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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
TUESDAY JULY 3, 2012
CHAMPLAIN CONFERENCE ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON AUGUST 1, 2012
MEETING MINUTES**

Members Present: Steve Leach 9:10 to 11:00, Lori Metayer, Paul Knowlton, Laura Downing, and Mike Senecal

Staff: Dawn Kinney and Drexell White

Office of Attorney General: Lauren LaRoche, AAG; Dennis Smith, AAG (9:10-11:00).

1. CASE # 12-020- 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) to receive legal advice concerning case number 12-020. (Knowlton; second by Senecal) Unanimous.

Entered executive session at 09:00 a.m.

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

Executive session ended at 09:10 a.m.

Summary: Dawn Kinney summarized the staff investigation. The issue involved Licensee operating two ambulances without a Maine EMS issued vehicle license. One ambulance had been in service and operating from April 7, 2011 to January 2012, and the other ambulance was operating from November 29, 2011 to January 2012. Staff was seeking input from the Committee about whether this should be handled by staff or through the Committee.

Aggravating Circumstances:

Mitigating Circumstances:

MOTION: To recommend that an informal conference be scheduled with the Licensee. A recommendation for resolution of case # 12-020 will be made at that time. (Metayer; second by Senecal) Unanimous.

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 and to conduct an informal conference concerning case number 08-030. (Leach; second by Knowlton) Unanimous.

Entered executive session at 9:15 a.m.

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

Executive session ended at 11:00 a.m.

Summary: The issue involved an EMS Licensee's convictions for Disorderly Conduct and Violating a Condition of Release that he disclosed on his renewal application and the conduct underlying those convictions.

Aggravating Circumstances: Violated appropriate supervisor/supervisee boundaries

Mitigating Circumstances: Acceptance of responsibility; cooperation with the Committee, administrative suspension from work for 18 months; re-employment with the service; and multiple letters of recommendation attesting to his integrity and competence.

MOTION: To recommend that the Board resolve case # 08-030 by offering the licensee a consent agreement to renew his license. Licensee will notify Maine EMS within (10) ten days if he is charged in any state or federal court with any criminal violation. If criminal charges are filed against Licensee in any state or federal court, Licensee will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into the conduct unless Licensee can show good cause as to why the license should continue pending the investigation; and Licensee agrees to accept a Reprimand . The consent agreement is based upon the licensee's convictions for Disorderly Conduct and Violating a Condition of Release and the conduct underlying those convictions, which violate 32 M.R.S.A § 90-A (5)(F), Violation of any reasonable standard of professional behavior, conduct or practice that has been established in the practice for which the licensee is licensed. Licensee's conduct and convictions also violate the following Maine EMS Rules effective (October 1, 2009): Chapter 11 §(1)(14), Violation of any standard established in the profession. If Licensee does not agree to the consent agreement, the Committee recommends that the file will be sent for expert review to determine whether the Licensee's conduct violates a standard established in the profession. (Metayer; second by Leach) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 08-030 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. **CASE #11-061 and 12-016– Licensee present.** Lori Metayer disclosed that she knows the Licensee on a professional basis, but stated that this knowledge would not affect her ability to decide the matter impartially based only on the information provided 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 11-061 and 12-016 (Knowlton; second by Senecal) Unanimous.

Entered executive session at 11:15 a.m.

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

Executive session ended at 12:15 p.m.

Case 11-061

Summary: The issue involved not requesting Advanced Life Support when the protocols indicate that a Critical Care or Paramedic level provider is needed.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: Because the Licensee had already taken corrective action, the Committee recommend that the Board resolve case # 11-061 by dismissing the case as it does not rise to a level warranting disciplinary action. The Committee recommends the Board find no Maine EMS Statute or Rules violation. (Metayer; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-061 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

Case 12-016

Summary: The issue involved not submitting patient care reports within the required three (3) business days.

Aggravating Circumstances: Licensee had received a Letter of Guidance on November 30, 2010 for another complaint on not reporting in the required three (3) business days; number of late reports.

Mitigating Circumstances: There was some confusion by the Licensee regarding record entry; this is a volunteer service; during the month of May the Licensee has made a great effort to monitor and maintain compliance with the reporting requirement.

MOTION: To recommend that the Board resolve case # 12-016 by offering the Licensee a consent agreement based upon not reporting patient care reports in the required three (3) business days in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(2) “Violating a lawful order, rule or consent agreement of the Board.” Recommended terms include a Reprimand. 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 # 12-016 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

4. Jessie McInnis – Review of new application - Applicant present,

Summary: On May 15, 2012, Maine EMS received a new application for an EMT license from Jessie McInnis. In that application Mr. McInnis noted that he had been charged with Criminal Threatening with a dangerous weapon, but that earlier that same day the Kennebec County Superior Court had accepted a guilty plea from Mr. McInnis and entered a one year deferred disposition. If Mr. McInnis complies with the conditions in the deferred disposition, then he will be allowed to withdraw his guilty plea and the charge will be dismissed on May 14, 2013. If he does not comply then the court will sentence him on the charge to which he pleaded guilty. A routine Criminal History Report obtained by Maine EMS on May 16, 2012 confirms the criminal charge.

Aggravating Circumstances: That applicant was threatening with a dangerous weapon (gun).

Mitigating Circumstances: Applicant was cooperative and forthright.

MOTION:

The Committee recommends that the Board issue the license with a consent agreement. Applicant’s conduct of threatening with a dangerous weapon is in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(5) “Acting in ways that are dangerous or injurious to the licensee or other persons”; and Chapter 11 § (1)(13) “Engaging in conduct prohibited by law”. Recommended terms include that applicant will notify Maine EMS within (10) ten days if he is charged in any state or federal court with any criminal violation or if he is arrested for or accused in court of violating the terms of his deferred disposition . If any of the above circumstances requiring notice to Maine EMS occur, applicant will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into

the conduct unless applicant can show good cause as to why the license should continue pending the investigation. If applicant does not violate the deferred disposition, the notification and surrender conditions of the consent agreement will terminate when the deferred disposition is completed. (Metayer; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to this application complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE 12-014 - 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 12-014 (Knowlton; second by Senecal) Unanimous

Entered executive session at 1:25 p.m.

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

Executive session ended at 1:45 p.m.

Summary: The issue involved an unlicensed emergency medical dispatcher providing emergency medical dispatch service without a valid Maine EMS EMD license. Specifically, the unlicensed dispatcher provided emergency medical dispatch service from September 1, 2010 to January 31, 2012. Information from the center shows that there were thirty-seven (37) EMD calls.

Aggravating Circumstances: Length of time of being unlicensed.

Mitigating Circumstances: This was the first time for renewal; had the required training; and due to software issues did not receive the two (2) month notice of impending license expiration.

MOTION: To recommend that the Board resolve case # 12-014 by dismissing the case with a Letter of Guidance as it 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 # 12-014 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. CASE # 12-013 – Licensee present –Lori Metayer and Mike Senecal both recused themselves.

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 12-013 (Knowlton; second by Downing) Unanimous

Entered executive session at 1:50 p.m.

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

Executive session ended at 2:10 p.m.

Summary: The issue involved the Licensee allowing an unlicensed emergency medical dispatcher to provide emergency medical dispatch service on their behalf without a valid Maine EMS EMD license from September 1, 2010 to January 31, 2012. Specifically, the unlicensed dispatcher provided emergency medical dispatch service on behalf of the Licensee on thirty-seven (37) calls.

Aggravating Circumstances: Not taking steps to prevent unlicensed practice after receiving a Letter of Guidance for allowing unlicensed practice in February 2011; and the length of time dispatcher was unlicensed.

Mitigating Circumstances: Forthright and cooperative with the committee.

MOTION: To recommend that the Board resolve case # 11-061 by offering the Licensee a consent agreement based upon allowing an unlicensed dispatcher to provide emergency medical dispatch services on behalf of the center, in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 § (1)(2) "Violating a lawful order, rule or consent agreement of the Board" Chapter 11 § (1)(3) "Violating any of the provisions of 32 M.R.S.A., Chapter 2-B," Chapter 11 §(1)(35) "Delegation of practice, skills or treatment to a person who is not licensed or qualified to perform said practice, skills or treatment," Chapter 3-A §(6)(1) "An Emergency Medical Dispatch Center must use Maine EMS licensed Emergency Medical Dispatchers to receive, evaluate and process all calls for medical assistance," and 32 M.R.S.A. §82 (1) "License required[...emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services Board pursuant to the chapter]. Recommended terms include a Reprimand and a fine of \$3,700.00 with all but \$300.00 suspended. 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. (Knowlton; second by Downing) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-013 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. CASE #12-015 – 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 12-015 (Knowlton; second by Senecal) Unanimous

Entered executive session at 2:45 p.m.

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

Executive session ended at 3:35 p.m.

Summary: The issue involved the Licensee allowing four unlicensed emergency medical dispatchers to provide emergency medical dispatch service on their behalf without a valid Maine EMS EMD license since May 31, 2011. Specifically, the unlicensed dispatchers provided emergency medical dispatch service on behalf of the Licensee. The Licensee reported that due to their data system and software they were unable to determine which of the calls were EMD calls.

Aggravating Circumstances: None.

Mitigating Circumstances: Forthright with the Committee.

MOTION: Due to the proactive measures and policy changes they have already instituted and assurance that all full time dispatchers are licensed, the committee recommends that the Board resolve case # 12-015 by dismissing the case with a Letter of Guidance as it does not rise to a level warranting disciplinary action. Letter of Guidance will be kept on file for three (3) years. (Downing; second by Metayer) Unanimous.

Motion: To direct staff to process the three (3) EMD applications pending on this case with a three (3) year Letter of Guidance. (Metayer; second by Senecal) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-015 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 4:00 p.m.

The next Investigations Committee meeting will be on September 5, 2012.