



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: KAREN J. LEA) **CONSENT AGREEMENT**
 of Augusta, Maine) **FOR VOLUNTARY SURRENDER**
 License #R050106) **OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Karen J. Lea’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Karen J. Lea’s (“Ms. Lea” or “Licensee”), 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.A. § 2105-A (1-A) (C), 10 M.R.S.A. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S.A. § 8003 (5) (D). The parties reached this Agreement on the basis of 1) Board Notice of Complaint dated December 7, 2009 with information from the Division of Licensing and Regulatory Services, Department of Health and Human Services dated December 1, 2009; 2) Ms. Lea’s response dated April 6, 2010; 3) Board Notice of Provider Report dated May 12, 2010 with information from Bangor Nursing & Rehabilitation Center (“Bangor Rehab”) received May 12, 2010; 4) Correspondence from MAS Medical Staffing dated June 8, 2010; 5) Ms. Lea’s response dated July 25, 2010; and 6) Judgment and Commitment dated August 3, 2010 regarding conviction of Two Counts of Unlawful Possession of Scheduled Drug (Class E).

FACTS

1. Karen J. Lea has been licensed as a registered professional nurse to practice in Maine since July 2004. At the time of the incidents cited in this Agreement, Ms. Lea had an active nursing license. On September 2, 2010, the Board summarily suspended her license pending hearing.
2. An investigation was conducted by the Department of Health and Human Services, Licensing and Regulatory Services (“LR&S”), regarding an alleged drug diversion at MaineGeneral Glenridge on March 10, 2008. On December 1, 2009, LR&S reported to the Board that it had substantiated the allegation against Karen J. Lea for drug diversion at MaineGeneral Glenridge and provided the Board with a summary report [Complaint #6483, which is incorporated herein and attached hereto and marked as Exhibit 1].
3. On May 12, 2010, the above-referenced complaint was received from Bangor Rehab regarding drug diversion, substandard nursing practice relative to drug administration documentation, and working while impaired. A copy of the Provider Report from Bangor Rehab is incorporated herein and attached hereto and marked as Exhibit 2.
4. On August 3, 2010, Ms. Lea was convicted of Two Counts of Unlawful Possession of Scheduled Drugs [Class E Misdemeanor] in Penobscot County District Court Docket #PENCD-CR2010-01744. A copy of the Judgment and Commitment is incorporated herein and attached hereto and marked as Exhibit 3.
5. Karen J. Lea has agreed to surrender her registered professional nurse license and hereby waives her rights to a hearing in this matter before the Board.



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

AGREEMENT

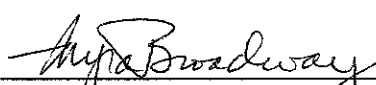
6. In lieu of a hearing before the Board, Karen J. Lea agrees to voluntarily surrender her registered professional nurse license; the Maine State Board of Nursing will accept her offer.
7. Karen J. Lea understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice as a registered professional nurse in the State of Maine. The grounds for discipline for violations are under 32 M.R.S.A. § 2105-A(2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(K), 3(O) and 3(P) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. M.R.S.A. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Lea performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2)
 - b. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Lea engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - c. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)
 - d. Rule Chapter 4, Section 3. *Unprofessional conduct*, defined as *nursing behavior which fails to conform to legal standards and accepted 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:*
 - 1) Chapter 4, Section 3(F). Ms. Lea failed to take appropriate action and follow policies and procedures in a practice situation designed to safeguard a patient.
 - 2) Chapter 4, Section 3(K). Ms. Lea inaccurately recorded medication administration documentation in a health care provider record.
 - 3) Chapter 4, Section 3(O). Ms. Lea practiced nursing when her physical or mental ability to practice were impaired by drugs.
 - 4) Chapter 4, Section 3(P). Ms. Lea diverted drugs from a health care provider.
8. Karen J. Lea neither admits nor denies the facts contained herein, but acknowledges that if this matter went to a hearing before the Board, it is more likely than not the above-stated facts contained herein and underlying investigative information would support the licensing violations in this Agreement.
9. Karen J. Lea understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license; said request for reinstatement not to be made before one year from the date of this fully-executed Consent Agreement. Ms. Lea agrees and understands that if the Board reinstates her license, it will be for a probationary period.

10. Karen J. Lea must be evaluated by the Maine Professionals Health Program to determine whether she has a substance abuse problem. If it is determined that she does, she must submit to treatment and continue in any aftercare treatment programs to such an extent and for as long as her treatment providers recommend.
11. 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. Lea’s “home state” of licensure and primary state of residence, which means she has declared the State of Maine as her fixed permanent and principle 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. Lea understands this Consent Agreement is subject to the Compact.
12. Ms. Lea understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
13. Karen J. Lea shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation “R.N.,” including in a veterinarian’s office, while her nursing license is surrendered. In addition, she is not to 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.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
15. Modification of this Agreement must be in writing and signed by all parties.
16. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
17. Karen J. Lea affirms that she executes this Agreement of her own free will.
18. This Agreement becomes effective upon the date of the last necessary signature below.

I, KAREN J. LEA, 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: Nov 5, 2010 
KAREN J. LEA

FOR THE MAINE STATE
BOARD OF NURSING

DATED: Nov. 5, 2010 
MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED:

11/5/10



JOHN H. RICHARDS
Assistant Attorney General



Department of Health
and Human Services

Maine People Living
Safe, Healthy and Productive Lives

John E. Baldacci, Governor

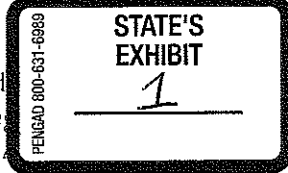
Brenda M. Harvey, Commissioner

Department of Health and
Licensing and Re
41

11 State House Station
Augusta, Maine 04333

Tel: (207) 287-9300; Toll Free: 1-800-791-4080

Fax: (207) 287-9307; TTY: 1-800-606-0215



December 1, 2009

Myra Broadway, J.D., M.S., R.N.
Executive Director
Maine State Board of Nursing
161 Capitol Street
158 State House Station
Augusta, ME 04333

RE: Karen Lea, RN
Maine General Glenridge – ME#6483
Richard Dwyer, HFS

RECEIVED
DEC 4 2009
MAINE STATE
BOARD OF NURSING

Dear Ms. Broadway:

The Division of Licensing and Regulatory Services received a complaint regarding an allegation of drug diversion regarding Karen Lea.

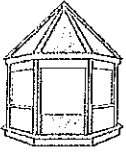
The Division substantiated the allegation against Karen Lea diverted drugs. Since this complaint involved Karen Lea, the Division is forwarding you a copy of the investigation report and supporting documents. Please make sure Karen Lea receives the redacted copy.

If you have any questions or require further information, please contact me at 287-9340.
Thank you.

Sincerely,

Tammy Steuber
Paralegal
Division of Licensing and Regulatory Services

Enclosure



Myra Broadway J.D., MS, RN
Executive Director
Maine State Board of Nursing
158 State House Station
Augusta, Me 04333-0158

Dear Ms. Broadway,

On 5-3-10, Bangor Nursing and Rehab Center scheduled Karen J. Lea, RN from MAS agency to cover the 7pm-7am shift. On 5-4-10, it was necessary to report this nurse to DHHS Division of Licensing and Regulatory Services, the Bangor Police Department, and the Attorney General for medication omissions, narcotic count discrepancies, and resident abuse.

The facility self-reported this RN for both potential drug diversion and resident abuse. The facility concludes that both allegations are substantiated.

Please see attached copy of our investigation.

Sincerely,

Donna Cianchette, RN
Acting Director of Nursing
Bangor Nursing and Rehabilitation Center

Phillip Bennett
Administrator
BNRC

RECEIVED
MAY 12 2010
MAINE STATE
BOARD OF NURSING

AUG-12-2010 14:17

Docket No. PENCD-CR-2010-01744

County/location

Date 8-3-10

DOB 10/30/1975

State of Maine v. KAREN LEA

Residence: 34 LEES COURT AUGUSTA ME 04330



Offense(s) charged: THEFT BY UNAUTHORIZED TAKING OR TRANSFER Charge: 1 Class: E DOV: 05/04/2010 Seq #: 8423 Title: 17-A / 353 / 1 / A UNLAWFUL POSSESSION OF SCHEDULED DRUG Charge: 2 Class: E DOV: 05/04/2010 Seq #: 8574 Title: 17-A / 1107-A / 1 / F UNLAWFUL POSSESSION OF SCHEDULED DRUG Charge: 3 Class: E DOV: 05/04/2010 Seq #: 8573 Title: 17-A / 1107-A / 1 / E

Charged by: [] indictment [] information [x] complaint Plea(s): [x] Guilty [] Nolo [] Not Guilty

Offense(s) convicted: [x] THEFT BY UNAUTHORIZED TAKING OR TRANSFER Charge: 1 Class: E DOV: 05/04/2010 Seq #: 8423 Title: 17-A / 353 / 1 / A [x] UNLAWFUL POSSESSION OF SCHEDULED DRUG Charge: 2 Class: E DOV: 05/04/2010 Seq #: 8574 Title: 17-A / 1107-A / 1 / F [x] UNLAWFUL POSSESSION OF SCHEDULED DRUG Charge: 3 Class: E DOV: 05/04/2010 Seq #: 8573 Title: 17-A / 1107-A / 1 / E

Convicted on: [x] plea [] jury verdict [] court finding

Seq 8574 ✓ 4: Unlaw Poss Drugs (E)

It is adjudged that the defendant is guilty of the offenses as shown above and convicted. [] It is adjudged that the defendant be hereby committed to the sheriff of the within named county or his authorized representative who shall without needless delay remove the defendant to: [] The custody of the Commissioner of the Department of Corrections, at a facility designated by the Commissioner, to be punished by imprisonment for a term of [] The County jail to be punished by imprisonment for a term of [] This sentence to be served (consecutively to)(concurrently with) [] Execution stayed to on or before: at (a.m.)(p.m.) [] It is ordered that all (but) of the sentence (as it relates to confinement)(as it relates to the) be suspended and the defendant be placed on a period of [] probation [] administrative release for a term of (years)(months) upon conditions attached hereto and incorporated by reference herein. [] Said probation to commence () (upon completion of the unsuspended term of imprisonment). [] Said administrative release to commence immediately. The defendant shall serve the initial portion of the foregoing sentence at

[] It is ordered that the defendant, having been convicted of an offense that requires compliance with the Sex Offender Registration and Notification Act as a [] 10-year registrant or a [] life-time registrant, must satisfy all requirements in the Sex Offender Registration and Notification Act. (34-A M.R.S.A Ch.15) The defendant must submit to the taking of fingerprints and a photograph as specified in the notice of duty to register.

[] It is ordered that the defendant forfeit and pay the sum of \$2,400 4,400 as a fine to the clerk of the court, plus applicable surcharges and assessments of: [] 10% [] 12%(Eff. 7/4/96) [] 14%(Eff. 9/18/99) [] 15% surcharge (Eff. 08/01/02) [x] 20%(Eff. 07/30/04) [] \$30.00 [] \$125.00 surcharge (29-A M.R.S.A. Section 2411) [] \$10 (7 M.R.S.A.) [] 10% (17 M.R.S.A.) [x] \$10 assessment(s) plus [] \$25 assessment(s) totalling \$ (5 M.R.S.A. Section 3360-I) [] All but \$ suspended. [] Execution/payment stayed to pay in full by or warrant to issue. [x] To pay \$ 50.00 per week/month beginning 8/13/10 or warrant to issue. TOTAL DUE: \$ 980.00 (To be filled in by cashier).

Execution/payment stayed to pay in full by _____ or warrant to issue. (17-A M.R.S.A. Section 1152-2-A)

It is ordered pursuant to applicable statutes, that the defendant's motor vehicle operator's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license and/or the defendant's right to register a motor vehicle is suspended in accordance with notice of suspension incorporated herein.

It is ordered that the defendant perform _____ hours of community service work within _____ (months) for the benefit of _____ (weeks)

It is ordered that the defendant pay \$ _____ for each day served in the county jail, to the treasurer of the above name county. (Up to \$80/Day) (17-A M.R.S.A. Section 1314)

Execution/payment stayed to pay in full by _____ or warrant to issue.

It is ordered that the defendant shall participate in alcohol and other drug education, evaluation and treatment programs for multiple offenders administered by the Office of Substance Abuse. (29 M.R.S.A. Section 1312-B (2)(D-1), 29-A M.R.S.A. Section 2411(5)(F))

It is ordered that the defendant forfeit to the state the firearm used by the defendant during the commission of the offense(s) shown above. (17-A M.R.S.A. Section 1158)

It is ordered that the defendant be unconditionally discharged. (17-A M.R.S.A. Section 1201)

If the defendant has been convicted of an applicable offense listed in 25 M.R.S.A. Section 1574, then the defendant shall submit to having a DNA sample drawn at any time following the commencement of any term of imprisonment or at any time following commencement of the probation period as directed by the probation officer.

It is further ordered that the clerk deliver a certified copy of this Judgment and Commitment to the Sheriff of the above named county or his authorized representative and that the copy serve as the commitment of the defendant. Reasons for imposing consecutive sentences are contained in the court record or in attachments hereto.

A TRUE COPY, ATTEST: _____
Clerk

[Signature]
Judge / Justice

I understand the sentence imposed herein and acknowledge receipt of a copy of this Judgment and Commitment. I hereby acknowledge that the disclosure of my Social Security number on this form is mandatory under 36 M.R.S.A. Section 5276-A. My Social Security number will be used to facilitate the collection of any fine that has been imposed upon me in this action if that fine remains unpaid as of the time I am due a State of Maine income tax refund. My Social Security number also may be used to facilitate the collection of money I may owe the State of Maine as a result of having had an attorney appointed to represent me. Collection of any fine or reimbursement of money which I owe to the State of Maine will be accomplished by offsetting money I owe to the State against my State of Maine income tax refund.

Social Security Number _____

Date: August 3, 2010

Defendant [Signature]
Address _____

RETURN

By virtue of the within JUDGMENT AND COMMITMENT I have this day delivered the within named Defendant to the _____

Date: _____ Deputy _____

By virtue of this warrant, the within-named Defendant has been removed to and received at the _____ on this day.

Date: _____
Authorized Officer/Supt./M.C.C./Warden M.S.P.