

JAMES E. TIERNEY
ATTORNEY GENERAL



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

January 20, 1989

Florida State Board of Nursing
111 Coastline Drive East
Suite 504
Jacksonville, FL 32202

Re: Lori Lachioma

To Whom It May Concern:

Please be advised that the license to practice professional nursing (R.N. license) of the above-named Lori Lachioma has been revoked pursuant to the enclosed Order by Judge Cleaves. I am notifying you of the Court's action regarding Ms. Lachioma's nursing license because she is allegedly residing in Florida and may attempt to obtain or has obtained a nursing license by reciprocity or endorsement. If you need any additional information, please do not hesitate to call us at (207) 289-3661.

Very truly yours,

A handwritten signature in cursive script that reads "Martha F. Willard".

MARTHA F. WILLARD
Assistant Attorney General

cc: Jean C. Caron, Executive Director,
State of Maine Board of Nursing ✓

Enclosure

RECEIVED

JAN 23 1989

FLORIDA STATE
BOARD OF NURSING

Report

State of Maine

Administrative Court
Docket No. 87-283

RECEIVED

JAN 19

ADMINISTRATIVE COURT
ORDER

Maine State Board of Nursing,)
)
 Plaintiff)
)
 vs.)
)
 Lori Lachioma, R.N.)
)
 Defendant)

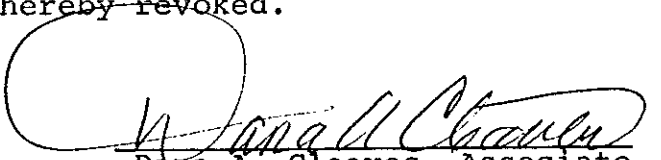
Plaintiff's motion for summary judgment came on for hearing on January 19, 1989. Plaintiff appeared through counsel and Defendant failed to appear.

Having reviewed the affidavit, with appendices, submitted by Plaintiff and unopposed by Defendant, and finding no genuine issue as to any material fact, this Court orders that Plaintiff's motion for summary judgment is GRANTED.

Accordingly, this Court concludes that Defendant Lori Lachioma is incompetent and unfit to practice professional nursing and further finds that Defendant has engaged in unprofessional conduct.

It is further ORDERED and ADJUDGED that Defendant's license to practice as a professional nurse is hereby revoked.

DATED: January 19, 1989


 Dana A. Cleaves, Associate
 Judge of the Administrative
 Court

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 MAINE STATE
 BOARD OF NURSING

STATE OF MAINE
CUMBERLAND, SS.

ADMINISTRATIVE COURT
DOCKET NO. 87-283

STATE OF MAINE and MAINE)
STATE BOARD OF NURSING,)
)
Plaintiffs)
)
v.)
)
LORI LACHIOMA, R.N.,)
)
Defendant)

MOTION FOR SUMMARY JUDGMENT

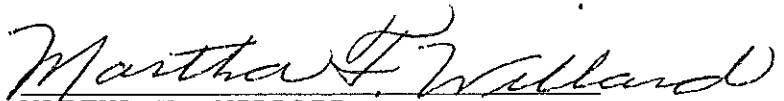
Pursuant to M.R.Civ.P. 56, plaintiff State of Maine, Board of Nursing ("the Board") moves this Court for a summary judgment in its favor and against Lori Lachioma, R.N., and requests this Court to find and declare Lori Lachioma unfit or incompetent to practice professional nursing, and guilty of unprofessional conduct, and to permanently revoke Lori Lachioma's professional nursing license, and grant such other and further relief as this Court deems just and proper.

The basis for this motion and request is that there is no genuine issue as to any material fact, and the Board is entitled to such judgment as a matter of law.

Respectfully submitted,

JAMES E. TIERNEY
Attorney General

DATED: December 7, 1988


MARTHA F. WILLARD
Assistant Attorney General
State House Station #6
Augusta, Maine 04333
Tel. (207) 289-3661
Attorney for Plaintiffs

STATE OF MAINE, MAINE)
STATE BOARD OF NURSING,)
)
Plaintiff)
)
v.)
)
LORI LACHIOMA, R.N.,)
)
Defendant)

PLAINTIFF'S MEMORANDUM
OF LAW IN SUPPORT OF
MOTION FOR SUMMARY JUDGMENT

Plaintiff, State of Maine, Maine State Board of Nursing ("the Board") has moved for summary judgment in its favor and against Defendant Lori Lachioma, R.N. ("Ms. Lachioma") on the basis that there is no genuine issue as to any material fact and the Board is entitled to such judgment as a matter of law. The Board submits this memorandum and attached affidavit in support of its motion.

I. FACTS

On November 19, 1986, Phyllis Jordan, R.N., Director of Nursing at Taylor Hospital in Bangor, Maine received a report of narcotic drug tampering at the hospital. (Jordan Affidavit at ¶ 2). As a result of the report, on November 20, 1986, Ms. Jordan did a check of medications in all patient care areas including the procedure room. Lori Lachioma was employed by Taylor Hospital as a nurse in the procedure room from December 17, 1984 to November 20, 1986. Ms. Jordan's medication check yielded the following information:

A. All of the narcotics in the procedure room had been tampered with, i.e., opened and resealed. (Jordan Affidavit ¶¶ 6 & 9).

B. Narcotics, 10 Demerol 100 mg., released to Lori Lachioma from the pharmacy on November 18, 1988 were stored in a cabinet, not in the locked box with the rest of the narcotics, according to procedure. (Jordan Affidavit ¶ 7 and Attachment A).

C. According to the respective Daily Narcotic Count sheets (hereinafter "DNC"), Ms. Lachioma signed out and acquired for administration 1 Demerol 50 mg., 1 Phenergram 50 mg., 1 Valium 20 mg., 1 Demerol 100 mg. and 1 Valium vial to patient #629407 on October 20, 1987, when that patient was not in the hospital. These same drugs were listed as signed out and acquired for administration again on October 21, 1987 when the patient was admitted for a procedure; however, there was never a doctor's order for administration of the Demerol 100 mg. and the Valium vial. (Jordan Affidavit ¶ 13 and Attachment B).

D. According to the respective DNC, Ms. Lachioma signed out and acquired for administration 1 Demerol 100 mg. and 1 Valium vial to patient #628732 on October 14, 1987, again on October 16, 1987 and again on October 17, 1987. The patient was not in the hospital on these three days and was never treated in the procedure room. (Jordan Affidavit ¶ 14 and Attachment C).

E. According to the DNC, Ms. Lachioma, on October 31, 1986 signed out and acquired for administration 75 mg. of Demerol twice and 50 mg. of Demerol once for patient #630406 when none was ordered by the physician and the scheduled procedure required no pain medication. One administration of Demerol was recorded as given after the patient had left the hospital. (Jordan Affidavit ¶ 15 and Attachment D).

F. According to the DNC, Ms. Lachioma, on May 8, 1986, signed out and acquired for administration 1 Demerol 100 mg. and 1 Valium vial to patient #613206 although there were no doctor's orders for those narcotics for that patient. Ms. Lachioma also signed out and acquired for administration those same narcotics again to that same patient on May 15, 1986, according to the DNC, although the patient was not in the hospital on that date. (Jordan Affidavit ¶ 16 and Attachment E).

G. According to the DNC, Ms. Lachioma signed out and acquired for administration 1 Demerol 100 mg., 2 Valium vials and 1 Demerol 50 mg. for patient #614308 on May 22, 1986, a day when that patient was not in the hospital. The following day, when this patient was in the hospital for Venus testing, no narcotic medication was ordered. (Jordan Affidavit ¶ 17 and Attachment F).

H. According to the DNC, Ms. Lachioma twice signed out and acquired for administration 1 Demerol 100 mg. for patient #632210 on November 18, 1986 when there was no

doctor's order for Demerol 100 mg. and no indication on the patient's chart that the Demerol 100 mg. was administered. This patient's chart reflects a physician's order for Demerol 50 mg. administered by Ms. Lachioma at 9:30 a.m. but the DNC does not show that she signed out any Demerol 50 mg. (Jordan Affidavit ¶ 18 and Attachment G).

I. According to the DNC, Ms. Lachioma signed out and acquired for administration 1 Demerol 100 mg. for patient #632208 on November 18, 1986 when no medication was ordered and the patient's chart shows none was administered. (Jordan Affidavit ¶ 19 and Attachment H).

J. According to the DNC, Ms. Lachioma signed out and acquired for administration of 1 Demerol 100 mg. on October 6, 1986, 1 Demerol 100 mg. on October 7, 1986, and 1 Demerol 100 mg. and 1 Valium vial on October 8, 1986 for patient #628106. This patient was not in the hospital on October 6 or 7, 1986, and that patient's record for October 8, 1986 shows only one administration of Demerol 50 mg. (Jordan Affidavit ¶ 20 and Attachment I).

Based on Ms. Jordan's findings that Lori Lachioma signed out narcotic drugs either to patients who were not in the hospital or to patients in amounts in excess of the amount ordered by a physician, and her findings that the narcotic medications in the procedure room had been tampered with, a complaint dated January 15, 1987 was made to the Maine State Board of Nursing by Taylor Hospital. Ms. Lachioma answered the complaint on February 13, 1987, through her attorney at that

time Warren M. Silver, Esq. Sometime thereafter, in early 1988, Ms. Lachioma left the state and is purportedly living in Florida. This court granted Mr. Silver's request to withdraw from representation in this case on November 14, 1988 on the basis that he could not reach his client, the Defendant, did not know her whereabouts, and could not locate her to ask her to voluntarily surrender her Maine nursing license. Therefore, the Board is filing this motion for summary judgment to move action on this case.

II. ARGUMENT

The Board is entitled to Summary Judgment because Defendant's charting of medications shows that she is either incompetent or unfit to practice professional nursing and/or that her charting of medications shows that she has engaged in unprofessional conduct.

- A. Defendant's faulty charting of medications indicates that she is incompetent and unfit to practice professional nursing, which is a violation of 32 M.R.S.A. § 2105-A(2)(E)(1).

Maine's law requires that licensed professional nurses be competent and fit to discharge their professional duty owed to their patients and the general public. Title 32 M.R.S.A. § 2105-A(2)(E)(1) states that a ground for disciplinary action is:

E. Incompetence in the practice for which he is licensed. A licensee shall be deemed incompetent in the practice if the licensee has:

(1) Engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public;

(Appendix B attached.)

Therefore, if a nurse evidences behavior which demonstrates that the nurse is unfit to carry out nursing duties in a manner which conforms to standards of practice for the nursing profession, disciplinary action may be taken against that nurse.

In this case, the Defendant Lachioma, engaged in the following incompetent behavior:

1. On at least thirteen occasions during her employ at Taylor Hospital, she signed out and acquired narcotic drugs for administration to patients who were not in the hospital.

2. On at least eleven occasions during her employ at Taylor Hospital, she signed out and acquired for administration narcotic drugs for which there were no doctor's orders, and for which the respective patients' charts showed no administration of that medication.

3. On at least one occasion during her employ at Taylor Hospital, she did not keep the narcotic drugs in the locked box in the procedure room provided for that purpose, but instead kept them in an unlocked cabinet.

The affidavit of Phyllis Jordan, R.N. establishes that these actions of Defendant Lachioma are inconsistent with proper medical and nursing procedures (Jordan Affidavit ¶¶ 21-23). Accordingly, this behavior constitutes incompetency

and unfitness in the practice of professional nursing to a degree which requires that the Defendant's license, which is an indicator of competence and fitness as a professional nurse, should be revoked.

- B. Defendant's faulty charting of medications indicates that she has engaged in unprofessional conduct in violation of Board Rules 02-380 CMR 4.3(K), (P) and (Q). (Appendix C attached). Such violation of Board Rules is a violation of 32 M.R.S.A. §§ 2105-A(2)(F) & (H), the Nurse Practice Act. (Appendix B attached).

Board Rules 4.3 define unprofessional conduct as (inter alia):

K. Inaccurate recording, falsifying or altering a patient or health care provider record.

P. Diverting drugs, supplies or property of patients or 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.

Defendant's behavior in signing out and acquiring narcotic drugs for patients not in the hospital, and signing out and acquiring narcotic drugs in the absence of a doctor's order for those drugs, and which drugs were further not administered according to the patient's charts, violates Rules K, P and/or Q above in that:

1. In the case of Rule K, Defendant's recording of drugs was both inaccurate and false in that the drugs were never administered to the patient;

2. In the case of Rule P, drugs were diverted from the hospital because the drugs were acquired but not administered;

3. In the case of Rule Q, Defendant on numerous occasions obtained those narcotic drugs without doctor's orders.

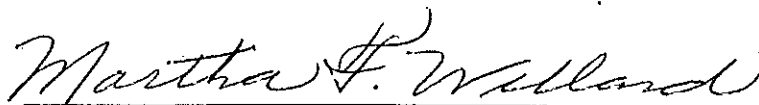
Therefore, Defendant Lachioma's behavior, as indicated by her signing out for administration narcotic drugs for patients who were not in the hospital and drugs which were not ordered by a doctor, constitutes unprofessional conduct as defined by Board rules which provide a further bases for revocation of her license pursuant to 32 M.R.S.A. §§ 2105-A(2)(F) & (H).

CONCLUSION

Defendant Lori Lachioma's behavior, while acting as a professional nurse at Taylor Hospital, constitutes unprofessional conduct and demonstrates that she is incompetent and unfit to practice professional nursing; therefore, this court should permanently revoke the Defendant's license and grant whatever other relief it deems just and proper to help insure the health and safety of the people of the State of Maine.

Respectfully submitted,

Dated: December 7, 1988



MARTHA F. WILLARD
Assistant Attorney General
State House Station #6
Augusta, ME 04333
Tel. (207) 289-3661
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

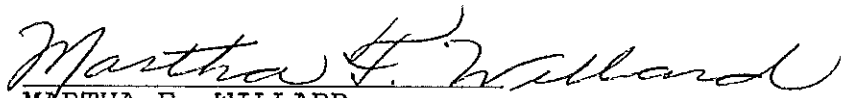
I, Martha F. Willard, Assistant Attorney General, hereby certify that I have caused one set of the foregoing Plaintiff's Motion for Summary Judgment, Memorandum of Law in support of Plaintiff's Motion for Summary Judgment and supporting Affidavit with attachments and Appendices to be served upon Lori Lachioma by depositing them in the United States Mail, postage prepaid, both first class and certified, addressed as follows:

Lori Lachioma
c/o Elizabeth Lachioma
26341 U.S. 41 SW
Box 174
Limetree Park
Bonita Springs, Florida 33923

Lori Lachioma
c/o Elizabeth Lachioma
Box 676
Hudson, Maine 04449

Lori Lachioma
Courtington Apartments
922 Courtington Lane
Apartment J
Fort Meyers, Florida 33919

Dated at Augusta, Maine, this 7th day of December, 1988.


MARTHA F. WILLARD
Assistant Attorney General
Attorney for Plaintiff