

III.

CONCLUSIONS OF LAW

The Board, by a vote of 5-0, found and concluded that Donald England violated the following provisions of Board statutes and Rules.

1. 32 M.R.S.A. Sec. 2105-A.2. Grounds for discipline. The board may suspend or revoke a license pursuant to Title 5 section 10004. The following are grounds for an action to issue, modify, suspend, revoke or refuse to renew the license of an individual licensed under this chapter:

F. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed.

The facts found in this Decision support the conclusion that Nurse Fisher was rude to a patient at Sister's facility and discharged a patient without a physician's order.

2. "Rules and Regulations of the Maine State Board of Nursing, Chapter 4."

1. Disciplinary Action.

A. Grounds for Discipline

6. Unprofessional conduct. A licensee shall be deemed to have engaged in unprofessional conduct if he violates any standard of professional behavior which has been established in the practice for which he is licensed.

3. Definition of Unprofessional Conduct. 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 not be limited to, the following:

F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.

Nurse England violated this provision when he was rude to a patient at Sister's facility and discharged a patient without a physician's order.

I. Failing to safeguard the patient's dignity and right to privacy in providing services regardless of race, color, creed and status.

Nurse England violated this provision when he was rude to a patient at Sister's facility and discharged a patient without a physician's order.

As a result of the above violations, The Board voted 5-0 to:

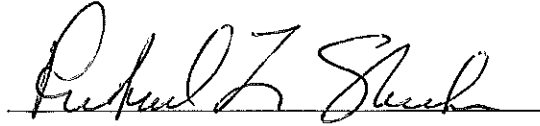
1. Issue a **Letter of Warning** to Nurse England pursuant to 10 M.R.S.A. Sec. 8003. The Board was of the opinion that the violations were serious enough to warrant disciplinary action.

2. Order Nurse England to **pay the costs** related to the hearing not to exceed \$800 by November 30, 2004. Those costs **total \$320**. (Hearing officer – 2 hours @ \$100 per hour = \$200; Court

reporter services = \$120). The check or money order shall be made payable to: Maine Board of Nursing and mailed to Myra Broadway, Exec. Director, 158 State House Station, Augusta, Maine 04333-0158. The costs are in keeping with past Board practices and considering that no response was filed to the complaint which could have been resolved without the need for a hearing.

SO ORDERED.

Dated: August/9, 2004



Richard L. Sheehan, M.S., R.N. Acting Chairman
Maine State Board of Nursing

IV.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3, any party that decides to appeal this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the Superior Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings, and the Maine Attorney General.