



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: ELAINA J. GEORGE, RN )  
a/k/a/ Elaina Gaudet ) CONSENT AGREEMENT  
of Sidney, ME ) FOR  
License No. RN55237 ) VOLUNTARY SURRENDER

Complaint Nos. 2010-357, 2012-268 & 2013-7

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Elaina J. George's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Elaina J. George ("Licensee" or "Ms. George"), the 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) and 10 M.R.S. §§8003 (5) (B) and (5) (D) to resolve Board Complaints 2010-357, 2012-268 and 2013-7.

FACTS

1. Licensing History. Elaina J. George has been licensed to practice in Maine as an RN since June 19, 2008. On March 27, 2009, the Board issued Ms. George a letter of concern regarding the importance of professional conduct toward all patients. The Board placed this letter of concern in Ms. George's licensing file for a period of five years.
2. On July 29, 2010, the Board received a provider report from Sheepscot Valley Health Center ("Sheepscot") advising that Ms. George had been terminated on July 22, 2010 for unprofessional conduct, i.e. obtaining a prescription for Oxycodone HCL 5ml #40 under false pretenses and filling it without appropriate authorization. Ms. George accessed her own medical record, altered a previously prescribed Rx in her record by changing the date, printed a new prescription and specified "No" when prompted to save the new entry in the computer, thereby eliminating any documentation that the new prescription existed. Ms. George obtained the supervising physician's signature by representing that her own provider had authorized the prescription; she subsequently filled the prescription on July 19, 2010. When questioned the next day, Ms. George stated the prescription was for her, but she decided she did not need it and had destroyed it; she claimed the prescription she had filled on July 19 was an old one. The Board docketed Complaint No. 2010-357 and sent it to Ms. George for response.
3. On October 15, 2010, the Board received written response from Ms. George in which she stated she had been prescribed Percocet and later, Oxycodone, for a foot injury. She had previously been prescribed pain medication in October 2008 following a severe car accident. In her response, Ms. George stated that she had not accessed her medical record on the computer system, but did, in fact, lie to Sheepscot about destroying the prescription, which was a "lapse in good judgment" and "not acting in a professional manner."

After several attempts to schedule an informal conference, the Board provided Ms. George with a final opportunity to address its concerns and met with the Licensee on April 11, 2012. A final decision was deferred pending further Board investigation and Ms. George undergoing a substance abuse evaluation by a Board-approved treatment provider.



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4. On June 13, 2012, Ms. George admitted in an interview with the Board Investigator that she had accessed her medical chart in the computer at Sheepscot, found the original prescription for Oxycodone and hit 'renew' to print a new copy. Ms. George also admitted that she had lied to the Board at the April 11, 2012 informal conference.
5. On December 28, 2012, Board Complaint 2012-268 was initiated based upon a news article dated December 18, 2012 in the *Kennebec Journal* regarding Ms. Gaudet's [George's] arrest on a charge of domestic violence.

On April 3, 2013, Ms. Gaudet [George] pled guilty to Domestic Violence Assault [17-A M.R.S. 207-A (1)(A)] and Violating a Protective Order [17-A M.R.S. 19-A, 4011(1)], both Class D misdemeanors, in Kennebec County Superior Court, Docket No. CR-13-022. The disposition of her criminal case is deferred until April 15, 2014. The attached Order Deferring Disposition, Special Conditions, and Bail Conditions are incorporated herein and marked as Exhibit A.

6. On January 10, 2013, the Board received a provider report from Kindred Transitional Care & Rehab at Augusta ("Kindred") that Elaina George had been suspended for medication errors and poor medication administration practices related to controlled drugs, in particular, Oxycodone. The Board docketed Complaint No. 2013-7 and sent it to Ms. George for response. In addition, the Board noted that Ms. George failed to disclose the pending Sheepscot complaint when she renewed her RN license on-line in April 2012.

On January 23, 2013, Ms. George admitted in an interview with the Board Investigator that she diverted medication from Kindred. She stated that she began diverting Oxycodone about 18 months ago, taking five to six Oxycodone 5mg per shift when she was on the med cart. She stated that she would assess patients' pain levels and if she felt they didn't need to be medicated, would document the medications as administered and pocket them for use at home later. She also admitted to buying "off the street," using 10-30mg daily.

7. On January 23, 2013, Ms. George admitted herself into MaineGeneral Medical Center for rehabilitation; she was discharged on January 28, 2013 and entered its Intensive Out Patient Program ["IOP"], graduating on March 8, 2013. She then entered a second IOP at Togus and graduated on April 12, 2013. Ms. George states that she sees a counselor weekly and a psychiatrist monthly, attends one to two NA/AA meetings weekly, and is working the 12-Step Program with a sponsor. On May 6, 2013, she signed a five-year monitoring contract with the Medical Professionals Health Program.
8. Elaina J. George wishes to resolve these matters by surrendering her RN license, thereby waiving her rights to an adjudicatory hearing.

#### AGREEMENT

9. Elaina J. George understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. Specifically, the violations are:
  - a. Pursuant to 32 M.R.S. §2105-A (2) (A) for engaging in the practice of fraud or deceit in connection with service rendered within the scope of the license issued. See also: Board Rule Chapter 4.1.A.1.
  - b. Pursuant to 32 M.R.S. §2105-A (2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in Ms. George performing services in a manner that endangers the health or safety of patients. See also: Board Rule Chapter 4.1.A.2.

- c. Pursuant to 32 M.R.S. §2105-A (2) (E) (1) for engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public. See also: Board Rule Chapter 4.1.A.5.a.
  - d. Pursuant to 32 M.R.S. §2105-A (2) (F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed. See also: Board Rule Chapter 4.1.A.6.
  - e. Pursuant to 32 M.R.S. §2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(K) by inaccurately recording, falsifying, or altering a patient or health care provider record.
  - f. Pursuant to 32 M.R.S. §2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(P) by diverting drugs, supplies, or property of a patient or health care provider.
  - g. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4, §3(Q) by possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
10. As discipline for the conduct admitted in Paragraph No. 9 above, Ms. George agrees to **SURRENDER** her Maine RN license, effective on the date of the final execution of this Agreement. Ms. George understands and agrees that as a result of surrendering her license, she no longer has a nursing license and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to reinstate her license. Ms. George further understands and agrees that the Board shall have the sole discretion to grant or deny such a request or to grant her a license with probation and conditions as it determines appropriate to protect the public.
  11. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("the Compact"), which is set out in Chapter 11 of the Rules of the Maine State Board of Nursing. The State of Maine is Ms. George'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 principal 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. George understands this Agreement is subject to the Compact.
  12. Elaina J. George understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
  13. Elaina J. George 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. In addition, she shall not seek employment where the handling or dispensing of drugs is part of the job responsibility.
  14. 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.
  15. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
  16. Modification of this Agreement must be in writing and signed by all parties.
  17. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

- 18. Elaina J. George affirms that she executes this Agreement of her own free will.
- 19. This Agreement becomes effective upon the date of the last necessary signature below.

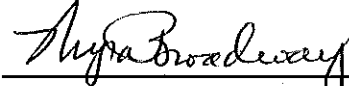
I, ELAINA J. GEORGE, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE(S). I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 7-3-13

  
ELAINA J. GEORGE, RN

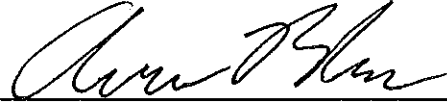
FOR THE MAINE STATE BOARD OF NURSING

DATED: 7/8/13

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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 7/10/2013

  
ANDREW BLACK for John H. Richards  
Assistant Attorney General