



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: VIRGINIA A. LANOCE, R.N., F.N.P.) CONSENT AGREEMENT FOR
 of New Portland, Maine) **VOLUNTARY SURRENDER OF**
 License # R027558 & AP081292) **ADVANCED PRACTICE REGISTERED**
) **NURSE (APRN-NP) LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Virginia A. LaNoce’s license to practice advanced practice registered nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (C), 10 M.R.S.A. § 8003 (5) (B) and 10 M.R.S.A. § 8003 (5) (D). An informal conference was held on June 3, 2009. The parties to this Agreement are Virginia A. LaNoce (“Ms. LaNoce” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of the following Board Notices of Complaint: 1) Notice dated May 9, 2007 with information provided from Arthur Dingley, JD, DO; 2) Notice dated July 10, 2007 with information provided from Constance Adler, MD; 3) Notice dated February 15, 2008 with information provided by Arthur Dingley, JD, DO; 4) Notice dated April 11, 2008 with information provided by Arthur Dingley, JD, DO; 5) Notice dated April 25, 2008 with information provided by Wendy Harris; and 6) Notice dated February 25, 2009 with information provided by Susan Tinguely, FNP. This Agreement is also based on Investigative Report Case #2008-083-960 dated December 1, 2008, prepared by Detective Peter P. Lizanecz, Office of the Attorney General; and Expert Synopsis Report from Kim Boothby-Ballantyne, RN, FNP regarding Virginia LaNoce’s patient records. The Board Notices of Complaint, Investigative Report and Expert Synopsis Report are attached and marked as Exhibit A.

FACTS

1. Virginia A. LaNoce has been licensed as a registered professional nurse to practice in Maine since August, 1984. On March 22, 2000, she was approved to practice as an advanced practice registered nurse in the State of Maine; “approval” was converted to “license” on September 1, 2008.
2. A review of Ms. LaNoce’s practice as an advanced practice registered nurse shows the following deficiencies:
 - a. Failure to meet the standard of practice for assessment and documentation. Patient records demonstrate a of lack of knowledge on assessment and documentation for patients’ history of present illness (“HPI”);
 - b. Insufficient assessment and documentation of pain for long-term prescription of controlled drugs;
 - c. No assessment of quality of pain (rating on scale 1 – 10);



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. No documentation consistent with what the prescribed controlled pain medication was meant to treat and a failure to assess patients for alternatives to controlled pain medication, such as non-steroidal anti-inflammatory drugs (“NSAIDS”);
 - e. Prescribing narcotics without assessing patients;
 - f. Prescribing narcotics which are not appropriate for the diagnosis;
 - g. Insufficient documentation. No general statements in history or physical exam sections of patients’ files and the use of terms which are not consistent with standard terms for medical assessment;
 - h. Inconsistent drug screens of patients receiving controlled pain medication; and
 - i. Improper dispensing of controlled drugs. For example, Ms. LaNoce mailed a prescription to a patient’s friend who had it filled to give to the patient who was in jail. The patient’s prescription should have been prescribed by the health care provider at the jail, not Ms. LaNoce, who wasn’t able to assess the patient for pain.
3. Virginia A. LaNoce has agreed to voluntarily surrender her advanced practice registered nurse license **effective June 19, 2009**.

AGREEMENT

4. The Board voted to accept the voluntary surrender of Virginia A. LaNoce’s advanced practice registered nurse license #AP081292. Virginia A. LaNoce understands and agrees that her license will remain surrendered until it is reinstated by the Board. Ms. LaNoce also agrees to waive her right to an adjudicatory hearing before the Board regarding the surrender of her advanced practice registered nurse license. Ms. LaNoce further understands and agrees that if the Board reinstates her license, it will be for a probationary period.
5. Virginia A. LaNoce understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice as an advanced practice registered nurse in the State of Maine. The grounds for discipline for violations are under 32 M.R.S.A. § 2105-A(2)(E), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:

Title 32 M.R.S.A. §§:

- a. 2105-A (2) (E) (1). Incompetence in the practice for which Ms. LaNoce is licensed by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a patient and the general public. (See also Chapter 4, Section 1.A.5.a.)
- b. 2105-A (2) (E) (2). Incompetence in the practice for which Ms. LaNoce is licensed by engaging 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. (See also Chapter 4, Section 1.A.5.b.)

- c. 2105-A (2) (F). Unprofessional Conduct. Ms. LaNoce has engaged in unprofessional conduct by violating standards of professional behavior regarding patient care that have been established in the practice for which the licensee is licensed. (See also 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 Chapter 4, Section 1.A.6.)

Chapter 4, Section 3. Unprofessional conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, states *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:*

- e. Section 3(B) Ms. LaNoce assumed duties and responsibilities within the practice of advanced nursing practice without adequate preparation or when competency has not been maintained.
- f. Section 3(F) Ms. LaNoce failed to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard patients.

Chapter 8, Section 5.B.4. Prescribing, dispensing, administering and distributing drugs in an unsafe manner or without adequate instructions to clients according to acceptable and prevailing standards of practice.

- 6. Virginia A. LaNoce 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 to support them would support the Board's findings in this Consent Agreement.
- 7. Virginia A. LaNoce understands and agrees that her license as an advanced practice registered nurse is subject to the terms of this Agreement indefinitely until and unless the Board, at Ms. LaNoce's written request, votes to reinstate her license. Ms. LaNoce further understands and agrees that before her license as an advanced practice registered nurse is reinstated, she shall provide the Board with:
 - a. evidence of completion of an educational program addressing drug seeking behaviors; and
 - b. evidence of completion of an educational program addressing management of chronic pain.
- 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. LaNoce's "home state" of licensure and primary state of residence, which means that she has declared the State of Maine as

Virginia A. LaNoce - Consent Agreement for Voluntary Surrender of APRN-NP License
Page 4 of 4

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. LaNoce understands that this document is an Agreement that affects her rights to practice nursing in the State of Maine and any remote party state in the Nurse Licensure Compact. She understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.

- 9. This 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.
- 10. Modification of this Agreement must be in writing and signed by all parties.
- 11. This Agreement is not subject to review or appeal by Ms. LaNoce, but may be enforced by an action in the Superior Court.
- 12. Virginia A. LaNoce affirms that she executes this Agreement of her own free will.
- 13. This Agreement becomes effective upon the date of the last necessary signature below.

I, VIRGINIA A. LANOCE, R.N., F.N.P., 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: 6/18/09 *Virginia A. LaNoce*
VIRGINIA A. LANOCE, R.N., F.N.P.

FOR THE MAINE
STATE BOARD OF NURSING

DATED: 6/18/09 *Myra Broadway*
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

FOR THE OFFICE
OF THE ATTORNEY GENERAL

DATED: 6/19/09 *John H. Richards*
JOHN H. RICHARDS
Assistant Attorney General