



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

PAUL R. LEPAGE
 GOVERNOR

KIM ESQUIBEL, Ph.D., M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: SAMUEL A. ACHA, RN
 of Gray, ME
 License No. RN63493

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**CONSENT AGREEMENT
 FOR
 WARNING**

Complaint 2017-126

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. § 8008, the Legislature provided that the sole purpose of the Board is to “protect the public health and welfare” and that “other goals or objectives may not supersede this purpose.”

This document is a Consent Agreement (“Agreement”) regarding Samuel Acha’s license as a registered nurse (“RN”) in the State of Maine. The parties to this Agreement are Samuel Acha (“Mr. Acha”), the Maine State Board of Nursing (“the Board”), and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A and 10 M.R.S. § 8003(5) to resolve Complaint 2017-126.

FACTS

1. Mr. Acha was first licensed to practice as an RN in Maine on May 23, 2013.
2. On October 21 2016, Mr. Acha removed a facility laptop from Saint Joseph’s Rehabilitation & Residence without approval and brought it to his home. When questioned about the missing laptop, Mr. Acha did not disclose that he had taken it. On November 9, 2016, the Portland police were able to “ping” the laptop IP address to Mr. Acha’s residence. On January 25, 2017, Mr. Acha sent an email to Saint Joseph’s to acknowledge that he may have brought the laptop home while studying for his nurse practitioner exam. On January 26, 2017, at 11:00 p.m. Mr. Acha came to the facility wearing a backpack. He was not scheduled to work that day. On January 27, 2017, Mr. Acha produced the laptop in a meeting with human resources.
3. Board staff docketed this information as Complaint 2017-126.
4. In response to the Complaint, Mr. Acha admitted that he removed the laptop without approval, but asserted that he did so accidentally during a stressful and busy time. He stated he had been using the laptop at work to study for his nurse practitioner exam, and accidentally placed it in his bag and took it home. Mr. Acha stated that he returned the laptop during the next shift he had scheduled, which was three days after he removed the laptop. He further explained that he returned the laptop to a different unit from where he removed it.
5. On May 1, 2017, Mr. Acha submitted his timely RN renewal application.
6. Following review at its June 7-8, 2017 meeting, the Board voted to preliminarily deny Mr. Acha’s RN renewal application and to offer Mr. Acha a consent agreement.
7. Absent Mr. Acha’s acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 **on or before July 23, 2017**, the Board will schedule this matter for an adjudicatory hearing. Subsequent to adjudicatory proceedings, the Board could make findings beyond those contained above and could also impose greater adverse action including fines or revocation of Mr. Acha’s license.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

AGREEMENT

8. Mr. Acha admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against his Maine nursing license under the following statutes and rules:
 - 32 M.R.S. § 2105-A(2)(F) and (H), for engaging in unprofessional conduct as defined by the Board and violating a rule of the Board by diverting property of a health care provider (Board Rule Ch. 4 § 3(P)); and
 - 32 M.R.S. § 2105-A(2)(F) for engaging in unprofessional conduct by failing to demonstrate honesty and to create, maintain and contributed to morally good environments as required by the Code of Ethics for Nurses § 6.1.
9. As discipline for the violations admitted to above Mr. Acha agrees to accept a **WARNING**.
10. The Board and Mr. Acha agree that no further agency or legal action will be initiated against him by the Board based upon the specific violations admitted to herein, except or unless he fails to comply with the terms and conditions of this Agreement. The Board may, however, consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Mr. Acha. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Mr. Acha.
11. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only in writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Mr. Acha may file a written request, together with any supporting documentation, to modify the terms and conditions of this Agreement. The Board retains the sole discretion to: (a) deny Mr. Acha's request; (b) grant Mr. Acha's request; and/or (c) grant Mr. Acha's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Mr. Acha's request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
12. The Board and the Office of the Attorney General may communicate and cooperate regarding Mr. Acha's practice or any other matter relating to this Agreement.
13. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.
14. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank ("NPDB").
15. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
16. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
17. Upon execution of this agreement, Mr. Acha's RN license will be renewed.
18. Mr. Acha acknowledges by his signature hereto that he has read this Agreement, that he has had an opportunity to consult with an attorney before executing this Agreement, that he has executed this Agreement of his own free will, and that he agrees to abide by all the terms and conditions set forth in this Agreement.

[Signature Page to Follow]

DATED: 06/24/2017

SAMUEL ACHA ACHA
SAMUEL ACHA ACHA
LICENSEE SAMUEL A. ACHA, RN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 6/24/17

KIM ESQUIBEL
KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 6-27-17

LAUREN F. LAROCHELLE
LAUREN F. LAROCHELLE
Assistant Attorney General

RECEIVED
JUL 3 2017
MAINE STATE
BOARD OF NURSING