



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
152 STATE HOUSE STATION
AUGUSTA, MAINE
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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, JULY 06, 2011
CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON AUGUST 3, 2011
MEETING MINUTES**

Members Present: Paul Knowlton, Lori Metayer, Tim Beals, and Mike Senecal

Staff: Dawn Kinney, Alan Leo, Kerry Pomelow, and Drexell White (11:15 – 12:00)

Office of Attorney General: Laura Yustak Smith, AAG; Bill Olver, Law Student Intern

1. CASE # 10-66- Licensee present with Attorney

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 10-66. (Knowlton; second by Beals) Unanimous.

Entered executive session at 09:45 a.m.

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

Executive session ended at 10:45 a.m.

Summary: The issue involved a complaint received alleging unprofessional conduct and possible protocol violations during patient treatment at the scene of an accident. According to the complaint, two bystanders who identified themselves as physicians were performing CPR and the provider did not give the physician an Advanced Airway kit when the physician asked for it, that the licensee did not follow protocols for airway management, and that the provider was rude to the physician.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

MOTION: To recommend that the Board resolve case # 10-66 by dismissing the complaint and issuing a Letter of Guidance, as there is insufficient evidence to find that Licensee's conduct violated EMS statutes or rules. The Letter of Guidance will advise Licensee to communicate more effectively with volunteers seeking to provide prehospital assistance, including advising such persons of EMS protocol regarding non-EMS medical intervenors (Black I) and to coordinate with them to the extent possible to provide patient care. The Letter of Guidance is to be maintained in Licensee's file for three years. (Metayer; second by Beals) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 10-66 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE # 09-21– 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 09-21. (Knowlton; second by Senecal) Unanimous.

Entered executive session at 11:25 a.m.

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

Executive session ended at 11:40 a.m.

Summary: The issue involved an EMS Licensee's conviction on April 20, 2011 for Theft by Unauthorized Taking or Transfer (Class D). The theft was against the ambulance service that had employed Licensee.

Aggravating Circumstances: The theft was against an ambulance service; Licensee has not responded to or communicated with Maine EMS staff; and the amount of money stolen.

Mitigating Circumstances: None.

MOTION: To recommend that the Board resolve case # 09-21 by offering the licensee a consent agreement for voluntary revocation of the license. The revocation is based upon the licensee's April 20, 2011 conviction for Theft by Unauthorized Taking or Transfer (Class D) 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 revocation, the

Committee recommends that the Board pursue revocation. (Senecal; second by Knowlton;) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 09-21 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE 11-029 - 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 11-029. (Knowlton; second by Senecal) Unanimous.

Entered executive session at 11:45 a.m.

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

Executive session ended at 11:55 a.m.

Summary: The issue involved the Licensee allowing an unlicensed emergency medical dispatcher to provide emergency medical dispatch service on their behalf without a valid Maine EMS EMD license on January 3, 2011. Specifically, the unlicensed dispatcher provided emergency medical dispatch service on behalf of the Licensee on three (3) calls. The Licensee was in the process of merging with another Center and in April, 2011 the merger was complete.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

MOTION: In light of information from staff that Licensee has ceased to operate as a licensed center; that its operations have been assumed by another center; and that Licensee intends to surrender its license, the Committee recommends that the Board close the investigation # 11-029 and take no further action as long as Licensee's license is received by staff by August 17, 2011. If the license is not surrendered by this date, the Committee recommends that the Board issue a Letter of Guidance concerning the unlicensed activity of the dispatcher, and dismiss the complaint. (Metayer; second by Knowlton) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-029 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

Adjourned at 12:00 p.m. – next meeting will be September 7, 2011.