



STATE OF MAINE  
 DEPARTMENT OF PUBLIC SAFETY  
 MAINE EMERGENCY MEDICAL SERVICES  
 152 STATE HOUSE STATION  
 AUGUSTA, MAINE  
 04333



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 COMMISSIONER

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 DIRECTOR

**MAINE EMS  
 INVESTIGATIONS COMMITTEE MEETING  
 WEDNESDAY NOVEMBER 4, 2015  
 GAMBLING BOARD ROOM, AUGUSTA  
 RATIFIED BY THE MAINE EMS BOARD ON DECEMBER 2, 2015  
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Laura Downing

Staff: Alan Leo, Jason Oko, Drexell White (9:00-10:00 am), Shaun St. Germain (9:00-10:30 am)

Office of Attorney General: Lauren LaRoche, AAG, Katie Johnson, AAG

**1. CASE #15-070 – 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 15-070. (Beals; second by Downing) Unanimous.**

Executive session entered at 9:25 a.m.

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

Executive session ended at 9:55 a.m.

**Summary:** MEMS initiated a complaint against a provider who has a conviction on August 11, 2015 for Driving to Endanger stemming from a charge of Operating Under the Influence following an motor vehicle accident. The information was provided in an application to upgrade from AEMT to Paramedic.

**Aggravating Circumstances: None**

**Mitigating Circumstances: None**

**MOTION: The Committee recommends that the Board resolve case # 15-070 by granting the upgrade with a Letter of Guidance to be on file for the remainder of this license period and the next license period, as long as staff receive DEEP documents and any other CEHs showing the individual is licensable as a Paramedic before the December Board meeting, as any misconduct does not rise to the level of discipline. (Beals; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-070 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**2. CASE #15-075 – 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 15-075. (Beals; second by Downing) Unanimous.**

Executive session entered at 10:05 a.m.

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

Executive session ended at 10:15 a.m.

**Summary:** On August 20, 2015 MEMS conducted a scheduled inspection of the ambulances belonging to a service licensed at the EMT level and permitted to Paramedic. This inspection found that both ambulances possessed expired items that are instrumental in providing ALS care. The service's Paramedic permit was suspended pending replacement of this equipment, and the Service Director was notified. On August 21, 2015 the service responded to an ALS call and performed limited ALS treatment with the equipment that they had.

**Aggravating Circumstances: None**

**Mitigating Circumstances: None**

**MOTION: The Committee recommends that the Board resolve case # 15-075 with a Letter of Guidance to be on file until July 31, 2016 with an emphasis on maintaining the required equipment and supplies, checking them routinely, and having policies in place regarding the maintenance and routine checking of supplies. A policy regarding a routine checking system for equipment must also be sent to staff before the December Board meeting. (Downing; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-075 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**3. Case # 15-074-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 15-074. (Beals; second by Gerrish) Unanimous.**

Executive Session entered at 10:45 a.m.

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

Executive Session ended at 11:00 a.m.

**Summary:** On September 16, 2015 during a routine scheduled ambulance inspection MEMS found that the ambulance currently being used by this service was not licensed and that the service was continuing to use the license information from a loaner ambulance that had already been returned to its owner. .

**Aggravating Circumstances:** None

**Mitigating Circumstances:** There was an ambulance licensed during this time period, even though it was the incorrect one.

**MOTION: The Committee recommends that the Board resolve case # 15-074 with a Letter of Guidance, to be on file until July 31, 2017, as any misconduct does not rise to a level warranting discipline. The LOG should remind the service to maintain accurate records of the vehicle(s) it licenses with MEMS and their expiration date(s)(Gerrish; second by Beals) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-074 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**4. Case #15-038 -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 15-038. (Beals; second by Gerrish) Unanimous.**

Executive Session entered at 11:15 a.m.

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

Executive Session ended at 11:30 a.m.

**Summary:** MEMS initiated a complaint against a service who allowed an unlicensed provider to provide emergency medical treatment on one call after the provider's MEMS license expired.

**Aggravating Circumstances:** None

**Mitigating Circumstances:** None

**MOTION: The Committee recommends that the Board resolve case # 15-038 with a Letter of Guidance, to be on file until October 31, 2016, as any misconduct does not rise to a level warranting discipline. The LOG should encourage the service to outline policies and**

**procedures to ensure staff members are licensed and to educate successive leaders about such policies. (Beals; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-038 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**5. Case # 15-076- Licensee Present.**

**Summary:** Due to one member having to recuse themselves there was not a quorum to hear this case, and it was tabled until the January meeting.

**6. Case # 15-071- 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 15-071. (Beals; second by Downing) Unanimous.**

Executive Session entered at 1:45 p.m.

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

Executive Session ended at 2:05 p.m.

**Summary:** On September 14, 2015 MEMS received an application for the renewal of an EMT license. Included with that application were CEH certificates from classes taken on the MEMSED website. All of those certificates contained CEH hours and dates of completion except one. The MEMS staff determined that the applicant obtained the certificate without taking the actual class due to a technical issue that allowed him to do this.

**Aggravating Circumstances: None**

**Mitigating Circumstances: None**

**MOTION: The Committee recommends that the Board resolve case # 15-071 with a Letter of Guidance, to be on file for four years, as any misconduct does not rise to a level warranting discipline. The LOG should stress the importance of verifying documentation submitted for licensure. (Beals; second by Gerrish) Unanimous.**

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-071 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

**NEW APPLICATION REVIEW**

**1. Case # 15-087-Kristie McLaughlin - Application Review – Applicant Present.**

**Summary:** Information received by MEMS indicates that the applicant provided emergency medical dispatch (EMD) services on behalf of the Scarborough Public Safety Communications Center from March 12, 2015 to October 16, 2015, during which time she did not hold a valid Maine emergency medical dispatcher license. The applicant's MEMS EMD license application is dated, and was received by Maine EMS, October 21, 2015.

**Aggravating Circumstances:** None

**Mitigating Circumstances:**

- Quality assurance records indicate that the applicant practiced in accordance with Maine EMD protocol.
- The applicant was cooperative with Maine EMS throughout the review process.

**MOTION: The Committee recommends that the Board issue the license with a Letter of Guidance, as any misconduct does not rise to a level warranting disciplinary action. The Letter of Guidance emphasizing awareness of the need for a license and license expiration dates will be maintained in the file for two years. (Downing; second by Gerrish) Unanimous**

**2. Case #15-083 - Jake Demakis– Review of new application – Applicant present.**

**Summary:** On October 13, 2015 MEMS received a new application for an EMT license. The application listed a conviction for Felony Conspiracy to Possess With Intent To Distribute Heroin and 50 Grams Or More Of Cocaine Base as well as Felony Possession of a Firearm In The Furtherance of A Drug Trafficking Crime. The applicant was sentenced to 102 months in federal prison. On July 14, 2014 he was released after serving 6 years and 11 months and is now under supervised release until 2019.

**Aggravating Circumstances:** Severity of the crimes.

**Mitigating Circumstances:** The applicant was cooperative and remorseful and had many letters of recommendation.

**MOTION: The Committee finds that the applicant has been sufficiently rehabilitated to warrant the public trust and recommends that he be licensed and issued a Consent Agreement. The agreement should require performance evaluations from his EMS employers every six months for a period of two years and reports from his probation officer every 6 months until the probation term is completed. If he is ever charged with any criminal activity, under the agreement his MEMS license should be immediately suspended pending review by the Board.(Beals; second by Gerrish) Unanimous.**

The Committee adjourned at 3:30 p.m.

The next meeting will be on January 6, 2016 at 9:00 a.m.