



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



JANET T. MILLS
 GOVERNOR

MICHAEL SAUSCHUCK
 COMMISSIONER

J. SAM HURLEY
 DIRECTOR

INVESTIGATIONS COMMITTEE MEETING
Thursday, September 22, 2022; 09:00-12:00
 ZOOM: <https://maine-ems-gov.zoom.us/j/91542570561>
 One tap mobile: +13017158592,,91542570561# US

MINUTES

Call to Order at 09:02

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

Members Absent: Andrew Turcotte

Staff: Melissa Adams, Jason Cooney, AAG Samantha Morgan

Guest(s): Ben Limerick

“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

Investigations

1. Informal Review – 22-226 (Jason)

Summary: While actively licensed in 2016, the licensee engaged in conduct considered to be unprofessional and was convicted of criminal offenses that qualify as crimes of dishonesty or false statement. The Licensee failed to disclose the criminal convictions to the Board in writing within 10 days as required by rule and statute. The licensee also failed to disclose the criminal convictions upon subsequent applications for licensure renewal.

Gerrish joined the meeting at 09:07

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MOTION to table this case following the review of case 22-234. (Giberson, seconded by Kellner; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Gerrish - yes

Kellner – yes

Giberson - yes

Beals - yes

2. Limerick Application Review (Melissa)

Summary: On an application for initial licensure at the EMT level, the applicant disclosed a criminal conviction for Operating Under the Influence, a class D misdemeanor, in 2013.

MOTION to recommend the Board issue the license. (Giberson, seconded by Gerrish; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Gerrish - yes

Kellner – yes

Giberson - yes

Beals – yes

3. Bragg Application Review (Jason)

Summary: Upon the return of a criminal history record check performed on July 14, 2022, a result returned indicating that Mr. Bragg, who is applying for initial licensure at the EMT level, had been convicted of two (2) counts of Class D Misuse of Identification, a misdemeanor in 2014.

MOTION to recommend the Board issue the license with a letter of guidance citing the importance of reporting criminal convictions and honesty as a professional standard, to remain on file for three license cycles. (Beals, seconded by Drinkwater; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Gerrish - yes

Kellner – yes

Giberson - yes

Beals – yes

Giberson left the meeting at 10:06

4. Keene Application Review (Jason)

Summary: On an application for initial licensure at the EMT level, the applicant disclosed criminal convictions for Theft by Unauthorized Taking or Transfer and Unlawful Possession of a Scheduled Drug. A criminal history record check result indicated that the applicant had been convicted of Class C Unlawful Possession of a Scheduled Drug, a felony in 2014 and Class D Theft by Unauthorized Taking or Transfer, a misdemeanor in 2013.

MOTION to recommend the Board issue the license finding the applicant has been rehabilitated to warrant the public's trust. (Kellner, seconded by Gerrish; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Gerrish - yes

Kellner – yes

Beals – yes

The committee took a recess from 10:15 – 10:22, Gerrish did not return, Giberson returned.

5. Informal Review – 22-234 (Jason)

Summary: A licensee allegedly provided insufficient care and/or was neglectful of care for a cardiac arrest patient.

MOTION to enter executive session pursuant to 1 M.R.S. §405(6)(F) to review confidential information regarding case 22-234. (Kellner, seconded by Giberson; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Giberson - yes

Kellner – yes

Beals – yes

Entered executive session at 10:25

Returned to public session at 10:55

The committee finds a violation of 32 M.R.S. §90-A.5.F. as supported by violation of Maine EMS Rules Chapter 11 §1 (14), (15), and (21); 32 M.R.S. §90.A.5.E. (1) & (2); and 32 §90.A.5.H. as supported by a violation of Maine EMS Rules Chapter 5 §3.A. The licensee, as the primary patient care provider, failed to follow either the cardiac arrest protocols (Red 7-9) or termination of resuscitation protocols (Red 13-14).

MOTION to reopen case 22-226 to consider violations and action concurrent with case 22-234 (Downing, seconded by Kellner; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Giberson - yes

Kellner – yes

Beals – yes

The committee finds a violation of 32 M.R.S. §90-A.5.G. and determines that the licensee has not been rehabilitated to warrant the public's trust as demonstrated by their failure to report the convictions, also a violation of 32 M.R.S. §90-A.5.H. as supported by violation of Maine EMS Rules Chapter 5 §6.2.F & §8.

MOTION to recommend to the Board to offer a consent agreement resolving cases 22-226 and 22-234, citing the totality and significance of violations found, permanently revoking the license with a provision that the licensee may not reapply for an EMS license at any level in the State of Maine. (Kellner, seconded by Giberson; passed unanimously)

Roll Call Vote:

Downing - yes

Drinkwater - yes

Giberson - yes

Kellner – yes

Beals – yes

Kellner left the meeting at 11:35

Old Business

1. Demonstrate the application of the clinical care matrix to each applicable case.

New Business – None

The Committee recognized this is Kellner's final meeting and acknowledged his years of exceptional service to the Board and the Investigations sub-committee.

Next meeting: October 27, 2022

Adjourn at 11:50