



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
152 STATE HOUSE STATION
AUGUSTA, MAINE
04333



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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY JANUARY 7, 2015
GAMBLING BOARD ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON FEBRUARY 4, 2015
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Mike Senecal, Paul Knowlton
Staff: Alan Leo, Heather McKenney
Office of Attorney General: Lauren LaRochelle, AAG

1. CASE #14-024 – 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 14-24. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 9:20 a.m.

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

Executive session ended at 10:25 a.m.

Summary: MEMS initiated a complaint against a Paramedic after receiving information suggesting the Paramedic administered Zofran and then had an AEMT continue treating the patient during transport while the Paramedic drove the ambulance. The information provided also alleged that other providers heard the Paramedic direct the AEMT to write the run report as though the AEMT drove the ambulance, and the AEMT did so.

Aggravating Circumstances: None

Mitigating Circumstances: There was some discipline by the service, licensee was cooperative and remorseful

MOTION: The Committee recommends that the Board resolve case # 14-24 with a Consent Agreement that includes (1) a reprimand for both instances of misconduct; (2) a condition that the Licensee provide proof of completion of ethics training for health professionals within 3 months via an approved course by MEMS; and (3) O/A for a 6 month period for any calls for which the Licensee is the primary care giver. The period will run only while the Licensee is working full time, the O/A reviewer has to be approved by MEMS Staff and may be someone within the service, and any cost associated with the O/A will be the responsibility of the Licensee. A monthly report must be submitted to MEMS by the O/A reviewer and at the end of

the 6 month period. EMS staff may initiate a complaint based on concerns identified through the O/A and the O/A period can be continued at the discretion of the Board . The MEMS violations are Chapter 11 §1(2), (3), (5), (14), (21), (36), (37) and statute sections 90-A(5)(A) (see also Rule Ch. 11 §1(32)) and 90-A(5)(E)(see also Rule Ch. 11 §1(22)) (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-24 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #14-25 – 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 14-25. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 10:35 a.m.

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

Executive session ended at 11:05 a.m.

Summary: MEMS initiated a complaint against an AEMT after receiving information suggesting the AEMT provided patient care to an individual who had received Zofran. The information provided also alleged that other providers heard the Paramedic direct the AEMT to write the run report as though the AEMT drove the ambulance, and the AEMT did so.

Aggravating Circumstances: None

Mitigating Circumstances: Licensee was forthright, remorseful, was disciplined by the service, was a new AEMT, and this was an isolated incident.

MOTION: The Committee recommends that the Board resolve case # 04-25 with a Letter of Guidance as any misconduct would not rise to a level warranting discipline. The LOG to be in effect until August 31, 2019.(Knowlton; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-25 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

3. Case #14-042 -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 14-042. (Senecal; second by Gerrish) Unanimous.

Executive Session entered at 2:25 p.m.

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

Executive Session ended at 2:45

Summary: MEMS initiated a complaint against an EMS provider who was convicted, on a guilty plea, of Operating Under the Influence (Class D). His blood alcohol level was recorded as .22. The provider was sentenced to a 3 day alternative program, a suspension of 150 days of both regular and CDL licenses, and completion of a DEEP program and a substance abuse program. He was also fined \$500.00,

Aggravating Circumstances: None

Mitigating Circumstances: Remorseful, the court-ordered classes were completed, licensee is continuing AA voluntarily, cooperative, and accepts responsibility.

MOTION: The Committee recommends that the applicant be licensed and issued a Letter of Guidance for one license period as long as the applicant provides one additional positive professional letter of reference before the February 4, 2015 MEMS Board meeting. EMS staff may review the letter of reference when it is submitted. (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 04-42 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

4. CASE # 14-036 -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 14-036. (Senecal; second by Knowlton Unanimous.

Executive session entered at 3:20 p.m.

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

Executive session ended at 3:45 p.m.

Summary: Maine EMS staff initiated a complaint alleging that a service had been using an unlicensed ambulance for sixty days. The complaint was initiated following a routine inspection on October 14, 2014.

Aggravating Circumstances:

Mitigating Circumstances:

MOTION: The Committee recommends that the Board resolve Case # 14-036 with a Letter of Guidance as any misconduct would not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for one license cycle, ending January 1, 2016. (Contreras; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 04-36 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

NEW APPLICATION REVIEWS

1. James Butler Case # 14-041-Review of new application-Applicant present

Summary: On November 4, 2014 MEMS received a new provider application from James Butler. On that application Mr. Butler listed a February 27, 2006 conviction for Assault (Class D) and provided relevant court documents. A routine SBI Criminal History Report was obtained by MEMS on November 4, 2014 confirming the conviction. Mr. Butler was sentenced to 90 days of incarceration, all suspended; fined \$350.00; placed on probation for one year; and ordered to attend 12 sessions of an anger management class, which he completed.

The Committee recommends that the applicant be licensed and issued a Letter of Guidance for one license period as long as the applicant provides MEMS Staff with 3 positive professional and 2 positive personal letters of reference before the February 4 2015 MEMS Board meeting. (Senecal; second by Gerrish) Unanimous.

2. Marico Wilson Case # 14-039 – Review of new application - Applicant present,

Summary: On November 14, 2014 MEMS received a new provider application from Marico Wilson. On that application Mr. Wilson listed a conviction on April 5, 2010 for Assault (Class D) and provided court documents supporting that conviction. A routine SBI Criminal History Report was obtained by MEMS on November 17, 2014 confirming the conviction. Mr. Wilson was sentenced to 364 days of incarceration with all but 30 days suspended, fined \$300.00, and placed on probation for one year.

The Committee recommends that the applicant be licensed and issued a Letter of Guidance for one license period as long as the applicant provides MEMS Staff with 3 positive professional and 2 positive personal letters of reference and documentation confirming completion of an anger management class by March 4, 2015. (Beals; second by Gerrish) Unanimous.

The Committee adjourned at 3:50 p.m.

The next meeting will be on March 4, 2015 at 9:00 a.m.