for two (2) licensing cycles, up to four (4) years. (Giberson, seconded by Drinkwater; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Kellner – yes

Giberson - yes

Beals - yes

4. Informal Review (Melissa) – Case 22-244

**Summary:** The licensee failed to demonstrate sufficient continuing education hours to renew at their license level within the ten (10) day audit period after attesting to having met all the requirements on their renewal application.

Note: Drinkwater stepped away at 09:33

MOTION to recommend the Board resolve this case by issuing a letter of guidance citing the importance of accurately maintaining one's education for renewal; to be kept on file for two (2) licensing cycles, up to four (4) years. (Beals, seconded by Downing; passed 4-0-1)

Roll Call Vote:

Downing - yes

Drinkwater - unavailable

Kellner – yes

Giberson - yes

Beals - yes

5. Application Review (Melissa) – Tyler Danforth

**Summary:** The applicant disclosed a conviction for class D crimes of Criminal Threatening and Terrorizing in 2019 and a conviction for class D Terrorizing in 2011.

Note: Drinkwater returned at 09:40

MOTION to recommend to the Board that they grant the license with a letter of guidance stressing professional conduct as cited with Chapter 11 §1 (4) and (13) of the Maine EMS Rules. (Beals, seconded by Giberson; passed 4-0-1)

Roll Call Vote:

Downing - yes

Drinkwater - abstained

Kellner – yes

Giberson - yes

Beals - yes

Old Business:

6. Case 20-138: A consent agreement to resolve this case was refused by the licensee who is requesting a second informal conference with the sub-committee.

**MOTION** to bring this question to the Board to determine if they wish to hear from this licensee in an informal conference or proceed to a hearing. (Kellner, seconded by Beals; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Kellner – yes

Giberson - yes

Beals - yes

New Business

1. Staff sought guidance from the sub-committee on how to proceed with docketing a complaint received by a member of the public regarding care provided by the responding EMS crew. Through discussion, it is the direction of the sub-committee to notice all crew members involved in the care and proceed with investigating each docket according to standard investigative practice.
2. The committee reviewed a draft *Complaint Investigation Policy* and a draft *Patient Care – Clinical Practice Matrix*. Kellner and Giberson offered that the Just Culture concept focuses on behaviors rather than outcomes, they proposed removing patient outcomes as a consideration within the scoring matrix. The sub-committee is interested in a blind-pilot with this policy and clinical care matrix for a period of three (3) months.
3. Kellner advised that he has resigned from the Board effective September 30, 2022. Samantha Morgan will research the possibility of Kellner continuing to serve on the investigations sub-committee.

Next meeting: September 22, 2022

Adjourn at 10:45