



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

ANGUS S. KING, JR.
 GOVERNOR

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

IN RE: DANA E. BOUCHER) **CONSENT AGREEMENT**
 of Biddeford, Maine) **FOR DISCIPLINE AND DENIAL**
 License #R028629) **OF REINSTATEMENT**

INTRODUCTION

This document is a Consent Agreement denying reinstatement of Dana E. Boucher's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. § 2105-A and 10 M.R.S.A. § 8003(5)(B). The parties to this Agreement are Dana E. Boucher, the Maine State Board of Nursing ("Board") and the Department of Attorney General. The parties reached this Agreement following an informal conference held on October 21, 1998 regarding a letter dated February 16, 1994 from St. Andre's Health Facility, a letter dated July 26, 1995 from Kennebunk Nursing Center, and a letter dated August 7, 1995 from Woodford Park Nursing Care Center.

FACTS

1. In February, 1994, the Board received a letter from Susan Bowdoin, Director of Nursing at St. Andre's Health Care Facility, reporting that Mr. Boucher had been suspended from employment and was under investigation for issues relating to the administration of PRN medications, the failure to follow policies relating to controlled substances, falsifying a MAR, making a false statement on an application, forgery and theft. In July, 1995, the Board received a letter from Jan Peterson, Administrator of Kennebunk Nursing Center, stating that Mr. Boucher had been terminated for failing to disclose criminal convictions. In August, 1995, the Board received a letter from Woodford Park Nursing Care Center stating that Mr. Boucher had been terminated on the basis of his conviction history and his exclusion from working in a Medicare facility.
2. Informal conferences were scheduled following receipt of each of these reports. Mr. Boucher failed to appear at any of the scheduled informal conferences.
3. In January, 1995, Mr. Boucher was convicted of six counts of forgery and one count of theft by deception. The six forgery counts and the theft by deception count related to Mr. Boucher's forging the Director of Nursing's initials on his time card at St. Andre's Health Care Facility.



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4. In February, 1995, Mr. Boucher was convicted of tampering with a public record. This conviction was based upon Mr. Boucher's failure to report a conviction for theft of services on his 1993 renewal application with the Board.
5. By letter dated March 8, 1995, Mr. Boucher was notified by the Maine Department of Human Services that he had been excluded for five years from receiving reimbursement from any and all medical assistance programs administered by the Department of Human Services as a result of his forgery and theft convictions.
6. On September 9, 1995, Mr. Boucher's license to practice lapsed.
7. The Board had no further contact with Mr. Boucher until July, 1998 when Mr. Boucher wrote to the Board inquiring about reinstatement of his license.
8. On October 21, 1998, Mr. Boucher met with the Board at an informal conference to resolve the pending complaints against his license.
9. Mr. Boucher acknowledged his 1995 convictions for forgery and theft, and he disclosed that he was convicted again for theft in 1997 arising out of a shoplifting incident.
10. Mr. Boucher acknowledged that while employed at St. Andre's he may have diverted drugs that were to be returned to the pharmacy.
11. Mr. Boucher admitted that he failed to disclose all of his criminal convictions to Kennebunk Nursing Center.
12. Mr. Boucher said that he cannot work as a nurse at this time due to disability but stated that he would like to have his license reinstated some time in the future.
13. Mr. Boucher had a history of disciplinary action prior to the 1994 and 1995 incidents.

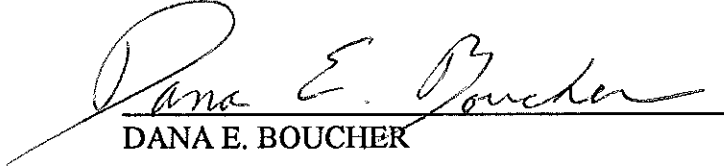
AGREEMENT

14. **Violations:** Mr. Boucher's conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(B), (2)(E), (2)(F), and (2)(G).
15. **Reinstatement Denied:** Mr. Boucher's application for reinstatement of his license is denied. Mr. Boucher agrees and understands that the Board shall not consider reinstating his license for at least two years from the effective date of this Agreement.
16. **Miscellaneous provisions:** Mr. Boucher understands that this document is a Consent Agreement which affects his rights to practice nursing in Maine. This Consent Agreement may be amended only in writing, signed by all the parties. Mr. Boucher understands that he does not have to execute this Consent Agreement and that he has the right to consult

with an attorney before entering into this Consent Agreement. Mr. Boucher affirms that he executes this Consent Agreement of his own free will.


17. **Effective date:** This Consent Agreement becomes effective upon the last necessary signature below.

DATED: November 3
1998


DANA E. BOUCHER

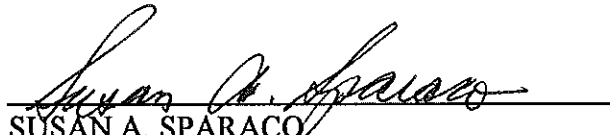
**FOR THE MAINE STATE BOARD OF
NURSING:**

DATED: Nov. 5, 1998


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

**FOR THE DEPARTMENT OF ATTORNEY
GENERAL:**

DATED: Nov. 15, 1998


SUSAN A. SPARACO
Assistant Attorney General