



JANET T. MILLS
 GOVERNOR

MICHAEL SAUSCHUCK
 COMMISSIONER

J. SAM HURLEY
 DIRECTOR

INVESTIGATIONS COMMITTEE MEETING

Thursday, January 25, 2024, 09:00-12:00

45 Commerce Dr. Champlain Conference Room, Augusta, ME 04333

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

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MINUTES

- I. Call to Order at 09:01 by Chairperson Beals
 Beals read the mission statement.

- II. Attendance
 Committee Members Present: Tim Beals (Chair), Amy Drinkwater, Laura Downing, Judy Gerrish, Dr. Brandon Giberson, Andrew Turcotte
 Committee Members Absent: Steve Smith (Excused)
 Maine EMS Staff: Melissa Adams, Wil O’Neal, Jason Cooney, AAG Samantha Morgan, Ashley Moody
 Guests: David Woods, Phil MacCallum, Ryan Maker, Ashley Clark, Shawn Latulippe, Chief McNally, Fred Potter, Chris Cummings

- III. Public Comment: None

- IV. Modifications to the Agenda: None

- V. Investigations

a. Giroux Application Review

Summary: The applicant for a new Ambulance Operator license failed to disclose a misdemeanor conviction from 2018. The Committee tabled this review at their last meeting to allow the applicant to submit additional information.

MOTION to issue the license with a letter of guidance to be kept on file for three (3) licensing cycles, citing professional conduct rules and reminding the licensee that they will need to disclose the conviction on every application for licensure. (Turcotte, Drinkwater)

In favor: Drinkwater, Giberson, Downing, Turcotte, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

● **Excellence** ● **Support** ● **Collaboration** ● **Integrity** ●

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b. Woods Application Review

Summary: The applicant for a new Emergency Medical Technician license has misdemeanor convictions from 2008, 2014, and 2015.

MOTION to issue the license with a letter of guidance to be kept on file for three (3) licensing cycles citing rules regarding criminal conduct as unprofessional conduct. (Turcotte, Giberson)

In favor: Drinkwater, Giberson, Downing, Turcotte, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

c. Dickinson Application Review

Summary: The application for a new EMT license failed to disclose misdemeanor convictions from 1980.

MOTION to issue the license with a letter of guidance citing professional conduct rules and reminding the licensee that they will need to disclose the conviction on every application for licensure, to be kept on file for three (3) licensing cycles. (Giberson, Gerrish)

In favor: Drinkwater, Giberson, Downing, Turcotte, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

d. Gallway Application Review

Summary: The applicant for a new Ambulance Operator license failed to disclose misdemeanor convictions, including a crime defined in Title 17-A, chapter 11, from 1990.

MOTION to issue the license with a letter of guidance citing professional conduct rules and reminding the licensee that they will need to disclose the conviction on every application for licensure, to be kept on file for three (3) licensing cycles. The licensee's account will be flagged for the Board to review any future clinical licensing application. (Giberson, Turcotte)

In favor: Drinkwater, Giberson, Downing, Turcotte, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

e. Gagnon Application Review

Summary: The applicant for a new EMT license failed to disclose misdemeanor criminal convictions from 2009.

MOTION to issue the license with a letter of guidance citing professional conduct rules and reminding the licensee that they will need to disclose the conviction on every application for licensure, to be kept on file for three (3) licensing cycles. (Turcotte, Drinkwater)

In favor: Drinkwater, Giberson, Downing, Turcotte, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

f. Clark (Eastham) Application Review

Summary: The applicant for a new Ambulance Operator license has misdemeanor criminal convictions from 2014 and 2015.

MOTION to issue the license with a letter of guidance to be kept on file for three (3) licensing cycles, citing professional conduct rules and reminding the licensee that they will need to disclose the conviction on every application for licensure. The licensee's account will be flagged for the Board to review any future clinical licensing application. (Giberson, Drinkwater)

In favor: Downing, Drinkwater, Turcotte, Giberson, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

g. 18-028 Case Review

Summary: The licensee allegedly sexually harassed and assaulted more than one co-worker.

MOTION to recommend the Board offer a consent agreement for the licensee to surrender their Paramedic license with terms that the licensee agrees to never again apply for a Maine EMS license, citing 32 MRS §90-A. 5 (F) specifically violations of unprofessional conduct described in Maine EMS Rules, Chapter 11 §1 (5, 13, 14). (Giberson, Downing)

In favor: Downing, Drinkwater, Turcotte, Giberson, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

h. 23-320 Case Review

Summary: The licensed EMS service failed to ensure the completion of over 149 patient care reports for EMS incidents within the Maine EMS and Fire Incident Reporting System within 24 hours.

MOTION to recommend the Board offer a consent agreement with a warning and probation for five (5) years citing 32 MRS §90-A(5)(F) violations of unprofessional conduct described in Maine EMS Rules, Chapter 11 §1 (14 &23), and 32 MRS §90-A(5)(H)

violations of Maine EMS Rules, Chapter 3§9 and Chapter 22§3(1). During probation, the service must maintain a quarterly measure of 85% ePCR submission within 24 hours and provide quarterly reports to the Investigator demonstrating that 100% of calls for service from dispatch logs have an associated ePCR in MEFIRS, all of the service's clinical staff must complete a documentation class each year – the class must be pre-approved by Maine EMS Staff, and all service administration must complete a MEFIRS administration and reports training with Maine EMS staff within six (6) months of execution of the consent agreement. (Giberson, Gerrish)

In favor: Turcotte, Downing, Drinkwater, Giberson, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

i. 23-288 Case Review

Summary: The licensee allegedly engaged in or attempted to engage in unethical behavior that may be construed as misleading or deceptive.

MOTION to enter executive session pursuant to title 1 MRS §405. 6 (F) to discuss confidential information. (Beals, Gerrish)

In favor: Turcotte, Giberson, Downing, Drinkwater, Gerrish, Beals

Opposed: None

Abstained/Recused: None

Entered executive session at 10:15

Returned to public session at 10:23

MOTION to recommend the Board offer a consent agreement for the licensee to surrender their AEMT license with terms that the licensee agrees to never apply for a Maine EMS license in the future, citing 32 MRS §90-A. 5 (F) specifically a violation of standards established by the NAEMT Code of Ethics. (Beals, Giberson)

j. 23-330 Case Review

Summary: The licensee failed to comply with the terms of a consent agreement.

MOTION to recommend the Board offer a consent agreement revoking the license with terms that the licensee agrees not to reapply unless or until they have completed a new licensure course. (Giberson, Drinkwater)

In favor: Turcotte, Giberson, Downing, Drinkwater, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

k. 23-314 Case Review

Summary: The licensee allegedly engaged in unprofessional and negligent conduct on two EMS calls for service.

MOTION to recommend the Board dismiss the complaint. (Drinkwater, Beals)

In favor: Beals, Gerrish, Drinkwater, Turcotte

Opposed: None

Abstained/Recused: Downing, Giberson

PASSED

I. 23-299 Case Review

Summary: The licensee allegedly performed a skill they were not licensed to perform and, on a separate occasion, allegedly engaged in conduct that could be dangerous or injurious to other persons.

MOTION to recommend the Board offer a consent agreement with a warning, citing 32 MRS §90-A(5)(F) violations of unprofessional conduct described in Maine EMS Rules, Chapter 11 §1 (5&30), and 32 MRS §90-A(5)(H) violations of Maine EMS Rules, Chapter 5 §3. Terms of the consent agreement include that the licensee must work with their Service Training Officer and, or Service Level Medical Director to create a course addressing the differences in the EMT and AEMT scope of practice in Maine within six (6) months of executing the consent agreement. (Giberson, Gerrish)

In favor: Giberson, Turcotte, Drinkwater, Downing, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

m. 23-309 Case Review

Summary: The licensee allegedly documented themselves as performing a procedure within an electronic patient care report that they did not perform; the licensee allegedly delegated the performance of that procedure to an individual not licensed to perform the procedure.

MOTION to recommend the Board offer a consent agreement with a reprimand and suspension for at least thirty (30) days but not to conclude until the licensee has completed a preceptor or field training officer program pre-approved by the Investigator and one (1) year of probation following the suspension with 100% review of all patient care reports by a third party contracted with the licensee who shall provide a quarterly report to the Investigator regarding any accuracy in documentation or clinical care concerns, the reviewer must be pre-approved by the Investigator; any cost associated with the terms shall be borne by the licensee. Citing 32 MRS §90-A(5)(F) violations of unprofessional conduct described in Maine EMS Rules, Chapter 11 §1(14, 15, 33, 34). (Beals, Giberson)

In favor: Beals, Gerrish, Giberson, Downing, Drinkwater, Turcotte

Opposed: None

Abstained/Recused: None

PASSED

VI. Old Business:

1. Staff is seeking clarification for a pending case docket against a licensed service that may have promoted staff photographing patients without their knowledge or consent.

MOTION to enter executive session pursuant to title 1 MRS §405. 6 (F) for the purpose of discussing confidential information. (Beals, Giberson)

In favor: Turcotte, Giberson, Downing, Drinkwater, Gerrish, Beals

Opposed: None

Abstained/Recused: None

PASSED

Entered executive session at 11:32

Returned to public session at 11:50

MOTION to rescind the direction to staff to docket the service related to complaint No. 23-285 as recorded in the Committee meeting minutes on November 30, 2023. The committee recommends that the board direct the MDPB and staff to develop a position statement addressing best practices for photographing patients and emergency scenes.

(Beals, Giberson)

In favor: Beals, Gerrish, Giberson, Drinkwater, Turcotte, Downing

Opposed: None

Abstained/Recused: None

PASSED

VII. New Business: None

VIII. Adjourned at 11:57

Next meeting: Thursday, February 22, 2024, at 09:00