



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

JOHN ELIAS BALDACCI
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

**IN RE: LISA. A. MCMAINS)
 of So. Portland, Maine)
 License # R038957)** **CONSENT AGREEMENT
 FOR VOLUNTARY
 SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding Lisa. A. McMains' license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (C) and 10 M.R.S.A. § 8003(5) (B). The parties to this Consent Agreement are Lisa. A. McMains ("Ms. McMains" or "Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of a Complaint or Provider Report dated October 24, 2006, with information from Maine Medical Center ("MMC") dated September 19, 2006, October 10, 2006 and November 21, 2006. In reaching this Agreement the Board also relied on information from Maine Medical Partners, through faxes, dated August 29, 2007 and September 25, 2007; and, information from VNA Home Health Care, through faxes, dated August 27, 2007 and August 31, 2007. The Board also reviewed and considered Ms. McMains' response to the information from MMC. The compilation of this information is incorporated within this Agreement and attached as Exhibit A.

FACTS

1. Lisa. A. McMains has been licensed as a registered professional nurse to practice in Maine since 1995.
2. On or about October 5, 2006, Ms. McMains was terminated as a registered professional from Maine Medical Center because issues surrounding her narcotic administration practices. Exhibit A.
3. On or about August 28, 2007, Ms. McMains was placed on suspension from her employer, VNA Home Health Care pending an investigation on allegations of drug diversion and alleged violations of professional boundaries. Exhibit A.
4. On September 27, 2007, the Board summarily suspended Ms. McMains' registered professional license based upon the information contained in Exhibit A, and concluded that pursuant to 5 M.R.S.A. § 10004 (3), Ms. McMains' behavior failed to conform to legal standards and accepted standards of the nursing profession, and such conduct was substantially related to the qualifications, functions or duties of a registered professional nurse, and that her conduct reflects adversely on the health and welfare of the public, such that, the licensee and the public she serves is in immediate jeopardy at the time of the Board's action, and



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acting in accordance with subchapter IV or VI of Title 5 of the Maine Revised Statutes Annotated would fail to respond to a known risk. A final hearing on this matter was to be scheduled for October 31, 2006.

5. Lisa. A. McMains has offered to voluntarily surrender her registered professional nurse license, License No. R038957, in lieu of an adjudicatory hearing before the Board.

AGREEMENT

6. The Maine State Board of Nursing will voted to accept Lisa. A. McMains' offer to voluntarily surrender her registered professional nurse license, License No R038957.
7. Lisa. A. McMains neither admits nor denies the facts contained herein; however, she acknowledges and understands that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, that it is more likely than not that the facts would support the Board's findings in this Consent Agreement.
8. Lisa. A. McMains understands that based upon the above-stated facts this document imposes discipline regarding her license to practice professional nursing in the State of Maine. The grounds for discipline are for violations under 32 M.R.S.A. § 2105-A(2)(A), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(K), 3(P), 3(Q) and 3(U) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. "A. The practice of fraud or deceit in . . . connection with service rendered within the scope of the license issued." See also Chapter 4, Section 1.A.1.
 - b. "F. Unprofessional Conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed." See also Chapter 4, Section 1.A.6.
 - c. "H. A violation of this chapter or a rule adopted by the board." See also Chapter 4, Section 1.A.6.
 - d. Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, as "nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of

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the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:

“F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.”

“K. Inaccurate recording, falsifying or altering a patient or health care provider record.”

“P. Diverting drugs, supplies or property of patients or health care provider.”

“Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.”

“U. Engaging in behavior that exceeds professional boundaries . . .”

9. Lisa. A. McMains agrees and understands that her license will remain on surrender status and subject to the terms of this Consent Agreement indefinitely until and unless the Board, at Ms. McMains' written request, votes to reinstate Ms. McMains's license. Ms. McMains agrees and understands that if the Board reinstates her license, it will be for a probationary period.
10. Lisa. A. McMains understands that this document is a Consent Agreement that affects her rights to practice professional nursing in Maine and party states in the Nurse Licensure Compact. Ms. McMains understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement.
11. Lisa. A. McMains shall not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation, R.N., including, in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. McMains is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
12. Modification of this Consent Agreement must be in writing and signed by all parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

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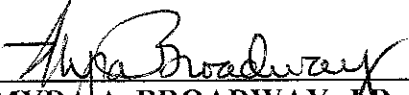
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14. Lisa. A. McMains affirms that she executes this Consent Agreement of her own free will.
15. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, LISA A. MCMAINS, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 10/19/07 
LISA A. MCMAINS

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: 11/5/07 
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 11/6/07 
JOHN H. RICHARDS
Assistant Attorney General