



**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY, JANUARY 4, 2012  
CHAMPLAIN CONFERENCE ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON  
MEETING MINUTES**

Members Present: Paul Knowlton, Lori Metayer, Tim Beals, and Mike Senecal

Staff: Dawn Kinney and Alan Leo

Office of Attorney General: Lauren LaRochelle, AAG

**1. CASE # 11-055- Licensee 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 11-055. (Knowlton; second by Beals) Unanimous.**

Entered executive session at 09:33 a.m.

**MOTION: To exit executive session. (Beals; second by Senecal) Unanimous.**

Executive session ended at 09:55 a.m.

**Summary:** A licensed EMS service allegedly allowed an unlicensed EMT to provide emergency medical treatment on its behalf to two patients on October 1, 2011. The EMT's license had expired on September 30, 2011.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** Appropriate corrective action; received two assurances from provider that his license was renewed; service did not bill; self reported; revised current policy to prevent future occurrences; cooperative and forthright; and no patient harm.

**MOTION: To recommend that the Board resolve case # 11-055 by offering the licensee a Letter of Guidance to remain in the Licensee's file until January 4, 2013. The Committee finds that there is sufficient evidence to support a finding that the Licensee violated Chapter 11 § (1)(34), Aiding the practice of emergency medical treatment by a person not duly licensed**

**under 32 M.R.S.A., Ch 2-B. The Committee recommends, however, that due to the mitigating circumstances, the Board find that the violation does not rise to a level warranting disciplinary action. (Beals; second by Senecal;) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-055 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## **2. CASE # 11-054- Licensee not 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 11-054. (Knowlton; second by Beals) Unanimous.**

Entered executive session at 10:00 a.m.

**MOTION: To exit executive session. (Beals; second by Senecal) Unanimous.**

Executive session ended at 10:15 a.m.

**MOTION: To recommend that this case be tabled to the next Committee meeting to allow staff to request additional information and documentation. A recommendation for resolution of case # 11-054 will be made at that time. (Metayer; second by Beals) Unanimous.**

## **3. CASE #11-059 – Licensee 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 11-059. (Knowlton; second by Beals) Unanimous.**

Entered executive session at 11:20 a.m.

**MOTION: To exit executive session. (Senecal; second by Knowlton) Unanimous.**

Executive session ended at 11:45 a.m.

**Summary:** Licensee appeared to provide emergency medical treatment to ten (10) patients from April 1, 2011 to November 21, 2011 with an expired license. The Licensee's license expired on March 31, 2011.

**Aggravating Circumstances:** Licensee received notification of his license expiration at least three (3) times when he completed the run report in the Maine EMS Run Report system; did not self report; and the length of time that he was unlicensed.

**Mitigating Circumstances:** Licensee was cooperative with the Committee; immediately removed himself from duty; was licensable at the time the license expired; and caused no patient harm.

**MOTION: To recommend that the Board resolve case # 11-059 and grant the Licensee's renewal application by offering the Licensee a consent agreement based upon unlicensed practice for providing emergency medical treatment on ten calls at a time when his license was expired (the Licensee's license expired on March 31, 2011) in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(30) "Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted." Recommended terms include a reprimand. If Licensee does not accept the consent agreement, the committee recommends that the Board pursue disciplinary action and that Licensee be notified of the right to hearing. (Senecal; second by Knowlton) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-059 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. **CASES – 11-044 and 11-053 – Licensee present** Tim Beals, Paul Knowlton, Mike Senecal and Lori Metayer all disclosed that they know the Licensee on a professional basis, but stated that this knowledge would not affect their ability to decide the matter impartially based only on the information provided to them by EMS staff or the Licensee. Licensee had no objection to everyone's participation.

**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 numbers 11-044 and 11-053 (Knowlton; second by Senecal) Unanimous.**

Entered executive session at 12:25 p.m.

**MOTION: To exit executive session. (Metayer; second by Senecal) Unanimous.**

Executive session ended at 1:05 p.m.

#### **CASE 11-044**

**Summary:** The issue involved Licensee operating an ambulance without a Maine EMS vehicle license from January 2011 to August 31, 2011.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** Licensee recently appointed a new Service Director; Service Director did not have any prior knowledge of the EMS service system; forthright and cooperative; no malice intended; took immediate corrective action; and it was a new (2010) vehicle.

**MOTION: To recommend that the Board resolve case # 11-044 by offering the Licensee a Letter of Guidance to remain in the Licensee's file until January 4, 2013. The Committee**

**finds that there is sufficient evidence to support a finding that the Licensee violated Chapter 11 § (1)(26), Operating an ambulance or EMS vehicle that is not licensed or authorized by the Board. The Committee recommends, however, that due to the migrating circumstances, the Board find that the violation does not rise to a level warranting disciplinary action. (Senecal; second by Metayer;) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-044 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### **CASE # 11-053 – Licensee present**

**Summary:** A licensed EMS service allegedly allowed an unlicensed EMT to provide emergency medical treatment on its behalf to three (3) patients from March 1, 2011 through October 12, 2011. The EMT's license had expired on February 28, 2011.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** Licensee recently appointed a new Service Director; the licensee has a contract with a non-transporting service in which the non-transporting service provides a driver for certain calls, and this EMT is employed by that non-transporting service ; licensee was not aware that the EMT was on their roster; licensee did not have any previous policy in place; licensee will develop a policy to prevent this from happening in the future; forthright and cooperative with the committee.

**MOTION: To recommend that the Board resolve case # 11-053 by offering the Licensee a Letter of Guidance to remain in the Licensee's file until January 4, 2013. The Committee finds that there is sufficient evidence to support a finding that the Licensee violated Chapter 11 § (1)(34), Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Ch 2-B. The Committee recommends, however, that due to the mitigating circumstances, the Board find that the violation does not rise to a level warranting disciplinary action. (Senecal; second by Metayer;) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-053 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### **5. CASE # 11-056– Licensee present with Attorney**

**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 11-056. (Knowlton; second by Senecal) Unanimous.**

Entered executive session at 2:10 p.m.

**MOTION: To exit executive session. (Beals; second by Senecal) Unanimous.**

Executive session ended at 3:25 p.m.

**Summary:** A licensed EMS service allegedly allowed Paramedic Interfacility Transfers (PIFT) without having received approval from Maine EMS to be a PIFT service. From July 2007 to October 2011 the service performed one hundred fifty-eight (158) transports that had PIFT medications.

**Aggravating Circumstances:** Length of time and number of PIFT transports performed without obtaining approval from Maine EMS.

**Mitigating Circumstances:** Had a different service medical director in 2007 who incorrectly advised the service that these were not PIFT transports; was also given inaccurate information by the regional medical director and the regional office; was forthright and cooperative with the committee.

**MOTION:** *To recommend that the Board resolve case # 11-056 by offering the Licensee a consent agreement based on allowing PIFT transports in violation of the Maine EMS Rules (dated October 1, 2009) Chapter 11§ (1)(2) – Violating a lawful order, rule or consent agreement of the Board; Chapter 11 § (1)(30) – Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted; Chapter 11 § (1)(35) – Delegation of practice skills or treatment to a person who is not licensed or qualified to perform said practice, skills or treatment; and Chapter 11 § (1)(40)- Violation of any other standard established in the profession. The consent agreement will remain in effect for (3) three years. Recommended terms include the following:*

- 1) Licensee will obtain approval from Maine EMS to be a PIFT service;
- 2) Licensee will submit a written policy of how to prevent any paramedics from performing PIFT skills without having the appropriate training;
- 3) Licensee will train all Paramedics including the currently trained PIFT Paramedics; and
- 4) Licensee will submit quarterly reports of all PIFT transfers to the Regional office for review.

**If Licensee does not accept the consent agreement, then the committee recommends that the Board pursue disciplinary action and that Licensee be notified of the right to hearing. (Beals second by Metayer) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-056 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## **6. CASE # 11-060– Licensee 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 11-060. (Knowlton; second by Beals) Unanimous.*

Entered executive session at 3:30 p.m.

**MOTION: To exit executive session. (Senecal; second by Knowlton) Unanimous.**

Executive session ended at 3:40 p.m.

**Summary:** A licensed EMS service allegedly allowed an unlicensed EMT to provide emergency medical treatment on its behalf to ten (10) patients from April 1, 2011 to November 21, 2011 with an expired license. The Licensee's license expired on March 31, 2011.

**Aggravating Circumstances:** Length of time that provider was unlicensed; and it was not reported by the service.

**Mitigating Circumstances:** Developed a policy to prevent future occurrences; cooperative and forthright; and no patient harm.

**MOTION: To recommend that the Board resolve case # 11-060 by offering the licensee a Letter of Guidance to remain in the Licensee's file until January 4, 2013. The Committee finds that there is sufficient evidence to support a finding that the Licensee violated Chapter 11 § (1)(34), Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Ch 2-B. The Committee recommends, however, that due to the mitigating circumstances, the Board find that the violation does not rise to a level warranting disciplinary action. (Beals; second by Metayer;) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-060 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 4:00 p.m.

The next Investigations Committee meeting will be on March 7, 2012.