



STATE OF MAINE
DEPARTMENT OF PUBLIC SAFETY
MAINE EMERGENCY MEDICAL SERVICES
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AUGUSTA, MAINE
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**INVESTIGATIONS COMMITTEE MEETING
WEDNESDAY, JUNE 7, 2000
MAINE EMS CONFERENCE ROOM, AUGUSTA**

MEETING MINUTES

Present: S. Leach – Chair, S. Hayes, R. Doughty

Staff: D. White, B. Montejo

Guest: Raymond Parent, Chief, Sanford Fire Department

1. Call To Order: The meeting was called to order at 9:45 a.m.

A. Additions/Deletions to the Agenda

- i. Chuck Grindle
- ii. Smithfield First Responders
- iii. Jamie Brown
- iv. William Cash
- v. Barry Nickelsburg
- vi. Donald Davidson
- vii. Todd Levesque and Paul Morrison
- viii. Donald Davidson
- ix. Ray Parent – Discussion about Morrison and Levesque

B. Accept Minutes of the April 5, 2000 Meeting

The minutes of the April 5, 2000 meeting were reviewed. It was noted that the motion concerning Christopher Reed should read “State or Federal” instead of “State of Federal”.

Motion: *To accept the minutes of the April 5, 2000 meeting as corrected above (Doughty; Leach – motion carries with Hayes abstaining).*

2. Investigations

A. Jeffrey Aucoin - Committee Action

Committee members reviewed Mr. Aucoin's response to the May 5, 2000, notice of investigation regarding his failure to list all convictions and offenses on his Maine EMS license application. Mr. Aucoin failed to list convictions in the year 1999 for Operating Under the Influence and Operating After Suspension.

Motion: That licensee Jeffrey Aucoin failed to disclose 1999 convictions for Operating Under the Influence and Operating after Suspension as well as failing to disclose 2 speeding violations in 1999 and 1996 violations for Illegal Attachment of Plates and Failure to Produce Insurance. Therefore, the Committee directs that Mr. Aucoin be offered a consent agreement to resolve case # 00-07 which provides for a conditional license for a three year period and which further stipulates that if any charges are filed against Mr. Aucoin in any State or Federal Court, that he will immediately surrender his Maine EMS license (Hayes; Doughty - motion carries).

B. John Robertson – Informal Conference

Licensee John Robertson was present to attend an informal conference regarding case # 00-04.

Motion: To enter into executive session for the purpose of conducting an informal conference with licensee John Robertson (Hayes; Doughty – motion carries).

The Committee entered executive session at 10:45 a.m. and exited executive session at 11:21 a.m.

Upon exiting executive session, the Committee discussed Mr. Robertson's operation of EMS vehicles without a valid drivers license and options to resolve the case.

Motion: That licensee John Robertson, Maine EMS license #17254, knowingly operated Maine EMS licensed ambulance vehicles as an employee of the Redington Fairview Hospital EMS and/or the Clinton Fire Department during a period of time from April 15, 1999 to November 10, 1999; that Mr. Robertson's explanations for the conduct are not credible; that such conduct represents a violation of the Maine EMS Rules §§12(A)(5), 12(A)(7) and 12(A)(18); that Maine EMS enter into a consent agreement with Mr. Robertson to resolve case # 00-04 which provides for a \$250.00 fine to be paid by Mr. Robertson to Maine EMS within 45 days of the executed agreement and that a condition be placed upon Mr. Robertson's EMS license for a three (3) year period which stipulates that if any charges are filed against Mr. Robertson in a State or Federal Court during the period of his conditional license, he shall immediately and unconditionally surrender his EMS license # 17254 (Hayes; Doughty – motion carries).

C. Mary Hennessey – Informal Conference

Licensee Mary Hennessey was present to attend an informal conference regarding case # 00-03.

Motion: To enter into executive session for the purpose of conducting an informal conference with licensee Mary Hennessey (Leach; Hayes – motion carries).

The Committee entered executive session at 11:43 a.m. and exited executive session at 12:01 p.m.

Upon exiting executive session, the Committee discussed Ms. Hennessey's practice of EMS patient care without a license from July 1, 1999 to January 29, 2000.

Motion: That Licensee Mary Hennessey, Maine EMS license #18673 practiced EMS patient care without a license from July 1, 1999 to January 29, 2000; that said practice is a violation of the Maine EMS Rules (dated September 1, 1996) § 12(A)(17); that the Committee enter into a consent agreement with Ms. Hennessey to resolve case #00-03; that the terms of the consent agreement shall be a \$500.00 fine, all of which is suspended due to the Licensee's personal circumstances, ineligibility of Ms. Hennessey to obtain a Maine EMS license prior to July 1, 2000, and issuance of a conditional license to Ms. Hennessey for a period of three years, with said conditional license stipulating that if Ms. Hennessey fails to comply with the Maine EMS Law and Rules during the term of her probationary license, she shall, at the request of the Board, immediately surrender her Maine EMS license (Hayes; Doughty – motion carries).

D. Francis Chalmers – Informal Conference

Francis Chalmers was present to attend an informal conference regarding case # 00-06.

Motion: To enter into executive session for the purpose of conducting an informal conference with Francis Chalmers (Hayes; Doughty – motion carries).

The Committee entered executive session at 12:29 p.m. and exited executive session at 1:12 p.m.

Upon exiting executive session, the Committee discussed Mr. Chalmer's practice of EMS patient care without a license from February 1, 1997 to March 28, 2000.

Motion: That Licensee Francis Chalmers, Maine EMS license #15818 knowingly practiced EMS patient care without a license from February 1, 1997 to March 28, 2000; that Mr. Chalmers' explanations for practice without a license are not credible; that said practice is a violation of the Maine EMS Rules (dated September 1, 1996) § 12(A)(17); that Mr. Chalmers' completion of refresher training in 1997 and EMT - Intermediate training in 1998 constitute mitigating circumstances in this case; and that, as a disciplinary action to resolve this case, Mr. Chalmers be ineligible to license for a period of 1 year, all but 177 days suspended (Hayes; Doughty – motion carries).

The Committee then discussed Alfred Rescue's involvement as the service with which Mr. Chalmers responded during the time that he practice without an EMS license.

Motion: That Alfred Rescue acted negligently in conducting an ambulance service by aiding and abetting the practice of emergency medical care by Francis Chalmers during the period of time in which Mr. Chalmers was not duly licensed as an EMS provider; that the service violated §§ 12(A)(9) and 12(A)(21) of the Maine EMS Rules (dated September 1, 1996); and that Alfred Rescue receive a written reprimand in this matter (Hayes; Doughty – motion carries).

3. Applications

A. Dan (Foster) Ward – Additional Information

The Committee reviewed additional information received from Mr. Ward - as to his name change and history of convictions - and from the State Bureau of Identification (SBI).

Motion: That Dan Ward's history of criminal convictions and motor vehicle related offenses do not render him ineligible to obtain a Maine EMS license and that Mr. Ward be issued a letter of warning regarding reoccurrence of any criminal conduct or violations (Doughty; Hayes – motion carries).

B. Adam Tower

The Committee reviewed the information provided concerning Mr. Tower's February 1996 conviction for Theft by Unauthorized Taking/Transfer, Class D.

Committee members expressed concern that Mr. Tower's actions leading to the conviction represented an ongoing pattern of deception.

Motion: That based upon the information provided, the Committee finds that Mr. Tower's conduct and actions leading to his conviction for Unauthorized Taking or Transfer, Class D, in February 1996 represented an ongoing pattern of deception and that Mr. Tower would be denied a Maine EMS license were he to apply (Hayes; Doughty - motion carries).

C. Thomas Fraser

The Committee reviewed an application and accompanying documents from Thomas Fraser, who listed a 1994 conviction for Assault, Class D, on his application. Committee members noted that Mr. Fraser had no other history of convictions.

Motion: That Mr. Fraser's 1994 conviction for assault represented an isolated incident and that Mr. Fraser be issued a Maine EMS license and a letter of warning concerning criminal convictions (Hayes; Doughty – motion carries).

4. Other

A. Charles Grindle – Convictions

The Committee reviewed an application and accompanying documents from Charles Grindle, who listed Assault convictions, Class D, on his application. The convictions occurred on March 4, 1999 and on February 29, 2000.

Committee members reviewed the documentation and circumstances of the convictions.

Motion: To enter into a consent agreement with licensee Charles Grindle that provides for the issuance of a conditional license, said condition being that if charges are brought against Mr. Grindle in any state or Federal court within the 3 year period of the agreement he shall immediately surrender his Maine EMS license (Hayes; Doughty – motion carries).

B. Smithfield Rescue/Richard Moore

Staff provided the Committee with information from the Kennebec Valley EMS Office that indicated that Smithfield Rescue and licensee Richard Moore may have practiced EMS patient care during a period of time in which neither the service or Mr. Moore held a valid Maine EMS license.

Motion: To initiate an investigation of Smithfield Rescue and licensee Richard Moore regarding concerns of practice of EMS patient care without a valid Maine EMS license (Hayes; Doughty – motion carries).

C. Jamie Brown

Staff reported that Jamie Brown is applying for the renewal of an EMT-Basic license. Mr. Brown has a history of an Operating Under The Influence offense in 1999.

The Committee also noted that Mr. Brown's license expired in 1998 and asked staff to check on possible instances of unlicensed practice.

D. William Cash

Staff provided the Committee with information indicating that William Cash, Maine EMS license #17835, practiced EMS patient care without a license following the March 31, 2000 expiration of his license. Committee members reviewed the information and noted that Mr. Cash was working as a member of Freeport Rescue – a Maine licensed service involved within the last two years in another “practice without a license” issue involving one of its members.

Motion: To initiate an investigation of licensee William Cash, Maine EMS license #17835, and the Freeport Rescue Service regarding Mr. Cash's practice of EMS patient care as a member of the

Freeport Rescue Service during a period of time in which he did not hold a valid Maine EMS license (Doughty; Hayes – motion carries).

E. Barry Nickelsburg

Staff reported that it had received a letter written by Paramedic Barry Nickelsburg to a patient whom he had treated. The letter was forwarded to this office – on behalf of the patient - by a technician at Southern Maine Medical Center who expressed concern as to the content of the letter.

The Committee reviewed the contents of the letter and received information as to Mr. Nickelsburg's subsequent interactions with the patient whom he had treated.

Motion: To initiate an investigation of licensee Barry Nickelsburg concerning the May 22, 2000, letter he sent to a patient whom he had treated and regarding Mr. Nickelsburg's subsequent interactions with that patient (Hayes; Doughty – motion carries).

F. Donald Davidson – Conviction

Staff reported that an application had been received from Donald Davidson in which he indicated a history of conviction for Assault, Class D, in 1994.

The Committee reviewed the application and information obtained from the SBI report.

Motion: That Donald Davidson's history of a criminal conviction does not render him ineligible to obtain a Maine EMS license and that Mr. Davidson be issued a license and a letter of warning regarding reoccurrence of any criminal conduct or violations (Doughty; Hayes – motion carries).

G. Todd Levesque & Paul Morrison

Staff reported that Raymond Parent, Chief of the Sanford Fire Department had contacted Maine EMS about two Sanford Fire Department EMTs, Todd Levesque and Paul Morrison whose licenses had expired on March 31, 2000. Chief Parent was present at the meeting to answer any questions from the Committee.

Staff indicated that run reports had been received from the Maine Health Information Center (MHIC) indicating both men's involvement in EMS calls during the time they did not hold a valid EMS license.

Motion: To initiate investigations of licensee Todd Levesque, Paul Morrison and the Sanford Fire Department regarding the practice of EMS patient care without a valid license by Todd Levesque and Paul Morrison while responding as members of the Sanford Fire Department (Hayes; Leach – motion carries).

Committee members noted that both men had recently submitted applications and that they had met the training and testing requirements for relicensure.

Motion: To approve the applications for EMS license renewal of Todd Levesque and Paul Morrison (Hayes; Doughty – motion carries).

The Committee thanked Chief Parent for his attendance and assistance in the matter

H. Update on Current Cases

Staff updated the Committee on current investigations

5. Next Meeting

The Chair and Staff will determine the date and time of the next meeting.

6. Adjourn – The meeting was adjourned at 3:35 p.m.

Respectfully submitted,

Drexell White,
Licensing Agent