



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 AUGUST 14, 2013
GAMBLING BOARD ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON OCTOBER 2, 2013
MEETING MINUTES**

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

Staff: Alan Leo and Dawn Kinney

Office of Attorney General: Lauren LaRochelle, AAG

1. CASE #13-034 – 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 13-034. (Metayer; second by Knowlton) Unanimous.

Entered executive session at 9:07 a.m.

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

Executive session ended at 9:45 a.m.

Summary: A complaint was filed by Maine EMS staff that suggests that Licensee was not in compliance with the terms of the Consent Agreement that was entered into with the Maine Board of EMS on February 26, 2013. Licensee did not meet the six weeks requirement to submit for approval three curricula or the requirement of 100% Quality Assurance review for six (6) months of all run reports for which Licensee is the primary care provider.

Aggravating Circumstances: Since May 2012, Licensee has been issued a letter of guidance and signed a consent agreement; Licensee did not communicate with the Maine EMS regarding compliance with the terms of the consent agreement.

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 13-034 by offering the Licensee a consent agreement to include the following terms: (1) License will be suspended for six months; (2) Have 100% Quality Assurance for all patient care reports for which Licensee is the primary care giver for a six month period following the license suspension.

Licensee will be responsible for any costs associated with the Quality Assurance review. The Quality Assurance reviewer will be approved by Maine EMS and will submit monthly reports to Maine EMS; (3) Retroactive Quality Assurance of all patient care reports from March to September 2013 will be submitted to Maine EMS by September 20, 2013, for review; (4) Licensee agrees that if the Executive Director of Maine EMS receives reasonably reliable information suggesting that any of the provisions of this consent agreement have been violated, or that the Licensee's patient care is creating a risk to the public during the period of Quality Assurance review following reinstatement of his license, the license will immediately and automatically be suspended pending further review by the Board. The basis for the consent agreement is the Licensee's conduct that violates Chapter 11 §1(2). "Violating a lawful order, rule or consent agreement of the Board." If Licensee does not accept the consent agreement, the Committee recommends that the Board pursue disciplinary action and that Licensee be notified of the right to a hearing. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-034 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #13- 031 – Thomas Farr - Application Review, Applicant present.

Summary: On June 3, 2013, Maine EMS received an initial application for an EMT license from Thomas Farr. On that application Mr. Farr listed a misdemeanor conviction in 2005. Additional documentation was requested from Mr. Farr. The documentation showed a Cruelty to Animals Conviction on May 16, 2006, and an Operating After Suspension conviction in 2005.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: To recommend to the Board that this license be preliminarily denied based on the conviction for Cruelty to Animals on May 16, 2006, pursuant to 5 M.R.S.A. §§ 5301(2)(B) and 5302(1) – a conviction for which incarceration for less than one year may be imposed and which directly relate to the practice of Emergency Medical Services, and for which the applicant has not shown sufficient rehabilitation to warrant the public trust. In addition, the conduct underlying this conviction and information received relating to the applicant's prior care and treatment of his minor child appear to violate Maine EMS Rules Chapter 11 §1(5) – Acting in ways that are dangerous or injurious to the licensee or others. If the applicant does not accept this preliminary denial, he may appeal this decision to the Board. (Beals; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-031 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

- 3. CASE # 13-019 – Licensee Present –** Lori Metayer disclosed that she knows the Licensee professionally, has not received outside information regarding this case, and stated that the professional relationship would not affect her ability to decide the matter impartially based only on the information provided by EMS staff or the Licensee. Licensee had no objection to her participation.

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 13-019. (Senecal; second by Metayer) Unanimous.

Entered executive session at 11:00 a.m.

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

Executive session ended at 11:25 a.m.

Summary: On May 21, 2013 Maine EMS received a renewal application for an EMT license. Court documents received with that application show a charge of Operating Under the Influence and a Deferred Disposition in effect until March 27, 2014. Compliance with the conditions of the Deferred Disposition will result in a conviction for the lesser charge of Driving to Endanger,

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: Given the licensee's employment since the conviction and letters of recommendation, applicant has been sufficiently rehabilitated to warrant the public trust. The Committee recommends that the Board issue the license with a Letter of Guidance as it 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 and that it reference professional behavior/conduct. (Contreras; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-019 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

- 4. CASE # 13-032 – Licensee Present** – Lori Metayer disclosed that she knows the Licensee professionally, has not received outside information regarding this case, and stated that her professional relationship would not affect her ability to decide the matter impartially based only on the information provided by EMS staff or the Licensee. Licensee had no objection to her participation.

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 13-032. (Senecal; second by Knowlton) Unanimous.

Entered executive session at 12:05 p.m.

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

Executive session ended at 12:35 p.m.

Summary: On July 1, 2013, MEMS received a renewal application for an EMT. On that application a new conviction for Disorderly Conduct in 2011 was reported.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: By September 18, 2013, the Licensee will obtain three professional letters of recommendation that speak favorably to the Licensee's character and a letter from his counselor attesting that he attended counseling after this incident. If the Licensee satisfies these requests, the Committee recommends that the Board issue the license with a Letter of Guidance as it 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 and that it reference professional behavior/conduct. (Gerrish; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-032 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE # 13-037 – 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 13-037. (Senecal; second by Contreras) Unanimous.

Entered executive session at 12:55 p.m.

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

Executive session ended at 1:15 p.m.

Summary: A Maine EMS Service did not renew the service license. During the period from July 1, 2013 through July 10, 2013, the service responded to three ambulance requests while the service license was expired. One was a treat and transport and the other two were no transports. Once the service chief was notified of the expired license, they stopped providing ambulance service until it was renewed on July 11, 2013.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case #13-037 with a Letter of Guidance as it does not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for one year and that it reference the importance of having a policy and procedure on preventing the service from responding with an expired license. (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-037 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. CASE #13-040 – Gary Gochenour - Application Review, Applicant present.

Summary: On June 7, 2013, Maine EMS received an application from Gary Gochenour who disclosed that he had a Simple Battery filed April 30, 2012. He did not list this as a conviction as he stated “that it was a charge that was dropped.” After getting additional documents, this charge was not dropped; it was reduced from a (Felony) Domestic Abuse Battery to a Simple Battery.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: Given the licensee’s employment since the conviction and letters of support, applicant has been sufficiently rehabilitated to warrant the public trust. The Committee recommends that the Board issue the license with a Letter of Guidance. It is recommended that the Letter of Guidance be maintained in the file for three years and that it reference professional behavior/conduct. (Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-040 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

The Committee adjourned at 3:00 p.m.

The next Investigations Committee meeting will be on September 4, 2013 at 9:00 a.m.