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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY MARCH 2, 2016
GAMBLING BOARD ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON APRIL 6, 2016
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Mike Senecal, Laura Downing,
Greg Coyne

Staff: Alan Leo, Drexell White (9:00-10:00 am)

Office of Attorney General: Katie Johnson, AAG

1. Case 16-004 – Licensee present

Committee member Tim Beals recused himself from this case.

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 16-004. (Senecal; second by Downing) Unanimous.

Executive session entered at 9:03 a.m.

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

Executive session ended at 9:38 a.m.

Summary: Maine EMS initiated a complaint concerning a licensed emergency medical dispatch (EMD) center alleging that a dispatcher employed by the center provided EMD services on four (4) calls on behalf of the center without a valid Maine EMS EMD license between December 1, 2015 and December 8, 2015.

Aggravating Circumstances: The Licensee entered into Consent Agreements with the Board on three occasions - June 2010, April 2013 and November 2015 - for allowing unlicensed practice of personnel in Licensee's other licensed centers.

Mitigating Circumstances: (1) The Licensee contacted Maine EMS to follow up on the dispatcher's EMD license status, and stopped the dispatcher's practice once Maine EMS identified the unlicensed status; and (2) license expiration reports normally generated in October and November 2015 were not sent to licensed EMD centers due to a reports issue with the Maine EMS online licensing system.

MOTION: To recommend that the Board resolve case # 16-004 by offering the Licensee a consent agreement based upon allowing an unlicensed dispatcher to provide EMD services on behalf of the center, in violation of Maine EMS Rules (dated May 1, 2013) Chapter 3-A §6(1), which provides that an EMD center must use Maine EMS licensed emergency medical dispatchers; and, Chapter 11 §(1)(14), a violation of any standard established in the profession. Recommended terms include a fine of \$400.00 (\$100.00 per incident of unlicensed practice) and a condition requiring that dispatch personnel at Licensee's licensed centers submit license applications exclusively via the Maine EMS electronic licensing system. (Downing; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-004 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #15-082 – 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 15-082. (Downing; second by Senecal) Unanimous.

Executive session entered at 9:50 a.m.

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

Executive session ended at 10:10 a.m.

Summary: This case was a continuance from the January informal conferences and involves a licensed provider who allegedly falsified clinical documentation in his Paramedic class. The Licensee has a November 25, 2015 letter of guidance in his file related to allegations that he conducted a fraudulent CPR class and then applied for a certification card. At the January informal conference, the Licensee stated that he performed his clinical documentation correctly and that the preceptor service with which he was training could verify this information. There were also other documents that the licensee stated existed in support of his case, and the Committee had instructed Maine EMS staff to obtain proof of those documents. Through a thorough investigation, Maine EMS staff determined that no such documentation existed and that the preceptor service stated the way he documented his ride time and patient contacts was not in line with their policies or program.

Aggravating Circumstances: Second case before Board alleging that the Licensee falsified documents; the behavior was dishonest.

Mitigating Circumstances: None

MOTION: To recommend that the Board resolve case # 15-082 by offering the Licensee a consent agreement for a revocation of his MEMS AEMT license based upon the following violations of the EMS Rules: Chapter 11§1(14) ("Violation of any standard established in the profession), Chapter 11 § 1(26) ("Altering or falsifying a license or documents for a course

card or certificate”) and Chapter 11 §1(30) (“Willfully making a false statement in application for a license or renewal of a license, or in any activity or documents intended to be used to satisfy a requirement for licensure”). (Senecal; second Beals) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-082 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

3. Case # 16-001-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 16-001. (Downing; second by Gerrish) Unanimous.

Executive Session entered at 12:15 p.m.

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

Executive Session ended at 12:30 p.m.

Summary: On January 4, 2016 Maine EMS received a service renewal application from a service whose license had expired on December 31, 2015. The service responded eight times after the license expiration date.

MOTION: The Committee recommends that the Board resolve case # 16-001 with a Letter of Guidance, to be on file until December 31, 2019, as any misconduct does not rise to a level warranting discipline. The LOG should point out the importance of maintaining a valid Maine EMS service license. (Senecal; second by Downing) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-001 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

4. Case #15-099 -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 15-099. (Downing; second by Gerrish) Unanimous.

Executive Session entered at 1:40 p.m.

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

Executive Session ended at 1:00 p.m.

Summary: On December 28, 2015 Maine EMS received the Licensee's renewal application for a Paramedic license, which included a new conviction on July 23, 2015 for Criminal Mischief (Class D). The Licensee is otherwise licensable.

MOTION: The Committee recommends that the Board dismiss the case as the conviction is not actionable and the conduct does not violate the Maine EMS Act or Rules. (Gerrish; second by Downing) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-099 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. Case # 15-065- 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 15-065. (Downing; second by Gerrish) Unanimous.

Executive Session entered at 2:30 p.m.

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

Executive Session ended at 3:20 p.m.

Summary: Maine EMS filed a complaint after discovering that the Licensee had been charged with Domestic Violence Criminal Threatening with a Dangerous Weapon (Class C) and Aggravated Assault (Class B) on June 12, 2015. On January 12, 2016 the Licensee was convicted of Domestic Violence Criminal Threatening (Class D), and the Aggravated Assault charge was dismissed. The Licensee is currently serving a probationary period that ends on January 12, 2017. That probation requires that the Licensee not own, use, or possess firearms or dangerous weapons; submit to random searches and testing concerning alcohol, drugs, firearms, and dangerous weapons; and complete substance abuse, psychological, and anger management evaluations with a provision of continued counselling if recommended.

MOTION: The Committee recommends that the Board table a decision on this case for a maximum of six months from the April 6, 2016 Maine EMS Board meeting to allow the Licensee to obtain substance abuse, psychological, and anger management evaluations; a report from his probation officer; a report from his couples counselor; and three or four professional letters of recommendation. (Senecal; second by Downing) Unanimous.

Applications:

1. Paul Kennedy - Case # 16-029 – Informal Review-Applicant Present

Summary: Maine EMS received a reciprocity application from the Applicant requesting licensure as a Paramedic based off of his Pennsylvania EMS license. The Applicant disclosed that in 2002 he was adjudicated delinquent for Theft by Unlawful Taking or Disposition. Maine EMS also discovered that in 2008 he pleaded guilty to a summary offense in Pennsylvania for “Bad Checks.” He did not disclose this conviction on his application.

MOTION: The Committee recommends that the license be issued and the case be dismissed as the Applicant’s conduct did not rise to the level warranting discipline. The Committee also found that the Applicant had been sufficiently rehabilitated to warrant the public trust. (Senecal; second by Gerrish) Unanimous.

The Committee adjourned at 3:45 p.m.

The next meeting will be on May 4, 2016 at 9:00 a.m.