



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



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 COMMISSIONER

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**MAINE EMS
 INVESTIGATIONS COMMITTEE MEETING
 WEDNESDAY MAY 6, 2015
 GAMBLING BOARD ROOM, AUGUSTA,
 RATIFIED BY THE MAINE EMS BOARD ON JUNE 3, 2015
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Mike Senecal (until 3:00), Paul Knowlton, Nate Contreras,
 Laura Downing (10:00 -10:15 am)

Staff: Alan Leo, Heather McKenney, Drexell White (10:00 -10:15 am)

Office of Attorney General: Lauren LaRoche, AAG

1. CASE #15-003 – 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 15-003. (Senecal; second by Knowlton) Unanimous.

Executive session entered at 10:00 a.m.

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

Executive session ended at 10:15 a.m.

Summary: MEMS initiated a complaint against an EMD Center that allowed an EMD provider to perform EMD without a valid MEMS license on 54 calls from September 1, 2014 to February 1, 2015. The EMD Center Director stated this was an oversight as the provider was not employed there when she expired and when she was rehired her records showed an expiration date of February 1, 2015. The provider was licensable during this time. The Center has since refined their tracking procedures regarding MEMS license expiration dates.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 15-003 with a Letter of Guidance to be on file until June 30, 2017, as any misconduct does not rise to the level of discipline. The letter will remind the Center that it is responsible for providing licensed

personnel and that it is important to have a policy in place for tracking license expiration of new hires and rehires. (Gerrish; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-003 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #15-005 – 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 15-005. (Senecal; second by Contreras) Unanimous.

Executive session entered at 10:25 a.m.

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

Executive session ended at 10:40 p.m.

Summary: On February 26, 2015 MEMS received an electronic application for the renewal of an EMT license that had expired on December 31, 2014. A routine MEMSRR report suggested the licensee provided patient care on three EMS calls after his license expired. The provider states that he simply forgot to send the application in. The provider was immediately suspended without pay from his employment with his EMS department and this is his full time job.

Aggravating Circumstances: None

Mitigating Circumstances: The provider has suffered financial loss by being out of work over three months; forthright and cooperative

MOTION: The Committee recommends that the Board resolve case # 15-005 with a Letter of Guidance to be on file until June 3, 2018, as any misconduct would not rise to a level warranting discipline. The LOG should reinforce that the provider must be aware of his expiration date, make sure his application is processed on time, and provide patient care only while properly licensed. (Contreras; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-005 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

3. Case # 15-024-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 15-024. (Senecal; second by Contreras) Unanimous.

Executive Session entered at 12:00 p.m.

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

Executive Session ended at 12:35 p.m.

Summary: On December 28, 2014 this EMT who was enrolled in an AEMT class was working a scheduled shift with a paramedic. The EMT was not in a scheduled clinical setting and the service is not an approved preceptor service. The crew was called to the hospital for a Paramedic level transfer to another facility which required continuous 12 lead monitoring and nitro as needed for chest pain. The patient also had a heparin lock in place. No nitro was administered but numerous rhythm strips were produced from the cardiac monitor. The EMT was offered the opportunity to be the primary patient care giver on this call by the Paramedic and did so. The Paramedic drove the ambulance and the transfer time was 1 hour 17 minutes. The provider stated she thought it was okay because both the doctor and Paramedic gave approval, but she now knows she made a mistake.

MOTION: The Committee recommends that the Board resolve case # 15-024 with a Letter of Guidance in effect 6 years from the date of her approved upgrade in licensing , as any misconduct does not rise to a level warranting discipline. The LOG should remind the provider that responsibility comes with holding an EMS license, and that she should be an advocate for patients and provide patient care only within her scope of practice. (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-024 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

4. Case #13-049 & 13-053 -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 13-049 & 13-053. (Senecal; second by Contreras) Unanimous.

Executive Session entered at 2:05 p.m.

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

Executive Session ended at 2:45 p.m.

Summary: MEMS initiated a complaint against a Paramedic after notification was made to Maine EMS alleging the theft of narcotics on August 23, 2013 from the Hospital he is affiliated with. On September 19, 2013 the Paramedic again was alleged to have stolen more narcotics from the ambulance service he also worked for. At the request of Maine EMS he voluntarily surrendered his Paramedic license pending Board action. He pled guilty to Stealing Drugs Class C, was placed under a Deferred Disposition until March 24, 2015. All of the conditions were completed under that disposition and the Class C was dismissed and the final conviction was Violating Conditions of Release and Possession of Scheduled Drugs Class D. He has been attending substance abuse counseling and continues that at this time.

Aggravating Circumstances: Repeated incidents and potential for patient harm due to missing medications from the service's airlift bags.

Mitigating Circumstances: He completed all the requirements of the Deferred Disposition, is still in counseling for substance abuse, has no prior criminal history, and was cooperative and forthright.

MOTION: The Committee recommends that the Board resolve case # 13-049 & 13-053 by offering the Licensee a Consent Agreement that contains a suspension for eighteen months and continued substance abuse counseling during that period. His treatment must include random screening. His treatment provider must send quarterly reports and recommendations regarding the need for continued counseling to MEMS Staff. The Licensee shall comply with his treatment provider's recommendations and shall abstain from all alcohol and drugs unless prescribed by a practitioner familiar with Licensee's substance abuse history. Any further issues regarding substance abuse identified by staff or the treatment provider may result in a new complaint or informal conference. These conditions will remain in effect unless and until the Board, on the Licensee's written request, votes to terminate these conditions. The Paramedic will provide the required amount of CEH hours to renew his MEMS Paramedic license before the suspension will be terminated. The Paramedic will also notify Maine EMS with in 10 days of any civil or criminal charges and, if his period of suspension has concluded, his license will be immediately suspended until the matter is reviewed and resolved by the Board. Violation of Rule Ch. 11 §1(5), (14), (17), (18), and (33). (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-049 & 13-053 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

NEW APPLICATION REVIEWS

1. Shawn Lavoie Case # 15-022 - Review of new application - Applicant present.

Summary: On March 4, 2015 Maine EMS received an application for a new EMR license from Shawn Lavoie. On that application Mr. Lavoie answered "no" to question 11a "Have you ever been convicted of any criminal offense. A routine SBI report obtained by MEMS showed convictions on November 13, 1991 for Theft by Unauthorized taking and on August 29, 1996 for Assault. Mr. Lavoie explained to the Committee that he had forgotten about these convictions and that he did not read the questions thoroughly.

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 completing the MEMS application thoroughly and correctly, and of refraining from any further conduct like that listed.(Senecal; second by Gerrish) Unanimous.

2. Brian Letourneau Case # 15-004 – Review of new application - Applicant present.

Summary: On February 18, 2015 Maine EMS received an application for a new EMS license from Brian Letourneau. On that application Mr. Letourneau disclosed convictions for Assault in 1993, 2004 and 2011. A routine SBI Criminal History Report obtained by Maine EMS showed the following additional convictions: Theft in 1988; Unlawful Possession of Scheduled Drugs in 1993; Theft in 1994; Violating a Condition of Release in 2004; Criminal Threatening and three counts of Violating a Protective Order in 2005; Disorderly Conduct, Violating a Condition of Release, and OUI in 2006; and Criminal Trespass in 2007 that were not reported. The applicant stated that these incidents were all fueled by alcohol and that he has completed a 12 step program through AA, has a great support system through the fire department he works with and has changed his lifestyle. He also stated he did not report the additional convictions as he was told he didn't have to by a representative of the Training Center where he took his class.

Aggravating Circumstances: None

Mitigating Circumstances: The applicant had positive Letters of Reference, has been through an AA program, has been sober for 2 years and continues with a plan to stay sober.

MOTION: The Committee recommends that the applicant be licensed and offered a Consent Agreement to contain the condition that if he is charged or arrested for any criminal activity that the Maine EMS Director will immediately suspend his MEMS license until his case is heard by the Board. Violation of Ch. 11 §1(1), (4), (5). (Senecal; second by Gerrish) Unanimous.

3. Elizabeth Wise Case # 15-033– Review of new application – Applicant present.

Summary: On March 27, 2015 MEMS received a new provider application from Elizabeth Wise. On that application Ms. Wise listed a conviction in 1992 for Possession of Marijuana and five convictions for Attempted Forgery in 2003. Ms. Wise provided all of the documentation needed for these convictions as well as Letters of Recommendation. She explained to the Committees that these incidents were all related to a drug addiction, that she was 11 years sober and works with people who have drug addictions to help them get clean and sober.

Aggravating Circumstances: None

Mitigating Circumstances: Sober for a lengthy time period, positive character references, honest with the committee.

MOTION: The Committee recommends that the applicant be licensed and the case be dismissed.(Senecal; second by Contreras) Unanimous.

4. Case # 14-045- Initial Review Licensee present.

Summary: Lauren LaRochelle, AAG, presented an initial review of a complaint alleging that a private ambulance service was improperly using, promoting and advertising a seven digit telephone number for emergency calls and that there were two occasions when the service's dispatch center failed to answer its phone.

MOTION: To recommend that the complaint be dismissed as no MEMS rules or statutes have been violated. (Senecal; second by Contreras) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-045 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

The Committee adjourned at 3:40 p.m.

The next meeting will be on June 3, 2015 at 9:00 a.m.