



ANGUS S. KING, JR.
GOVERNOR

STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
16 EDISON DRIVE
AUGUSTA, MAINE
04330

MICHAEL F. KELLY
COMMISSIONER

JAY BRADSHAW, EMT-P
DIRECTOR

**Investigations Committee Meeting
Wednesday, October 7, 1998
Maine EMS Library, Augusta
Meeting Minutes**

Present: S. Hayes; S. Leach

Staff: D. White; B. Montejo

Guests: Wayne Werts; Cam Martin; Joanne LeBrun

1. CALL TO ORDER - The meeting was called to order at 11:35 a.m

A. Additions/Deletions to the Agenda

Investigations - John Perrino/Freeport Fire Department
Licensing - Charles McCarthy

B. Accept Minutes of September 2, 1998, meeting

The minutes of the September 2, 1998, meeting were reviewed.

**MOTION: TO ACCEPT THE MINUTES OF THE SEPTEMBER 2, 1998, MEETING
(Leach; Hayes- Motion Carries).**

2. INVESTIGATIONS

A. James Sanford - Response (Region 4)

The Committee reviewed the response to investigation notice sent to licensee James Sanford.

**MOTION: THAT AN INQUIRY BE MADE OF THE DISTRICT ATTORNEY'S
OFFICE IN PENOBSHOT COUNTY REGARDING LICENSEE JAMES SANFORD'S
1988 CASE; AND, UPON SATISFACTORY REPLY, THAT LICENSEE JAMES
SANFORD RECEIVE A LETTER OF WARNING REGARDING HIS FAILURE TO
LIST A CRIMINAL CONVICTION ON HIS APPLICATION FOR EMS LICENSURE;
AND, THAT OTHER THAN ANY ACTION AS SET FORTH IN THIS MOTION, NO
FURTHER REVIEW OR ACTION BY THE COMMITTEE IS WARRANTED
(HAYES;LEACH - MOTION CARRIES)**

B. Shawn Cahill - Case #97-10

D. White reported that, on August 14, 1998, licensee Shawn Cahill was convicted in Penobscot County Superior Court on the following charges: Possession of a Firearm by a Felon, Class C; Aggravated Forgery, Class B; and, Assault, Class D. Further, White reported to the Committee that Mr. Cahill was convicted in 1982, in the State of Massachusetts for Illegal Possession of a Firearm - a crime which is punishable by imprisonment for one year or more. The investigation also revealed that Mr. Cahill failed to report the 1982 conviction on his application for Maine EMT-Basic licensure that was received by Maine EMS on February 4, 1997.

MOTION: THAT LICENSEE SHAWN CAHILL'S CONVICTIONS FOR POSSESSION OF A FIREARM BY A FELON, CLASS C; AGGRAVATED FORGERY, CLASS B; AND, ASSAULT, CLASS D; AND, HIS FAILURE TO LIST ON HIS FEBRUARY 4, 1997 APPLICATION FOR MAINE EMS LICENSURE, A 1982 CONVICTION IN THE STATE OF MASSACHUSETTS FOR ILLEGAL POSSESSION OF A FIREARM CONSTITUTES VIOLATIONS OF § 12(A)(4), 12(A)(5), 12(A)(7), 12(A)(14), AND 12(A)(16) OF THE MAINE EMS RULES (DATED SEPTEMBER 1, 1996). THEREFORE, THE COMMITTEE DIRECTS THAT MR CAHILL BE REQUESTED TO PERMANENTLY SURRENDER HIS MAINE EMS LICENSE TO THE BOARD. FURTHER, FAILING MR. CAHILL'S VOLUNTARY SURRENDER OF HIS EMS LICENSE, THAT THE COMMITTEE RECOMMENDS TO THE MAINE EMS BOARD THAT A COMPLAINT BE FILED IN ADMINISTRATIVE COURT FOR THE REVOCATION OF MR. CAHILL'S EMS LICENSE (HAYES;LEACH - MOTION CARRIES).

C. Kirk Townsend/Brunswick Fire - Response - Case #98-16

The Committee reviewed responses to investigation notices sent to licensee Kirk Townsend, and the Brunswick Fire Department.

MOTION: THAT KIRK TOWNSEND'S PRACTICE OF EMS PATIENT DURING A PERIOD OF TIME IN WHICH HE DID NOT HOLD A MAINE EMS LICENSE DOES NOT CONSTITUTE A WILLFUL VIOLATION OF THE MAINE EMS RULES; THAT THE BRUNSWICK FIRE DEPARTMENT HAS DEMONSTRATED THAT APPROPRIATE MEASURES HAVE BEEN TAKEN TO PREVENT FUTURE INCIDENTS OF UNLICENSED PRACTICE; THAT KIRK TOWNSEND AND THE BRUNSWICK FIRE DEPARTMENT RECEIVE LETTERS OF WARNING IN THIS CASE; AND, THAT OTHER THAN ANY ACTION AS SET FORTH IN THIS MOTION, NO FURTHER REVIEW OR ACTION BY THE COMMITTEE IS WARRANTED (HAYES; LEACH - MOTION CARRIES).

D. Chad Johnston/Saco Fire Department - Case #98-25 & #98-26

The Committee reviewed responses to investigation notices sent to licensee Chad Johnston, and the Saco Fire Department.

MOTION: THAT CHAD JOHNSTON'S PRACTICE OF EMS PATIENT DURING A PERIOD OF TIME IN WHICH HE DID NOT HOLD A MAINE EMS LICENSE DOES NOT CONSTITUTE A WILLFUL VIOLATION OF THE MAINE EMS RULES; THAT CHAD JOHNSTON AND THE SACO FIRE DEPARTMENT DEMONSTRATED THAT THEY TOOK APPROPRIATE MEASURES IN THEIR EFFORTS TO LICENSE MR. JOHNSTON; AND, THAT THE CASE BE DISMISSED (HAYES; LEACH - MOTION CARRIES).

E. Alan England/Bangor Fire Department - Case #98-22/#98-23

The Committee reviewed responses to investigation notices sent to licensee Alan England, and the Bangor Fire Department.

MOTION: THAT ALAN ENGLAND'S INVOLVEMENT IN EMS CALLS DURING A PERIOD OF TIME IN WHICH HE DID NOT HOLD A MAINE EMS LICENSE DOES NOT CONSTITUTE A VIOLATION OF THE MAINE EMS RULES; THAT THE BANGOR FIRE DEPARTMENT HAS IN PLACE A MECHANISM TO INSURE ACCOUNTABILITY FOR THE SERVICE'S EMS LICENSEES; THAT LICENSEE ALAN ENGLAND RECEIVE A LETTER OF CONCERN REGARDING HIS LAPSE IN EMS LICENSURE; THAT THE BANGOR FIRE DEPARTMENT RECEIVE A LETTER EXPRESSING THE COMMITTEE'S CONCERNS THAT SERVICE'S MAINTAIN ACCOUNTABILITY FOR , AND RESPOND WITH, APPROPRIATELY LICENSED PERSONNEL; AND, THAT OTHER THAN ANY ACTION AS SET FORTH IN THIS MOTION, NO FURTHER REVIEW OR ACTION BY THE COMMITTEE IS WARRANTED (HAYES; LEACH - MOTION CARRIES).

F. Pam Littlefield - Response - Case #98-10

The Committee reviewed responses to the investigation notice sent to licensee Pam Littlefield.

MOTION: THAT LICENSEE PAM LITTLEFIELD DID NOT VIOLATE ANY SECTIONS OF THE MAINE EMS RULES (DATED SEPTEMBER 1, 1996); THAT THE COMPLAINANT RECEIVE A COPY OF THE LICENSEE'S RESPONSE; THAT THE REGIONAL QUALITY ASSURANCE COMMITTEE RECEIVE A COPY OF THE COMPLAINT AND RESPONSE AS INFORMATION TO ASSIST THE COMMITTEE IN IDENTIFYING AREAS OF CONCERN AND EDUCATIONAL OPPORTUNITIES; AND, THAT OTHER THAN ANY ACTION AS SET FORTH IN THIS MOTION, NO FURTHER REVIEW OR ACTION BY THE COMMITTEE IS WARRANTED (HAYES; LEACH - MOTION CARRIES).

G. John Perrino/Freeport Rescue - Response - Case #98-15/#98-24

The Committee reviewed responses to the investigation notices sent to licensee John Perrino and the Freeport Rescue Department.

MOTION: THAT THE COMMITTEE FINDS THAT JOHN PERRINO, MAINE EMS LICENSE #12975, PRACTICED EMS PATIENT CARE WITHOUT A LICENSE; AND, THAT THE AFOREMENTIONED PRACTICE WITHOUT A LICENSE CONSTITUTES WILLFUL VIOLATIONS OF SECTIONS 12(A)(2), 12(A)(3), AND 12(A)(17) OF THE MAINE EMS RULES (DATED SEPTEMBER 1, 1996); THAT THE COMMITTEE DIRECTS STAFF TO SEEK SUSPENSION OF MR. PERRINO'S EMS LICENSE FOR A PERIOD OF 365 DAYS; THAT THE FREEPORT RESCUE DEPARTMENT HAS ESTABLISHED A MECHANISM TO INSURE ACCOUNTABILITY FOR THE SERVICE'S EMS LICENSEES; THAT THE FREEPORT RESCUE DEPARTMENT RECEIVE A LETTER EXPRESSING THE COMMITTEE'S CONCERNS THAT A SERVICE MAINTAINS ACCOUNTABILITY FOR, AND RESPONDS WITH, APPROPRIATELY LICENSED PERSONNEL; AND, THAT OTHER THAN ANY ACTION AS SET FORTH IN THIS MOTION, NO FURTHER REVIEW OR ACTION BY THE COMMITTEE REGARDING FREEPORT RESCUE DEPARTMENT IS WARRANTED (HAYES; LEACH - MOTION CARRIES).

3. License Applications/Students

A. Ann Marie Leona - EMT Student

B. Montejo reported that Ms. Leona is a student, with a history of criminal convictions, currently enrolled in an EMT-Basic program and is requesting a determination from the Committee as to her ability to become licensed in Maine.

MOTION: THAT EMT STUDENT ANN MARIE LEONA BE ADVISED OF THE NEED TO FULLY AND COMPLETELY DISCLOSE HER CONVICTION HISTORY AT THE TIME OF LICENSURE AND, THAT THE AFOREMENTIONED CONVICTIONS IN AND OF THEMSELVES WOULD NOT BAR HER FROM LICENSURE. (Hayes, Leach - Motion Carries).

B. Michael Lang

D. White provided information regarding EMT-Basic licensee, Michael Lang (Maine EMS License #12752). Maine EMS has received a letter of concern regarding Mr. Lang.

MOTION: TO INITIATE AN INVESTIGATION OF LICENSEE MICHAEL LANG BASED UPON ALLEGATIONS RECEIVED BY MAINE EMS AND BASED UPON MR. LANG'S CRIMINAL CONVICTION (LEACH; HAYES - MOTION CARRIES).

C. Charles McCarthy

D. White reported that licensee Charles McCarthy, Maine EMS license #08952, indicated on his September 14, 1998, application for license renewal, a 1989 criminal conviction, Class D, but that Mr. McCarthy failed to list the same conviction on his August, 1995 application for license renewal.

MOTION: THAT LICENSEE CHARLES MCCARTHY RECEIVE A LETTER OF WARNING REGARDING HIS FAILURE TO LIST A CRIMINAL CONVICTION ON HIS AUGUST 1995, APPLICATION FOR EMS LICENSURE; AND, THAT OTHER THAN ANY ACTION AS SET FORTH IN THIS MOTION, NO FURTHER REVIEW OR ACTION BY THE COMMITTEE IS WARRANTED (LEACH; HAYES - MOTION CARRIES).

4. Other

A. Auburn Fire Department - Update - no action required.

At the August 1998, meeting the Investigations Committee had requested a follow-up from the Auburn Fire Department regarding the use of fire apparatus on medical calls; B. Montejo provided the Committee with a copy of the correspondence received from Auburn Fire Department. The Committee received further clarification from Cam Martin on the history of Auburn's use of fire apparatus on medical calls, and the service's current practices as well as future goals. The Committee thanked the guests for providing clarification in this matter and noted that there was no need for further action or follow up regarding this matter.

B. Cynthia Ginn - Failure to comply with consent agreement

B. Montejo advised the Committee that licensee Cynthia Ginn has failed to meet the terms and conditions of her consent agreement with the Board and the Attorney Generals Office.

MOTION: THAT LICENSEE CYNTHIA GINN FAILED TO ABIDE BY THE TERMS OF THE CONSENT AGREEMENT SHE ENTERED INTO WITH THE MAINE EMS BOARD AND THE OFFICE OF THE ATTORNEY GENERAL; AND, THAT CYNTHIA GINN BE REQUESTED TO PERMANENTLY SURRENDER HER MAINE EMS LICENSE (#14199) TO THE BOARD. (Leach, Hayes- Motion Carries).

C. Conviction Matrix - No action - staff informed the Committee of the State of Wisconsin's approach to licensees with criminal convictions.

5. Next Meeting

A. Set Agenda - To be set prior to meeting

B. Set Date and Time - The next meeting of the Committee will be on November 4, 1998 following the Maine EMS Board meeting.

6. Adjournment - The meeting was adjourned at 2:00 p.m.

Respectfully Submitted,

Drexell White
Bill Montejo