

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, FEBRUARY 4, 2004
MAINE EMS CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD ON MARCH 3, 2004**

MEETING MINUTES

Present: S. Leach, R. Doughty, C. Pillsbury, S. Dupler, P. Knowlton

Staff: D. Kinney

AG: L. Yustak Smith

1. Call To Order: The meeting was called to order at 11:10 a.m.

A. Additions/Deletions to the Agenda – To move Luke Smith from Applications to Investigations.

2. Investigations

A. Executive Session

The Committee entered executive session for the purpose of discussing investigations:

Motion: To enter executive session for the purpose of discussing investigation of case 02-03 (Dupler; Leach– motion carries)

The Committee entered executive session at 11:20 a.m. and exited at 11:30 a.m.

Motion: That the committee has been informed by staff that the licensee for case # 02-03 presented evidence that he has met the requirements of the Consent Agreement dated May 2003 for paragraphs 4,5,6, & 7 and that the committee will accept the letter from the licensee's counselor for compliance of Consent Agreement paragraphs 4,5,6, & 7; that the committee directs staff to check with the licensee to verify that he attended session with his counselor to view and discuss a video titled: "When Helping Hurts: Sustaining Trauma Workers" that was scheduled for January 9, 2004. (Knowlton; Pillsbury – motion carries).

The Committee entered executive session at for the purpose of discussing investigations:

Motion: To enter executive session for the purpose of discussing investigation of Case #04-04

(Leach; Pillsbury – motion carries)

The Committee entered executive session at 12:10 a.m. and exited at 12:30 a.m.

Motion: The Committee directs staff to initiate an investigation of Case #04-04 for Maine EMS 2001 Rules violations of: 11 (A)(2); 11 (A)(4); 11 (A)(5); 11 (A)(7)(a). (Doughty; Leach – motion carries)

The Committee entered executive session at for the purpose of discussing investigations:

Motion: To enter executive session for the purpose of discussing investigation of case #02-01 (Doughty; Pillsbury – motion carries)

The Committee entered executive session at 12:55 a.m. and exited at 2:25 p.m.

After review of Mr. Higbie's licensing file, transcript of criminal trial, correspondence and submissions from his attorney, the Committee moved:

Motion: To revise the Consent Agreement to make it consistent with the testimony in the transcript determined to be credible by the Committee; to accept the termination letter and Settlement Agreement as evidence that Mr. Higbie's resignation from employment was directly related to an incident that is the basis for the Consent Agreement; to add to the Consent Agreement language to reflect that incidents leading to his termination from employment would be resolved by this Consent Agreement; to reject language changes proposed by Mr. Higbie's counsel that would result in no specific findings being made (for example, insertion of the word "allegedly"); to reject other proposed changes to the Consent Agreement; to have AAG convey to Mr. Higbie's attorney the revised Consent Agreement and the following: the status of his license (expired); that Mr. Higbie must submit a new application if he wishes to pursue licensure; that any new license will be subject to the Consent Agreement as revised; that the Committee recommends denial of an application in the absence of terms outlined in the revised Consent Agreement; that the Committee will investigate alleged misconduct referenced in the Town of Clinton termination letter as a basis for denial or disciplinary action if the revised Consent Agreement is rejected; and, that, if Mr. Higbie chooses not to pursue licensure, the file will be closed, and the current investigation and any new information will be considered in any future licensing proceedings.(Pillsbury; Doughty – motion carries)

3. Applications

Staff requested direction from the committee on how to process applications that are received and the applicant or licensee has failed to disclose a conviction that was listed on the background check. The Committee advised that all failures to disclose have to be reviewed on an individual basis.

A. Daniel Pelletier

Staff reviewed the renewal application of licensee Daniel Pelletier who failed to disclose on his 2000 and 2003 application charges for an August 16, 1982 conviction for Criminal Restraint in violation of 17-A MRSA §302, and a November 1, 1982 conviction for Engaging a Prostitute.

The Committee voted to renew the license and issue a Letter of Guidance as the situation involved mitigating circumstances

Motion: That the committee finds that Daniel Pelletier's ("Licensee") failure to report criminal convictions on an application for licensure is a serious matter that can result in disciplinary action (Maine EMS Rules Chapter 11 §1.1). The committee directed staff to issue a Letter of Guidance in lieu of disciplinary action due to mitigating circumstances: Mitigating circumstances are that the convictions are over 20 years of age, the convictions would not, by themselves, disqualify him for licensure and that he has had no further criminal convictions since 1982. (Pillsbury; Doughty, motion carries).

B. Scott Latulippe

Staff reviewed the renewal application of licensee Scott Latulippe who disclosed a 8/25/86 conviction for Operating After Suspension that was not disclosed on previous applications. This conviction did not show up on the background check. Mr. Latulippe included a written explanation that he thought this conviction was a traffic violation, and a copy of the traffic ticket.

The committee voted to renew the license and that a Letter of Guidance was not needed.

Motion: That the committee directs staff to renew the license of licensee Scott Latulippe and to not send a Letter of Guidance due to mitigating circumstances: Mitigating circumstances are that the convictions are almost 20 years of age, the convictions would not, by themselves, disqualify him for licensure and that he has had no further criminal convictions since 1986. (Leach; Dupler, motion carries, Pillsbury abstained).

C. David Francoeur

Staff reviewed the renewal application of licensee David Francoeur who failed to disclose a March 29, 1983 conviction for Criminal Mischief on his application.

The Committee voted to renew the license and issue a Letter of Guidance as the situation involved mitigating circumstances

Motion: That the committee finds that David Francoeur's ("Licensee") failure to report criminal convictions on an application for licensure is a serious matter that can result in disciplinary action (Maine EMS Rules Chapter 11 §1.1). The committee directed staff to issue a Letter of Guidance in lieu of disciplinary action due to mitigating circumstances: Mitigating circumstances are that the convictions are over 20 years of age, the convictions would not, by themselves, disqualify him for licensure and that he has had no further criminal convictions since 1983. (Doughty;Dupler, motion carries).

D. Bennett Thompson

Staff reviewed application received from Bennett Thompson and found that licensee failed to disclose on his application his October 17, 2000 conviction for Misuse of Identification.

The Committee directed staff to send letter to applicant to obtain additional information and to bring back to committee once additional information has been received.

E. Robert Morency

Staff reviewed reciprocity application received from Robert Morency who failed to disclose a February 24, 2000, Operating Under the Influence of Liquor that was listed on a background check from Commonwealth of Massachusetts.

The Committee directed staff to check on the wording of the OUI charge and get a printout from the Commonwealth of Massachusetts for all the legal acronyms. If the OUI charge had been dismissed, the applicant will be issued a MEMS license.

F. Kim Tracy

Staff reviewed renewal application from Kim Tracy who disclosed a 1980 OUI charge that was not previously disclosed on her 2001 application.

The committee voted to renew the license and that a Letter of Guidance was not needed.

Motion: That the committee directs staff to renew application of licensee Kim Tracy and to not send a Letter of Guidance, due to mitigating circumstances: Mitigating circumstances are that the convictions are over 20 years of age, the convictions would not, by themselves, disqualify him for licensure and that he has had no further criminal convictions since 1980. (Pillsbury; Dupler, motion carries).

4. Other – None

5. Next Meeting

The next meeting is scheduled for Wednesday, March 3 after the Maine EMS Board meeting.

6. Adjourn – The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Dawn Kinney, Licensing Agent