



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 MAY 28, 2020, 09:00-16:00

GAMBLING BOARD ROOM, AUGUSTA

ZOOM: <https://zoom.us/j/2076263862>

**MINUTES**

Call to Order 09:09

Members Present: Tim Beals, Joe Conley, Judy Gerrish, Joe Kellner, Laura Downing, Brad Chicoine

Staff: Griffin Bourassa, Melissa Adams, Jason Oko, Sam Hurley

Office of Attorney General: Katie Johnson

“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.”

1. Informal Conference – Case 20-087; Center Director Present

**MOTION: To enter executive session pursuant to 32 M.R.S.A. § 90-A(3) and 1 M.R.S.A. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 20-087. (Kellner, second by Gerrish; unanimous)**

Executive session entered at 09:15

Executive session ended at 09:26

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

**Summary 20-087: A Licensed Emergency Medical Dispatch (EMD) Center allowed an employee to perform EMD without an active license.**

***MOTION: The committee made a motion to resolve this case by issuing a letter of guidance stressing the importance of maintaining proper licensure for staff. This will remain on file for 5 years. (Kellner, second by Downing).***

***Roll call vote:***

**Tim Beals – In favor  
Joe Kellner – In favor  
Judy Gerrish – In favor  
Joe Conley – In favor  
Laura Downing – In favor  
Brad Chicoine – In favor**

2. Informal Conference – Case 20-083

***MOTION: To enter executive session pursuant to 32 M.R.S.A. § 90-A(3) and 1 M.R.S.A. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 20-083. (Kellner, second by Gerrish; unanimous)***

Executive session entered at 09:43

Executive session ended at 09:59

**Summary 20-083: Licensee disclosed new criminal conviction for disorderly conduct.**

***MOTION: The committee made a motion to dismiss this case finding that it does not rise to the level of discipline. (Kellner, second by Conley)***

***Roll call vote:***

**Tim Beals – In favor  
Joe Kellner – In favor  
Judy Gerrish – In favor  
Joe Conley – In favor  
Laura Downing – In favor  
Brad Chicoine – Recused**

3. Informal Conference – Case 19-062

***MOTION: To enter executive session pursuant to 32 M.R.S.A. § 90-A(3) and 1 M.R.S.A. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 19-062. (Kellner, second by Conley; unanimous)***

Executive session entered at 10:28

Executive session ended at 10:41

**Summary 19-062:** Licensee disclosed a new criminal conviction for disorderly conduct and OUI.

***MOTION:*** *The committee made a motion to resolve this case with a letter of guidance, stressing the importance of professional conduct with respect to acting in ways that are dangerous or injurious to oneself or others, conditional upon his provision of a progress report from his counselor indicating that he is continuing and actively participating in the process. The letter of guidance is to remain on file for three years from date of issue. (Gerrish, second by Downing)*

***Roll call vote:***

**Tim Beals – Recused**

**Joe Kellner – In favor**

**Judy Gerrish – In favor**

**Joe Conley – In favor**

**Laura Downing – In favor**

**Brad Chicoine – In favor**

4. Informal Review – Case 19-076

**Summary 19-076:** Complaint alleging the licensee committed unprofessional sexual conduct at the work place.

***MOTION:*** *The committee made a motion to resolve this case with a letter of guidance, stressing the importance of professional conduct. The letter of guidance is to remain on file for three years from date of issue. (Kellner, second by Beals)*

***Roll call vote:***

**Tim Beals – In favor**

**Joe Kellner – In favor**

**Judy Gerrish – In favor**

**Joe Conley – In favor**

**Laura Downing – In favor**

**Brad Chicoine – In favor**

5. Informal Review - Case 19-079

**Summary 19-079:** Complaint alleged that the licensee viewed patient care reports without authorization.

***MOTION:*** *The committee made a motion to resolve this case with a consent agreement that includes a reprimand citing violations of Rules chapter 11 §1.15, chapter 11§1.12, chapter 11§1.14, with the condition to successfully complete a course specific to maintaining the privacy of patient records and a course on ethics or ethical decision making; the courses must be approved by Maine EMS and the licensee must pay for the cost of the courses. This condition must be completed within 90 days of the signed consent agreement. (Downing, second by Gerrish)*

***Roll call vote:***

**Tim Beals – In favor**

**Joe Kellner – In favor**

**Judy Gerrish – In favor**

**Joe Conley – In favor**

**Laura Downing – In favor**

**Brad Chicoine – In favor**

6. Informal Conference – Case 20-084

***MOTION: To enter executive session pursuant to 32 M.R.S.A. § 90-A(3) and 1 M.R.S.A. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 20-084. (Kellner, second by Gerrish; unanimous)***

Executive session entered at 12:36

Executive session ended at 12:54

**Summary 20-084:** Licensee with new criminal conviction for OUI. Tabled from the February meeting to allow Licensee to complete counselling and provide DEEP documentation.

***MOTION:*** *The committee made a motion to resolve this case by issuing a consent agreement including a warning for the conduct leading to the criminal charge, citing violations of Rules Chapter 11§1.5, and 11§1.14, with mitigating circumstances for being forthcoming and taking steps to regain the public trust essential for the profession. (Kellner, second by Conley)*

***Roll call vote:***

**Tim Beals – In favor**

**Joe Kellner – In favor**

**Judy Gerrish – In favor**

**Joe Conley – In favor**  
**Laura Downing – In favor**

7. Informal Conference – Case 20-096

**MOTION: To enter executive session pursuant to 32 M.R.S.A. § 90-A(3) and 1 M.R.S.A. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 20-096. (Beals, second by Gerrish; unanimous)**

Executive session entered at 13:23

Executive session ended at 14:11

**Summary 20-096:** Licensed First Responder Agency allegedly failed to regularly respond to medical calls or document patient care reports.

***MOTION: The committee made a motion to resolve this case by issuing a letter of guidance stressing the importance of documenting patient care reports and having a structured dispatch procedure in place. The letter of guidance will be kept on file until October of 2021. (Beals, second by Conley)***

***Roll call vote:***

**Tim Beals – In favor**  
**Joe Kellner – Recused**  
**Judy Gerrish – In favor**  
**Joe Conley – In favor**  
**Laura Downing – In favor**

8. Informal Conference – Case 20-097

**MOTION: To enter executive session pursuant to 32 M.R.S.A. § 90-A(3) and 1 M.R.S.A. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 20-097. (Kellner, second by Gerrish; unanimous)**

Executive session entered at 14:17

Executive session ended at 14:54

**Summary 20-097:** Licensed First Responder Agency stopped response to all medical calls without notifying the public.

***MOTION: The committee made a motion to resolve this case by issuing the licensee a consent agreement with a warning citing violations of Rules chapter 3§8.2 and chapter 3§17.1; mitigating circumstances include cooperation from the team of representatives present and the department's resumption of response upon receipt of PPE. (Kellner, second by Conley)***

***Roll call vote:***

**Tim Beals – In favor**  
**Joe Kellner – In favor**  
**Judy Gerrish – In favor**  
**Joe Conley – In favor**  
**Laura Downing – In favor**

9. Informal Conference Case 20-103

***MOTION: To enter executive session pursuant to 32 M.R.S.A. § 90-A(3) and 1 M.R.S.A. § 405(6)(E) & (F) to receive legal advice and to conduct an informal conference concerning case number 20-103. (Kellner, second by Gerrish; unanimous)***

Executive session entered at 15:20

Executive session ended at 16:23

**Summary 20-103:** Applicant disclosed a criminal conviction for class D assault.

***MOTION: The committee made a motion to issue the applicant's license with a letter of guidance stressing professional conduct with respect to acting in ways that are dangerous or injurious to oneself or others. To be kept on file for five years. (Conley, second by Beals)***

***Roll call vote:***

**Tim Beals – In favor**  
**Joe Kellner – Opposed**  
**Judy Gerrish – In favor**  
**Joe Conley – In favor**  
**Laura Downing – In favor**

Next meeting June 25, 2020

Adjourn 16:30