



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, NOVEMBER 2, 2011  
CHAMPLAIN CONFERENCE ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON 12/7/11  
MEETING MINUTES**

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

Staff: Dawn Kinney and Alan Leo

Office of Attorney General: Laura Yustak Smith, AAG and Lauren LaRochelle, AAG

**1. CASE # 11-034- Licensee present with Service Chief**

**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 11-034. (Knowlton; second by Beals) Unanimous.**

Entered executive session at 09:40 a.m.

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

Executive session ended at 09:55 a.m.

**Summary:** The complaint alleged that a Licensee provided emergency medical treatment with an expired license. Specifically, he provided treatment to fourteen patients between April 1, 2010 and June 13, 2011, when his license had expired on March 31, 2010. Licensee stated that he was deployed to Afghanistan in December 2009, was home on leave in April 2010, and was released from active duty in January 2011. He was told that his license would continue.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** None

**MOTION: To recommend that the Board resolve case # 11-034 by having the Licensee submit a copy of his Certificate of Release or Discharge From Active Duty (form DD 214). If the form confirms the dates, to dismiss this case as there has not been any violations of the Rules, as Maine statute 37-B M.R.S.A §390-A(3) gives a Licensee an automatic extension for the period of active duty and for 6 months after that person has been released from active duty. (Metayer; second by Senecal) Unanimous.**

**MOTION: To recommend that the Board remove the Letter of Guidance that was issued to the service in case # 11-039 as there has not been any violation of the Rules. (Metayer; second by Senecal) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-034 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

## **2. Carolyn Faust–Review of new application– Applicant present.**

**Summary:** On September 22, 2011 MEMS received an application from Carolyn Faust who disclosed convictions for Operating Under the Influence in 2005 and 2007. A routine SBI Criminal History Report shows that on March 11, 2005 and again on October 24, 2007 Ms. Faust was convicted of Operating Under the Influence.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** Applicant has accepted responsibility and expressed remorse; was cooperative; self-reported the conviction; has shown evidence of rehabilitation through lifestyle changes, including completing an Associates Degree in Business Management and a Bachelors Degree in Pre-Med, actively pursuing acceptance in a Physician's Assistant school, and maintaining employment in the restaurant industry and as a Sail Maine high school sailing coach.

**MOTION: Given the applicant's activities over the years since the convictions, applicant has been sufficiently rehabilitated to warrant the public trust. The Committee recommends that the Board issue the license with a Letter Guidance, to be maintained in the file for three years. (Metayer; second by Beals) Unanimous.**

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

## **3. CASE # 11-009 - Licensee not present.**

**Summary:** This case was tabled due to illness and will be rescheduled at a later date.

#### 4. CASE #11-051

**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 11-051. (Knowlton; second by Metayer) Unanimous.**

Entered executive session at 11:25 a.m.

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

Executive session ended at 11:55 a.m.

**Summary:** Licensee provided emergency medical treatment to two (2) patients on October 1, 2011 with an expired license. The Licensee's license expired on September 30, 2011.

**Aggravating Circumstances:** Licensee received notification of his upcoming license expiration date 6 months, 3 months, and 1 month prior to the expiration date.

**Mitigating Circumstances:** Licensee was remorseful, forthright and cooperative with the Committee; self-reported to his service and Maine EMS; immediately removed himself from duty; was unlicensed for only 1 day; was licensable at the time the license was expired; suffered a financial loss; and caused no patient harm.

**MOTION: To recommend that the Board resolve case # 11-051 and grant the Licensee's renewal application by offering the Licensee a consent agreement based upon unlicensed practice for providing emergency medical treatment to two patients at a time when his license was expired (the Licensee's license expired on September 30, 2011) in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(30) "Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted." Recommended terms include a reprimand. 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 hearing. (Senecal; second by Beals) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-051 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

#### 5. CASE – 11-001 – 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 11-001 (Knowlton; second by Senecal) Unanimous.**

Entered executive session at 12:30 p.m.

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

Executive session ended at 1:30 p.m.

**Summary:** The issue involved the conduct underlying Licensee's deferred disposition for his charge of Domestic Violence Assault and Violation of a Protection Order. Specifically, the licensee was intoxicated and grabbed his girlfriend by the wrist.

**Aggravating Circumstances:** Licensee has a Letter of Guidance on file for an Operating After Suspension conviction in 2008; Licensee consumed alcohol prior to representing an EMS service at a public event; and all convictions were alcohol related.

**Mitigating Circumstances:** Licensee is attending peer support meetings; remorseful and cooperative; self initiated his rehabilitation program; and submitted five letters of recommendation.

**MOTION: To recommend that the Board resolve case # 11-001 by offering the Licensee a consent agreement based on the conduct underlying his deferred disposition for charges of Domestic Violence Assault and Violation of a Protection Order. His conduct violates Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(5) Acting in ways that are dangerous or injurious to the licensee or other persons; Chapter 11 §(1)(7) Addiction to a drug, including alcohol or responding to the scene of a call while under the influence of drugs, whether or not the use of such substances is habitual; and Chapter 11 §(1)(32) Habitual intemperance in the use of drugs, including alcohol, or other substances, the use of which has resulted or may result in the licensee performing his or her duties in a manner that endangers the health or safety of his or her patients. The consent agreement will remain in effect for (6) six years and will require the Licensee to obtain, at his own expense, a fitness for duty evaluation from a counselor approved by Maine EMS . If the evaluation shows that he is fit for duty, then Licensee agrees to follow any recommendations of the counselor. Additional recommended terms include the following:**

- 1) **Licensee will notify Maine EMS within (10) ten days if he is charged in any state or federal court with any criminal violation. If criminal charges are filed against Licensee in any state or federal court, Licensee will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into the conduct unless Licensee can show good cause as to why the license should continue pending the investigation; and**
- 2) **Licensee will continue meeting with the peer support group for one year.**

**If Licensee does not accept the consent agreement, then the committee recommends that the Board pursue disciplinary action and that Licensee be notified of the right to hearing. (Metayer; second by Beals) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-001 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**6. CASE # 11-045– 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 11-045. (Knowlton; second by Beals) Unanimous.**

Entered executive session at 1:40 p.m.

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

Executive session ended at 1:55 p.m.

**Summary:** A licensed EMS service allegedly allowed an unlicensed EMT to provide emergency medical treatment on its behalf to two patients on September 1, 2011. The EMT's license had expired on August 31, 2011.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** Appropriate corrective action; service did not bill; developed a policy to prevent future occurrences; cooperative and remorseful; and no patient harm.

**MOTION: To recommend that the Board resolve case # 11-045 by offering the licensee a Letter of Guidance to remain in the Licensee's file until December 31, 2012. The Committee finds that there is sufficient evidence to support a finding that the Licensee violated Chapter 11 § (1)(34), Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Ch 2-B. The Committee recommends, however, that the Board find that the violation does not rise to a level warranting disciplinary action. (Beals; second by Metayer;) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-045 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 2:00 p.m.

The next Investigations Committee meeting will be on January 4, 2012.