



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

JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: NANCY L. LAKE, R.N.)
 of Augusta, Maine)
 License #R038708) **CONSENT AGREEMENT**
FOR LICENSE PROBATION
WITH CONDITIONS

INTRODUCTION

This document is a Consent Agreement regarding Nancy L. Lake's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). The parties to this Consent Agreement are Nancy L. Lake ("Ms. Lake"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on August 12, 2008. The parties reached this Agreement on the basis of a Notice of Complaint or Provider Report from the Board dated September 5, 2007 with supporting documentation from Inland Hospital, Waterville, Maine, dated August 24, 2007 and Ms. Lake's response, received October 5, 2007.

FACTS

1. Nancy L. Lake has been a registered professional nurse licensed to practice in Maine since June 1995.
2. The Board considered the following information and documentation: 1) Provider Reports submitted to the Board from Inland Hospital dated August 24, 2007 with enclosures consisting of an Employee Warning Notice dated August 21, 2007; investigation notes dated August 8, 2007; results of an investigation meeting with Nancy Lake dated August 9, 2007; an e-mail from Pamela Wilkinson to Lilly Brown dated August 9, 2007; patient notes; and a letter to Ms. Lake from the Benefits Specialist at Inland Hospital dated August 22, 2007; 2) the Board's Notice of Complaint or Provider Report dated September 5, 2007; 3) Ms. Lake's response received October 5, 2007; 4) performance evaluations submitted by Inland Hospital received by e-mail February 8, 2008; 5) a letter from Ms. Lake to the Board dated April 2, 2008 with medical documentation from Dr. Teresa Farrington regarding Ms. Lake's diagnosis and treatment for sleep apnea.
3. Nancy L. Lake began her employment at Inland Hospital June 8, 1999. She was terminated from this facility on August 21, 2007 for substandard practices related to an incident which occurred on August 6, 2007. The adverse practices are:
 - a. Unsafe performance;
 - b. Inability to recognize herself as not fit for work;
 - c. Falling asleep on duty;



PRINTED ON RECYCLED PAPER

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

PHONE: (207) 287-1133

FAX: (207) 287-1149

- d. Failure to call a physician despite being told by her nursing supervisor to do so; and
 - e. Discrepancies and omissions to documentation.
4. Nancy L. Lake attributes the discrepancies in her nursing practice to a diagnosis of sleep apnea, for which she is currently receiving treatment.
5. Nancy L. Lake wishes to resolve this matter by accepting this Consent Agreement and thereby waives her rights to an adjudicatory hearing.

AGREEMENT AND CONDITIONS OF PROBATION

6. Nancy L. Lake agrees and understands that this document imposes discipline regarding her license to practice professional nursing and her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(C) and (2)(H) and Chapter 4(1)(A)(3) of the Rules and Regulations of the Maine State Board of Nursing.
7. Nancy L. Lake's license as a registered professional nurse in the State of Maine is placed on a probationary status with conditions. The period of probation will commence upon Ms. Lake's return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program. The period of probation will be for one year, effective only while she is employed in nursing practice and/or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Lake performs nursing services. Ms. Lake's probationary license will be subject to the following conditions:
- a. Nancy L. Lake will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers and such reports shall continue until her probation is terminated. If Ms. Lake's treatment is terminated, she shall notify the Board in writing and provide documentation by her treatment provider(s).
 - b. Nancy L. Lake will immediately notify the Board in writing should she return to employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change(s) in employment or educational programs.
 - c. Nancy L. Lake will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.
 - d. Nancy L. Lake will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice. If during the period of probation, Ms. Lake's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board of this change to ensure that she remains in compliance with her employment and/or educational quarterly reports.

- e. Nancy L. Lake agrees and understands that the Board and the Office of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her medical treatment which the Board deems necessary to evaluate her compliance with the Consent Agreement. Ms. Lake shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care and employment as may be requested by the Board for the purpose of evaluating her compliance with the Consent Agreement.
8. Nancy L. Lake agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the one-year probationary period until and unless the Board, at Ms. Lake's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Lake has complied with the provisions of this Agreement.
 9. If the Board finds that the Licensee has failed to meet the obligations of this Consent Agreement through a hearing, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
 10. 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. Lake'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 that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Lake understands that this document is a Consent Agreement that is subject to the Compact. Ms. Lake agrees that during the pendency of this Consent Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Lake wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
 11. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
 12. Nancy L. Lake understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
 13. Nancy L. Lake affirms that she executes this Consent Agreement of her own free will.
 14. Modification of this Consent Agreement must in writing and signed by all the parties.

15. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
16. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, NANCY L. LAKE, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 1/20/2009

Nancy L. Lake RN
NANCY L. LAKE, R.N.

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: 1/23/09

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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 1/23/09

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General