**16 DEPARTMENT OF PUBLIC SAFETY**

**163 BUREAU OF EMERGENCY MEDICAL SERVICES (MAINE EMS)**

**CHAPTER 11: STANDARDS AND PROCEDURES FOR REFUSING TO ISSUE, OR**

 **RENEW, A LICENSE, AND FOR MODIFYING, SUSPENDING, OR**

 **REVOKING A LICENSE**

1. The Board may refuse to issue or renew a license, or may modify, suspend, or revoke a license, if an applicant or licensee engages, or attempts to engage in any of the following, which shall be considered unprofessional conduct:
2. Obtaining a license or certification by fraud, by deceit, by misrepresentation, or by concealing material facts.
3. Violating a lawful order, rule or consent agreement of the Board.
4. Violating any of the provisions of 32 M.R.S.A, Chapter 2-B.
5. Any criminal conviction, subject to the limitations of Maine statute.
6. Acting in ways that are dangerous or injurious to the licensee or other persons.
7. Renting, selling, bartering, or lending a license to another person.
8. Responding to the scene of a call while under the influence of drugs or alcohol, whether or not the use of such substances is habitual.
9. Initiating the transport of a person, knowing that the person does not need to be transported, or treating a person knowing the person does not need to be treated, when the primary purpose of the action is to collect a fee or charge.
10. Obtaining a fee by fraud, deceit, or misrepresentation.
11. Responding to the scene of an accident or incident to which the licensee has not been dispatched, when there is reason to believe that another licensee has been or will be called to that scene and refusing to turn over the care of the patient to the responsible service when it arrives.
12. Failing to provide patient information to a hospital or other health care facility in response to an authorized request.
13. Disclosing or causing to be disclosed confidential patient information to an unauthorized person or using confidential patient information for personal or unauthorized financial benefit.
14. Engaging in conduct prohibited by law, other than conduct that falls within the following categories and is not related to the practice: minor traffic violations; minor civil violations; and conduct that could be charged as Class E crimes under Maine law.
	1. Possession of a useable amount of marijuana in violation of 22 M.R.S.A §2383 is not considered a minor civil violation.
15. Violation of any standard established in the profession.
16. Inaccurate recording of material information or falsifying or improperly altering a patient or healthcare provider record.
17. Exploiting the provider-patient relationship for the purpose of personal or financial gain by the licensee or by a third party including, but not limited to, promoting or selling services, goods, appliances or drugs.
18. Diverting drugs, supplies or property of patients, patient’s families, services, or healthcare providers.
19. Possessing, obtaining, furnishing, or administering prescription drugs, equipment or supplies to any person, including one’s self, except as directed by a person authorized by law to prescribe such items.
20. Impersonating another licensed practitioner.
21. Impersonating any applicant or licensee or acting as proxy for the applicant or licensee in any licensing exam.
22. Acting negligently or neglectfully when caring for or treating a patient.
23. Losing certification or license when the certification or license is a necessary condition of licensure. For instance, a person licensed in Maine on the basis of training obtained in another state would lose his Maine license if the other state revoked his or her certification or license.
24. Acting negligently or neglectfully in conducting an ambulance service.
25. Acting negligently or neglectfully in conducting a Maine EMS continuing education program or licensure program.
26. Altering or falsifying documents used or intended to be used to obtain a course card or certificate.
27. Operating an ambulance or EMS vehicle that is not licensed or authorized by the Board.
28. Using or attempting to use as a valid license one that has been purchased, counterfeited materially altered, or obtained by fraud, deceit, or misrepresentation.
29. Transferring a license from one vehicle to another without the consent of the Board.
30. Willfully making a false statement in an application for a license or renewal of a license, or in any activity or documents intended to be used to satisfy a requirement for licensure.
31. Providing treatment or emergency medical dispatch services at a level for which a person is not licensed or for which a service is not licensed or permitted.
32. The practice of fraud, deceit, misrepresentation, or the concealment of material facts in connection with service rendered within the scope of the license issued.
33. Misuse of drugs, including alcohol, or other substances, the use of which has resulted or may result in the licensee performing his or her duties in a manner that endangers the health or safety of his or her patients or students.
34. Aiding or abetting the practice of emergency medical treatment by a person not duly licensed under 32 M.R.S.A., Chapter 2-B.
35. Delegation of practice, skills, treatment, or educational instruction to a person who is not licensed or qualified to perform said practice, skills or treatment.
36. Abandonment or neglect of a patient.
37. Causing physical or emotional injury to a patient as a result of a violation of the applicable standard of care.
38. Failing to safeguard the patient’s dignity and right to privacy in providing services regardless of race, creed, color, sexual orientation, gender, or socio-economic status.
39. Sexual misconduct as defined in Chapter 14 of these Rules.
40. Providing instruction at a level for which a person is not licensed.
41. Providing instruction at a level for which a Training Center is not authorized or licensed to provide.
42. Aiding or abetting the practice of instruction by a person not duly licensed as a Maine EMS Instructor Coordinator, when a licensed Instructor Coordinator is required.
43. Violating any of the requirements of the Training Center Standards.
44. Failure to provide program or course documentation when required or requested by Maine EMS.
45. Inaccurate recording of material information or falsifying or improperly altering an emergency medical dispatch record.
46. Acting negligently or neglectfully in the provision of emergency medical dispatch services to a caller or patient.
47. Acting negligently or neglectfully in conducting an Emergency Medical Dispatch Center.
48. Providing emergency medical treatment or emergency medical dispatch services when not licensed to do so.
49. Aiding or abetting the practice of emergency medical dispatch services by a person not duly licensed as a Maine EMS Emergency Medical Dispatcher.
50. Failing to participate in Maine EMS approved quality assurance activities.
51. Failure to comply with continuing education requirements for license renewal.

AUTHORITY: 32 M.R.S., Chapter 2-B.

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 December 25, 1982 - Sec. 2.31, 3131, 6.311, 6.63 and 6.73

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 April 30, 1985 - Sec. 1, 2.846.222, 6.332, 9.313, 8.3216 and 9.11

 January 1, 1986 - Sec. 1, 6. 8.15, 8.2, 8.3, 8.4 and 11.103

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