



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: JENNIFER L. DAVIS, R.N.** ) **CONSENT AGREEMENT**  
 of Windsor, Maine ) **FOR**  
 License #R050006 ) **REPRIMAND**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Jennifer L. Davis’ 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) (A), 10 M.R.S.A. § 8003(5) (A-1) (1) and § 8003(5) (B). The parties initially met in an informal conference on July 8, 2010; following further investigation by the Board, the informal conference was continued on September 1, 2010. The parties to this Agreement are Jennifer L. Davis (“Licensee” or “Ms. Davis”), 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 1) Board Notice of Complaint dated June 17, 2009 with information submitted by Janelle Bechard dated May 26, 2009; 2) Board Notice of Complaint dated June 24, 2009 with information submitted by Nancy Andrews dated June 17, 2009; and 3) Ms. Davis’s response dated July 10, 2009.

**FACTS**

1. Jennifer L. Davis has been a registered professional nurse licensed to practice in Maine since June 2004.
2. Janelle Bechard and Nancy Andrews are co-guardians of a 71-year-old individual (“The Resident”) who has severe/profound mental retardation and myotonic dystrophy. The Resident uses a wheelchair for almost all mobility, does not communicate verbally, and relies on staff for all activities of daily living. He lived in a group home operated by Uplift, Inc. where Jennifer L. Davis was employed as a registered professional nurse. On October 30, 2008, Ms. Davis and a non-licensed staff member took The Resident to a doctor’s appointment. While waiting for the doctor, Ms. Davis and the staff person placed socks on The Resident’s ears as a way of entertaining him until the doctor arrived. When The Resident was returned to his home, Ms. Davis and the staff person repeated the act of dressing the patient with a sock on his nose, holding it in place with Ms. Davis’s sunglasses; pictures documenting the incident were later discovered.
3. Jennifer L. Davis takes responsibility for her actions and admits that her treatment of The Resident was inappropriate and that her behavior failed to conform to legal and accepted standards of the nursing profession in that such conduct was a form of patient abuse.
4. Jennifer L. Davis has agreed to enter into this Agreement and waives her right to a hearing in this matter.

**AGREEMENT**

5. Jennifer L. Davis understands that her conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A (2) (F), (2) (H) and Chapter 4.1.A.6., 4.1.A.8., and Chapter 4.3.I. of the Rules and Regulations of the Maine State Board of Nursing. Jennifer L. Davis is hereby **REPRIMANDED** for the above violations. Specifically, the violations are:



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Title 32 M.R.S.A. §§:

- a. 2105-A (2) (F). Unprofessional Conduct. Ms. Davis engaged in unprofessional conduct by violating standards of professional behavior that have been established in the practice for which she is licensed. (See also Chapter 4, Section 1.A.6.)
- b. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Chapter 4, Section 1.A.8.)

Chapter 4, Section 3. Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, states: *Nursing behavior which fails to conform to legal standards and accepted 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:*

- c. Section 3(I). Ms. Davis failed to safeguard The Resident's dignity and right to privacy in providing nursing services.
6. 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. Davis'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. Davis understands this Agreement is subject to the Compact.
  7. Jennifer L. Davis understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
  8. Jennifer L. Davis affirms that she executes this Agreement of her own free will.
  9. Modification of this Agreement must be in writing and signed by all parties.
  10. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
  11. This Agreement is not subject to review or appeal by Ms. Davis.
  12. This Agreement becomes effective upon the date of the last necessary signature below.


**I, JENNIFER L. DAVIS, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. 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: 11/18/10

  
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JENNIFER L. DAVIS, R.N.

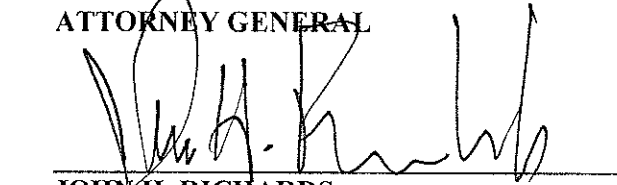
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 11/22/10

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 11/29/10

  
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JOHN H. RICHARDS  
Assistant Attorney General