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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, SEPTEMBER 07, 2011
CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON OCTOBER 5, 2011
MEETING MINUTES**

Members Present: Paul Knowlton, Lori Metayer, Tim Beals, Steve Leach, and Mike Senecal
Laura Downing, EMD Rep to the Board

Staff: Dawn Kinney, Alan Leo, and Drexell White (9:30 – 11:00 am)

Office of Attorney General: Laura Yustak Smith, AAG

1. CASE # 11-036- 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 11-036. (Knowlton; second by Beals) Unanimous.

Entered executive session at 09:25 a.m.

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

Executive session ended at 10:50 a.m.

Summary: The complaint alleged that a licensed emergency medical dispatcher failed to provide emergency medical dispatch in accordance with Maine EMD protocol on a 9-1-1 call. Specifically, he did not initiate the protocol and ask the pre-scripted questions. Use of the pre-scripted questions would have resulted in an ambulance being dispatched.

Aggravating Circumstances: Dispatcher inquired if the caller had any means of transportation to the hospital.

Mitigating Circumstances: Licensee's employer has put a work plan in place with QI. The licensee is cooperative, remorseful, and understands the severity of this situation.

MOTION: To recommend that the Board resolve case # 11-036 offering the licensee a consent agreement that includes a reprimand. The reprimand is based upon violation of Maine EMS Rules Chapter 11 § (1)(40), Violation of any other standard established in the profession; and Chapter 5-A § (3)(2)(C), which requires licensed EMD providers to practice in accordance with the rules, statute and Board-approved EMD Priority Reference System. (Metayer; second by Leach) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-036 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE # 11-039– 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 11-039. (Leach; second by Beals) Unanimous.

Entered executive session at 11:00 a.m.

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

Executive session ended at 11:25 a.m.

Summary: A licensed EMS service allegedly allowed an unlicensed EMT to provide emergency medical treatment to fourteen (14) patients from June 11, 2010 to June 5, 2011, while the EMT's license was expired (the EMT's license expired on March 31, 2010).

Aggravating Circumstances: None

Mitigating Circumstances: None.

MOTION: To recommend that the Board resolve case # 11-039 by offering the licensee a Letter of Guidance to remain in the Licensee's file for three years. The Committee finds that there is sufficient evidence to support a finding that the Licensee violated Chapter 11 § (1)(34), Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Ch 2-B. The Committee, recommends, however, that the Board find that the violation does not rise to a level warranting disciplinary action. Licensee agrees to upgrade his policy to prevent future violations of this nature, and will review all billing to assure that the funds received for services with an unlicensed provider were returned. (Beals; second by Leach;) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-039 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE 11-032- 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 11-032. (Leach; second by Senecal) Unanimous.

Entered executive session at 11:30 a.m.

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

Executive session ended at 11:55 a.m.

Summary: The issue involved the conduct underlying a February 2010 conviction for Harassment (Class E), for which he received a sentence of a \$100 fine. The conviction itself is not actionable. Specifically, the licensee continued to make contact with another person through telephone calls and electronic messages with the intent to harass or threaten after he was forbidden to do so by a law enforcement officer.

Aggravating Circumstances: Persistency of contact.

Mitigating Circumstances: Licensee has taken a number of steps to rehabilitate self/recover from this incident. He is actively engaged in counseling. Two current employers have submitted letters of support. According to one letter, he has been a member of the fire/rescue service for 21 years, is a “valuable asset” to the service, and has “excellent patient care skills.” His counselor sees “nothing in his presentation that would preclude him from providing emergency medical services to those in need.”

MOTION: To recommend that the Board resolve case # 11-032 by dismissing the complaint with a Letter of Guidance to be maintained in Licensee’s file for three years. Based on the letters of recommendation and support of his employer and counselor, Licensee has shown that he has been sufficiently rehabilitated to warrant the public trust. (Metayer; second by Knowlton) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-032 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

4. CASE – 09-31 and 10-68 – Licensee not present

MOTION: To enter executive session pursuant to 32 M.R.S.A. §92 and 1 M.R.S.A. §405(6)(E) & (F), to receive legal advice and review of confidential material concerning case numbers 09-31 and 10-68. (Knowlton; second by Beals) Unanimous.

Entered executive session at 12:25 p.m.

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

Executive session ended at 12:35 p.m.

Summary: Licensee was convicted on January 25, 2011 for Theft by Deception (Class C), and sentenced to a period of incarceration of 14 days. The conduct underlying the offense involved the theft of approximately \$3,565 from the Augusta Uniformed Firefighters Association while Licensee was an officer in the Union. On July 19, 2011 after a jury trial, Licensee was convicted of Sexual Abuse of Minor (Class C). He was sentenced to a term of imprisonment of four years in the custody of the Department of Corrections, all but 18 months suspended, with a period of probation of four years. The conduct underlying the offense involved a sexual act on one or more occasions between April 2007 and April 2008 with a child aged 14-15, when the Licensee was approximately 36 years old.

MOTION: To recommend that the Board resolve case # 09-31 and 10-68 by seeking revocation of Licensee's license and right to apply for licensure as an EMS provider and Instructor Coordinator, either by means of Consent Agreement or through such further process to which Licensee may be entitled. Violations include: 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; 32 M.R.S.A. § 90-A (5)(G), Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement, conviction of a crime for which incarceration for one year or more may be imposed or conviction of a crime defined in Title 17-A, chapter 11; Maine EMS Rule Chapter 11 §(1)(4), Any criminal conduct or conviction subject to the limitations of Maine statute; and Chapter 11 §(1)(14), Violation of any standard established in the profession. Given the recency of the convictions, the multiple convictions, and the persistent nature of the conduct underlying the convictions, Licensee has not demonstrated rehabilitation sufficient to warrant the public trust. (Metayer; second by Senecal;) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 09-31 and 10-68 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

5. CASE 11-009 – Licensee not present

MOTION: To enter executive session pursuant to 32 M.R.S.A. §92 and 1 M.R.S.A. §405(6)(E) & (F), to receive legal advice and review of confidential material concerning case number 11-009.

Entered executive session at 12:36 p.m.

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

Executive session ended at 12:55 p.m.

MOTION: To recommend that this case be tabled to a future meeting to allow staff to schedule an informal conference. (Senecal; seconded by Leach) Unanimous.

6. **CASE – 11-035 – Licensee present** - Paul Knowlton disclosed that he knows the Licensee on a professional basis, but stated that this knowledge would not affect his ability to decide the matter impartially based only on the information provided to him by EMS staff or the Licensee. Licensee had no objection to Mr. Knowlton's 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 11-035. (Leach; second by Senecal) Unanimous.

Entered executive session at 1:10 p.m.

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

Executive session ended at 1:30 p.m.

Summary: The issue involved the underlying conduct from July 2008 conviction for Disorderly Conduct (Class E). Specifically, the licensee was intoxicated and struck his wife in the upper arm while she was driving him home

Aggravating Circumstances: None

Mitigating Circumstances: Licensee has attended AA meetings and counseling.

MOTION: To recommend that the Board resolve case # 11-035 by dismissing the complaint with a Letter of Guidance to be maintained in Licensee's file for three years. The conviction itself is not actionable, and the conduct underlying the conviction does not rise to a level sufficient to warrant disciplinary action. (Senecal; second by Metayer) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 11-035 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

Adjourned at 2:00 p.m. There will be a brief meeting of the Investigations Committee on October 5 at 8:30 am, prior to the full Board meeting. The next full Investigations Committee meeting will be on November 2, 2011.