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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, MAY 4, 2011
CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON JUNE 1, 2011
MEETING MINUTES**

Members Present: Paul Knowlton, Lori Metayer, and Steve Leach

Staff: Dawn Kinney, Alan Leo, and Drexell White (12:15 – 1:30)

Office of Attorney General: Dennis Smith, AAG

- 1. CASE # 11-022- Licensee present** - Steve Leach disclosed that he knows the Licensee on a professional basis, but stated that this knowledge would not affect his ability to decide the matter impartially based only on the information provided to him by EMS staff or the Licensee. Licensee had no objection to Mr. Leach's participation.

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 11-022. (Leach; second by Knowlton) Unanimous.

Entered executive session at 10:15 a.m.

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

Executive session ended at 10:45 a.m.

Summary: The issue involved an EMS Licensee allowing an unlicensed EMT to provide emergency medical treatment to one patient from April 1, 2011 to April 4, 2011, during the time that the EMT had an expired license (EMT's license expired on March 31, 2011).

Aggravating Circumstances: None.

Mitigating Circumstances: The Licensee: was forthright and cooperative with the Committee; self-reported to Maine EMS; possessed a good faith belief that the EMT's renewal process was updated by staff; and did not bill for the single incident.

MOTION: To recommend that the Board resolve case # 11-022 by offering the Licensee a consent agreement: (1) based upon allowing an unlicensed EMT to practice on one occasion with an expired license (the EMT's license expired on March 31, 2011) in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(34) "Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 2-B;" (2) with a sanction of a reprimand. The Licensee will provide a written policy to prevent further occurrence to Maine EMS staff prior to the execution of the consent agreement. 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 hearing. (Leach; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-022 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. **CASE # 11-021– Licensee present.** Lori Metayer recused herself, left the room and did not participate in any deliberations regarding this matter.

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 11-021. (Leach; second by Knowlton) Unanimous.

Entered executive session at 10:55 a.m.

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

Executive session ended at 11:15 a.m.

Summary: The issue involved an EMS Licensee allowing an unlicensed EMT to provide emergency medical treatment to six (6) patients from April 1, 2011 to April 4, 2011, while the EMT's license was expired (the EMT's license expired on March 31, 2011).

Aggravating Circumstances: None.

Mitigating Circumstances: The Licensee: was forthright and cooperative with the Committee; self-reported to Maine EMS; spoke with the EMT provider and was assured the license was in place; allowed this to occur only during one shift; and did not bill for any of the calls.

MOTION: To recommend that the Board resolve case # 11-021 by offering the Licensee a consent agreement: (1) based upon allowing an unlicensed EMT to practice during one shift to six (6) different patients with an expired license (the EMT's license expired on March 31, 2011) in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(34) "Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 2-B;" (2) with a sanction of a reprimand. The Licensee will provide a written policy to prevent further occurrence to Maine EMS staff prior to the execution of the consent agreement. 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 hearing (Knowlton; second by Leach) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-021 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. Eric Bajpai–Review of new application– Applicant present.

Summary: The issue involved a disclosure of a 2009 criminal conviction on his application for licensure. On March 8, 2011, Maine EMS received an application from Eric Bajpai, who disclosed a conviction for Simple Assault. The Court records from North Carolina confirmed that on May 12, 2009, Mr. Bajpai was convicted of Simple Assault. However, the North Carolina State Bureau of Investigation criminal history fingerprint-based search shows no criminal history record was found.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board find that Mr. Bajpai has been sufficiently rehabilitated to warrant the public trust and be issued a free and unrestricted license based upon: his honorable service in the U.S. Marine Corps as a Corporal, including a tour of duty in Iraq; his current enrollment in an advanced educational program related to EMS; and his lack of any subsequent criminal conviction. (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.

4. CASE 11-009 - Licensee not present.

MOTION: To enter executive session pursuant to 32 M.R.S.A. §92 and 1 M.R.S.A. §405(6)(E) & (F), to receive legal advice and review of confidential material concerning case number 11-009. (Leach; second by Metayer) Unanimous.

Entered executive session at 12:10 p.m.

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

Executive session ended at 12:25 p.m.

MOTION: To recommend that this case be tabled to the next meeting to allow staff to obtain additional investigation documents. (Metayer; seconded by Leach) Unanimous

5. CASE # 11-019 – 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 11-019. (Leach; second by Knowlton) Unanimous.

Entered executive session at 12:25 p.m.

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

Executive session ended at 1:10 p.m.

Summary: The issue involved the Licensee allowing an unlicensed emergency medical dispatcher to provide emergency medical dispatch service on their behalf during a period of time from March 1, 2011 to March 31, 2011. Specifically, the unlicensed dispatcher provided emergency medical dispatch service on behalf of the Licensee on twenty-six calls.

Aggravating Circumstances: Number of calls unlicensed dispatcher provided emergency medical dispatch services; unlicensed for 11 workdays; and this was not self reported.

Mitigating Circumstances: Licensee was forthright and cooperative with the Committee; took responsibility; updated a policy to prevent further occurrence; immediately removed dispatcher from performing EMD calls; and dispatcher was licensable at the time the license was expired.

MOTION: To recommend that the Board resolve case # 11-019 by offering the Licensee a consent agreement based upon the Licensee allowing an emergency medical dispatcher to perform without a license for twenty-six (26) calls. The Board finds the Licensee in violation of Maine EMS Rules (dated October 1, 2009); Chapter 11§(1)(2) “Violating a lawful order, rule or consent agreement of the Board”, Chapter 11§(1)(3)” Violating any of the provisions of 32 M.R.S.A., Chapter 2-B”, Chapter 11 §(1)(13) “ Engaging in conduct prohibited by law”, and 32 MRSA §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services’ Board pursuant to this chapter]. Recommended terms include: 1) a reprimand; and 2) a \$100.00 for the four (4) EMD calls the Licensee allowed knowing the dispatcher was unlicensed, for a total of \$400.00. 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 hearing. (Metayer; second by Knowlton) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-019 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

6. CASE # 11-011 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 11-011. (Leach; second by Knowlton) Unanimous.

Entered executive session at 1:15 p.m.

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

Executive session ended at 1:50 p.m.

Summary: The issue involved the Licensee allowed an unlicensed emergency medical dispatcher to provide emergency medical dispatch service on their behalf during a period of time from May 12, 2009, to February 8, 2011. Specifically, the unlicensed dispatcher provided emergency medical dispatch service on behalf of the Licensee on one hundred sixty seven (167) calls. On February 7, 2011, Maine EMS received an application for a new EMD license and it was discovered that the dispatcher had never applied for an EMD license, however had maintained all the required training to become licensed. In this case, as the dispatcher was never licensed, neither the dispatcher nor the Licensee received a notice of expiration that Maine EMS staff sent to licensees.

Aggravating Circumstances: Length of time of unlicensed practice; number of calls (167) unlicensed dispatcher provided emergency medical dispatch services; there was question at the annual site visit by Maine EMS staff that her name did not show up on the roster; and this was not self reported.

Mitigating Circumstances: Licensee was forthright and cooperative with the Committee; updated a policy, which included a tracking process to prevent further occurrence; dispatcher never had a license, but was nationally certified and trained; and no ill intent for dispatcher to not get a Maine EMS, EMD license.

MOTION: To recommend that the Board resolve case # 11-011 by offering the Licensee a consent agreement based upon the Licensee allowing an emergency medical dispatcher to perform without a license for one hundred sixty-seven (167) calls. The Board finds the Licensee in violation of Maine EMS Rules (dated October 1, 2009); Chapter 11§(1)(2) “Violating a lawful order, rule or consent agreement of the Board”, Chapter 11§(1)(3), Violating any of the provisions of 32 M.R.S.A., Chapter 2-B; Chapter 11 §(1)(13), Engaging in conduct prohibited by law: and 32 M.R.S.A. §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services’ Board pursuant to this chapter]. Recommended terms include a reprimand. 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 hearing. (Metayer; second by Knowlton) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-011 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. CASE # 11-013 – 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 11-013. (Leach; second by Knowlton) Unanimous.

Entered executive session at 2:10 p.m.

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

Executive session ended at 2:30 p.m.

Summary: The issue involved the Licensee allowing an unlicensed EMT to provide emergency medical treatment to one (1) patient with an expired license (the EMT's license expired on January 31, 2011).

Aggravating Circumstances: Not self reported; and the Licensee did not provide a clear directive to the EMT not to practice.

Mitigating Circumstances: Licensee was forthright and cooperative with the Committee; the EMT had the requisite training at the time of the incident; it was a single event; the Licensee developed a policy to prevent further occurrence; and the call was not billed.

MOTION: To recommend that the Board resolve case # 11-013 by offering the Licensee a consent agreement based upon allowing unlicensed practice for providing emergency medical treatment to one patient at a time when license was expired (the Licensee's license expired on January 31, 2011) in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(34) "Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 2-B." Recommended terms include: 1) a reprimand. 2) a fine of \$100.00 that will be due at the execution of the consent agreement. 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 hearing. (Metayer; second by Leach) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-013 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

Adjourned at 2:45 p.m. – next meeting will be July 6, 2011.