



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



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**MAINE EMS
 INVESTIGATIONS COMMITTEE MEETING
 WEDNESDAY JULY 1 2015
 GAMBLING BOARD ROOM, AUGUSTA,
 AMENDED AND RATIFIED BY THE MAINE EMS BOARD ON AUGUST 5, 2015
MEETING MINUTES**

Members Present: Lori, Metayer, Tim Beals, Mike Senecal, Paul Knowlton, Nate Contreras,
 Laura Downing (12:30 -12:45 pm)

Staff: Alan Leo, Drexell White (12:30 -12:45 pm)

Office of Attorney General: Michelle Robert, AAG

1. CASE #15-029 – 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 15-029. (Senecal; second by Knowlton) Unanimous.

Executive session entered at 9:50 a.m.

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

Executive session ended at 10:15 a.m.

Summary: MEMS initiated a complaint against a licensed AEMT who was enrolled in a Paramedic class and while treating and transporting a patient who was in pain from a fall requested permission from Medical Control to administer Fentanyl to the patient. Medical Control granted that request and the medication was administered to the patient. There was no Paramedic on board with the AEMT.

Aggravating Circumstances: The licensee knew this was not in his scope of practice of license level.

Mitigating Circumstances: The licensee was cooperative, remorseful and disciplined by the service which included a two day suspension, Q/A of future reports and a review of the protocols.

MOTION: MOTION: The Committee recommends that the Board resolve case # 15-029 by offering the Licensee a Consent Agreement that contains a reprimand. Violation of Rule Ch. 11 §1(2), (5), (14), (22 B) and (31). (Senecal; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-029 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #15-030 – 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 15-030. (Senecal; second by Knowlton) Unanimous.

Executive session entered at 11:10 a.m.

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

Executive session ended at 12:10 p.m.

Summary: On March 26, 2014 MEMS received an upgrade to Paramedic application from this licensee. On that application was a charge of Criminal Operating Under The Influence, a Class C Felony and Leaving the Scene, Class C also a Felony. The Class C OUI was charged because of the two prior convictions for OUI. The licensee is currently serving a Deferred Disposition until October 9, 2015 and if successfully completed will be convicted of Operating Under The Influence Class D and Leaving the Scene Class D, both misdemeanors. Licensee is not allowed to drive vehicles other than his own until April 2017.

Aggravating Circumstances: None

Mitigating Circumstances: The provider has taken responsibility for his actions, was cooperative with the committee and has been in counseling involving alcohol abuse as a condition of his Deferred Disposition.

MOTION: The Committee recommends that the Board table the case until the Deferred Disposition has been successfully completed in October 2015 and at that time to consider a Consent Agreement with a reprimand, conditions including a condition requiring a substance abuse treatment summary, 3 references before the case is brought back for Informal Conference. (Mike; second by Metayer) Defeated by a vote of 3-2.

MOTION: The Committee recommends that the Board resolve case # 15-030 by issuing the upgrade license and offering the Licensee a Consent Agreement that contains a reprimand, orders a summary of his current Treatment as required by the Deferred Disposition and follow up treatment plan going forward, from the counselor. The licensee will also notify Maine EMS within 10 days of any civil or criminal charges and/or if the Deferred Disposition is not successfully completed and his license will be immediately suspended by the Director of MEMS until the matter is reviewed and resolved by the Board. The Committee also requested 3 Letters of Reference before the August Board meeting. Violation of Rule Ch. 11 §1 (5), and (14). (Beals; second by Knowlton) Accepted by a vote of 3-2.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-030 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

3. Case # 15-023-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 15-023. (Senecal; second by Contreras) Unanimous.

Executive Session entered at 1:15 p.m.

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

Executive Session ended at 1:50 p.m.

Summary: On December 28, 2014 the Paramedic was working a scheduled shift with an EMT who was also enrolled in an AEMT class. 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 Paramedic offered the opportunity to the EMT to be the primary patient care giver on this call and the EMT did so while the Paramedic drove the ambulance. The transfer time was 1 hour 17 minutes. The Paramedic stated he had been doing this for years, with the knowledge of the hospital's Medical Control and thought it was ok to do.

MOTION: The Committee recommends that the Board resolve case # 15-023 by offering the Licensee a Consent Agreement that contains a reprimand. Violation of Rule Ch. 11 §1(15), (21), (35 and (36). (Senecal; second by Knowlton) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-023 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

4. Case #15-006 -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 15-006. (Senecal; second by Knowlton) Unanimous.

Executive Session entered at 2:10 p.m.

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

Executive Session ended at 2:20 p.m.

Summary: MEMS initiated a complaint against a service who allowed an EMT, employed by that service, to provide patient care on three emergency calls after that EMT's license had expired. Upon notification of the violation, the service immediately suspended the EMT until the license was once again current and instituted a policy to prevent this from happening again.

Aggravating Circumstances: None

Mitigating Circumstances: The service EMS Chief was out on medical leave and staff were learning the responsibilities of her job, the provider was immediately suspended and policies were put into place.

MOTION: The Committee recommends that the Board resolve case # 15-006 with a Letter of Guidance to be on file until May 31, 2016, as any misconduct does not rise to the level of discipline. The LOG should remind the service of the importance of monitoring the expiration dates of all providers on their service roster and guaranteeing that these providers do not practice with an expired license.(Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-006 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

5. Case #15-036 -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 15-036. (Senecal; second by Contreras) Unanimous.

Executive Session entered at 2:35 p.m.

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

Executive Session ended at 2:45 p.m.

Summary: MEMS initiated a complaint against a service that failed to renew their license and continued to respond to emergency calls and provide emergency medical care. The license expired on October 31, 2014 and was not renewed until April 9, 2015. This was brought to the attention of MEMS when the new Assistant Service Chief called asking for a duplicate license because they could not find the original.

Aggravating Circumstances: None

Mitigating Circumstances: The service had changes to the administration, there was no malicious intent, no patient harm and there is now a policy in place to prevent this from happening again.

MOTION: The Committee recommends that the Board resolve case # 15-036 with a Letter of Guidance to be on file until May 31, 2016, as any misconduct does not rise to the level of discipline. The LOG should remind the service of the importance of monitoring the expiration dates of the service. (Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-036 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

6. Case #15-037 -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 15-037. (Senecal; second by Contreras) Unanimous.

Executive Session entered at 3:20 p.m.

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

Executive Session ended at 3:30 p.m.

Summary: MEMS initiated a complaint against a provider who provided patient care on one call after their license expired. The license expired on March 31, 2015 and the renewal application was received at MEMS on April 21, 2015. MEMS notified the provider of the violation and they removed themselves from service until, such time as the license is renewed. The provider thought the renewal of her NREMT also renewed her MEMS license.

Aggravating Circumstances: None

Mitigating Circumstances: This is the first offense, no patient harm occurred.

MOTION: The Committee recommends that the Board resolve case # 15-037 by renewing the MEMS license and issue a Letter of Guidance to be on file for a three year period to be set by the expiration date of the renewed license, as any misconduct does not rise to the level of discipline. The LOG should remind the provider of the importance of monitoring the expiration dates of their MEMS license and that this is a separate process from the NREMT. (Senecal; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-037 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board

NEW APPLICATION REVIEWS

1. Steven Russell Case # 15-031 - Review of new application - Applicant present.

Summary: On February 26, 2014 MEMS received an application for a new EMT license from Steven Russell. On that application were listed the following convictions: Obstructing a Public Way in 1998, Theft in 1999, Minor Possessing Alcohol in 2000, Breaking & Entering, Destruction of Property, Disturbing the peace and Assault on a police officer, and Misdemeanor Threatening in 2002, One count of Criminal Mischief in 2008, Disorderly Conduct February 17, 2015 2015.

MOTION: The Committee recommends that the application and the issuance of the license be tabled until the applicant obtains a substance abuse/mental health evaluation focusing on alcohol within 120 days of Board approval of this decision. The evaluation must state an opinion regarding the presence and/or severity of any alcohol abuse or mental health issues and a recommendation regarding the need for any continued counseling or treatment. The evaluation shall be performed by a licensed healthcare practitioner whose scope of practice includes the ability to perform evaluations in both areas. The case will be brought back to the Investigations Committee as soon as possible after this evaluation is complete and all documentation has been provided to MEMS Staff. (Metayer; second by Senecal) Unanimous.

2. Patrick Rood- Case # 15-048 – Review of new application - Applicant present.

Summary: On May 28, 2015 MEMS determined through a series of e-mail correspondence between the applicant, EMD Center and MEMS Staff that Mr. Rood was not licensed as an EMD provider and that he was providing EMD on emergency medical calls that came to the EMD Center. His license expired January 31, 2015. Following his EMD license expiration Rood provided emergency medical dispatch services on 49 calls until the unlicensed practice was discovered in May 2015. Rood was told by his dispatch supervisor in February 2015 not to provide EMD until he was fully licensed as an EMD. During his unlicensed practice, Rood maintained high compliance to the EMD protocols as evidenced by the quality assurance reviews conducted by the EMD Center.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the applicant be licensed and issued a Letter of guidance for a period of two years from the date of relicensing as any misconduct would not rise to the level of discipline. The LOG should address the professional accountability and each licensee's responsibility for maintaining his or her own license. (Downing; second by Senecal) Unanimous.

The Committee adjourned at 3:40 p.m.

The next meeting will be on September 2, 2015 at 9:00 a.m.