



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

PAUL R. LEPAGE
 GOVERNOR

KIM ESQUIBEL, PhD, M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: LISA D. AUSTIN)
 of Sanford, ME)
 License No. RN67052)
)
Complaint Nos. 2017-428, 2018-18, 2018-89, and)
2018-90)

**CONSENT AGREEMENT
 SURRENDER**

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 Lisa Dawn Austin’s license to practice as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Lisa Dawn Austin (“Ms. Austin”), 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) in order to resolve Complaint Nos. 2017-428, 2018-18, 2018-89, and 2018-90.

FACTS

1. Ms. Austin was first licensed to practice as an RN in Maine by endorsement on August 31, 2015.
2. On March 28, 2107, Ms. Austin entered into a consent agreement with the Board and the Office of the Attorney General, State of Maine, wherein she admitted to violating the terms of her previous consent agreement dated August 23, 2016.
3. Ms. Austin’s 2017 consent agreement made her license probationary for one year. The terms of Ms. Austin’s probation required her to: update the Board with any employment changes within five business (5) days, ensure that her nurse supervisor and treatment providers submitted quarterly reports to the Board, remain substance-free, and continue with her Maine Medical Professionals Health Program (“MPHP”) contract, which included monitoring and random alcohol and drug testing.
4. Ms. Austin’s 2017 consent agreement also stated that her license would be immediately and summarily suspended upon the Board receiving reasonably reliable information suggesting that she has not remained substance-free and that her license would remain suspended pending the outcome of an adjudicatory hearing that would be held within 60 days of the commencement of the summary suspension.
5. In addition, Paragraph 11 of the 2017 consent agreement provides that “[v]iolation of any of the terms or conditions of this Agreement by Ms. Austin shall constitute unprofessional conduct and shall be grounds for discipline, including but not limited to modification, suspension, or revocation of licensure.”
6. On June 2, 2017, Ms. Austin’s nursing license expired.
7. Ms. Austin began working for Seal Rock Healthcare in Saco, Maine (“Seal Rock”) on June 16, 2017.
8. On June 23, 2017, Ms. Austin submitted a license renewal application and a Probation Compliance Update Form.
9. On June 27, 2017, Ms. Austin’s license was reinstated.



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

PHONE: (207) 287-1133

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10. On August 21, 2017, the Board requested information from Ms. Austin regarding whether she practiced as a nurse at Seal Rock while her license was lapsed. The Director of Nursing at Seal Rock confirmed that Ms. Austin engaged in the practice of nursing by charting, among other things, vital signs, assessments, behaviors, skin checks, and wound monitoring on various patients' electronic medical charts.
11. As a result of receiving this information, the Board initiated a complaint against Ms. Austin's nursing license; Board staff docketed the complaint as 2017-428.
12. On August 21, 2017, Board staff sent Ms. Austin a letter stating that her 2016 consent agreement required her to ensure that quarterly reports from her nursing supervisor and treatment providers were submitted to the Board and that her first reports were due by September 30, 2017.
13. As a result of the Board not receiving quarterly reports for Ms. Austin in September or December of 2017, the Board initiated a complaint against Ms. Austin's nursing license; Board staff docketed the complaint as 2018-18.
14. On February 11, 2018, Ms. Austin resigned from her employment at Seal Rock. Ms. Austin did not notify the Board of this employment change.
15. On February 19, 2018, Ms. Austin began working for St. Andre Health Care ("St. Andre") in Biddeford, Maine.
16. While working overnight at St. Andre from March 16-17, 2018, Ms. Austin appeared disheveled and visibly intoxicated. Ms. Austin had slurred speech, difficulty walking, and smelled very strongly of alcohol.
17. Ms. Austin ingested an Ativan and another prescription medication prior to starting work at 7pm on March 16th. Ms. Austin ingested another Ativan and drank liquor from her coffee mug while at work.
18. On March 19, 2018, St. Andre Health Care faxed the Board a letter which stated that Ms. Austin was impaired at work and that she admitted to consuming alcohol at work.
19. As a result of receiving this information, the Board initiated a complaint against Ms. Austin's nursing license; Board staff docketed the complaint as 2018-89.
20. On March 19, 2018, the Board suspended Ms. Austin's RN license pursuant to the terms of the March 28, 2017 consent agreement, and initiated a complaint against Ms. Austin's license; Board staff docketed this complaint as 2018-90.
21. Following review of complaints 2018-18, 2018-89, and 2018-90 at its March 28-29, 2018 meeting, the Board voted to offer Ms. Austin this Agreement.
22. Absent Ms. Austin's acceptance of this Agreement by signing, dating, and returning it to the State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 **on or before May 12, 2018**, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action in this matter including the suspension or revocation of Ms. Austin's license.

AGREEMENT

23. Ms. Austin admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license pursuant to:
 - 32 M.R.S. §2105-A(2)(H) for violating a provision of Title 32, Chapter 31, specifically 32 M.R.S. §2106(3), by practicing professional nursing or practical nursing as defined by 32 M.R.S. §§ 2102(2) and (3) without a license to do so;
 - 10 M.R.S. §8003(5)(A-1)(4) for failing to comply with conditions of probation imposed by the Board;

32 M.R.S. §2105-A(2)(F) for unprofessional conduct for failing to comply with terms and conditions of a consent agreement; and

32 M.R.S. §2105-A(2)(B) & (H) for the misuse of alcohol that has resulted or may result in performing services in a manner that endangers the health or safety of patients (Board Rules, Ch. 4, §3(O).

24. As discipline for the violations admitted to above, Ms. Austin agrees to **SURRENDER** her Maine RN license, effective upon the date of the final execution of this Agreement. Ms. Austin understands and agrees that as a result of surrendering her license, she no longer has a nursing license and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to reinstate her license. Ms. Austin understands and agrees that upon receiving her request to reinstate her Maine nursing license, the Board shall have the sole discretion to grant or deny such a request or to grant her licensure with probation and conditions as it determines appropriate to protect the public.
25. Prior to the Board's consideration of license reinstatement, Ms. Austin agrees to submit evidence of one year of sobriety, documented by monitoring through Maine Medical Professionals Health Program or a similar program, preapproved by the Board's Executive Director.
26. Violation of any of the terms or conditions of this Agreement by Ms. Austin shall constitute unprofessional conduct and shall be grounds for discipline including, but not limited to, modification, suspension, or revocation of licensure or the denial of licensure renewal.
27. This Agreement is not appealable and is effective until modified or terminated by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only by written agreement and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Ms. Austin 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 Ms. Austin's request; (b) grant Ms. Austin's request; and/or (c) grant Ms. Austin's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Ms. Austin's request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
28. The Board and Ms. Austin agree that no further agency or legal action will be initiated against her license by the Board based upon the specific violations admitted to herein, except or unless she 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 Ms. Austin and this Agreement may be introduced as evidence in any future adjudicatory hearing involving Ms. Austin. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Ms. Austin.
29. The Board and the Office of the Attorney General may communicate and cooperate regarding Ms. Austin's practice or any other matter relating to this Agreement.
30. 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.
31. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank ("NPDB").
32. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
33. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
34. Ms. Austin acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement.

35. Ms. Austin further acknowledges that she has executed this Agreement of her own free will, and that she agrees to abide by all the terms and conditions set forth in this Agreement.

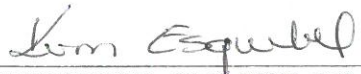
DATED: 5/14/18



LICENSEE LISA D. AUSTIN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 5/21/18



KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 5/23/18



MEGAN M. HUDSON, ESQ.