

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
WEDNESDAY, FEBRUARY 3, 2010  
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD ON MARCH 3, 2010  
MEETING MINUTES**

Present: Paul Knowlton, Rick Doughty, Steve Leach and Lori Metayer

Staff: Dawn Kinney, Alan Leo, Drexell White and Jon Powers

AAG: Dennis Smith, AAG

1. **Call To Order:** The meeting was called to order at 9:05 a.m.
2. **Business:** The Committee reviewed cases #09-24 and #09-43, and held informal conferences on cases #09-25, #9-48, #09-49, #09-45, #09-45, #09-44 and #10-01 and made the recommendations outlined below:
3. **Additions to agenda:** Case # 09-43
3. **Application:** None
4. **Other:** None
5. **Next Meeting:** The next meeting is scheduled for Wednesday, April 7, 2010 at 9:00 a.m.
6. **Adjourn:** The meeting was adjourned at 4:00 p.m.

**COMPLAINT/INVESTIGATIONS CASE:**

1. **CASE # 09-24 - Licensee not present.** Paul Knowlton recused himself as he knows the Licensee. Rick Doughty disclosed that he knew the Licensee, but stated that this knowledge would not affect his ability to decide the matter impartially based only on the evidence of record.

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-24. **Motion:** To enter executive session pursuant to 1 M.R.S.A. §405(6)(E),(F) to receive legal advice and to review records made confidential by statute. (Doughty; Leach – motion carried). The committee entered executive session at 12:15 p.m. and returned to public session at 12:55 p.m. During executive session, the committee discussed options for disposition of case # 09-24.

**Case Summary and Rules Violation:** Leach moved to: (1) recommend that the Board resolve case # 09-24 and grant the Licensee's renewal application by offering the Licensee a consent agreement based upon his criminal conviction for Theft by Unauthorized Taking or Transfer (class D) in violation of 17-A M.R.S.A. § 353(1)(B)(5) in 2006, which is in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1)(4) – Any criminal conviction, subject to the limitation of Maine statute, and statute 90(5)(G); and (2) issue the Licensee a letter of guidance regarding his failure to disclose the pending criminal charge on his license application dated May 16, 2006, which could be considered fraud or deceit.

**Aggravating Circumstances:**

- Licensee's crime of dishonesty was committed against an EMS agency.

**Mitigating Circumstances:**

- Licensee submitted five (5) letters of recommendation;
- Licensee accepted responsibility; and
- Licensee was cooperative with the committee.

**RECOMMENDED ACTION:**

- **Due to the above mitigating circumstances, the Licensee demonstrated to the committee sufficient rehabilitation to warrant the public trust. The Investigation Committee recommended that this case be resolved by: (1) offering the Licensee a consent agreement for seven (7) years; (2) and issuing him a letter of guidance for his failure to disclose the pending criminal charges on his May 2006 licensure application. Specific conditions of the consent agreement shall include:**
  - 1) The Licensee will report to Maine EMS any criminal charges filed against Licensee in any state or federal court within ten (10) days of charges being docketed. If criminal charges are filed against Licensee in any state or federal court, Licensee will immediately surrender any license issued by Maine EMS pending resolution of any EMS investigation into the conduct unless Licensee can show good cause as to why the license should continue pending the investigation;
  - 2) A reprimand;
  - 3) A thirty (30) day suspension (time served as Licensee has been without a license since June 2009); and
  - 4) Notation that a letter of guidance is being issued under separate cover for failure to disclose pending criminal charges on his May 2006 application.

The committee will consider case # 09-24 resolved and closed upon the ratification by the Board of the recommended consent agreement and its execution by all parties. If these conditions are not met, the committee recommends that the Licensee be notified of his right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rules, Chapter 12, § 1 (4)(B) (Leach; Metayer - motion carried).

**2. CASE # 09-43 - Licensee not present**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-43. Motion: To enter executive session pursuant to 32 M.R.S.A. §90 (A)(3) and 1 M.R.S.A. §405(6)(F) to discuss matters confidential by statute. (Doughty; Knowlton – motion carried). The committee entered executive session at 3:40 p.m. and returned to public session at 3:55 p.m. During executive session, the committee discussed options for disposition of case # 09-43.

**Case Summary and Rules Violation:** After discussion, the committee voted to direct MEMS staff to schedule the Licensee for an Informal Conference.

**INFORMAL CONFERENCES:****1. CASE # 09-25 - Licensee present.**

The committee entered executive session for the purpose of reviewing investigation and discussing case #09-25. 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 # 09-25. (Doughty; Knowlton – motion carried). The committee entered executive session at 09:10 a.m. and returned to public session at 10:00 a.m. During executive session, the committee met with the Licensee and discussed options for disposition of case # 09-25.

**Case Summary and Rules Violation:** After discussion, Leach moved to recommend that this case be tabled until April 2010 in order to afford the department: (1) thirty (30) days to come into full compliance regarding run reporting of “old data”; and (2) the opportunity to immediately commence compliance with reporting all new run reports within three (3) business days in accordance with Maine EMS Rules, Chapter 3 § 9, (dated October 1, 2009). (Leach; Metayer – motion carried).

**2. CASE # 09-48 - Licensee present.**

The committee entered executive session for the purpose of reviewing investigation and discussing case #09-48. **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 # 09-48. (Doughty; Leach – motion carried). The committee entered executive session at 10:14 a.m. and returned to public session at 10:40 a.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 09-48.

**Case Summary and Rules Violation:** After discussion, Leach moved to recommend that this case be tabled until April 2010 in order to afford the department: (1) until March 19, 2010, to come into full compliance regarding run reporting of “old data”; (2) the opportunity to immediately commence compliance with reporting all new run reports within three (3) business days in accordance with Maine EMS Rules, (dated October 1, 2009) Chapter 3 § 9; and (3) the opportunity to provide the committee with a written policy regarding ensuring that all written run reports are provided to the department. (Leach; Metayer – motion carried).

**3. CASE # 09-49 - Licensee was not present but had been noticed of the Informal Conference and notified MEMS that he would not be attending.**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-49. **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 # 09-49. (Doughty; Leach – motion carried). The committee entered executive session at 11:05 a.m. and returned to public session at 11:25 a.m. During executive session, the committee discussed options for disposition of case # 09-49.

**Case Summary and Rules Violation:** After discussion, Metayer moved to recommend that the Board resolve case # 09-49 and grant the Licensee’s renewal application by offering the Licensee a consent agreement based upon his unlicensed practice for responding to a call on July 25, 2009, and providing emergency medical treatment at a time when his license was expired ( the Licensee’s license expired on December 31, 2008) in violation of Maine EMS Rules (dated October 1, 2009) 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.

**Aggravating Circumstances:**

- The Licensee did not self- report the incident of unlicensed practice in August 2009 when it came to his attention.

**Mitigating Circumstances:**

- Licensee had sufficient training to renew at the time he provided emergency medical treatment; and
- Licensee had three licensed providers with him on the call.

**RECOMMENDED ACTION:**

**The Investigation Committee recommended that this case be resolved by granting the Licensee's renewal application by offering a consent agreement for the single incident of unlicensed practice, which includes the following specific conditions:**

- 1) A reprimand;
- 2) The Licensee shall pay a fine of \$50.00 per violation for a total of \$50.00; and
- 3) The fine will be due at the time of execution of the consent agreement.

The committee will consider case # 09-49 resolved and closed upon the ratification by the Board of the recommended consent agreement and its execution by all parties. If these conditions are not met, the committee recommends that the Licensee be notified of his right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rules, Chapter 12, § 1 (4)(B) (Knowlton; Leach - motion carries).

**4. CASE # 09-45 – Licensee present.**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-45. 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 # 09-45. (Doughty; Knowlton – motion carried). The committee entered executive session at 1:05 p.m. and returned to public session at 1:50 p.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 09-45.

**Case Summary and Rules Violation:** After discussion, Metayer moved to recommend that the Board resolve case # 09-45 and grant the Licensee's renewal application by offering the Licensee a consent agreement based upon his unlicensed practice for responding to a call on June 11, 2009, and providing emergency medical treatment at a time when his license was expired (the Licensee's license expired on June 30, 2008) in violation of Maine EMS Rules (dated October 1, 2009) 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.

**Aggravating Circumstances:**

- None

**Mitigating Circumstances:**

- Licensee believed that his Captain had sent in his application for renewal;
- Licensee had the required training to renew his license prior to expiration; and
- This was a single event.

**RECOMMENDED ACTION:**

**The Investigation Committee recommended that this case be resolved by granting the Licensee's renewal application by offering a consent agreement, which includes the following specific conditions:**

- 1) The Licensee shall pay a fine of \$50.00 per violation for a total of \$50.00; and
- 2) The fine will be due at the time of execution of the consent agreement

The committee will consider case # 09-45 resolved and closed upon the ratification by the Board of the recommended consent agreement and its execution by all parties. If these conditions are not met, the committee recommends that the Licensee be notified of his right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rules, Chapter 12, § 1 (4)(B) (Metayer; Leach – 3 – 1 motion carried).

**5. CASE # 09-44 - Licensee present.**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-44 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 # 09-44. (Doughty; Knowlton – motion carried). The committee entered executive session at 2:00 p.m. and returned to public session at 2:50 p.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 09-44.

**Case Summary and Rules Violation:** After discussion, Leach moved to recommend that the Board: (1) resolve case # 09-44 by dismissing the complaint with a letter of guidance based upon the Licensee's criminal convictions for Reckless Conduct (Class D), 17-A M.R.S.A. § 211(1), and Driving to Endanger on June 12, 2008, is in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1)(5) – Acting in ways that are dangerous or injurious to the licensee or other persons; and (2) grant the Licensee's renewal application.

**Aggravating Circumstances:**

- None

**Mitigating Circumstances:**

- Licensee had a thirty (30) day suspension by his fire department;
- Licensee had seven (7) days in jail;
- Licensee's successful completion of one year probation and conditions;
- Licensee submitted two (2) letters of recommendation; and
- Licensee was remorseful and forthright with the committee.

**RECOMMENDED ACTION:**

**Due to the above mitigating circumstances, the Licensee demonstrated to the committee sufficient rehabilitation to warrant the public trust. The Investigation Committee recommended that this case be resolved by dismissal with a letter of guidance to be maintained in Licensee's file for four (4) years.**

The Committee will consider case # 09-44 resolved and closed upon the ratification by the Board of its dismissal and the issuance of a letter of guidance. (Metayer; Leach 3 - 1 - motion carried).

**6. CASE # 10-01 - Licensee present.**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 10-01. Motion: To enter executive session pursuant to 1 M.R.S.A. §405(6)(E),(F) to receive legal advice and to conduct an informal conference. (Doughty; Leach – motion carries). The committee entered executive session at 3:10 p.m. and returned to public session at 3:30 pm. During executive session, the committee met with Licensee and discussed options for disposition of case # 10-01.

**Case Summary and Rules Violation:** After discussion, Leach moved to recommend that the Board resolve case # 10-01 by: (1) dismissing the complaint and issuing the Licensee a letter of guidance based upon a single incident of unlicensed practice on January 16, 2010, in violation of Maine EMS Rules (dated October 1, 2009) 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, and statute §82 (1) License required [emergency medical dispatch center or emergency medical dispatcher may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter]; and (2) granting the Licensee's application for licensure

**Aggravating Circumstances:**

- None.

**Mitigating Circumstances:**

- Licensee had sufficient training to receive an EMS EMD license;
- Licensee was under the direct supervision of a Field Training Officer; and
- There was no patient harm.

**RECOMMENDED ACTION:**

**Due to the above mitigating circumstances, the Investigation Committee recommended that this case be dismissed with a letter of guidance to be maintained in Licensee's file for three (3) years.**

The Committee will consider case # 10-01 resolved and closed upon the ratification by the Board of its dismissal and the issuance of a letter of guidance. (Leach; Metayer - motion carried).

Respectfully submitted,

Dawn Kinney, EMT-P  
Licensing Agent