

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, APRIL 6, 2005
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON MAY 4, 2005**

MEETING MINUTES

Present: Steve Leach - Chair, Rick Doughty, Carol Pillsbury, Sue Dupler, Paul Knowlton
Staff: Drexell White
AAG: Laura Yustak Smith

1. Call To Order: The meeting was called to order at 9:45 a.m.

Alan Azzara was not present after conferring with staff about cases requiring his recusal.

Additions/Deletions to the Agenda – None.

2. Investigations

A. Executive Session – Discuss Current Cases

Motion: To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference with the subject of case 03-19 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned case. (Pillsbury; Doughty – motion carries).

The Committee entered executive session at 11:48 a.m. and exited executive session at 1:01 p.m.

The Committee will be awaiting Licensee's proposal for resolving case #03-19.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of reviewing cases case 04-21, 05-01, 03-12, and 03-20 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned cases. (Dupler; Pillsbury – motion carries)

The Committee entered executive session at 2:00 p.m. and exited at 3:02 p.m.

Motion: Inre: Case 04-21, the Committee finds that Licensee violated Maine EMS Rules (dated July 1, 2003) Chapter 17 §1.4 - Any criminal conviction, subject to the limitations of Maine statute, §1.5 - Acting in ways that are dangerous or injurious to the licensee or other persons, §1.14 - Violation of any standard established in the profession and §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; that the violations are based upon Licensee's conduct leading to and his April 1, 2005 convictions for Assault, Class D, in violation of 17-A M.R.S.A. §207 (1)(A), Criminal Restraint, Class D, in violation of 17-A §302 (1)(B), Obstructing Report of Crime or Injury, Class D in violation of 17-A M.R.S.A §758 (1)(A) and Violating Condition of Release, Class C in violation of 15 M.R.S.A. §1092; that staff pursue a consent agreement to revoke licensee's license and failing that, to direct the Office of the Attorney General to file for revocation of licensee's license in District Court (Pillsbury; Dupler motion carries).

Motion: Inre: Case 05-01, the Committee declines Licensee's request to be relieved of the obligation of voluntary license surrender pursuant to a October 9, 2002, consent agreement entered into by Licensee with the Board and the Office of the Attorney General, in which Licensee agreed to the immediate surrender of his license if charges were filed against him in state of Federal Court; and that Licensee has been charged in the Maine District Court in Paris Maine of 1 count of Impersonating a Public

Servant, Class E. Therefore, the committee directs that Licensee be requested to voluntarily surrender his Maine EMS license pursuant to the aforementioned Consent Agreement (Doughty; Knowlton – motion carries).

Motion: Inre: Case 03-12, In that the Licensee is no longer licensed by the Board due to the normal expiration of Licensee's license, this case is closed, but will be reopened for consideration if Licensee applies for a Maine EMS license; and that case information be included in Licensee's license file (Doughty; Knowlton – motion carries).

Motion: Inre: Case 03-20, In that the Licensee is no longer licensed by the Board due to the normal expiration of Licensee's license, this case is closed, but will be reopened for consideration if Licensee applies for a Maine EMS license; and that case information be included in Licensee's license file (Doughty; Dupler – motion carries).

3. Applications

The Committee conducted an informal review with applicant Mary Denison, who reported a 1989 conviction for Theft and a 1996 conviction for Aggravated Theft, Class B.

Motion: That Mary Denison's (Applicant's) convictions for Theft in 1989 and Theft, Class B in 1996 are actionable under the Maine EMS rules; that mitigating circumstances exist in that the offenses are over 10 years old, Applicant is involved in community service including the women's fire auxiliary and as a school volunteer, Applicant paid her debt to the criminal justice system and met her obligations for restitution, Applicant has had no other known convictions since 1996, Applicant provided written recommendations from: her town's town manager, fire chief, deputy chief, a business acquaintance, her sister and her husband, applicant's, and Applicant's EMS service director also spoke on her behalf at the informal review. Therefore the committee finds that Applicant has been sufficiently rehabilitated to warrant the public trust and directs that a license be issued (Knowlton; Pillsbury – motion carries)

Next Meeting

The next meeting is scheduled for May 4, 2005 at Maine EMS – time to be determined.

6. Adjourn – The meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Drexell White
Licensing Agent