



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



JOHN E. MORRIS
 COMMISSIONER

JAY BRADSHAW
 DIRECTOR

PAUL R. LEPAGE
 GOVERNOR

**MAINE EMS
 INVESTIGATIONS COMMITTEE MEETING
 WEDNESDAY NOVEMBER 6, 2013
 GAMBLING BOARD ROOM, AUGUSTA,
 RATIFIED BY THE MAINE EMS BOARD ON DECEMBER 4, 2013
MEETING MINUTES**

Members Present: Tim Beals until 12:00, Judy Gerrish, Lori Metayer, Nathan Contreras and Laura Downing

Staff: Alan Leo, Drexell White

Office of Attorney General: Lauren LaRochelle, AAG

1. CASE #13-054 – 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 13-054. (Contreras; second by Gerrish) Unanimous.

Executive session entered at 11:00 a.m.

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

Executive session ended at 11:20 a.m.

Summary: MEMS initiated a complaint against a dispatcher who allegedly provided EMD services after her license had expired. Records suggest her license expired on August 31, 2013, but that she provided EMD services on sixteen 911 calls from September 1, 2013 to September 23, 2013. The licensee was first licensed in 2011. The licensee was licensable at the time of expiration.

Aggravating Circumstances: None

Mitigating Circumstances: Licensee was cooperative with the Committee, there was no patient harm, and the EMD center did not have a clear/concrete policy in place to monitor expiration dates.

MOTION: The Committee recommends that the Board issue the license with a Letter of Guidance as the licensee’s conduct does not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for two years. (Contreras; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-054 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #13-055 – 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 13-055. (Contreras; second by Gerrish) Unanimous.

Executive session entered at 11:25 a.m.

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

Executive session ended at 12:00 p.m.

Summary: MEMS initiated a complaint that suggests the Licensee allowed an unlicensed EMD provider to provide EMD services. Records suggest the dispatcher's license expired on August 31, 2013, but that she provided EMD services on sixteen 911 calls from September 1, 2013 to September 23, 2013. From February to August 2013, the EMD Center received monthly notifications of the provider's impending expiration date. The EMD Center has been licensed since 2006.

Aggravating Circumstances: The Licensee was aware of the expiration date of the provider; the application signed by the supervisor and sent to MEMS showed the dispatcher's expiration date, but the dispatcher was still allowed to practice; the EMD Center policy regarding EMD unlicensed dispatchers is vague.

Mitigating Circumstances: The Licensee accepted responsibility and was cooperative with the committee.

MOTION: The Committee recommends that the Board resolve case # 13-055 by offering the Licensee a consent agreement to include the following terms: (1) A Warning; (2) A requirement that the licensee submit revised policies on the process for supervisors to track expiration dates of MEMS licensed EMD providers, and on the procedure for providers who become expired and cannot function as an EMD for approval by MEMS staff. 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." Maine EMS Rule Ch. 3-A §6 requires EMD centers to use MEMS licensed EMDs to provide dispatch. 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. (Downing; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-055 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 13-052 – 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 13-052. (Contreras; second by Downing) Unanimous.

Executive session entered at 12:10 p.m.

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

Executive session ended at 12:20 p.m.

Summary: MEMS initiated a complaint based upon an observation made during a yearly inspection that one of the service's ambulances was not licensed by MEMS. The unlicensed ambulance had been purchased as a replacement vehicle.

Aggravating Circumstances: None

Mitigating Circumstances: The unlicensed replacement vehicle was immediately removed from service in Maine; it passed inspection; and the service changed its policy to prevent this from happening in the future.

MOTION: The Committee recommends that the Board resolve case # 13-052 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 licensee's file for one year. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-052 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. CASE # 13-050 – 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 13-050. (Contreras; second by Downing) Unanimous.

Executive session entered at 1:00 p.m.

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

Executive session ended at 1:20 p.m.

Summary: Maine EMS received a complaint from a service chief that suggested an AEMT employed by the service had not taken vital signs on a transfer patient transported by the service and that the AEMT falsified the patient care report by listing vital signs.

Aggravating Circumstances: None

Mitigating Circumstances: The licensee was cooperative and remorseful, there is no evidence that this was habitual behavior; and personal issues may have played a part in the conduct.

MOTION: The Committee recommends that the Board resolve Case # 13-050 by offering the Licensee a consent agreement to include the following terms: (1) Requiring the provider notify MEMS when he becomes affiliated with any new service (2) Have 100% Quality Assurance review for all patient care reports for which Licensee is the primary care giver for a six month period or for 50 runs which ever comes first. 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) Licensee will inform a service with which he becomes affiliated about this incident and the action taken by MEMS. . The basis for the consent agreement is the Licensee's conduct that violates Chapter 11 §1(15). "Inaccurate recording of material information, or falsifying or improperly altering a patient or healthcare provider record." 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 Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-050 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE #13-058–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 13-058. (Contreras; second by Downing) Unanimous.

Executive session entered at 1:30 p.m.

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

Executive session ended at 1:45 p.m.

Summary: On September 9, 2013, the licensee called MEMS and notified staff that she believed she had been convicted of a misdemeanor, and further stated that the pending criminal charges had not been listed on a prior MEMS application. The licensee had permitted an individual who had a suspended license to drive her vehicle.

Aggravating Circumstances: None

Mitigating Circumstances: This was self-reported and licensee was honest with the committee.

MOTION: The Committee recommends that the complaint be dismissed. After reviewing the documentation presented and hearing from the licensee, it appears that the licensee did not understand that she was required to list pending charges on an EMS application. The conduct underlying the misdemeanor charge would not rise to the level warranting discipline. (Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-058 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 8, 2014 at 9:00 a.m.