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GOVERNOR

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

KIM ESQUIBEL, PhD, MSN, RN
EXECUTIVE DIRECTOR

IN RE: AMANDA M. BATES, LPN)
of Berwick, ME)
License No. LPN12675) CONSENT AGREEMENT
FOR
SURRENDER

Complaint 2016-14

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 Amanda M. Bates’s license as a licensed practical nurse (“LPN”) in the State of Maine. The parties to this Agreement are Amanda M. Bates (“Ms. Bates”), 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(1-A)(C) and 10 M.R.S. § 8003(5)(B) and (D) in order to resolve Complaint 2016-21.

FACTS

1. Amanda M. Bates was first licensed to practice as an LPN in Maine by endorsement on April 4, 2008.
2. On January 19, 2016, the Board initiated its own complaint against Ms. Bates on the basis of information from the New Hampshire Board of Nursing concerning her New Hampshire nursing license. According to information received on January 20, 2016 from St. Ann Rehabilitation and Nursing Center (“St. Ann”) in Dover, New Hampshire, Ms. Bates told her physician that she had taken medications from residents during her shift when they declined the medications. Ms. Bates later confessed to the St. Ann administrator that she had taken medication, including Ativan (lorazepam), Klonopin (clonazepam), liquid morphine, and OxyContin (oxycodone), from four different residents.
3. As a result of receiving this information, the Board initiated a complaint against Ms. Bates’s Maine nursing license; Board staff docketed the Complaint as 2016-14.
4. On February 19, 2016, the Board received Ms. Bates’s response to its complaint. Following injuries sustained during a car accident in October 2015, Ms. Bates became dependent on pain and anxiety medications. She took prescribed “as needed” medications for pain and anxiety from residents at the St. Ann facility when they refused the medications. However, she signed the Medication Administration Record as though the resident received the medication. Ms. Bates then took the medications home with her when her shift ended. This occurred approximately five or six times and involved Ativan (lorazepam), Klonopin (clonazepam), and OxyContin (oxycodone). Ms. Bates also admitted to having a substance abuse addiction.
5. The Board summarily suspended Ms. Bates’s license to practice as an LPN as a result of Board Complaint 2016-14, as referenced in the “Order of Immediate Suspension of License as a Licensed Practical Nurse,” effective February 23, 2016.
6. The State of Maine and the State of New Hampshire are “party states” that have adopted the Nurse Licensure Compact (“Compact”), which is set out in Chapter 11 of the Board Rules. The State of Maine is Ms. Bates’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 principal home for legal purposes relating to 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



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Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Bates is using her multi-state privilege to practice under the Compact in New Hampshire. Pursuant to Board Rules, Chapter 11, Article V(D), the licensing board of the home state can give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state.

7. Absent Ms. Bates's acceptance of this Agreement by signing and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 **on or before March 24, 2016**, the Board will take further action. In the absence of an agreement the Board could impose, subsequent to adjudicatory proceedings, findings beyond those contained above and could also impose greater adverse action including costs of a hearing or the suspension or revocation of Ms. Bates's license.

AGREEMENT

8. Ms. Bates admits to the Facts as stated above and 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)(A), for the practice of fraud or deceit in connection with service rendered within the scope of the license issued;

32 M.R.S. § 2105-A (2)(B), for misusing alcohol, drugs, or other substances that may result in the licensee performing services in a manner that endangers the health or safety of patients;

32 M.R.S. § 2105-A (2)(F), for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which the licensee is licensed; and

32 M.R.S. § 2105-A (2)(H), for unprofessional conduct as specified in:

Board Rules, Ch. 4, § 3(F), by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient;

Board Rules, Ch. 4, § 3(K), by inaccurately recording, falsifying, or altering a health care provider record;

Board Rules, Ch. 4, § 3(P), by diverting drugs, supplies, or property of patients or a health care provider; and

Board Rules, Ch. 4, § 3(Q), by possessing, obtaining, furnishing, or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

9. As discipline for the conduct cited in Paragraph 8 above, Ms. Bates agrees to **SURRENDER** her Maine LPN license, effective on the date of the final execution of this Agreement. Ms. Bates 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. Bates understands and agrees that upon receiving her request to reinstate her Maine LPN 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.
10. This Agreement is not appealable. 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. Any decision by the Board as a result of Ms. Bates's request to modify this Agreement need not be made pursuant to a hearing.
11. The Board and the Attorney General may communicate and cooperate regarding Ms. Bates's practice or any other matter relating to this Agreement.

12. 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.
13. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB).
14. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
15. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
16. Ms. Bates 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, 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: 24 MAR 16

Amanda M. Bates LPN
LICENSEE AMANDA M. BATES, LPN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 3/25/2016

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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 3/29/16

Katie Johnson
KATIE JOHNSON
Assistant Attorney General

