



Paul R. LePage
GOVERNOR

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

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

IN RE: JAMES GARRISON, RN
of Georgetown, ME
License No. RN44923

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CONSENT AGREEMENT
FOR
VOLUNTARY SURRENDER

Complaint 2013-126

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 James Garrison's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are James Garrison ("Mr. Garrison" or "Licensee"), 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), 10 M.R.S. §§8003 (5)(B) and 8003(5)(D) in order to resolve Complaint 2013-126.

FACTS

1. Licensee has been licensed to practice as an RN in Maine since June 26, 2000.
2. On March 27, 2009, the Board issued a non-disciplinary Letter of Concern for a five-year period citing its concern regarding the importance of medication administration safety; this Letter of Concern is currently in effect.
3. On June 24, 2013, the Board received notification from Calais Regional Hospital that the Licensee was terminated from a traveler assignment [Medical Solutions] because of clinical issues, including failure to perform strict hourly Intake and Output reports in a timely manner; leaving medication on a desk unattended; leaving patient information lying out in public areas; failure to properly assess; and failure to follow instructions on how to carry out doctors' orders, which resulted in a patient not receiving the amount of fluid ordered and late medications [there were three errors committed with this one patient in less than eight hours]. Additional materials requested by the Board were provided by the facility and received on August 29, 2013. As a result of receiving this information, the Board initiated a complaint against the Licensee's Maine nursing license. Board staff docketed the Complaint as 2013-126.
4. On September 10, 2013, the Board issued a Notice of Complaint to Licensee relating to Complaint 2013-126.
5. On September 19, 2013, the Board received the Licensee's written response to Complaint 2013-126, in which he admitted to poor nursing performance and stated that he should have accepted assistance when it was offered.
6. Following review of the case at its meeting on December 4-5 2013, the Board advised the Licensee that he would be scheduled for an informal conference.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

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7. In lieu of the informal conference which was scheduled for February 7, 2014, the Licensee advised Board staff by telephone on January 10, 2014 that he would like to surrender his RN license. He is not planning to return to work as a nurse and feels that he is currently "under an education deficit, especially in an acute care setting."
8. Absent Licensee'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 February 6, 2014, 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 also impose greater adverse action including costs of a hearing, suspension or revocation of Licensee's license.

AGREEMENT

9. Licensee admits to the Facts as stated above and that such conduct constitutes grounds for the Board to impose discipline against his Maine nursing license under the following laws and regulations:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(E) and Board Rules Chapter 4 §1.A.5(a) and 1.A.5(b). Incompetence. The Licensee is considered incompetent in the practice for which he is licensed since the licensee has:
 - (1) Engaged in conduct that evidences the lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or to the general public.
 - (2) Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the Licensee is licensed.
 - b. Pursuant to 32 M.R.S. §2105-A (2)(F) and Board Rules Chapter 4 §1.A.6 for engaging in conduct that violates any standard of professional behavior which has been established in the practice for which the licensee is licensed; and
10. As discipline for the conduct cited in Paragraph 9 above, Licensee agrees to **SURRENDER** his Maine RN license, effective on the date of the final execution of this Agreement. Licensee understands and agrees that as a result of surrendering his license he no longer has a nursing license and is subject to the terms of this Agreement until and unless the Board, at his written request, votes to reinstate his license. Licensee understands and agrees that upon receiving his request to reinstate his Maine RN license, the Board shall have the sole discretion to grant or deny such a request or to grant him licensure with probation and conditions as it determines appropriate to protect the public.
11. This Agreement is not appealable. This Agreement cannot be modified orally. It can only be modified by 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 Licensee's request to modify this Agreement need not be made pursuant to a hearing.
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) and the Healthcare Integrity and Protection Data Bank (HIPDB).
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. Licensee acknowledges by his signature hereto that he has read this Agreement, that he has had an opportunity to consult with an attorney before executing this Agreement, that he has executed this Agreement of his own free will and that he agrees to abide by all the terms and conditions set forth in this Agreement.

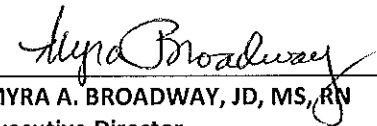
DATED: 1/21/14



LICENSEE JAMES GARRISON, RN

FOR THE MAINE STATE BOARD OF NURSING

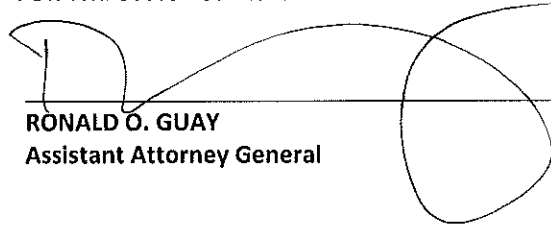
DATED: 1/22/14



MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 1/24/14



RONALD O. GUAY
Assistant Attorney General

Effective Date: 1/24/14