



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

PAUL R. LePAGE
 GOVERNOR

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

IN RE: JEANNIE M. PROVENCHER, RN)
 of North Berwick, ME)
 License #R021003)

**CONSENT AGREEMENT
 FOR VOLUNTARY SURRENDER
 OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Jeannie M. Provencher’s license as a registered professional nurse in the State of Maine. The parties to this Agreement are Jeannie M. Provencher (“Licensee” or “Ms. Provencher”), Maine State Board of Nursing (“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 (1-A) (C), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S. § 8003 (5) (D). The Licensee was scheduled to meet with the Board in an informal conference on October 6, 2010, but has requested that the Board accept her offer to surrender her nursing license. The parties reached this Agreement on the basis of 1) a Board Notice of Complaint/Provider Report dated January 30, 2009 with information from the Barron Center dated January 21, 2009; 2) the Licensee’s response dated March 19, 2009; 3) a Board Notice of Complaint dated October 22, 2009 with information from the New Hampshire Board of Nursing dated October 13, 2009; and 4) the Licensee’s response dated March 19, 2009, received December 3, 2009.

FACTS

1. Licensure History. Jeannie M. Provencher has been licensed to practice in Maine as a registered professional nurse since August 1977. In January 1979, she placed her Maine nursing license on Inactive status; it was reactivated in December 1984. In December 1985, the license lapsed. Ms. Provencher reinstated her Maine license in January 2008 and subsequently renewed in October 2009, with an expiration date of December 16, 2011.
2. Jeannie M. Provencher was hired as a registered professional nurse by the Barron Center on October 20, 2008. She was terminated within her six-month probationary period on December 1, 2008 regarding narcotic medication errors and failure to inform her supervisor of these errors in a timely fashion. Ms. Provencher was put on administrative leave until the Director of Nursing could meet with her. At the subsequent meeting, Ms. Provencher admitted she did not follow Barron Center policy and procedure regarding medication administration, but felt it was important for her to administer medications to the residents within the scheduled time frame. A second incident also involved the administration and documentation omission of a prn narcotic.
3. Jeannie M. Provencher was licensed by the New Hampshire Board of Nursing through endorsement application on November 22, 1978. The New Hampshire Board revoked her license on December 23, 1985 for unprofessional conduct regarding the Licensee’s admitted failure to follow proper recording policy and procedure, e.g., medication errors, failure to document, and documenting medications that were, in fact, not administered.
4. Jeannie M. Provencher failed to disclose her discipline in New Hampshire when she reinstated her Maine nursing license on January 15, 2008.
5. Jeannie M. Provencher wishes to resolve this matter by surrendering her registered professional nurse license, thereby waiving her right to an adjudicatory hearing.



PRINTED ON RECYCLED PAPER

AGREEMENT

6. The Maine State Board of Nursing will accept Jeannie M. Provencher's offer to voluntarily surrender her registered professional nursing license. Ms. Provencher understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. The grounds for discipline are found under Title 32 M.R.S. § 2105-A (2) (A), (2) (E), (2) (F), (2) (H) and Chapter 4.1.A.1., 4.1.A.5., 4.1.A.6., 4.1.A.8., 4.3.F. and 4.3.K. of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
- a. 32 M.R.S. § 2105-A (2) (A). The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued. (See also Rule Chapter 4, Section 1.A.1.)
 - b. 32 M.R.S. § 2105-A (2) (E). Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:
 - (1) Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public; or
 - (2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed. (See also Rule 4, Section 1.A.5.a. and 1.A.5.b.)
 - c. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Provencher has engaged in unprofessional conduct which violates a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - d. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)
 - e. Rule Chapter 4, Section 3. Unprofessional Conduct: *Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*
 - F. Ms. Provencher failed to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
 - K. Ms. Provencher inaccurately recorded a patient or health care provider report.
7. Jeannie M. Provencher understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Provencher understands and agrees that if the Board reinstates her license, it may be for a probationary period.
8. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Provencher's "Home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other Party states in the Compact are referred to as "Remote states," which means Party states other than the Home state that have adopted the Compact. Ms. Provencher understands this Consent Agreement is subject to the Compact.

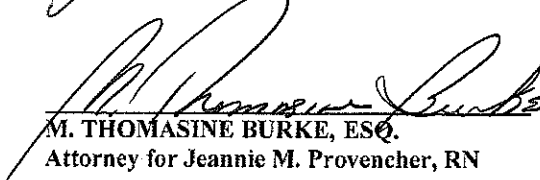
9. Jeannie M. Provencher understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
10. Jeannie M. Provencher shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation "RN" while her nursing license is surrendered.
11. 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.
12. Modification of this Agreement must be in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. Jeannie M. Provencher affirms that she executes this Agreement of her own free will.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, JEANNIE M. PROVENCHER, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 03/13/2011


JEANNIE M. PROVENCHER, RN

DATED: 5/3/11


M. THOMASINE BURKE, ESQ.
Attorney for Jeannie M. Provencher, RN

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 5/8/11


MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 5/10/11


JOHN H. RICHARDS
Assistant Attorney General