

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
THURSDAY OCTOBER 18, 2007
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON NOVEMBER 7, 2007**

MEETING MINUTES

Present: Rick Doughty, Carol Pillsbury, Paul Knowlton, Oden Cassidy

Staff: Dawn Kinney, Alan Leo, Jay Bradshaw (11:00 to 12:00)

Maine EMS Investigator: Karen Packard

AAG: Laura Yustak Smith

1. Call To Order: The meeting was called to order at 9:15 a.m.

A. Additions/Deletions to the Agenda – Case 07-34, Fit for Duty Evaluations and Random Drug Testing. Informal Conference for case 07-35 rescheduled.

The Committee reviewed information distributed by Karen Packard regarding Fit for Duty Evaluations and Random Drug Testing. Due to the difficulty of obtaining either of these the Committee decided to develop a matrix to determine who would be required to have a Fit for Duty Evaluation or Random Drug Testing. The Committee will review cases 07–20, 07–24 and Chad Tracy.

2. Complaint/Investigation Cases 07-37.

The committee entered executive session for the purpose of reviewing investigation and discussing case 07-37.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing case 07-37. (Doughty: Cassidy – motion carries).

The committee entered executive session at 10:35 a.m. and exited at 10:45 a.m.

During executive sessions, the committee discussed options for disposition of case 07-37.

Motion: In case 07-37, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) 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. This violation is based on Licensee allowing an unlicensed provider to provide patient care on behalf of the service for a period from July 1, 2007 to August 21, 2007. The Committee proposed to resolve this investigation with a Letter of Guidance. The Committee found mitigating circumstances in that: Licensee was informed by provider that his license was renewed; Licensee removed the unlicensed provider from the work schedule until his license is renewed; Licensee added provider to their Human Resources data base for license tracking purposes; Licensee developed a policy and procedure for the service to prevent this from happening again and there was no patient harm. In consideration of the mitigating factors, the violation did not warrant disciplinary action. The Letter of Guidance will be kept on file for 3 years. The Committee considers this investigation 07-37 resolved and closed upon issuance of the Letter of Guidance (Doughty; Cassidy – motion carries).

The committee entered executive session for the purpose of reviewing investigation and discussing cases 07-34 and 07-35

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing cases 07-34 and 07-35. (Doughty; Cassidy – motion carries).

The committee entered executive session at 1:10 p.m. and exited at 3:00 p.m.

During executive session, the committee discussed options for disposition of case 07-34 and at the request of the AAG, gave guidance on case 07-35.

Motion: The committee directed staff to continue investigation of cases 07-34 and 07-35 (Doughty; Cassidy - motion carries).

3. Informal Conference – Cases 07-28

A. Case # 07-28

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)(E) for receiving legal advice and for the purpose of conducting an informal conference concerning case #07-28. (Doughty; Cassidy – motion carries).

The committee entered executive session at 9:25 a.m. and exited at 9:45 a.m.

During executive sessions, the committee met with Licensee and discussed options for disposition of case 07-28.

Motion: In case 07-28, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) 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. This violation is based on Licensee allowing an unlicensed provider to provide patient care on behalf of the service for a period from June 1, 2007 to June 11, 2007. The Committee proposed to resolve this investigation with a Consent Agreement to include a fine for \$500.00. (Doughty; Cassidy – Doughty and Cassidy in favor - Pillsbury and Knowlton opposed - motion fails).

Motion: In case 07-28, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) 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. This violation is based on Licensee allowing an unlicensed provider to provide patient care on behalf of the service for a period from June 1, 2007 to June 11, 2007. The Committee proposed to resolve this investigation with a Letter of Guidance to include that the wording in # 10 of the service policy be changed to include full and part-time employees. (Pillsbury; Knowlton – Pillsbury and Knowlton in favor – Doughty and Cassidy opposed - motion fails).

Motion: In case 07-28, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) 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. This violation is based on Licensee allowing an unlicensed provider to provide patient care on behalf of the service for a period from June 1, 2007 to June 11, 2007. The Committee proposed to resolve this investigation with a Consent Agreement to include a reprimand

and to remove #10 of the service policy. Doughty; Cassidy – Doughty and Cassidy in favor - Pillsbury Knowlton opposed – motion fails).

Motion: In case 07-28, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) 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. This violation is based on Licensee allowing an unlicensed provider to provide patient care on behalf of the service for a period from June 1, 2007 to June 11, 2007. The Committee proposed to resolve this investigation with a Letter of Guidance to include direction to the service to remove #10 from it's current policy. The Committee found mitigating circumstances in that: Licensee notified the unlicensed provider not to provide any patient care; received information from MEMS that the unlicensed provider could respond with another licensed provider as long as there was no patient care; that Licensee developed a policy and procedure for the service to prevent this from happening again and there was no patient harm. In consideration of the mitigating factors, the violation did not warrant disciplinary action. The Letter of Guidance will be kept on file for 3 years. The Committee considers this investigation 07-28 resolved and closed upon issuance of the Letter of Guidance (Pillsbury; Knowlton – Pillsbury, Knowlton and Cassidy in favor – Doughty abstained – motion carries).

B. Case # 07-36

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)(E) for receiving legal advice and for the purpose of conducting an informal conference concerning case #07-36. (Doughty; Cassidy – motion carries).

The committee entered executive session at 12:45 p.m. and exited at 1:00.m.

During executive sessions, the committee met with Licensee and discussed options for disposition of case 07-36.

Motion: In case 07-36, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§(1)(30) [Providing treatment at a level for which a person is not licensed.] and 32 M.R.S.A. §82(1) License required [An emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services Board]. This violation is based on Licensee providing patient care with an expired license on fourteen ambulance calls during a period from July 1, 2007 to August 21, 2007. The Committee found mitigating circumstances: Licensee informed employer that his license expired July 1, 2007; Licensee did not respond until after he had taken his refresher course; Licensee was accustomed to the relicensure procedure in Maryland, where, according to Licensee and confirmed by MEMS staff, the instructors report all completed refresher courses to the state EMS system for purpose of relicensure, and was not aware that Licensee was required to independently complete an application in Maine; Licensee took responsibility and completed an application as soon as he was notified of his expired license and there was no patient harm. In consideration of the mitigating factors the Committee will dismiss this investigation with a Letter of Guidance to emphasize the importance of knowing the Maine EMS license renewal process. The Letter of Guidance will be kept on file for three years. Investigation 07-36 will be resolved and closed with the issuance of the Letter of Guidance. (Doughty; Cassidy – motion carries)

The committee entered executive session for the purpose of reviewing investigation and discussing case 07-40.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A), §92(3) and 1 M.R.S.A. §405(6)(E)(F) for receiving legal advice and the purpose of discussing case 07-40. (Doughty; Cassidy – motion carries).

The committee entered executive session at 12:05 p.m. and exited at 12:35 p.m.

During executive sessions, the committee discussed options for disposition of case 07-40.

Motion: The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11 § (1)(4) Any criminal conviction, subject to the limitations of Maine statute. The Committee finds that the violation is based on Licensee's 2003 conviction for Criminal Threatening in violation of 17-A M.R.S.A. §209(1). The Committee finds that this violation did not warrant disciplinary action and to issue a Letter of Guidance to be kept on file for 6 years. The Committee considers this investigation 07-40 resolved and closed upon issuance of the Letter of Guidance. (Cassidy; Knowlton – motion carries).

4. Next Meeting

The next meeting is scheduled for Wednesday, November 28, 2007 at 9:15 a.m.

5. Adjourn

Adjourn – The meeting was adjourned at 3:30 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent