

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, APRIL 22, 2009
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON JUNE 3, 2009
MEETING MINUTES**

Present: Paul Knowlton, Robert Hand, Rick Doughty and Lori Metayer

Staff: Dawn Kinney and Alan Leo

AAG: Lara Nomani, AAG

1. **Call To Order:** The meeting was called to order at 9:05 a.m.
2. **Business:** The Committee reviewed case #09-11 and held informal conferences on cases # 09-06, #09-02, and #08-34 and made the recommendations which are outlined below:
3. **Application:** There were no new applications reviewed.
4. **Other:** None
5. **Next Meeting:** The next meeting is scheduled for Wednesday July 1, 2009 at 9:00 a.m.
6. **Adjourn:** The meeting was adjourned at 2:00 p.m.

COMPLAINT/INVESTIGATIONS CASE:

1. CASE # 09-11. Licensee not present.

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-11. **Motion:** To enter executive session pursuant to 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and discussing matters which are confidential by statute (Doughty; Knowlton – motion carries). The committee entered executive session at 12:30 p.m. and executed at 12:45 p.m. During executive session, the committee reviewed the status of the investigation and discussed options for disposition of case # 09-11.

Case Summary and Rules Violation: After discussion, Metayer moves to recommend that the Board find that the Service license expired on August 1, 2007 and that the Service continued to respond and provide emergency medical treatment, in violation of Maine EMS Rules (dated September 1, 2006) Chapter 11 § (1)(3), Violating any of the provisions of 32 M.R.S.A., Chapter 2-B, and 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. Specifically, the service continued to respond to two calls and provide patient care until April 6, 2009. Licensee was notified that this case would be presented at this meeting.

Aggravating Circumstances:

- The violation was not self reported.

Mitigating Circumstances:

- There was a computer error that resulted in no notice being sent and records indicated that the service was licensed;
- The service was remorseful, accepted responsibility and once notified, took immediate action; and
- The service has had no prior disciplinary actions.

RECOMMENDED ACTION:

That this case be resolved with a Consent Agreement, subject to the following condition:

- 1). A reprimand.

The Committee will consider case # 09-11 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the parties. (Metayer; Doughty - motion carries).

INFORMAL CONFERENCES:**2. CASE # 09-06; Licensee Present**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-06. 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) for receiving legal advice and for the purpose of conducting an informal conference concerning case # 09-06. (Doughty; Knowlton – motion carries). The committee entered executive session at 09:15 a.m. and exited at 10:20 a.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 09-06.

Case Summary and Rules Violation: After discussion, Metayer moved to recommend that the Board find that the Licensee is in violation of Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(5)- Acting in ways that are dangerous or injurious to the licensee or other persons, and 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.

Specifically, the licensee had two patient care issues, had voluntarily participated in extensive remedial training and was still not performing at the paramedic level.

Aggravating Circumstances:

- None

Mitigating Circumstances:

- None

RECOMMENDED ACTION:

That this case be resolved with a Consent Agreement, subject to the following conditions:

- 1) Licensee will voluntary surrender her Paramedic level license for an Intermediate level license; and
- 2) The Licensee understands that voluntary surrender of her Paramedic level license does not constitute disciplinary action against her license.

The Committee will consider case # 09-06 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the parties. If these conditions are not met, the Committee recommends that the Licensee be notified of her right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rule, Chapter 12, § 1 (4)(B) (Metayer; Hand - motion carries).

3. CASE # 09-02; Licensee Present

Robert Hand and Lori Metayer both disclosed that they knew the Licensee for case #09-02 through a professional relationship. They stated that they believed they could be fair and impartial in their review of the case. The Licensee did not object to their continued participation in the conference, despite their offer to recuse themselves.

The committee entered executive session for the purpose of reviewing investigation and discussing case # 09-02 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) for receiving legal advice and for the purpose of conducting an informal conference concerning case # 09-02. (Doughty; Hand – motion carries). The committee entered executive session at 10:50 a.m. and exited at 11:50 a.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 09-02.

Case Summary and Rules Violation: After discussion, Doughty moved to recommend that the Board find that Licensee is in violation of Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(37) – Causing physical or emotional injury to a patient in violation of the applicable standard of care. Specifically, the Licensee caused emotional injury to a patient by kissing her forehead.

Aggravating Circumstances:

- The patient's perception of the licensee's conduct resulted in patient suffering emotional injury.

Mitigating Circumstances:

- The patients treatment was appropriate per Maine EMS Protocols and United Ambulance Service's policies;
- Licensee was remorseful and accepted responsibility;
- Licensee was forthright with the committee; and
- Licensee was disciplined by United Ambulance Service.

RECOMMENDED ACTION:

The Committee found that the Licensee in this case did not warrant disciplinary action, and recommended that this case be resolved with a Letter of Guidance to be kept on file for 2 years.

The Committee will consider case #09-02 resolved and closed upon the ratification by the Board of the Letter of Guidance. (Doughty; Knowlton - motion carries).

4. CASE # 08-34; Licensee Present

The committee entered executive session for the purpose of reviewing investigation and discussing case # 08-34. **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) for receiving legal advice and for the purpose of conducting an informal conference concerning case # 08-34. (Doughty; Hand – motion carries). The committee entered executive session at 1:10 p.m. and exited at 1:40 p.m. During executive session, the committee met with Licensee and Representative Gary Plummer and discussed options for disposition of case # 08-34.

Case Summary and Rules Violation: After discussion, Metayer moved to recommend that the Board find that the Licensee's Instructor/Coordinator license expired on October 31, 2008 and that the Licensee continued to instruct an EMS EMT Basic course leading to licensure, in violation of Maine EMS Rules (dated September 1, 2006) Chapter 9§ (5)(O) – Providing instruction at a level for which a person or training entity is not certified to provide. Specifically, the Licensee continued to instruct a course leading to licensure.

Aggravating Circumstances:

- This was not self reported; and
- Hardship to the students.

Mitigating Circumstances:

- Licensee ultimately accepted responsibility;
- Students were allowed to complete the course with a properly licensed instructor; and
- Licensee had the requisite training and was licensable at time of expiration.

RECOMMENDED ACTION:

That this case be resolved with a Consent Agreement, subject to the following condition:

- 1) A reprimand; and
- 2) The Licensee shall pay a fine of \$100.00, with all suspended, based on the mitigating factors.

The Committee will consider case # 08-34 resolved and closed upon the ratification by the Board of the Consent Agreement and its execution by the 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 Rule, Chapter 12, § 1 (4)(B) (Metayer; Hand - motion carries).

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent