

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, SEPTEMBER 1, 2010
CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON NOVEMBER 3, 2010
MEETING MINUTES**

Present: Rick Doughty, Paul Knowlton, and Steve Leach

Staff: Dawn Kinney and Alan Leo

Board:

AAG: Laura Yustak Smith, AAG

1. **Call To Order:** The meeting was called to order at 12:20 p.m.
2. **Business:** The Committee held informal conferences on case numbers 10-36, 09-22 and 10-38, and made the recommendation outlined below.
3. **Additions to agenda:** None
3. **Applications:** None
4. **Other:** None
5. **Next Meeting:** The next meeting is scheduled for Wednesday, October 6, 2010 at 9:00 a.m.
6. **Adjourn:** The meeting was adjourned at 2:00 p.m.

COMPLAINT/INVESTIGATIONS CASE

1. NONE

INFORMAL CONFERENCES

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 numbers 10-36, and 09-22. (Doughty; Knowlton – motion carried). The committee entered executive session for the purpose of reviewing investigation and discussing case numbers 10-36 and 09-22. The committee entered executive session at 12:20 p.m. and returned to public session at 12:55 p.m. During executive session, the committee discussed options for disposition of case numbers 10-36, and 09-22.

1. **CASE # 10-36- Licensee notified staff that licensee would not be attending, and would agree to surrender license if that was the Board's decision.**

Case Summary and Rules Violation: After discussion, Leach moved to recommend that the Board resolve case # 10-36 by offering the licensee a consent agreement for voluntary revocation of the license. The complaint was based upon the allegation that licensee paid a fee for a refresher course/certificate, but never attended the course and used a falsified certificate to renew the Maine EMS Paramedic license in March 2010. This is in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1) (1), Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts; 32 MRSA

§ 90-A (5)(A), Fraud or deceit in obtaining a license under this chapter, and 32 MRSA § 90-A (5)(F), Violation of any reasonable standard of professional behavior, conduct or practice that has been established in the practice for which the licensee is licensed.

Aggravating Circumstances:

- None

Mitigating Circumstances:

- None

RECOMMENDED ACTION:

The Investigation Committee recommended that this case be resolved by offering the Licensee a consent agreement for voluntary revocation of the Maine EMS Paramedic license.

The committee will consider case # 10-36 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 the 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; Knowlton - motion carried).

- 2. CASE # 09-22 – Licensee not present. Licensee did not respond to the notice dated September 23, 2009 and August 20, 2010.**

Case Summary and Rules Violation: After discussion, Leach moved to recommend that the Board resolve case # 09-22 by offering the licensee a consent agreement for voluntary revocation of the license. The complaint was based upon the licensee's August 2, 2010 conviction for Theft by Unauthorized Taking or Transfer. This is in violation of 32 M.R.S.A § 90-A (5)(F), Violation of any reasonable standard of professional behavior, conduct or practice that has been established in the practice for which the licensee is licensed; and 32 M.R.S.A. § 90-A (5)(G), Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty.

Aggravating Circumstances:

- None

Mitigating Circumstances:

- None

RECOMMENDED ACTION:

The Investigation Committee recommended that this case be resolved by offering the Licensee a consent agreement for voluntary revocation of the Maine EMS license.

The committee will consider case # 09-22 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 the 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; Knowlton - motion carried).

3. CASE # 10-38 – 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 # 10-38. (Doughty; Knowlton – motion carried). The committee entered executive session for the purpose of reviewing investigation and discussing case # 10-38. The committee entered executive session at 1:15 p.m. and returned to public session at 1:45 p.m. During executive session, the committee met with Licensee and discussed options for disposition of case # 10-38.

Case Summary and Rules Violation: After discussion, Doughty moved to recommend that the Board resolve case # 10-38 by entering into a consent agreement based upon the service allowing an unlicensed provider to respond on its behalf and provide emergency medical treatment on one call at a time when the provider's license was expired (the Licensee's license expired on June 30, 2010) in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1)(34) – Aiding the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A. Chapter 2-B.

Aggravating Circumstances:

- None

Mitigating Circumstances:

- Licensee was forthright and cooperative with committee;
- Licensee has a policy in place to prevent reoccurrence;
- Deputy Chief met with provider previous to expiration of license to ensure that all educational requirements had been met;
- This was an isolated incident; and
- Provider was working for the fire service, but not scheduled to be on duty for the ambulance service at the time of the incident.

RECOMMENDED ACTION:

The Investigation Committee recommended that this case be resolved by reprimanding Licensee by means of a consent agreement.

The committee will consider case # 10-38 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 its right to request an adjudicatory hearing and any proposed action of the Board, in accordance with Maine EMS Rules, Chapter 12, § 1 (4)(B) (Doughty; Leach; Knowlton abstained - motion carried).

APPLICATIONS

- 1. None**

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent