



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



JOHN E. MORRIS  
 COMMISSIONER

PAUL R. LEPAGE  
 GOVERNOR

JAY BRADSHAW  
 DIRECTOR

**MAINE EMS  
 INVESTIGATIONS COMMITTEE MEETING  
 WEDNESDAY JANUARY 8, 2014  
 GAMBLING BOARD ROOM, AUGUSTA,  
 RATIFIED BY THE MAINE EMS BOARD ON MARCH 5, 2014  
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Paul Knowlton, Mike Senecal,  
 Nathan Contreras and Laura Downing

Staff: Alan Leo, Drexell White

Office of Attorney General: Lauren LaRoche, AAG

**1. CASE #13-044 – 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 13-044. (Senecal; second by Knowlton) Unanimous.**

Executive session entered at 9:15 a.m.

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

Executive session ended at 9:50 a.m.

**Summary:** MEMS initiated a complaint against a dispatcher who allegedly failed to provide EMD services in accordance with the Maine EMS approved EMD protocol in spite of remedial training about the protocol provided by the EMD Center. The EMD Center has provided remedial education to the provider and sent the EMD provider to the 3 day EMD Certification Course, yet non-compliance with the EMD protocols continued. When the non-performance issues continued the EMD Center Director filed the complaint with Maine EMS. The licensee was first licensed in 2008 but has been working as a Dispatcher for approximately 17 years.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** Licensee acknowledged that he was not performing as well as he should be and that he is continuing to work with the EMD Center to correct this deficiency.

**MOTION: The Committee recommends that the Board resolve case # 13-044 with a Letter of Guidance as it does not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for four years. The Letter will stress the**

**importance of proficiency in EMD protocols and of continuing EMD education. (Downing; second by Contreras) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-044 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. **CASE #13-051 – Licensee Present.** (Laura Downing disclosed that she had met the licensee previously in a social setting. She has encountered him infrequently and for that reason she stated that her ability to consider the complaint impartially would not be affected. She has not received any information about the complaint other than what was provided by EMS staff. The Licensee did not object to Laura Downing participating in the informal conference.)

**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 13-051. (Senecal; second by Gerrish) Unanimous.**

Executive session entered at 10:05 a.m.

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

Executive session ended at 10:15 a.m.

**Summary:** MEMS initiated a complaint based on a pending Operating Under the Influence (OUI) charge that was listed on the provider's September 5, 2013, renewal application for an EMD license. On November 23, 2013 the provider pled guilty to Reckless Conduct, 17-A M.R.S. § 211 (Class D) and the OUI Charge was dismissed.

**Aggravating Circumstances:**

**Mitigating Circumstances:** The Licensee accepted responsibility, has successfully completed a DEEP course, has no history of discipline, self-reported, and provided positive letters of recommendation.

**MOTION: The Committee recommends that the Board resolve case # 13-051 with a Letter of Guidance as it does not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for two years. The Letter will stress the conduct expected in the profession. (Senecal; second by Downing) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-051 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. **Review and Discussion of a motion made at the September Meeting to initiate an investigation.**

**MOTION: To enter executive session pursuant to 1 M.R.S.A. § 405(6)(E) & (F) to receive legal advice. (Senecal; second by Downing) Unanimous.**

Executive session entered at 10:50 a.m.

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

Executive session ended at 10:55 a.m.

**Summary:** In September 2013, the Investigations Committee made a motion directing EMS staff to initiate a complaint based upon information received during an investigation and informal conference. The subject of the complaint was non-compliance with patient care run reporting time requirements. The Board ratified that motion at its October 2, 2013, meeting. Prior to initiating the complaint, Alan Leo, Licensing Agent, obtained information that Jon Powers, EMS Data & Preparedness Coordinator, had worked with the licensee to resolve the software problem that had caused the run reporting delay.

**MOTION: Based on the licensee's prior work with EMS staff, the Committee withdraws its prior motion directing staff to initiate a complaint. (Senecal; second by Beals) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to this matter complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**4. CASE # 13-074 – Sheila Vuillemot-Application Review-Applicant present (Tim Beals recused)**

**Summary:** MEMS initiated a complaint against a dispatcher who allegedly provided EMD services without possessing a valid license from MEMS. The Applicant states her application for licensure was given to her supervisor but never sent to MEMS. The applicant provided EMD services on 55 EMD calls from September 16, 2013 to November 21, 2013. The application for an EMD license arrived at MEMS on November 25, 2013 after a conversation between MEMS Staff and the EMD Center Director about the application..

**Aggravating Circumstances:** None

**Mitigating Circumstances:** Applicant was cooperative with the Committee, was licensable at the time, had been working as an EMD provider in another state that does not require a state license, and her supervisor informed her that she was able to work as an EMD provider.

**MOTION: The Committee recommends that the Board issue the license with a Letter of Guidance as the applicant's conduct does not rise to a level warranting disciplinary action. The letter should stress the necessity of possessing a valid EMD license prior to working in that capacity. It is recommended that the Letter of Guidance be maintained in the file for two years. (Downing; second by Contreras) Unanimous.**

**5. CASE # 13-075 – Licensee Present** (Tim Beals recused)

**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 13-075. (Senecal; second by Downing) Unanimous.**

Executive session entered at 11:15 a.m.

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

Executive session ended at 11:25 a.m.

**Summary:** Maine EMS initiated a complaint after Staff received information suggesting that an EMD Center allowed an EMD provider to handle 55 EMD calls over a 3 month period without possessing a valid MEMS EMD license. The center supervisor explained that there was no excuse for this to happen and the application was misfiled.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** The licensee was cooperative, recognized the provider was unlicensed and took the steps to correct the issue, and developed and implemented a new checklist to prevent any recurrence of this from happening.

**MOTION: The Committee recommends that the Board resolve Case # 13-075 with a Letter of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for two years. (Downing; second by Contreras) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-075 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**6. CASE #13-041–Licensee was not present.** (Judy Gerrish recused)

**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 13-041. (Contreras; second by Downing) Unanimous.**

Executive session entered at 11:30 a.m.

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

Executive session ended at 12:15 p.m.

**Summary:** On August 2, 2013 MEMS received licensee's renewal application listing an arrest and pending charges for Domestic Violence Assault and Disorderly Conduct, Offensive Words

or Gestures from an event that occurred on May 4, 2013. Per a 2010 Consent Agreement, the licensee had agreed to notify MEMS within 10 days of any arrests, summonses, indictments, or convictions and to immediately voluntarily surrender his MEMS license pending Board action. Licensee did not notify MEMS within the timeframe specified in the 2010 Consent Agreement and did not surrender his license until September 4, 2013, after MEMS Staff reminded the licensee of the terms of his Consent Agreement. Licensee informed staff that he would not be attending the Informal Conference and that he no longer had any interest in fighting to keep an EMS license.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** None

**MOTION: The Committee recommends that the renewal application be preliminarily denied based on information suggesting that the licensee violated his 2010 consent agreement. The letter will also note that if the licensee requests a hearing, the hearing also will resolve complaint 12-030. (Beals; second by Knowlton) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-041 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 12:30 p.m.

The next meeting will be on March 5, 2014 at 9:00 a.m.