



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, January 26, 2023; 11:00 – 13:00**

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

One tap mobile: +13017158592, 91542570561# US

**MINUTES**

- I. Called to order at 11:03  
The start of this meeting was delayed from 09:00 to 11:00 due to a weather-related closure of State Offices in Kennebec County.
- II. Attendance  
Committee Members Present: Amy Drinkwater, Judy Gerrish, Dr. Brandon Giberson, Steve Smith, Andrew Turcotte  
Committee Members Absent: Tim Beals (excused), Laura Downing (excused)  
Maine EMS Staff: Jason Cooney, Melissa Adams, AAG Samantha Morgan  
Guests: Joseph Moore, Chris Whytock, Jessica Ward, Justin Davis, Charlotte Duncan, Polly Wood, Bryton Nickerson
- III. Public Comment: None
- IV. Modification to Agenda: Adams advised Federici Application Review has been resolved by issuing the license with a letter of guidance under the existing delegation order. Adams requested to add an Application Review if time permits.
- V. Investigations
  - A. **Case 22-253 Informal Conference, Licensee Present**  
**Summary:** The licensee is alleged to have delegated the performance of a skill for which the individual performing the skill was not licensed or qualified to perform after the licensee assumed patient care.  
  
Drinkwater recused herself.

**MOTION:** to enter executive session pursuant to 1 M.R.S. §405(6)(F) to review confidential information regarding case 22-253. (Giberson, second by Smith; no opposition)

Entered Executive Session at 11:07

Resumed Public Session at 11:30

**Action:**

**MOTION** to *recommend the Board dismiss case 22-253.* (Giberson, seconded by Turcotte)

**Vote:**

In Favor: Giberson, Gerrish, Smith, Turcotte

Opposed: None

Abstained/Recused: Drinkwater

**PASSED**

**B. Case 22-254 Informal Review**

**Summary:** The licensee is alleged to have performed a skill for which they are not licensed or qualified to perform, and it is further alleged that the licensee did not inform the EMS clinician responsible for overall patient care that the procedure delegated to them was not in their scope of practice.

Drinkwater recused herself.

**Action:**

**MOTION** to table the case to allow the Investigator to gather additional facts. (Giberson, seconded by Turcotte)

**Vote:**

In Favor: Giberson, Gerrish, Smith, Turcotte

Opposed: None

Abstained/Recused: Drinkwater

**PASSED**

**C. Case 22-242 Informal Review**

**Summary:** The licensee is alleged to have engaged in unprofessional conduct while caring for a patient. The licensee has a previous consent agreement on with the Board that cites "*public*

*trust, professional demeanor, and a provider's ability and fitness to discharge the duties owed to patients, clients, and the general public..."*

**Action:**

**MOTION** to recommend that the Board offer a consent agreement with a warning for violation of 32 M.R.S. §90. Chapter 11 §1 (14) and the code of ethics; citing the patient's statement that the clinician did not do a physical assessment, the documentation reflects no pain assessment or treatment despite the patient's statement that they expressed pain and discomfort; and allegation that the licensee screamed at his partner in the patient's presence. (Giberson, seconded by Gerrish)

**Vote:**

In Favor: Giberson, Gerrish, Smith, Drinkwater, Turcotte

Opposed: None

Abstained/Recused:

**D. Davis Application Review**

**Summary:** An applicant for a new EMT license disclosed criminal convictions for misdemeanor Forgery and Falsifying Physical Evidence from a single incident in 2008.

**Action:**

**MOTION** to recommend that the Board issue the license. (Smith, seconded by Turcotte)

**Vote:**

In Favor: Giberson, Gerrish, Smith, Turcotte, Drinkwater

Opposed: None

Abstained/Recused: None

**E. Nickerson Application Review**

**Summary:** An applicant for a new EMT license disclosed criminal convictions for misdemeanor Theft by Unauthorized Taking in 2012, Theft by Receiving Stolen Property in 2013, and Operating Under the Influence in 2018.

**Action:**

**MOTION** to recommend that the Board issue the license finding the applicant has been successfully rehabilitated to warrant the public's trust. (Giberson, seconded by Gerrish)

**Vote:**

In Favor: Giberson, Gerrish, Smith, Turcotte, Drinkwater

Opposed: None

Abstained/Recused: None

VI. Old Business

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

**MOTION** to table this to the next committee meeting. (Drinkwater, Gerrish; no opposition)

VII. New Business

A. Discussed adding a standard option for the committee to invite the licensee to an Informal Conference following an initial review (Informal Review) of a complaint, in cases when the committee is considering a recommendation to the Board to offer a consent agreement for revocation or surrender of a license.

VIII. Adjourned at 13:14

Next Meeting: Thursday, February 23, 2023