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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, MARCH 7, 2012
CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON APRIL 4, 2012
MEETING MINUTES**

Members Present: Steve Leach, Lori Metayer (11:30 – 4:45), Tim Beals, Michael Schmitz (9:00 – 11:30), Judy Gerrish, and Mike Senecal (9:00 – 2:30)

Staff: Dawn Kinney, Alan Leo, and Jay Bradshaw

Office of Attorney General: Lauren LaRochelle, AAG; Dennis Smith, AAG (11:50-12:30)

- 1. CASE # 11-063- Licensee present with Attorney.** Lori Metayer recused herself. Judy Gerrish disclosed that she worked at the hospital where the patient originated from, but stated that this would not affect her ability to decide the matter impartially based only on the information provided to her by EMS staff or the Licensee. Licensee had no objection to her participation.

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 11-063. (Leach; second by Beals) Unanimous.

Entered executive session at 09:15 a.m.

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

Executive session ended at 11: 30 a.m.

Summary: A licensed EMS provider allegedly administered ketamine for a procedural sedation on a patient to insert a Turkel needle for chest decompression, and on a separate date while providing care to a different patient, obtained central venous access.

Aggravating Circumstances: Licensee documented that the ketamine was used for a procedural sedation in the run report, although licensee later provided different justifications for the decision to use ketamine.

Mitigating Circumstances: Corrective action taken by the service; Licensee had previous experience in obtaining central venous access under direct supervision; followed the service

practice regarding working outside the protocol; the second patient was in extremis; and no patient harm.

MOTION: To recommend that the Board resolve case # 11-063 by offering the Licensee a Letter of Guidance to remain in the Licensee's file until April 4, 2015. The Committee finds that the evidence could support a finding that the Licensee violated 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." The Committee recommends, however, that due to the mitigating circumstances, the Board find that the potential violation does not rise to a level warranting disciplinary action. (Beals; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-063 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE # 08-030- 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 concerning case number 08-030. (Leach; second by Gerrish) Unanimous.

Entered executive session at 11:50 a.m.

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

Executive session ended at 12:30 p.m.

Summary: Licensee's EMS case has been pending while criminal charges were resolved in the court system. AAG Dennis Smith summarized the status of the case and the resolution of the court proceedings in order for the Committee to determine what, if any, further action to take.

MOTION: To recommend that this case be scheduled for an informal conference. A recommendation for resolution of case # 08-030 will be made at that time. (Senecal; second by Beals) Unanimous.

3. CASE #11-062 – 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 11-062. (Leach; second by Metayer) Unanimous.

Entered executive session at 1:15 p.m.

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

Executive session ended at 1:47 p.m.

Summary: Licensee admitted giving a student an American Heart Association CPR card when the student took only the written exam and did not perform any practical skills. His service's board has also investigated this matter.

MOTION: To recommend that the Board resolve case # 11-062 by offering the Licensee a Letter of Guidance to remain in the Licensee's file until April 4, 2018. The Committee finds that there is sufficient evidence to support a finding that the Licensee violated Chapter 9 § (3)(5)(G-1), "Incompetent practice. A licensed Instructor Coordinator shall be deemed incompetent in the practice if the instructor has: 1. Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owned by the Instructor to a client or student." The Committee recommends the Board find that the violation does not rise to a level warranting disciplinary action. (Senecal; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-062 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. CASE #11-054– 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 11-054 (Leach; second by Senecal) Unanimous.

Entered executive session at 2:03 p.m.

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

Executive session ended at 2:26 p.m.

Summary: Licensee appeared to provide emergency medical treatment to two (2) patients from February 28, 2011 to October 12, 2011 with an expired license. The Licensee's license expired on February 28, 2011.

Aggravating Circumstances: The length of time that Licensee was unlicensed; and no record of application being received by Maine EMS prior to the expiration date.

Mitigating Circumstances: The Licensee self reported; was licensable at the time the license expired; and had no malice intent.

MOTION: To recommend that the Board resolve case # 11-054 and grant the Licensee's renewal application by offering the Licensee a consent agreement based upon unlicensed practice for providing emergency medical treatment on two calls at a time when his license was expired (the Licensee's license expired on February 28, 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 fine of \$50.00 per violation for a total of \$100.00. 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 Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-054 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE #12-002 - Licensee present, Mike Senecal recused himself.

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 12-002 (Leach; second by Metayer) Unanimous.

Entered executive session at 3:00 p.m.

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

Executive session ended at 3:49 p.m.

Summary: The issue involved the care Licensee gave to a patient and how the patient's family member was handled.

MOTION: To recommend that the Board resolve case # 11-044 by offering the Licensee a Letter of Guidance to reinforce the importance of proper documentation, to remain in the Licensee's file until April 4, 2015. The Committee finds that the evidence could support a finding that the Licensee violated Chapter 11 § (1)(14), "Violation of any standard established in the profession," for poor documentation. The Committee recommends, however, that the Board find that the potential violation does not rise to a level warranting disciplinary action. (Gerrish; second by Leach;) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-002 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. CASE #12-003 - Licensee present, Mike Senecal recused himself.

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 12-003 (Leach; second by Metayer) Unanimous.

Entered executive session at 3:55 p.m.

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

Executive session ended at 4:10 p.m.

Summary: The issue involved the care Licensee gave to a patient and how the patient's family member was handled.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: To recommend that the Board resolve case # 12-003 by dismissing the case as factually unfounded. The Committee recommends the Board find no Maine EMS Rules violation. (Metayer; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-002 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. CASE # 12-001- Licensee not present, Mike Senecal recused himself.

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 concerning case number 12-001 (Leach; second by Metayer) Unanimous.

Entered executive session at 4:10 p.m.

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

Executive session ended at 4:46 p.m.

MOTION: To recommend that this case be tabled to the next Committee meeting to allow staff to request additional information. A recommendation for resolution of case # 12-001 will be made at that time. (Leach; second by Metayer) Unanimous.

The Committee adjourned at 4:50 p.m.

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