



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

ANGUS S. KING, JR.
 GOVERNOR

JEAN C. CARON, M.S., R.N.
 EXECUTIVE DIRECTOR

In re:)
Florence C. Annear, R.N.) **CONSENT AGREEMENT**
 of Minot, Maine) **AND CENSURE**
 License #R013357)

INTRODUCTION

This document is a Consent Agreement regarding Florence C. Annear's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and 10 M.R.S.A. Section 8003(5)(B). The parties to this Consent Agreement are: Florence C. Annear, R.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine.

By letter dated October 26, 1995, Ms. Annear was advised by the Board that it had received letters dated September 8 and 21, 1995 from David Hamlin, Director of Professional Services for North Country Associates, and a letter dated September 29, 1995, from Christine Gianopoulos, Director of the Bureau of Elder and Adult Services, Maine Department of Human Services, indicating that Ms. Annear may have violated 32 M.R.S.A. Section 2105-A(2)(E), (2)(F) and (2)(H), and indicating that Ms. Annear had been terminated from employment at Russell Park Manor. The Board subsequently requested that Ms. Annear attend an informal conference pursuant to 32 M.R.S.A. Section 2105-A(1-A). The informal conference was held on May 2, 1996. Ms. Annear was present and was represented by Linda S. Crawford, Esq. This Consent Agreement is a result of that informal conference.

FACTS

1. Ms. Annear was terminated from her employment as Director of Nursing at Russell Park Manor for the failure of the Nursing Department to meet acceptable practice standards.
2. The initial report from the Department of Human Services to the Board concerned Ms. Annear's alleged failure to report to the Department of Human Services neglect of residents at Russell Park Manor..
3. Ms. Annear failed to recognize conditions that the Department of Human Services found to be resident neglect.
4. The facility's staffing levels were mandated by the facility's Administrator, and were not based on resident acuity.
5. Ms. Annear recognized the inadequate staffing and reported this repeatedly to the Administrator.
6. Ms. Annear requested staffing assistance from nursing agencies but was denied this assistance by the Administrator. She made extensive attempts to recruit staff.
7. Ms. Annear has been licensed as a registered nurse since 1965.

8. Ms. Annear states that she made no report to the licensing authorities at the Department of Human Services.
9. Ms. Annear states that she did not perceive the patient care problems to be of the magnitude that the Department of Human Services reported to the Board.
10. Representatives of North Country Associates, which took over the facility as receiver, stated that they found the problems to be as serious as the Department of Human Services reported to the Board.
11. The facility was placed under receivership because of serious resident care issues.
12. There was an unusual level of staff turnover during the six months prior to the initiation of the receivership.
13. Ms. Annear's study showed that the level of acuity of the residents had been increasing since January of 1995.
14. There was documented resident harm as a result of the conditions at the facility.

COVENANTS

Based on the above facts, the Board voted to enter into an agreement with Ms. Annear under which she will be, and she hereby is, **CENSURED** for her actions in this matter. Specifically, the parties agree that Ms. Annear violated 32 M.R.S.A. Section 2105-A(2)(F) and Chapter 4, Section 3(F) of the Board's Rules by failing to take appropriate action or follow policies and procedures in the practice situation to safeguard the patient. Ms. Annear is advised to conform her future conduct accordingly. The Board agrees to take no further action up these facts.

Ms. Annear understands that this document is a Consent Agreement which concerns her legal right to practice professional nursing in Maine. This Consent Agreement may be amended only in writing, signed by all parties. Ms. Annear understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. Annear affirms that she executes this Consent Agreement of her own free will.

DATED: 11-26-96

Florence C. Annear, R.N.
FLORENCE C. ANNEAR, R.N.

DATED: 12/5/96

FOR THE MAINE STATE BOARD OF NURSING:
Jean C. Caron
JEAN C. CARON, M.S., R.N.
Executive Director

DATED: 12/5/96

FOR THE DEPARTMENT OF ATTORNEY GENERAL:

Timothy W. Collier
TIMOTHY W. COLLIER
Assistant Attorney General
Counsel to the Board