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DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY MAY 1, 2013
GAMBLING BOARD ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON JUNE 5, 2013
MEETING MINUTES**

Members Present: Paul Knowlton, Tim Beals, Judy Gerrish (in at 12:30), Mike Senecal, Lori Metayer and Nathan Contreras

Staff: Alan Leo and Dawn Kinney

Office of Attorney General: Lauren LaRochelle, AAG

1. CASE #12-056 – 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 12- 056 (Senecal; second by Knowlton) Unanimous.

Entered executive session at 9:30 a.m.

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

Executive session ended at 9:50 a.m.

Summary: On December 6, 2012, Maine EMS received a renewal application for an EMT license. In that application the Licensee listed a pending charge of Driving to Endanger. Court records state that the Licensee accepted a deferred disposition on the charge, which will result in the charge being dropped if he pays a fine and avoids new criminal charges for a six month period ending in July 2013. The Driving to Endanger charge stemmed from the Licensee backing his vehicle down a roadway to respond to an emergency call, and allegedly almost striking two pedestrians while travelling at a high rate of speed.

Aggravating Circumstances: The Licensee was uncooperative with efforts by Maine EMS staff to contact him.

Mitigating Circumstances: Court issued a deferred disposition to dismiss the charge after six (6) months.

MOTION: The Committee recommends that the Board resolve case # 12-056 by dismissing the case with a Letter of Guidance as it does not rise to a level warranting disciplinary action. However, the conduct could be considered a violation of Maine EMS Rules May 1, 2013

Chapter 11 §(1)(5) “Acting in ways that are dangerous or injurious to the licensee or other persons.” Letter of Guidance will be issued after the deferred disposition is completed. If the deferred disposition is not completed without the licensee engaging in new criminal conduct, Maine EMS staff should bring the complaints back to the Investigations Committee. The Letter of Guidance will be maintained in the file for three (3) years. (Metayer; second by Senecal) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-056 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

2. CASE 12-043 – 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 12-043 (Senecal; second by Contreras) Unanimous.

Entered executive session at 10:35 a.m.

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

Executive session ended at 11:20 a.m.

Summary: Maine EMS received a complaint from a patient who stated that she had not received appropriate treatment for a fall down a flight of stairs. The patient states that she was not assessed prior to being requested to stand up and walk out to the ambulance.

Aggravating Circumstances: None

Mitigating Circumstances: The Licensee was cooperative and accepted responsibility, submitted seven (7) letters of recommendation, and has no prior history of any issues in EMS.

MOTION: The Committee recommends that the Board resolve case # 12-043 by dismissing the case with a Letter of Guidance as it does not rise to a level warranting disciplinary action. The Letter of Guidance will reflect the importance of any deviation from the Standard of Care and professional treatment of a patient, as this could result in the patient not receiving the appropriate emergency medical treatment. The Letter of Guidance will be maintained in the file for three (3) years. (Metayer; second by Senecal) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-043 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

3. CASE #13-001 – Licensee present. Tim Beals recused himself due to a professional conflict and to prior knowledge of the investigation.

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 13-001 (Knowlton; second by Metayer) Unanimous.

Entered executive session at 11:35 a.m.

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

Executive session ended at 12:15 p.m.

Summary: Licensee initiated an IV of saline outside of the approved medical setting, and allegedly left the IV unattended for a three (3) hour period. The IV was performed on another employee, who holds an EMS Dispatch license but not a license to provide medical care..

Aggravating Circumstances: None

Mitigating Circumstances: Accepted responsibilities; a supervisor witnessed the incident the IV running and did not intervene; provided eight (8) letters of recommendation; honest and cooperative.

MOTION: To recommend that the Board resolve case # 13-001 by offering the Licensee a consent agreement for a Reprimand. The basis for the consent agreement is the Licensee's conduct that violates Chapter11 §1(2). "Violating a lawful order, rule or consent agreement of the Board"; Chapter11 §1(5). "Acting in ways that are dangerous or injurious to the licensee or other persons"; Chapter11 §1(14). "Violation of any standard established in the profession"; Chapter 11 §1 (17)" Diverting drugs, supplies or property of patients, patient's families, or healthcare providers"; Chapter 11§ 1(18) "Possessing, obtaining, furnishing or administering prescription drugs, equipment or supplies to any person, including one's self, except as directed by a person authorized bylaw to prescribe such items"; Chapter 11 §1(22). "Incompetent practice. A licensee or applicant shall be deemed incompetent in the practice if the licensee or applicant has:

A. Engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client, patient, or the general public"; and 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." 32 M.R.S.A. § 90-A (5)(E) [Incompetent professional practice],(F) [violation of reasonable standard of professional behavior, conduct or practice], and (H) [violation of any rule]. 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 a hearing. (Metayer; second by Knowlton) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-001 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. CASE # 12-038 - Licensee present by teleconference

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 12-038 (Senecal; second by Knowlton) Unanimous.

Entered executive session at 1:10 p.m.

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

Executive session ended at 1:20 p.m.

Summary: The issue involved the conduct of a Licensee who may have brokered a deal for the Licensee's relative to obtaining Percocet from one of the Licensee's friends and may have received \$100.00 for her part in the deal. The Committee met with the Licensee in March and then tabled the matter to request additional information and documentation, which was provided by the Licensee and Maine EMS staff.

Aggravating Circumstances: None

Mitigating Circumstances: Licensee submitted seven (7) letters of recommendation and was cooperative.

MOTION: The Committee recommends that the Board resolve case # 12-038 by dismissing the case with a Letter of Guidance as it does not rise to a level warranting disciplinary action. The Letter of Guidance will reflect the importance of professional conduct. The Letter of Guidance will be maintained in the file for three (3) years effective from the date of renewal of the license. (Senecal; second by Metayer) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-038 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE # 13-002 – 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 13-002 (Senecal; second by Knowlton) Unanimous.

Entered executive session at 2:10 p.m.

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

Executive session ended at 2:25 p.m.

Summary: In 2010, the licensee received a nine-month suspension from Massachusetts EMS of his Massachusetts license for using a BLS refresher certificate from a course that he never attended. The Licensee did not attempt to use the falsified BLS refresher certificate to renew his Maine EMS license and disclosed that he had action taken against a professional license in Massachusetts. His Massachusetts license is currently active.

Aggravating Circumstances: None.

Mitigating Circumstances: Licensee received disciplinary action for his Massachusetts EMS license, and was cooperative and forthright with the Committee.

The Committee recommends that the Board resolve case # 13-002 by dismissing the case as it does not rise to a level warranting disciplinary action. (Metayer; second by Contreras) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-002 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. CASE # 13-011 – 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 13-011 (Senecal; second by Contreras) Unanimous.

Entered executive session at 2:30 p.m.

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

Executive session ended at 3:00 p.m.

Summary: The licensee disclosed that he had entered into a deferred disposition on a charge of Operating Under the Influence. The deferred disposition will be in place until March 31, 2014 at which time, if all requirements are met, the charge will be dismissed.

Aggravating Circumstances: None.

Mitigating Circumstances: Licensee understands the mistakes that he made, completed all counseling requirements of the deferred disposition, had a financial impact, accepted responsibility, and was cooperative and forthright with the Committee.

MOTION: The Committee recommends that the Board resolve case # 13-011 by dismissing the case with a Letter of Guidance as it does not rise to a level warranting disciplinary action. The Letter of Guidance will reflect the importance of professional conduct and that driving is an integral part of providing emergency medical services. The Letter of Guidance will be maintained in the file for three (3) years. (Senecal; second by Metayer) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-011 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 3:15 p.m.

The next Investigations Committee meeting will be on May 1, 2013 at 9:00 a.m.