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DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, MAY 2, 2012
CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON JUNE 5, 2012
MEETING MINUTES**

Members Present: Steve Leach, Lori Metayer, Tim Beals, and Mike Senecal

Staff: Dawn Kinney and Alan Leo

Office of Attorney General: Lauren LaRochelle, AAG;

1. CASE # 11-040- Licensee present with Attorney and Service Medical Director.

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 11-040. (Leach; second by Senecal) Unanimous.

Entered executive session at 09:35 a.m.

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

Executive session ended at 10:00 a.m.

Summary: A licensed EMS service allegedly allowed Paramedic Interfacility Transfers (PIFT) without having received approval from Maine EMS to be a PIFT service. From July 2007 to October 2011 the service performed twenty (20) transports that had PIFT medications.

Aggravating Circumstances:

Mitigating Circumstances: The paramedics on the transfers were all trained as PIFT providers; service sent a letter to Maine EMS about becoming a PIFT service during a time of transition to a new Education and Training Coordinator; and, service had an appropriate Service Medical Director who had been doing Quality Assurance on all PIFT transports;

MOTION: To recommend that the Board resolve case # 11-040 by offering the Licensee a Letter of Guidance to remain in the Licensee's file until June 6, 2013. The Committee finds that the evidence could support a finding that the Licensee violated Chapter 11 § (1)(30), "Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted." The Committee recommends, however, that due to the mitigating

circumstances, the Board find that the potential violation does not rise to a level warranting disciplinary action. (Senecal; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-040 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. Brian Alley – Review of new application – Applicant present.

Summary: On March 2, 2012, Maine EMS received an application from Brian Alley who disclosed a conviction for Harassment in May 2010. A State of New Hampshire criminal history record confirmed the Harassment conviction.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: Request that the applicant provide three (3) professional references to staff within three weeks and that staff get verification from New Hampshire regarding status of his license in order to support that applicant has been sufficiently rehabilitated to warrant the public trust. If these conditions are met, the Committee recommends that the Board issue the license with a Letter Guidance, to be maintained in the file for three years. (Leach; second by Metayer;) Unanimous.

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

3. CASE # 11-061- Licensee present with Assistant Director

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 concerning case number 11-061. (Leach; second by Senecal) Unanimous.

Entered executive session at 11:35 a.m.

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

Executive session ended at 1:00 p.m.

Summary: Licensee not requesting Advanced Life Support when the protocol indicate that a Critical Care or Paramedic level provider is needed. And, Licensee is not completing the run reports in the required three (3) business days.

MOTION: To recommend that this case be tabled until next meeting to obtain additional documents. A recommendation for resolution of case # 11-061 will be made at that time. (Senecal; second by Metayer) Unanimous.

4. CASE #11-041 – Licensee not 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 11-041. (Beals; second by Senecal) Unanimous.

Entered executive session at 1:30p.m.

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

Executive session ended at 1:45 p.m.

Summary The issue involved an EMS Licensee's conviction on December 8, 2011 for Theft by Unauthorized Taking or Transfer (Class E).

Aggravating Circumstances: The theft was from a Fireman's fund which the Licensee had control of; and, Licensee has not responded to or communicated with Maine EMS staff.

Mitigating Circumstances: None.

MOTION: To recommend that the Board resolve case # 11-041 by offering the licensee a consent agreement for voluntary surrender of the license. The voluntary surrender is based upon the licensee's December 8, 2011 conviction for Theft by Unauthorized Taking or Transfer (Class E) and the conduct underlying that conviction, which violate 32 M.R.S.A § 90-A (5)(F), Violation of any reasonable standard of professional behavior, conduct or practice that has been established in the practice for which the licensee is licensed, and 32 M.R.S.A. § 90-A (5)(G), Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty. Licensee's conduct and conviction also violate the following Maine EMS Rules effective (October 1, 2009): Chapter 11 §(1)(4), Any criminal conduct or conviction subject to the limitations of Maine statute; §(1)(14), Violation of any standard established in the profession. Given the recency of the conviction and Licensee's failure to respond to or communicate with the Maine EMS staff, Licensee has not demonstrated rehabilitation sufficient to warrant the public trust. If Licensee does not agree to the voluntary surrender, the Committee recommends that the Board pursue revocation. (Senecal; second by Leach;) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-041 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE #12-012– 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 12-012 (Leach; second by Metayer) Unanimous.

Entered executive session at 2:10 p.m.

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

Executive session ended at 2:35 p.m.

Summary: The issue involved the treatment Licensee gave to a patient.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: To recommend that the Board resolve case # 12-012 by dismissing the case as factually unfounded. The Committee recommends the Board find no Maine EMS Statute or Rules violation. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-012 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. CASE #12-011 - 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 12-011 (Leach; second by Senecal) Unanimous.

Entered executive session at 2:45 p.m.

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

Executive session ended at 2:55 p.m.

Summary: The issue involved the treatment Licensee gave to a patient.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: To recommend that the Board resolve case # 12-011 by dismissing the case as factually unfounded. The Committee recommends the Board find no Maine EMS Statute or Rules violation. (Leach; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-011 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. Regina Venezia – Review of new application - Applicant present,

Summary: On February 23, 2012, Maine EMS received an application from Regina Venezia who disclosed convictions for Operating Under the Influence, Refusing to Submit to Arrest or Detention and Assault in July 2004 and October 2007 convictions for Disobeying an Officer and Possession of Drugs in Motor Vehicle. A routine SBI Criminal History Report confirms the convictions of Operating Under the Influence, Refusing to Submit to Arrest or Detention and Assault in July 2004. New Hampshire court records confirm the convictions for Disobeying an Officer and Possession of Drugs in Motor Vehicle in 2007.

Aggravating Circumstances: None

Mitigating Circumstances: Applicant has accepted responsibility and expressed remorse; was cooperative; self-reported the convictions; has shown evidence of rehabilitation through lifestyle changes; has been part of the Naples Fire/Rescue for the past 3 years; has completed Fire training I and II and is highly recommended by the Deputy Chief – EMS, Naples Fire Department.

MOTION: Given the applicant's activities over the years since the convictions, applicant has been sufficiently rehabilitated to warrant the public trust. The Committee recommends that the Board issue the license with a Letter Guidance, to be maintained in the file for three years. (Metayer; second by Leach) Unanimous.

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

The Committee adjourned at 4:00 p.m.

The next Investigations Committee meeting will be on July 3, 2012.