



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 MARCH 4, 2015
GAMBLING BOARD ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON APRIL 1, 2015
MEETING MINUTES**

Members Present: Tim Beals,(After Noon) Judy Gerrish, Mike Senecal, Paul Knowlton,
Lori Metayer

Staff: Alan Leo, Heather McKenney, Drexell White (11:30-12:15), Jay Bradshaw (9:00-10:15)
Office of Attorney General: Lauren LaRoche, AAG

1. CASE #14-038 – 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. (Knowlton; second by Gerrish) Unanimous.

Executive session entered at 11:00 a.m.

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

Executive session ended at 11:45 a.m.

Summary: MEMS initiated a complaint against an AEMT after receiving information alleging that the AEMT had treated patients above the service license level, which was EMT, and no permit was in place. The AEMT also allowed an EMT enrolled in an AEMT class to perform AEMT skills and the EMT was not in a scheduled clinical setting nor was the service approved to precept students. The treatment was also not documented on the patient care report. The AEMT stated that his service chief told him that he could perform at that level, that he could preceptor the student and that the chief would document the treatment in the MEMSRR system himself.

Aggravating Circumstances: None

Mitigating Circumstances: There was a lot of turnover in the administration during this period and the AEMT informed the service chief in writing of his concerns with the MEMSRR reporting procedures.

MOTION: The Committee recommends that the Board resolve case # 14-038 with a Letter of Guidance to be on file until May 21, 2018, as any misconduct does not rise to the level of discipline. The LOG should remind the provider that professional responsibility includes knowing the license/permit level of the service and working within that level. It should also reiterate that the patient care report is a legal document and the patient's legacy, and it must be accurate listing any and all treatment provided. (Gerrish; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-038 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #14-031 – 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 14-031. (Knowlton; second by Gerrish) Unanimous.

Executive session entered at 12:45 p.m.

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

Executive session ended at 1:00 p.m.

Summary: MEMS initiated a complaint against an ambulance service after receiving documentation showing that the service refused to respond to an emergency call in one of its primary coverage areas. It was alleged that the service chief at the time made the decision not to respond. The service chief has since been terminated and a new one appointed.

Aggravating Circumstances: None

Mitigating Circumstances: The new chief is developing new policies and has reached out to Maine EMS for assistance.

MOTION: The Committee recommends that the Board resolve case # 14-031 with a Letter of Guidance to be on file until July 31, 2016, as any misconduct would not rise to a level warranting discipline. The LOG should reinforce responding to any emergencies in the service's primary coverage areas should encourage use of the resources of Maine EMS and the regional office. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-031 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

3. Case # 14-033-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 14-033. (Knowlton; second by Gerrish) Unanimous.

Executive Session entered at 1:10 p.m.

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

Executive Session ended at 1:20 p.m.

Summary: On September 11, 2014 MEMS received notification from a licensed EMT that he had been convicted of Assault Class D on April 14, 2014. A Criminal History Report was obtained by MEMS on September 12, 2014 and showed a Felony charge of Gross Sexual Assault Class A being dismissed and the Assault Class D conviction. All of the documentation was requested and received on October 16, 2014. The conviction involved offensive physical contact with a 13 year old female while the EMT was 19 years old.

Aggravating Circumstances: None

Mitigating Circumstances: The EMT self-reported the conviction, was cooperative with MEMS Staff, and was honest and remorseful.

MOTION: The Committee recommends that the Board resolve case # 14-033 with a Letter of Guidance in effect until July 31, 2018, as any misconduct does not rise to a level warranting discipline. The LOG will be issued if the EMT provides 2 positive professional letters of reference to MEMS before the April 1, 2015 Board meeting. MEMS Staff may approve the letters. The LOG should remind the provider of the importance of public perception and public trust is important, and that criminal convictions may affect the public's willingness to access the EMS system. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 04-033 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

4. Case #14-037 -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 14-037. (Knowlton; second by Gerrish) Unanimous.

Executive Session entered at 2:20 p.m.

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

Executive Session ended at 2:50 p.m.

Summary: MEMS initiated a complaint against an EMT after receiving information alleging that the EMT had treated patients at the AEMT level under the guidance of a licensed AEMT when the service license level was EMT and no permit was in place. Although the EMT was enrolled in an AEMT class, she was not in a scheduled clinical setting nor was the service approved to preceptor students.

Aggravating Circumstances: None

Mitigating Circumstances: The EMT was reprimanded and suspended from the AEMT class for 30 days by the training center where she was enrolled; she completed the remaining clinical time without incident.

MOTION: The Committee recommends that the Board resolve case # 14-037 with a Letter of Guidance for a period of 3 years, as any misconduct does not rise to a level warranting discipline. The LOG should reinforce the professional responsibilities to know and abide by the service's license level and the clinical rules and regulations in any future classes. (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 04-037 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

NEW APPLICATION REVIEWS

1. Zachary McMillan Case # 14-040 - Review of new application - Applicant present.

Summary: On November 19, 2014 MEMS received a new provider application from Zachary McMillan. On that application Mr. McMillan listed that he had charges pending against him and provided the documents to MEMS. Mr. McMillan was found Guilty of an OUI Class D on December 11, 2014. A routine SBI Criminal History Report obtained by MEMS on December 11, 2014 confirmed this conviction. Mr. McMillan was fined \$500.00 dollars and his driver's license was suspended until 3/14/2015.

MOTION: The Committee recommends that the applicant be licensed and issued a Letter of Guidance for one license period as any misconduct would not rise to a level of discipline. The LOG should emphasize the importance of responsible decision making and knowing personal limitations, especially in circumstances that could create a potential danger to the public. (Metayer; second by Gerrish) Unanimous.

2. Amy Milam Case # 15-002 – Review of new application - Applicant not present.

Summary: On February 3, 2015 MEMS determined through a series of e-mail correspondence between the applicant, EMD Center and MEMS Staff that Ms. Milam was not licensed as an EMD provider and that she was providing EMD on emergency medical calls that came into the EMD Center. Her license expired on February 28, 2014. Amy had ceased working as an EMD provider on June 30, 2013 and returned to work on August 25, 2014. She was allowed to work as

an EMD provider by the EMD Center because they had her expiration date in their system as February 28, 2015. She provided EMD on 54 calls after her license had expired.

Mitigating Circumstances: The provider had the necessary certification; QI showed excellent performance; the provider was cooperative.

MOTION: The Committee recommends that the applicant be licensed and issued a Letter of Guidance for two years as any misconduct would not rise to a level of discipline. The LOG should address professional accountability and each licensee's responsibility for maintaining his or her own license. (Senecal; second by Gerrish) Unanimous.

3. Luke Smith Case # 14-043 – Review of new application – Applicant present,

Summary: On December 8, 2014 MEMS received a new provider application from Luke Smith. On that application Mr. Smith listed a conviction on January 2, 2007 for Assault Class D. A routine SBI Criminal History Report confirmed this conviction. Mr. Smith is under a Consent Agreement from 2014 for multiple convictions between 1989 and 2003.

MOTION: The Committee recommends that the applicant be licensed and MEMS is to amend the active Consent Agreement to include this conviction with no additional discipline.(Metayer; second by Contreras) Unanimous.

The Committee adjourned at 3:00 p.m.

The next meeting will be on May 6, 2015 at 9:00 a.m.