



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 7, 2014  
GAMBLING BOARD ROOM, AUGUSTA,  
RATIFIED BY THE MAINE EMS BOARD ON JUNE 4, 2013  
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Paul Knowlton, Mike Senecal,  
Nathan Contreras (until 12:00 noon)

Staff: Alan Leo,

Office of Attorney General: Lauren LaRochelle, AAG

**1. CASE #14-012 – 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 13-044. (Senecal; second by Knowlton) Unanimous.**

Executive session entered at 9:10 a.m.

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

Executive session ended at 9:50 a.m.

**Summary:** MEMS initiated a complaint against an EMS provider who was accused of sexually harassing the staff at a convenient store, which included a 16 year old female, was asked by the owner to stop the activity and he did not. The provider was issued a Criminal Trespass Order by Cumberland County Sheriff's Office. The provider did have a previous incident of the same nature, within the department he works for, and was disciplined by that department for that incident. The provider stated to the Committee that the convenient store incident did not happen as reported by the store employees and it was just flirtatious activity between the two of the employees and him.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** A minor was involved; he did not cease the activity when asked to and there was a previous incident.

**MOTION: The Committee recommends that the Board resolve case # 14-012 with a Consent Agreement that includes a reprimand, that the provider take a Sexual Harassment class within thirty days and that he is to send the completion certificate to MEMS.(Senecal; second by Metayer) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-012 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## **2. CASE #14-015 – 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 13-051. (Senecal; second by Gerrish) Unanimous.**

Executive session entered at 10:05 a.m.

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

Executive session ended at 10:30 a.m.

**Summary:** MEMS initiated a complaint based on a quarterly MEMSRR report in 2013 that showed this service to be non-compliant with the one day reporting requirement. This was the second consecutive quarter of non-compliance. A Letter of Guidance was filed on February 12, 2014 for the first quarterly violation.

### **Aggravating Circumstances:**

**Mitigating Circumstances:** The Licensee has been in compliance since the February Letter of Guidance was issued.

**MOTION: The Committee recommends that the Board dismiss case # 14-015as MEMSRR now shows that the service has been compliant since February 2014. (Metayer; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-015 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## **3. CASE # 14-013 – Jasmin Hebert-Application Review-Applicant present**

**Summary:** On February 21, 2014 MEMS received an application for a new EMT license from Jasmin Hebert. She answered "no" to questions 12 a and c and no convictions or pending action was listed on the application but the Routine SBI report obtained by MEMS showed a charge of Theft by Unauthorized taking or Transfer on November 1, 2013 with no court decision listed. Along with the documentation sent in was a reference to medical condition called Dissociation Disorder that was mentioned in Ms. Hebert's Statement.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** A Licensed Social Worker sent a statement that this condition usually arises during personal family stressful related incidents and should not occur during Ms. Hebert's function as an EMS provider, Ms. Hebert accepted responsibility for actions, shows maturity and understanding of her condition and limitations involved with it, she is continuing counseling sessions, was cooperative with MEMS during the investigation and provided the Committee seven very positive letters or recommendation.

**MOTION: The Committee recommends that the Board issue the license. (Senecal; second by Contreras) Unanimous.**

**4. CASE # 13-060 – Licensee Present ( Jon Powers was called in to participate at 12:55 p.m.)**

**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 13-075. (Senecal; second by Gerrish) Unanimous.**

Executive session entered at 12:40 p.m.

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

Executive session ended at 1:20 p.m.

**Summary:** MEMS initiated a complaint based on a quarterly MEMSRR report in September 2013 that showed this service to be non-compliant with the one day reporting requirement. This has been an ongoing issue with limited improvement in compliance.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** The licensee was cooperative, stated that they are now doing daily uploads to the MEMSRR system from their own reporting system, and they will continue to work with Jon Powers to come into compliance.

**MOTION: The Committee recommends that the Board dismiss Case # 13-060 as the licensee's conduct does not rise to a level warranting disciplinary action. It is recommended that the (Senecal; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-060 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 1:30 p.m.

The next meeting TBD as the scheduled meeting falls during Fourth of July week.