

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, NOVEMBER 3, 2010
CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON JANUARY 5, 2011
MEETING MINUTES**

Present: Rick Doughty, Paul Knowlton, Bob Hand, and Lori Metayer (left at 2:00 p.m.)

Staff: Dawn Kinney and Alan Leo

Board:

AAG: Laura Yustak Smith, AAG

1. **Call To Order:** The meeting was called to order at 1:10 p.m.
2. **Business:** The Committee held an informal conference on case # 10-49, and made the recommendation outlined below.
3. **Additions to agenda:** None
3. **Applications:** The Committee conducted a review of the initial license application of Derek Harris, and made the recommendation outlined below.
4. **Other:** None
5. **Next Meeting:** The next meeting is scheduled for Wednesday, December 1, 2010 at 9:00 a.m.
6. **Adjourn:** The meeting was adjourned at 3:00 p.m.

COMPLAINT/INVESTIGATIONS CASE

1. NONE

INFORMAL CONFERENCES

1. **CASE # 10-49 - Licensee present.**

The committee entered executive session for the purpose of reviewing investigation and discussing case # 10-49. **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 # 10-49. (Doughty; Knowlton – motion carried). The committee entered executive session at 1:10 p.m. and returned to public session at 2:05 p.m. During executive session, the committee met with the Licensee and discussed options for disposition of case # 10-49.

Case Summary and Rules Violation: After discussion, Metayer moved to recommend that the Board resolve case # 10-49 by offering the licensee a consent agreement with conditions on the licensee's intermediate-level license. The complaint was based upon the licensee's violation of the Maine EMS protocols and practice beyond the scope of practice for a Basic EMT, in violation of Maine EMS Rules (dated October 1, 2009) Chapter 11 §(1) (3), Violating any of the provisions of 32 M.R.S.A., Chapter 2-B; and Chapter 11 §(1) (5) Acting in ways that are dangerous or injurious to the licensee or other persons.

Aggravating Circumstances:

- Seriousness of the medication error: potential hemodynamic complications could lead to death ;
- Licensee was aware that administering the medication violated the protocols.

Mitigating Circumstances:

- Licensee expressed remorse and accepted responsibility;
- Licensee immediately self-reported to supervisor; and
- Licensee submitted four (4) letters of recommendation.

RECOMMENDED ACTION:

The Investigation Committee recommended that this case be resolved by offering the Licensee a consent agreement for one (1) year from November 3, 2010, which includes the following specific conditions:

- 1) The Licensee's Basic EMS license will be suspended for a total of sixty days, with credit retroactive to November 3, 2010, if licensee foregoes employment from the date of the Informal Conference through the date of the Board's consideration of this consent agreement on January 5, 2011.
- 2) Licensee's intermediate license will be issued subject to the following:
The Licensee will have all ambulance reports for every call reviewed by an outside agency and provide quarterly reports for one (1) year to Maine EMS.

If Licensee violates any of the conditions of this consent agreement, practices outside the scope of practice, or has any protocol violations, 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.

The committee will consider case # 10-49 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 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) (Metayer; Hand - motion carried).

APPLICATIONS**1. Derek Harris– Informal Review**

Application for Initial Licensure: After discussion, Hand moved to recommend that the Board grant Mr. Page's application for initial licensure and issue him a letter of guidance based upon his failure to disclose a 1999 conviction for Violation of Condition of Release, April and May 1999 convictions for Violation of Protective Order and a 2003 conviction for Operating After Suspension on his initial application, in response to the question: "Have you ever been convicted of any criminal offense?"

Aggravating Circumstances:

- None

Mitigating Circumstances:

- Applicant was forthright, accepted responsibility, and disclosed other conviction information regarding older and minor convictions, cooperated with committee, and submitted several letters of recommendations.

RECOMMENDED ACTION:

The Investigation Committee recommends that the Board find that this conduct did not rise to the level of misconduct sufficient to merit disciplinary action, as failure to disclose the subject convictions was not a deliberate attempt to mislead the Board, given that other history was disclosed, several convictions were resolved together, and the offense were sufficiently minor or far enough in the past that disclosure would not have prevented licensure. The Committee recommends that the license be issued with a letter of guidance regarding the need to disclose all criminal convictions on all applications filed with the Board, to be maintained in Applicant's licensing file for three years.

The Committee will consider case resolved and closed upon the ratification by the Board. (Hand; Knowlton - motion carries).

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent