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DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY SEPTEMBER 04, 2013
GAMBLING BOARD ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON OCTOBER 2, 2013
MEETING MINUTES

Members Present: Paul Knowlton, Tim Beals, Judy Gerrish (in at 10:00),
Mike Senecal, Lori Metayer (left at 2:15) and Nathan Contreras

Staff: Dawn Kinney

Office of Attorney General: Lauren LaRochelle, AAG

1. CASE #12-030 – 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 12-030. (Senecal; second by Knowlton) Unanimous.

Entered executive session at 9:12 a.m.

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

Executive session ended at 10:05 a.m.

Summary: A complaint was filed that suggests that Licensee was not in compliance with patient run report documentation. All patient run reports from January 1, 2012 to July, 12, 2012 were reviewed by service medical director who confirmed that Licensee did have documentation deficiencies. The service took action with Licensee and notified Maine EMS.

Aggravating Circumstances: The number of occurrences of documentation deficiencies.

Mitigating Circumstances: Cooperative with the Committee.

MOTION: The Committee recommends that the Board resolve case # 12-030 by offering the Licensee a consent agreement to include the following terms: (1) A Reprimand; (2) Have 100% Quality Assurance review for all patient care reports for which Licensee is the primary care giver for one hundred patient reports. Licensee will be responsible for any costs associated with the Quality Assurance review. The Quality Assurance reviewer will be outside of the Licensee's service, will be approved by Maine EMS, and will submit monthly reports to Maine EMS, and (3) Licensee agrees that if the Executive Director of Maine EMS receives reasonably reliable information suggesting that any of the provisions of this consent

agreement have been violated, the license will immediately and automatically be suspended pending further review by the Board. The basis for the consent agreement is the Licensee's conduct that violates Chapter11 §1(5) "Acting in ways that are dangerous or injurious to the licensee or other persons"; Chapter11 §1(15) "Inaccurate recording of material information, or falsifying or improperly altering a patient or healthcare record"; and Chapter11 §1(40) "Violation of any other standard established in the profession". 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. (Senecal; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-030 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

MOTION: Direct Maine EMS staff to initiate a complaint based upon information received during an investigation, for non-compliance with patient care run reporting.

2. CASE #12-057 – Beech Richards - Application Review, Applicant present.

Summary: On December 12, 2012, Maine EMS received a new application for an EMT license. On that application, applicant listed a 2007 civil infraction for Sale and Use of Drug Paraphernalia, a 2011 traffic infraction for Operating after Suspension and pending charges for the civil violation of Possession of Marijuana and the Class E crime of Sale and Use of Drug Paraphernalia. On April 9, 2013, after Mr. Richards had completed 50 hours of Community Service, the court dismissed the two pending charges. Mr. Richards submitted two letters of recommendation.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board issue the license with a Letter of Guidance as the applicant'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 three years and that it reference professional behavior/conduct. (Contreras; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-057 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 13-029 – 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 13-029. (Senecal; second by Knowlton) Unanimous.

Entered executive session at 11:00 a.m.

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

Executive session ended at 11:45 a.m.

Summary: Maine EMS initiated a complaint based upon information received that suggests that while enrolled in a Paramedic program, Licensee initiated and completed an IO procedure with an EZ-IO gun. At the time of this procedure, Licensee was licensed at an EMT level, was not in a preceptor clinical setting, and was with a Paramedic who was not a preceptor.

Aggravating Circumstances: Licensee was not on call and did not have a duty to act to perform the procedure; this is an invasive procedure; and the Licensee was aware that he was not in a clinical setting and that he was not supposed to perform the procedure, but did so nevertheless.

Mitigating Circumstances: Licensee was offered the opportunity to perform the procedure from the Paramedic in charge of the ambulance call; cooperative with the Committee; was remorseful and accepted responsibility by admitting to the incident.

MOTION: The Committee recommends that the Board resolve case # 13-029 by offering the Licensee a consent agreement to include the following terms: (1) A Warning; (2) Have 100% Quality Assurance for twenty five (25) Basic patient care reports for which Licensee is the primary care giver and for and, if the Licensee obtains his Paramedic license, for seventy five (75) Advanced Life Support patient care reports. Licensee will be responsible for any costs associated with the Quality Assurance review. The Quality Assurance reviewer will be approved by Maine EMS and submit monthly reports to Maine EMS. The Quality Assurance review requirement will be effective September 4, 2013, and the QA review will be performed retroactive to that date. (3) Licensee agrees that if the Executive Director of Maine EMS receives reasonably reliable information suggesting that any of the provisions of the consent agreement have been violated, the license will immediately and automatically be suspended pending further review by the Board. The basis for the consent agreement is the Licensee's conduct that violates Chapter11 §1(5) "Acting in ways that are dangerous or injurious to the licensee or other persons"; Chapter11 §1(31) "Providing treatment at a level for which a person is not licensed"; Chapter11 §1(40) "Violation of any other standard established in the profession". 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 Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-029 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. CASE # 13-030 – 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 13-030. (Senecal; second by Contreras) Unanimous.

Entered executive session at 12:40 p.m.

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

Executive session ended at 1:25 p.m.

Summary: Maine EMS initiated a complaint based upon information received that suggests Licensee allowed a Maine licensed EMT, who was enrolled in a Paramedic program, to initiate and complete an IO procedure with an IO drill. The EMT was not in a preceptor clinical setting, and Licensee was not acting as his preceptor.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board resolve Case # 13-030 with a Letter of Guidance as it does not rise to a level warranting disciplinary action. The conduct of allowing an EMT to perform an IO procedure could be found to be in violation of Chapter 11 §1(36) Delegation of practice, skills, treatment or educational instruction to a person who is not licensed or qualified to perform said practice, skills or treatment. It is recommended that the Letter of Guidance be maintained in the file for three years and that it reference professional behavior/conduct and remind the Licensee of the need to confirm that licensees whom he does not work with regularly hold the proper license level before delegating advanced skills to them. (Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-030 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE #13-038– James Harris - Application Review, Applicant present.

Summary: On February 20, 2013, Maine EMS received an initial application for an Emergency Medical Responder (EMR) license from applicant. On that application were listed three convictions in 2000: a felony assault, misdemeanor violating a condition of release, and felony violating a condition of release. A State Bureau of Identification Report obtained by Maine EMS showed more convictions from the early 1990s that were not listed on the application. Those convictions included two misdemeanor assaults, a misdemeanor criminal trespass, a misdemeanor violating a protective order, and a misdemeanor violating a condition of release. Due to some documents that were not available due to their age, the time to process this application was prolonged.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: Given the applicant's activities since his last conviction and the letters of support he submitted, applicant has been sufficiently rehabilitated to warrant the public trust. The Committee recommends that the Board issue the license with a Letter of Guidance. It is recommended that the Letter of Guidance be maintained in the file for three years and that it reference professional behavior/conduct. (Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-038 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. **CASE # 13-047 – Licensee Present** – Tim Beals disclosed that he knows the Service Chief professionally, has not received any prior information regarding this case, and stated that his professional relationship with the Service Chief would not affect his ability to decide the matter impartially based only on the information provided by EMS staff or by the Service Chief on behalf of the Licensee. The Service Chief had no objection to Tim Beals' 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 13-047. (Senecal; second by Contreras) Unanimous.

Entered executive session at 2:25 p.m.

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

Executive session ended at 2:40 p.m.

Summary: A Maine EMS Non-Transporting Service did not renew the service license. During the period from July 1, 2013 through July 09, 2013, the service responded to three First Responder requests while the service license was expired. Once the service chief was notified of the expired license, the service stopped providing First Responder service until it was renewed on July 09, 2013.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: To request that the Licensee submit a written policy, for approval by Maine EMS staff, addressing how license renewal will be handled in the future. Once the policy has been approved, the Committee recommends that the Board resolve case #13-047 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 file for one year and that it reference the importance of having a policy and procedure on preventing the service from responding with an expired license. (Contreras; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-047 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

7. **CASE #13-043– Jonathan Mackenzie - Application Review, Applicant present.**

Summary: On June 24, 2013, Maine EMS received an initial application for an Emergency Medical Technician (EMT) license from applicant. This application was returned to the applicant

as the criminal conviction section was not completed. On August 7, 2013, the application was received listing a 2010 civil violation of Minor Possessing Liquor. The applicant also sent court and police documents that confirm this civil violation.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board issue the license with a Letter of Guidance as the applicant'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 three years and that it reference professional behavior/conduct. (Gerrish; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 13-043 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 November 6, 2013 at 9:00 a.m.