



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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AUGUSTA, MAINE
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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY JULY 16, 2014
FALLEN HEROES CONFERENCE ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON AUGUST 6, 2014
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Paul Knowlton, Mike Senecal,
Nathan Contreras

Staff: Alan Leo, Heather McKenney

Office of Attorney General: Lauren LaRochelle, AAG

1. CASE #14-021 – 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 14-021. (Senecal; second by Knowlton) Unanimous.

Executive session entered at 9:05 a.m.

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

Executive session ended at 9:45 a.m.

Summary: MEMS initiated a complaint against an EMS provider who listed on his renewal application that he had action taken against a professional license by the Maine Respiratory Care Practitioners Board. The action listed was a reprimand and fine for not following doctor's orders and falsifying a hospital patient health care record.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 14-021 with a Letter of Guidance as this does not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for six years (two license cycles). The letter should stress professionalism, documentation, and following protocols. (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-021 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #14-016 – 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 14-016. (Senecal; second by Gerrish) Unanimous.

Executive session entered at 10:00 a.m.

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

Executive session ended at 10:20 a.m.

Summary: MEMS initiated a complaint against an EMS service based documentation from Dr. Kate Zimmerman, Region 1 Medical Director, regarding noncompliance with Regional Q/A after repeated requests to become compliant. Correspondence from Dr. Zimmerman shows that the service is now participating in Q/A to her satisfaction.

Aggravating Circumstances:

Mitigating Circumstances: The Chief of service involved has since resigned and a new acting Chief has taken over.

MOTION: The Committee recommends that the Board resolve case # 14-016 with a Letter of Guidance as this does not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for three years. The Letter will stress the expectation and importance of complying with state and regional Q/A programs. (Senecal; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-016 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 14-023 – Licensee not present and notified MEMS that it was unnecessary to reschedule. Mike Senecal was recused.

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 14-023. (Knowlton; second by Gerrish) Unanimous.

Executive session entered at 10:35 a.m.

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

Executive session ended at 11:05 a.m.

Summary: MEMS initiated a complaint against an I/C based on a complaint from a student citing unprofessional conduct and inappropriate language. All but two of the students in the class heard some comments, but indicated that a student may have made some of the comments attributed in the complaint to the I/C and felt the comments were made in a humorous way. The licensee submitted a written response and other documentation.

Aggravating Circumstances: None

Mitigating Circumstances: The statements from the students were conflicting.

MOTION: After a lengthy discussion the Committee recommends that the Board dismiss case # 14-023 as the conduct alleged is not a violation of EMS Rules or statutes. (Contreras; second by Knowlton) by a vote of 2 in favor, 1 opposed.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-023 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. Case # 14-024-Initial Review. Licensee not present.

Summary: Lauren LaRochelle, AAG, presented an initial review of a complaint alleging that a Paramedic failed to follow MEMS protocol and then instructed an AEMT to falsify a patient care report to conceal the deviation. The service conducted its own investigation and imposed discipline, which includes six months of QA review.

MOTION: To recommend that MEMS Staff gather more information and documentation (such as documentation of other clinical issues or supervision plans; a copy of the signed patient care report; and further information regarding the QA review) and bring case # 14-024 to a future Informal Conference. (Senecal; second by Gerrish) Unanimous

5. Case # 14-025- Licensee was not present for the review but arrived later and the motion was reread for him.

Summary: Lauren LaRochelle, AAG, presented an initial review of a complaint alleging that an AEMT failed to follow MEMS protocol and then falsified the patient care report to conceal the deviation when told to do so by a Paramedic. The service conducted its own investigation and imposed discipline, which includes six months of QA review.

MOTION: To recommend that MEMS Staff gather more information and documentation (such as documentation of other clinical issues or supervision plans; a copy of the signed patient care report; and further information regarding the QA review) and bring case # 14-025 to a future Informal Conference. (Senecal; second by Gerrish) Unanimous

The Committee adjourned at 2:00 p.m.

The next meeting will be on September 3, 2014.