



**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY JANUARY 6, 2016
GAMBLING BOARD ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON FEBRUARY 3, 2016
AMENDED BY THE MAINE EMS BOARD ON MARCH 7, 2018
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Lori Metayer, Mike Senecal, Laura Downing, Greg Coyne

Staff: Alan Leo, Jason Oko, Drexell White (9:00-10:00 am & 3:00-4:00 pm)

Office of Attorney General: Katie Johnson, AAG

1. CASE #15-088 – 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 15-088. (Senecal; second by Metayer) Unanimous.

Executive session entered at 9:10 a.m.

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

Executive session ended at 9:40 a.m.

Summary: Maine EMS initiated a complaint concerning a Maine-licensed Emergency Medical Dispatch (EMD) Center. The complaint is based upon information received that alleged that a dispatcher employed by the Center provided Emergency Medical Dispatch (EMD) services without a valid Maine EMS EMD license on one hundred twenty (120) calls for medical assistance between March 12, 2015 and October 16, 2015.

MOTION: The Committee recommends that the Board resolve case 15-088 with a Letter of Guidance, as any misconduct does not rise to a level warranting disciplinary action. The Letter of Guidance emphasizing the Center’s responsibility to ensure that its personnel are licensed will be maintained in the file until December 1, 2016. (Downing; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-088 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

2. CASE #15-076 – Licensee Present. Judy Gerrish recused herself from this case.

The licensee opted to include her Service Chief in the proceedings and therefore they were held in open session.

Summary: On August 20, 2015 MEMS conducted a scheduled inspection of the ambulances belonging to a service licensed at the EMT level and permitted to Paramedic. This inspection found that both ambulances possessed expired items that are instrumental in providing advanced life support (ALS) care. The service's Paramedic permit was suspended pending replacement of this equipment. MEMS notified the Service Director, who in turn notified all members of the service. On August 21, 2015 the service responded to an ALS call, and the licensee knowingly performed procedures above the Basic license level, including placing the patient on a cardiac monitor and performing a 12-lead EKG. However, the licensee did not record the EKG as being performed in the MEMSRR Report. The cardiac rhythm strip was attached to the report. The licensee did not call an ALS service for assistance.

Aggravating Circumstances: The licensee performed Paramedic-level treatment knowing that the service was not licensed or permitted to do so; the licensee did not request ALS; the licensee knowingly altered the MEMSRR patient care report.

Mitigating Circumstances: The licensee was forthright, accepted responsibility, and was cooperative with the committee.

MOTION: To recommend that the Board resolve case # 15-076 by offering the Licensee a consent agreement based upon the following violation of EMS Rules Chapter 11 § (1)(15) (“Inaccurate recording of material information, or falsifying or improperly altering a patient healthcare provider record.”). Recommended terms include a reprimand. (Senecal; second Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-076 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. Case # 15-082-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 15-082. (Senecal; second by Downing) Unanimous.

Executive Session entered at 10:20 a.m.

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

Executive Session ended at 11:35 a.m.

Summary: On August 2015 this licensee filed a complaint against a training center where he was enrolled as a Paramedic student. During this investigation, MEMS discovered that there were discrepancies in his clinical documentation revealing potential falsification of clinical contacts. The provider withdrew his complaint, and MEMS staff opened an investigation regarding his clinical records. The training center placed the licensee on probation for the clinical issues. The licensee was later expelled from his Paramedic class for failure to fulfill his probationary requirements. During the Informal Conference the licensee presented information that warrants further investigation.

MOTION: The Committee recommends that the Board table this case in order for MEMS staff to obtain more documentation. A new Informal Conference will be scheduled at a later date. (Metayer; second by Coyne) Unanimous.

4. Case #15-092 -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 15-092. (Senecal; second by Gerrish) Unanimous.

Executive Session entered at 11:50 a.m.

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

Executive Session ended at 12:00 p.m.

Summary: On October 29, 2015 MEMS staff received a renewal application for an EMS service. During the processing of that application, MEMS staff determined that the vehicle listed as being in service was never licensed by MEMS. This vehicle had been in service for 59 days and responded to 48 calls. The director of the service admitted that he did not license the vehicle as he was new to the position and did not know the procedure.

MOTION: The Committee recommends that the Board resolve case # 15-092 with a Letter of Guidance, to be on file until November 30, 2016, as any misconduct does not rise to a level warranting discipline. The LOG should point out that of any and all vehicles must be licensed by MEMS (Senecal; second by Downing) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-092 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. Case # 15-085- 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 15-085. (Senecal; second by Gerrish) Unanimous.

Executive Session entered at 12:40 p.m.

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

Executive Session ended at 1:15 p.m.

Summary: MEMS received a complaint from a service stating a Paramedic employee who was transporting patients left patients with lower-licensed and/or unlicensed personnel during rest stops in order to take smoke and/or bathroom breaks. The service also alleged that the licensee made rude or inappropriate comments to patients, their families, and/or hospital staff. The service warned the licensee to cease this behavior but said the behavior continued.

Aggravating Circumstances: The licensee admitted to a long history of this activity.

Mitigating Circumstances: The licensee was cooperative, honest, and forthright.

MOTION: The Committee recommends that the Board resolve case # 15-085 by offering the licensee a consent agreement based upon the behavior listed above, in violation of EMS Rules Chapter 11 § 1(5) (“Acting in ways thjat are dangerous or injurious to the licensee or other persons”), § 1 (21) (“Acting negligently or neglectfully when caring for or treating a patient”); § 1(35) (“Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 2-B”); § 1(36) (“Delegation of practice, skills, treatment or educational instruction to a person who is not licensed or qualified to perform said practice, skills or treatment”); and § 1(37) (“Abandonment or neglect of a patient requiring emergency medical treatment”). Recommended terms include a reprimand. (Senecal; second by Downing) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-085 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

6. Case # 15-031 – Applicant 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 15-031. (Senecal; second by Coyne) Unanimous.

Executive Session entered at 1:35 p.m.

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

Executive Session ended at 1:40 p.m.

Summary: On July 1, 2015 the Committee held an Informal Review regarding criminal convictions of the applicant. The Committee tabled its decision pending the completion of a substance abuse/mental health evaluation focusing on alcohol and a recommendation regarding the need for any continued counseling or treatment. The evaluation and report was provided to the committee. That report stated that the applicant completed the evaluation and counseling sessions and that no further treatment was recommended.

MOTION: Finding that the licensee had been sufficiently rehabilitated to warrant the public trust, the Committee recommends that the Board resolve case # 15-031 with a Letter of Guidance, to be on file for one (1) licensing period, as any misconduct does not rise to a level warranting discipline. The LOG should stress that the applicant will refrain from any further conduct cited at the original Informal Review. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-031 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. Case #15-027 – 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 15-027. (Senecal; second by Beals) Unanimous.

Executive Session entered at 2:05 p.m.

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

Executive Session ended at 2:20 p.m.

Summary: On November 4, 2014 MEMS received notification from the licensee that he had been convicted of Domestic Violence Stalking, Class D, and had received a deferred disposition until March 1, 2017. After questioning the licensee and reviewing of all his documentation, which included a report from his counselor and eight positive letters of reference, the committee made the recommendation below.

MOTION AMENDED ON MARCH 7, 2018: The Committee recommends that the Board resolve case # 15-027 by dismissing the case as there was no conviction, amending the minutes, removing the old minutes from the website and posting the new minutes as well as removing the LOG from his file.(Board motion by Joe Kellner, second by Tim Beals) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-027 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

8. Case #15-095 – 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 15-095. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 3:05 p.m.

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

Executive session ended at 3:20 p.m.

Summary: Maine EMS initiated a complaint concerning a Maine-licensed Emergency Medical Dispatcher. The complaint is based upon information received that alleged that the Dispatcher provided Emergency Medical Dispatch (EMD) Services without a valid Maine EMS EMD license on four (4) calls for medical assistance during a time period between December 1, 2015 and December 8, 2015. The Dispatcher's Maine EMS EMD license expired on November 30, 2015.

MOTION: The Committee recommends that the Board issue the license with a Letter of Guidance, as any misconduct does not rise to a level warranting disciplinary action. The Letter of Guidance emphasizing awareness of the need for a license and awareness of license expiration dates will be maintained in the file for two (2) years. (Downing; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-095 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 3:30 p.m.

The next meeting will be on March 2, 2016 at 9:00 a.m.