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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY MAY4, 2016
GAMBLING BOARD ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON JUNE 1, 2016
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Lori Metayer, Greg Coyne

Staff: Alan Leo, Jason Oko
Office of Attorney General: Katie Johnson, AAG

1. Case 16-031 – 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 16-031. (Coyne; second by Gerrish) Unanimous.

Executive session entered at 9:15 a.m.

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

Executive session ended at 9:30 a.m.

Summary: Maine EMS initiated a complaint against a licensed Non-Transporting Service that failed to participate in a quality assurance (“Q/A”) data collection project concerning no-transport calls. The service processed one no-transport call during the study period.

MOTION: To recommend that the Board resolve case # 16-031 by dismissing the case if the service adopts a Q/A plan that has been presented to and approved by Maine EMS Staff before the June 1, 2016 Board meeting. (Metayer; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-031 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

2. CASE #16-053– Licensee Present.

Judy Gerrish recused herself 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 16-053. (Metayer; second by Coyne) Unanimous.

Executive session entered at 10:10 a.m.

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

Executive session ended at 11:30 a.m.

Summary: Maine EMS initiated a complaint against this licensee based on information from the Regional Coordinator for Region 4. That information stated that after a Q/A review of 2 separate runs, the Regional Medical Director offered the Licensee a Remediation Agreement, but the Licensee refused to accept it. According to Region 4, during a May 2015 call the Licensee did not recognize and treat a potential head injury and shock. Region 4 said during a December 2015 call the Licensee (1) did not properly document the patient's circulatory status; (2) did not properly establish control of the patient's airway or ventilation; (3) did not perform pacing or fluid resuscitation; (4) did not attach copies of the electrocardiogram strips to the run report; and (5) did not have pacing pads available.

Aggravating Circumstances: Care was not appropriate for the Paramedic level.

Mitigating Circumstances: Cooperative with the Committee and has made attempts in improving her performance.

MOTION: To recommend that the Board resolve case # 16-053 by offering the Licensee a consent agreement with the following conditions: Licensee will not provide care above the Advanced EMT ("AEMT") level until she successfully completes remediation; the Licensee will complete an Emergency Medical Patients: Assessment, Care and Transport ("EMPACT"), Advanced Medical Life Support ("AMLS"), or an International Trauma Life Support ("ITLS") training program, as well as an education program focusing on critical EMS decision making in crisis situations and provide certificates to Maine EMS; the Licensee will work with a Paramedic level service to include ride time successfully assessing and managing 15 seriously or critically ill or injured patients that includes completed patient care reports approved by Maine EMS. The Licensee will have to complete all of these remediation steps within 6 months of signing this Consent Agreement. In addition there will be 100% Q/A review of all runs on which the Licensee is the primary patient care giver while she is providing care at the AEMT level and continuing for 50 calls after she returns to providing care at the Paramedic level. The person who will do the Q/A review will be approved by Maine EMS. (Metayer; second Beals) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-053 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. Case # 15-096-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 15-096. (Beals; second by Coyne) Unanimous.

Executive Session entered at 11:40 p.m.

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

Executive Session ended at 12:05 p.m.

Summary: On May 27, 2016, MEMS received a complaint from the Maine Department of Health and Human Services (“DHHS”) regarding the Licensee’s care of a resident of a nursing home. According to DHHS, the Licensee roughly picked up the potential hip fracture patient in a “bear hug” and placed her on a stretcher. The Licensee was also allegedly rude to the nursing home staff.

MOTION: The Committee recommends that the Board resolve case # 15-096 with a Letter of Guidance, to be on file until May 31, 2018, as any misconduct does not rise to a level warranting discipline. The LOG should point out the importance of maintaining a kind and professional attitude towards patients and working with members of any facility to which she may be called. (Beals; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 15-096 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

4. Case #16-056 -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 16-056. (Coyne; second by Gerrish) Unanimous.

Executive Session entered at 1:05 p.m.

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

Executive Session ended at 1:40 p.m.

Summary: On January 28, 2016, Maine EMS received documentation regarding an emergency medical technician (“EMT”) who performed patient care above his license level; he administered nitroglycerin to a patient, which is a Paramedic level medication. The Licensee thought it was ok

to do this because he had assisted other Paramedics administer nitro and because he was enrolled in a Paramedic class. The Licensee, on a different call, was transporting a patient who complained of chest pain and failed to call for a Paramedic to treat the patient.

MOTION: The Committee recommends that the Board resolve case # 16-056 with a Letter of Guidance, to be on file until September 30, 2020, as any misconduct does not rise to a level warranting discipline. The LOG should point out the importance of treating patients within the scope of practice of the license level held and to follow protocol. (Beals; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-056 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. Case # 16-030- 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 and to conduct an informal conference concerning case number 16-030. (Coyne; second by Gerrish) Unanimous.

Executive Session entered at 2:55 p.m.

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

Executive Session ended at 3:25 p.m.

Summary: Maine EMS initiated a complaint against a licensed Transporting Service that failed to participate in a Q/A data collection project concerning no-transport calls. The service processed three no-transport calls during the study period.

MOTION: The Committee recommends that the Board resolve case # 16-030 with a Letter of Guidance, to be on file until one year from the date of renewal as any misconduct does not rise to a level warranting discipline, if the service adopts a Q/A plan that has been presented to and approved by Maine EMS Staff before the June 1, 2016 Board meeting. (Metayer; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-030 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. Case # 16-009 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 16-009. (Coyne; second by Gerrish) Unanimous.

Executive Session entered at 3:30 p.m.

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

Executive Session ended at 4:00 p.m.

Summary: Maine EMS initiated a complaint against a licensed Non-Transporting Service that failed to enter patient care reports into the Maine EMS Run Reporting (“MEMSRR”) system within one business day as stated in the Maine EMS Rules.

MOTION: The Committee recommends that the Board resolve case # 16-009 with a Letter of Guidance, to be on file until the May 31, 2019 renewal as any misconduct does not rise to a level warranting discipline. The LOG should stress the importance of following the Maine EMS Rules and the filing of MEMSRR reports when specified. (Metayer; second by Coyne) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 16-009 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

Applications:

1. Jason A. Lincoln - Case # 16-060– Informal Review-Applicant Present

Summary: Maine EMS received an application for licensure as an EMT from Jason A. Lincoln on March 8, 2016. Included with that application were court documents showing that Mr. Lincoln was convicted of Operating Under the Influence (“OUI”) (Class D) and Violating Conditions of Release (Class E).

MOTION: The Committee recommends that the license be issued with a Letter Of Guidance to be on file until three years from the date of licensure, 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. (Gerrish; second by Coyne) Unanimous.

The Committee adjourned at 4:15 p.m.

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