



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
152 STATE HOUSE STATION
AUGUSTA, MAINE
04333



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**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY NOVEMBER 5, 2014
GAMBLING CONTROL BOARD ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON DECEMBER 3, 2014
MEETING MINUTES**

Members Present: Tim Beals, Judy Gerrish, Paul Knowlton, Lori Metayer, Nathan Contreras, Laura Downing (11:00 a.m. to 12:20 p.m.)

Staff: Alan Leo, Drexell White (11:00 a.m. to 12:20 p.m.)

Office of Attorney General: Lauren LaRoche, AAG

1. CASE #14-035 – 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 14-035. (Senecal; second by Knowlton) Unanimous.

Executive session entered at 9:05 a.m.

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

Executive session ended at 9:25 a.m.

Summary: MEMS initiated a complaint against a MEMS Paramedic who treated an unconscious trauma patient by administering Fentanyl in the hopes of releasing the patient's clenched jaw in order to maintain an airway and possibly intubate the patient. The patient was not in any respiratory distress at the time of this procedure.

Aggravating Circumstances: Action created the potential for patient harm..

Mitigating Circumstances: This was self-reported; there have been no other incidents during a 15 year career; the employer disciplined the licensee; and the action was reviewed by the service Q/A committee and Medical Director who worked on an educational resolution to this incident.

MOTION: The Committee recommends that the Board resolve case # 14-035 with a Letter of Guidance as this does not rise to a level warranting disciplinary action. It is recommended that the Letter of Guidance be maintained in the file for four years . (Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-035 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

2. CASE #14-032 – 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 14-032. (Knowlton; second by Gerrish) Unanimous.

Executive session entered at 10:05 a.m.

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

Executive session ended at 10:40 a.m.

Summary: MEMS initiated a complaint against an EMS provider for a conviction of Assault Class D. The conduct underlying the conviction occurred while the licensee was employed by a jail and had a relationship with a female inmate that involved sexual touching.

Aggravating Circumstances: None

Mitigating Circumstances: Four years have passed since the incident.

MOTION: The Committee recommends that the Board resolve case # 14-032 with a Consent Agreement to include a warning and a condition that the licensee, for a period of six years, must report any arrests, criminal summonses, indictments, or convictions within ten days. With the report, the licensee must submit a written description of the underlying conduct and any related documentation. The licensee's license will be immediately suspended pending an Informal Conference, unless the licensee earlier shows good cause why the license should remain active or agrees to a license suspension or revocation..(Metayer; second by Contreras) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-032 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE # 14-079 – 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 14-079. (Knowlton; second by Contreras) Unanimous.

Executive session entered at 11:00 a.m.

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

Executive session ended at 12:20 p.m.

Summary: MEMS initiated a complaint against an EMD provider for not following EMD protocol and not providing the correct EMD on all Emergency Medical calls to the 911 facility they worked for.

Aggravating Circumstances: The number of calls involved

Mitigating Circumstances: The provider was Cooperative.

MOTION: The Committee recommends that the Board resolve case # 14-079 with a Consent Agreement to include a warning and that 100% of the EMD calls this dispatcher handles be reviewed by Q/A for 6 months. Before the Consent Agreement is offered, the Committee will meet to discuss further how to implement EMD Q/A.(Beals; second by Contreras) by a vote of 5 in favor, 1 opposed.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-079 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. Case # 14-031- Licensee was 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 14-031. (Knowlton; second by Contreras) Unanimous.

Executive session entered at 1:00 p.m.

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

Executive session ended at 1:1:15 p.m.

Summary: MEMS initiated a complaint against a service for allegedly not responding to a call in their primary coverage area when requested to do so. The service chief contacted MEMS a few days before the Informal Conference requesting a postponement due to a medical condition. MEMS Staff also received phone calls from the administration of the service regarding administration issues and also requested a postponement.

MOTION: To recommend that MEMS Staff postpone the Informal Conference until parties from the service are able to attend and to bring case # 14-031 to a future Informal Conference. (Contreras; second by Gerrish) Unanimous

5. Case # 14-29 Michael Gass-Application Review-Applicant 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 discuss records containing confidential information. (Knowlton; second by Gerrish) Unanimous.

Executive session entered at 1:30 p.m.

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

Executive session ended at 1:40 p.m.

Summary: This case was continued from September and involved a new applicant with multiple convictions. The first Informal Conference resulted in a request for more information from his treatment provider and for work-related references, which the applicant provided.

Aggravating Circumstances:

Mitigating Circumstances:

MOTION: The Committee recommends that the Board resolve case # 14-029 by issuing the license with a Consent Agreement to include a condition of continued medical oversight, monitoring, and treatment. The applicant will continue treatment as long as his treatment providers recommend. If treatment is terminated, the applicant shall notify the Board and provide written documentation. The applicant also agrees to abstain from the use of any drugs with the exception of substances used in accordance with a valid prescription from health care treatment providers who are aware of his history. (Beals; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 14-029 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

The Committee adjourned at 1:45 p.m.

The next meeting will be on January 7, 2015.