



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 SEPTEMBER 3, 2014
GAMBLING BOARD ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON OCTOBER 1, 2013
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Nathan Contreras, Lori Metayer (until Noon)

Staff: Alan Leo, Heather McKenney

Office of Attorney General: Lauren LaRochelle, AAG

1. CASE #14-029 – Michael Gass-Application Review-Applicant Present

Summary: MEMS initiated a complaint against an applicant who disclosed on his application that he was found guilty of the following: Minor Possessing Liquor, Civil Violation, November 18, 1999; Criminal Mischief, Class D, August 11, 2004; Criminal Trespass, Class E, August 11, 2004; Theft By Unauthorized Taking or Transfer, Class E, November 6, 2008; Violating Conditions of Release, Class E, September 21, 2010; Violating Conditions of Release, 2 counts, Class E, October 14, 2010; Driving to Endanger, Class E, October 14, 2010; Acquiring Drugs by Deception, Class D, November 23, 2010.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board table case # 14-029 until the November 2014 meeting in order for Staff to obtain the following documentation:(1) a letter from the I/C responsible for the EMT class he took stating how he did in the clinical part of the class; (2) a letter from the applicant's treating counselor that provides an opinion on whether the applicant can perform the duties of an EMT and be trusted to be in the presence of medications, and describing what the plan is for continued counseling; (3) medical records related to his treatment for opiate addiction; and (4) professional letters of recommendation, including one from his current employer.(Metayer; second by Gerrish) Unanimous.

2. CASE #04-04 – Licensee Present. (Note* this case is actually from 2004 as it was never resolved)

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 04-04. (Contreras; second by Gerrish) Unanimous.

Executive session entered at 10:05 a.m.

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

Executive session ended at 10:45 a.m.

Summary: The licensee signed a Consent Agreement on May 15, 2001 for a conditional license based on convictions that were listed on his then initial application for a MEMS EMT license. As a condition of licensure, the licensee agreed that in the event that criminal charges were docketed against the licensee in any State or Federal court that the licensee would immediately surrender his MEMS license to the MEMS Board pending an Informal Conference on the matter. On August 11, 2003, Licensee was convicted of Assault, 2 counts, Class D; Terrorizing, 2 counts, Class D; Criminal Mischief, Class D; Criminal Trespass, Class D; Violating Condition of Release, Class E and Violating A Protective Order Class D. EMS learned about these charges through a third party complaint, and the licensee did not voluntarily surrender his license until January 8, 2004. On April 2, 2004 the licensee was sent a Notice of Investigation regarding his August 11, 2003 convictions . The licensee never acknowledged receiving the notice, never contacted MEMS to inquire about his license status, and did not update his address. His license expired on May 31, 2004.

In 2012 the licensee contacted MEMS Staff and inquired about the process to regain his EMS license after taking a new EMT class. He was informed that the case from 2004 would be reopened when an application was received. In February 2014 the National Registry of EMTs contacted MEMS Staff requesting the investigation packet for this licensee as he had requested a test date and informed them of the situation with this office. They have denied the licensee the opportunity to sit for testing until this issue with MEMS is resolved and the license reinstated.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 04-04 with a Consent Agreement that includes a reprimand for violating the original consent agreement and for the conduct underlying the 2003 convictions, see Rule Ch. 11 §1(2), (5) and (13). The new consent agreement terminates the voluntary surrender. (Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 04-04 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 14-028 --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 14-028. (Contreras; second by Gerrish) Unanimous.

Executive session entered at 11:05 a.m.

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

Executive session ended at 12:00 p.m.

Summary: MEMS initiated a complaint against a service that refused to respond to an emergency medical call in their primary coverage area because the victim was being driven from outside of that area to meet them. Allegedly this has happened on more than one occasion, but there was only one complaint.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve case # 14-028 with a Consent Agreement that contains a Warning to the effect that EMS rules require response within the Service's primary coverage area, and the Service is expected to comply with that rule. See Rule Ch. 11 § 1(2); Ch. 3 §8(1). The Service will also draft a response policy, to be included in its standard operating procedures and to be approved by MEMS Staff, stating that the service will respond to any medical emergency within its primary coverage area no matter where the illness or injury occurred.(Gerrish; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-028 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. CASE # 14-027 – Licensee Present (Lori Metayer 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 14-027. (Contreras; second by Gerrish) Unanimous.

Executive session entered at 1:40 p.m.

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

Executive session ended at 2:25 p.m.

Summary: MEMS initiated a complaint against an EMS provider who responded to a motor vehicle accident as a firefighter in a town not covered by the EMS service he works for and allegedly initiating an IV procedure before the service providing coverage arrived.

Aggravating Circumstances:

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve Case # 14-027 with a Letter of Guidance as the licensee's conduct does not rise to a level warranting disciplinary action. The letter should remind the licensee to ensure he has been dispatched before responding to a call, and to work at the level of the service if it is below his license level. It is recommended that the Letter of Guidance be maintained in the file for one license cycle, ending May 31, 2017. (Contreras; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-027 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 2:30 p.m. p.m.

The next meeting will be on November 5, 2014 at 9:00 a.m.