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**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY AUGUST 22, 2012  
FALLEN HEROES CONFERENCE ROOM, AUGUSTA,  
RATIFIED BY THE MAINE EMS BOARD ON OCTOBER 3, 2012  
MEETING MINUTES**

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

Staff: Dawn Kinney

Office of Attorney General: Lauren LaRochelle, AAG

**1. CASE #12-022 – 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 12-022. (Knowlton; second by Senecal) Unanimous.**

Entered executive session at 9:35 a.m.

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

Executive session ended at 10:20 a.m.

**Summary:** The issue involved the conduct underlying an EMS Licensee's guilty plea to assault, which he disclosed on his renewal application. The Licensee agreed to a deferred disposition with the court, and therefore has not been convicted of assault.

**Aggravating Circumstances:**

**Mitigating Circumstances:** Fortright and cooperative with the Committee; the charge could be dismissed if the Licensee complies with the terms of his deferred disposition; and there was insufficient evidence to establish unprofessional conduct.

**MOTION: To recommend that the Board resolve case # 12-022 by offering the licensee a Letter of Guidance which will reinforce the importance of maintaining professional conduct and having good decision making skills. This Letter of Guidance will remain in the Licensee's file until June 30, 2015. (Senecal; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-022 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**2. CASE #11-018– 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 11-018 (Knowlton; second by Gerrish) Unanimous.**

Entered executive session at 10:30 a.m.

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

Executive session ended at 10:55 p.m.

**Summary:** The issue involved the Conviction for Driving to Endanger and the conduct underlying that conviction.

**Aggravating Circumstances:** Violation of Condition of Release.

**Mitigating Circumstances:** Financial impact of losing a career as a firefighter, cooperative, remorseful and forthright with the committee; first offense; attended the required counseling sessions and submitted four (4) letters of recommendation.

**MOTION: The Committee recommend that the Board resolve case # 11-018 by issuing a Letter of Guidance for the conviction of Driving to Endanger. The Committee recommends that the Board find that the Licensee has been sufficiently rehabilitated to warrant the public trust. Letter of Guidance will be kept on file for three (3) years. (Seneca; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-018 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**3. CASE 11-049 - 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 11-049 (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 11:45 a.m.

**Summary:** The issue involved a conviction for False Public Alarm or Report based on a report the Licensee made to the police department that his apartment had been robbed. Licensee also submitted a list of stolen items and their value to the local police department.

**Aggravating Circumstances:** At times during the investigation, Licensee was uncooperative with Maine EMS staff; the Licensee accounts of the incident are inconsistent/conflicting; and there is no evidence that the Licensee has been sufficiently rehabilitated to warrant the public trust.

**Mitigating Circumstances:** None

**MOTION: To recommend that the Board resolve case # 11-049 by offering the Licensee a consent agreement for voluntary surrender of the license. If the Licensee does not voluntarily surrender the license, to recommend to the Board to summarily revoke the license under Title 5, section 10004(1) based upon the licensee's December 7, 2011 conviction for making a False Public Report. The conviction violates 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. (Gerrish; second by Senecal) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-049 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

- 4. CASE # 12-020- Licensee present.** Judy Gerrish, Mike Senecal, Tim Beals and Paul Knowlton disclosed that they knew the Licensee on a professional basis, but stated that this would not affect their ability to decide the matter impartially based only on the information provided to them by EMS staff or the Licensee. Licensee had no objection to their 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) to receive legal advice concerning case number 12-020. (Knowlton; second by Gerrish) Unanimous.**

Entered executive session at 12:40 p.m.

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

Executive session ended at 1:00 p.m.

**Summary:** The issue involved Licensee operating two ambulances without a Maine EMS issued vehicle license. One ambulance had been in service and operating from April 7, 2011 to January 2012, and the other ambulance was operating from November 29, 2011 to January 2012.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** Licensee was cooperative and forthright with the Committee; a new action plan was developed and is in place to prevent reoccurrence of this issue; and both ambulances were licensable at all times.

**MOTION: Due to the proactive measures and policy changes the Licensee has already instituted and the assurance that all ambulances are licensed, the committee recommends that the Board resolve case # 12-020 by dismissing the case with a Letter of Guidance as it does not rise to a level warranting disciplinary action. Letter of Guidance will be kept on file for one (1) year. (Senecal; second by Gerrish) Unanimous**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-020 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### 5. CASE 12-026 - 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 12-026 (Knowlton; second by Gerrish) Unanimous**

Entered executive session at 2:00 p.m.

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

Executive session ended at 2:45 p.m.

**Summary:** The issue involved Licensee administering 200 milligrams of saline solution through intravenous therapy to another person while not responding with or for a licensed Maine EMS service.

**Aggravating Circumstances:** History of same practice, only as the recipient of intravenous therapy.

**Mitigating Circumstances:** Licensee was cooperative and forthright with committee; the Licensee agreed to administer the saline due to concerns the Licensee had about the Licensee's personal safety; and Licensee admits to wrong doing and was remorseful.

**MOTION: To recommend that the Board resolve case # 12-026 by dismissing the case with a Letter of Guidance as it does not rise to a level warranting disciplinary action. This Letter of Guidance will be for three (3) years and will be contingent on Maine EMS receiving supportive recommendations from all of the service chiefs that Licensee is affiliated with. The letters of recommendation will be reviewed by Maine EMS staff. (Senecal; second by Knowlton) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-026 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 5, 2012 at 1:00 p.m.