



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

PAUL R. LePAGE

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

GOVERNOR
IN RE: JADE M. GAGNON)
 of Hope, ME)
 License #R052726)

EXECUTIVE DIRECTOR
CONSENT AGREEMENT
FOR VOLUNTARY
SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Jade M. Gagnon’s license as a registered professional nurse in the State of Maine. The parties to this Agreement are Jade A. Gagnon (“Licensee” or “Ms. Gagnon”), Maine State Board of Nursing (“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), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 8003 (5) (D). The parties reached this Agreement based upon: 1) a Board Notice of Complaint dated April 5, 2011, with provider reports from Penobscot Bay Medical Center dated March 9 and March 31, 2011; and 2) the Licensee’s response dated May 1, 2011.

FACTS

1. Jade M. Gagnon has been licensed as a registered professional nurse to practice in Maine since July 2006.
2. Jade M. Gagnon was employed as a registered professional nurse at Penobscot Bay Medical Center (“PenBay”) from June 5, 2006 (initially under the new graduate internship program) until her suspension on March 8, 2011 due to diversion of controlled substances. Although a patient reported to an attending physician that she had not needed nor received pain medication over the March 5-6, 2011 weekend, review of the patient record revealed two doses of Fentanyl 25mg were administered, one at 1945 on March 3 and one at 0102 on March 6. As a result of PenBay’s immediate investigation of the Licensee’s 30-day Pyxis narcotic withdrawals compared to patient record documentation, several discrepancies were identified. According to the subsequent Confidential Occurrence Report, when Ms. Gagnon was confronted by PenBay personnel she quickly acknowledged drug diversion for her own personal use.
3. Jade M. Gagnon was placed on non-paid administrative suspension by PenBay and referred to the Medical Professionals Health Program (“MPHP”); the Board was notified by MPHP on April 12, 2011 that Ms. Gagnon had signed a five-year contract on April 11, 2011.
4. At its June 1-2, 2011 meeting, the Board voted to summarily suspend Ms. Gagnon’s nursing license because of the immediate jeopardy her continued practice of nursing posed to the health and physical safety of the public.
5. Jade M. Gagnon has resigned from PenBay Healthcare, is not currently working in the healthcare field, and has offered to surrender her registered professional nursing license based upon the above-stated facts and thereby waives her right to an adjudicatory hearing.

AGREEMENT

6. The Maine State Board of Nursing will accept Jade M. Gagnon’s offer to voluntarily surrender her registered professional nursing license. Jade M. Gagnon neither admits nor denies the facts contained herein; however, she acknowledges that if this matter went to a hearing before the Board it is more likely than not the above-stated facts and underlying investigative information would support the licensing violations in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. The grounds for discipline are found under Title 32 M.R.S. § 2105-A(2)(A), (2)(B), (2)(F) and (2)(H) and Chapter 4, Sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, Sections 3(F), 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:



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Title 32 M.R.S. §§:

- a. 2105-A (2) (A). Ms. Gagnon engaged in the practice of fraud or deceit in connection with a service rendered within the scope of her license. (See also Chapter 4, Section 1.A.1.)
 - b. 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)
 - c. 2105-A (2) (F). Unprofessional Conduct. Ms. Gagnon has engaged in unprofessional conduct by violating standards of professional behavior that have been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - d. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)
 - e. Chapter 4, Section 3. *Unprofessional Conduct* as defined by the Rules and Regulations of the Maine State Board of Nursing states that *Nursing behavior which fails to conform to legal 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:*
 - F. Failure to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
 - K. Inaccurate recording, falsifying or altering a patient or health care provider record.
 - P. Diverting drugs, supplies or property of patients of health care provider.
 - Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
7. Jade M. Gagnon understands and agrees that her nursing license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Gagnon understands and agrees that if the Board reinstates her license, it will be for a probationary period.
 8. 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. Gagnon’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. Gagnon understands this Agreement is subject to the Compact.
 9. Jade M. Gagnon 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.
 10. Jade M. Gagnon shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation “RN” while her nursing license is surrendered.
 11. 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.
 12. Modification of this Agreement must be in writing and signed by all parties.

- 13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
- 14. Jade M. Gagnon affirms that she executes this Agreement of her own free will.
- 15. This Agreement becomes effective upon the date of the last necessary signature below.

I, JADE M. GAGNON, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. 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: 7/1/11



JADE M. GAGNON

FOR THE MAINE STATE
BOARD OF NURSING

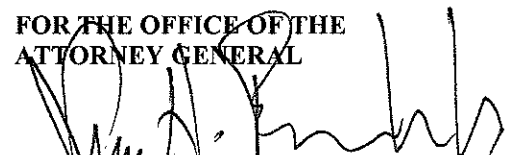
DATED: July 11, 2011



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 7/17/11



JOHN H. RICHARDS
Assistant Attorney General

