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MAINE EMERGENCY MEDICAL SERVICES
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MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
THURSDAY NOVEMBER 15, 2012
CHAMPLAIN CONFERENCE ROOM, AUGUSTA,
RATIFIED BY THE MAINE EMS BOARD ON DECEMBER 5, 2012
MEETING MINUTES

Members Present: Paul Knowlton, Tim Beals, Judy Gerrish (left at 3:00 pm), Mike Senecal (in at 10:30 am) and Laura Downing (in at 3:00 pm)

Staff: Dawn Kinney, Alan Leo and Drexell White (3:00 pm to 3:30 pm)

Office of Attorney General: Lauren LaRochelle, AAG

1. CASE #12-041 – 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 12-041. (Knowlton; second by Gerrish) Unanimous.

Entered executive session at 9:35 a.m.

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

Executive session ended at 10:10 a.m.

Summary: The Licensee's employer conducted an internal investigation and uncovered information showing that the Licensee had taken part in over 2,399 runs and had falsified vital signs on 407 patient care reports.

Aggravating Circumstances: Licensee did not respond to/follow-up on service Quality Assurance feedback on documentation; number of run reports (407) with vital sign falsification; and falsified reports included both transfers and emergency responses.

Mitigating Circumstances: Fortright and cooperative with the Committee and admitted to the practice of not accurately documenting vital signs in run reports.

MOTION: To recommend that the Board resolve case # 12-041 by offering the Licensee a consent agreement for voluntary surrender of the license, based upon the licensee's admission of falsifying run reports. This conduct violates Chapter11 §1(2). "Violating a lawful order, rule or consent agreement of the Board"; Chapter11 §1(5). "Acting in ways that are

dangerous or injurious to the licensee or other persons”; Chapter 11 §1(14). “Violation of any standard established in the profession”; Chapter 11 §1(15). “Inaccurate recording of material information, or falsifying or improperly altering a patient or healthcare provider record”; Chapter 11 §1(22). “Incompetent practice. A licensee or applicant shall be deemed incompetent in the practice if the licensee or applicant has:

A. Engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client, patient, or the general public”; and 32 M.R.S.A. § 90-A (5)(F) [violation of reasonable standard of professional behavior, conduct or practice], (H) [violation of rule]. (Gerrish; second by Knowlton) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-041 complete upon ratification by the Board of the Committee’s recommendation or other final action by the Board.

2. **CASE #12-033– EMS Division Chief, Fire Chief and Assistant Chief present.** Tim Beals and Mike Senecal disclosed that they knew the EMS Division Chief on a professional basis, but stated that this would not affect their ability to decide the matter impartially based only on the information provided to them by EMS staff or the Licensee. Licensee had no objection to their 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 12-033 (Knowlton; second by Gerrish) Unanimous.

Entered executive session at 10:30 a.m.

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

Executive session ended at 10:45 p.m.

Summary: It was alleged that a non-transporting service responded to thirty six (36) calls, twenty-six of which involved patient contact, while the service was unlicensed. There is no evidence that patient care was conducted inappropriately on the 26 runs with patient contact.

Aggravating Circumstances: None

Mitigating Circumstances: Service was proactive and put a policy in place to prevent reoccurrence of unlicensed practice; provided immediate response to the EMS inquiry; City administration was involved in the licensing process and is addressing its own internal policies; and this incident occurred during a transition of leadership within the Service.

MOTION: Due to the proactive measures and policy changes the Licensee has already instituted, the committee recommends that the Board resolve case # 12-033 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 maintained in the file for one (1) year. (Senecal; second by Gerrish) Unanimous

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-033 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

3. CASE 12-037 - 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 12-037 (Knowlton; second by Senecal) Unanimous

Entered executive session at 11:31 a.m.

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

Executive session ended at 12:35 a.m.

Summary: EMS received a referral following a quality improvement review that raised questions about the Licensee's documentation and patient care, including a possible abandonment of a juvenile by a no-transport report. There was also a concern about the Licensee's professionalism, which was based on an allegation that the Licensee signed the service Intermediate and Paramedic medication logs as "Super Paramedic."

Aggravating Circumstances: Licensee was uncooperative with service Quality Assurance; Letter of Guidance already on file for a rules violation; and the seriousness and high risk of the calls.

Mitigating Circumstances: Honest and forthright with Committee, and submitted five letters of recommendation.

MOTION: To recommend that the Board resolve case # 12-037 by offering the Licensee a consent agreement with the following terms: 1). Six weeks to develop and submit to Maine EMS for approval, a curriculum for (a) No Transports with patient refusal, (b) trauma assessments, (c) and cardiac assessments. 2). 100% Quality Assurance for all patient care reports that Licensee is the primary care giver for six months. The Licensee will be responsible for any costs associated with the Quality Assurance review. The Quality Assurance reviewer will be approved by Maine EMS. 3). A Reprimand. The Licensee's documentation, patient care, and unprofessional actions violate 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., Ch. 2-B"; Chapter 11 §1(5). "Acting in ways that are dangerous or injurious to the licensee or other persons"; Chapter 11 §1(22). "Incompetent practice. A licensee or applicant shall be deemed incompetent in the practice if the licensee or applicant has:

- A. Engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client, patient, or the general public; or**
 - B. Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which he is licensed.";**
- Chapter 11 § 1(36). "Abandonment or neglect of a patient requiring emergency medical treatment"; 32 M.R.S.A. § 90-A (5)(F) [violation of reasonable standard of professional**

behavior, conduct or practice], (H) [violation of rule]. (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-037 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

4. Jon Westerlund - Application Review – Applicant present

Summary: On September 19, 2012, Maine EMS received a new application for an EMT license from Jon Westerlund. On that application Mr. Westerlund listed a conviction in 2008 for Operating Under the Influence and a conviction in 2011 for Disorderly Conduct. A routine Criminal History Report obtained by Maine EMS on May 16, 2012 confirms these two convictions. Mr. Westerlund's driving record showed a 2004 conviction that Mr. Westerlund had not disclosed on his application. Maine EMS obtained the court records, which confirm a 2004 conviction for Operating After Suspension.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: Applicant has made lifestyle changes by attending counseling, successfully completing the EMT course and accepting family responsibilities, to support that applicant has been sufficiently rehabilitated to warrant the public trust. The Committee recommends that the Board issue the license with a Letter Guidance, to be maintained in the file for three years, that references professional behavior/conduct and the requirement of listing convictions on an application. (Senecal; second by Knowlton) 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 12-042 - 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 12-042 (Knowlton; second by Gerrish) Unanimous

Entered executive session at 2:00 p.m.

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

Executive session ended at 2:55 p.m.

Summary: Licensee submitted a CEH roster to satisfy a requirement for licensure that allegedly contained false information and Licensee provided patient care to one (1) patient with an expired license.

Aggravating Circumstances: Licensee performed advanced life support skills without a license; the Licensee has renewed an EMS license many times before and should have known not to practice without a license; and, previously was licensed as an Instructor/Coordinator and knows the procedure for conducting approved CEH programs.

Mitigating Circumstances: The Licensee has had personal stress during this license renewal process; and Licensee obtained additional hours to replace the original CEH hours submitted with the application and therefore meets the requirements for licensure.

MOTION: To recommend that the Board resolve case # 11-042 by offering the Licensee a consent agreement with the following terms: 1). Licensee is not allowed to instruct any educational programs for three (3) years. 2). A fine of \$100.00. 3). A Reprimand. The conduct of submitting a false document to satisfy a requirement for licensure and of performing unlicensed practice violate Chapter 11§1(2). "Violating a lawful order, rule or consent agreement of the Board"; Chapter 11 §(3). "Violating any of the provisions of 32 M.R.S.A, Ch. 2-B"; Chapter 11 §1(5). "Acting in ways that are dangerous or injurious to the licensee or other persons"; Chapter 11§1(29). "Willfully making a false statement in application for a license or renewal of a license, or in any activity or documents intended to be used to satisfy a requirement for licensure"; Chapter 11 § 1(30). "Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted"; 32 M.R.S.A. § (82) prohibiting unlicensed practice; and, 32 M.R.S.A. § 90-A (5)(F) [violation of reasonable standard of professional behavior, conduct or practice], (H) [violation of rule]. (Senecal; second by Gerrish) Unanimous.

Unless otherwise directed by the Board, the Committee will consider its duties with respect to Case # 12-042 complete upon ratification by the Board of the Committee's recommendation or other final action by the Board.

6. Brenda McGuire - Application Review – Applicant present

Summary: Information received by Maine EMS indicates that applicant Brenda McGuire provided emergency medical dispatch (EMD) services on behalf of the Maine Department of Public Safety – Gray Communications Center for a period of time from March 9, 2012 to October 29, 2012, during which time she did not hold a valid Maine emergency medical dispatcher license. McGuire's Maine EMS EMD license application is dated October 30, 2012 and was received by Maine EMS on October 31, 2012.

Aggravating Circumstances: None

Mitigating Circumstances: None

MOTION: The Committee recommends that the Board issue the license with a Letter of Guidance, as it does not rise to a level warranting disciplinary action. Letter of Guidance will be maintained in the file for two (2) years. (Downing; 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.

The Committee adjourned at 3:30 p.m.

The next Investigations Committee meeting will be on January 2, 2013