

STATE OF MAINE

MAINE STATE BOARD OF NURSING

IN RE: SUSAN McNAIR LINDSAY, R.N.) ADMINISTRATIVE CONSENT AGREEMENT

At its public meeting on May 11, 1979, the Maine State Board of Nursing (hereinafter sometimes referred to as the Board) voted unanimously to refer to the Department of the Attorney General of the State of Maine (hereinafter sometimes referred to as the Attorney General) for prosecution before the Administrative Court, pursuant to 32 M.R.S.A., Section 2105, certain allegations, which allegations are set forth more fully in Paragraphs (A) and (B) below, against Susan McNair Lindsay, R.N., Maine Registered Nurse Licence #R 21392, whose most recent address on record with the Board is 810 Hale Street, Beverly Farms, Massachusetts.

The allegations referred to the Attorney General by the Board are as follows:

(A) That on or about February 15, 1979, the said Susan M. Lindsay was found guilty, upon a plea of Nolo Contendere, before the Maine District Court, District Ten, Division of Eastern York - Biddeford, Docket No. 78/9-5714, of the crime of acquiring drugs by deception, in violation of 17A - M.R.S.A., Section 1108.

and (B) That on one or more occasions during her employ at the York Hospital, York, Maine, which employ lasted from May 1, 1978 through October 25, 1978 and during which employ she was assigned to the Special Care Unit, the said Susan Lindsay exhibited unfitness or incompetence to practice nursing or engaged in

unprofessional conduct in the practice thereof by, among other things, failing to monitor vital signs of patients assigned to her care, failing to start or change when necessary intra-venous solutions for patients assigned to her care, failing to provide medications in a timely manner to patients assigned to her care, and by otherwise failing to perform basic nursing responsibilities.

In consideration of Susan McNair Lindsay's agreement to return to the Board, on the effective date of this Administrative Consent Agreement, her Maine Registered Nurse Licence, and her agreement not to practice professional nursing or practical nursing within the State of Maine for a period of three years, the Board and the Attorney General agree to forego any further prosecution for licence suspension or revocation, in either the Administrative Court or before the Board, based upon any or all of the allegations set forth in Paragraphs (A) and (B) above.

WHEREFORE, it is agreed by the parties hereto, to wit Susan M. Lindsay on the one part and the Maine State Board of Nursing and the Department of the Attorney General of the State of Maine on the other part, that:

(1) Susan M. Lindsay knowingly and voluntarily waives any right she may have to a hearing on this matter before either the Board, or before the Administrative Court, pursuant to 5 M.R.S.A., Section 10003, pursuant to 4 M.R.S.A., Section 1151 and 5 M.R.S.A., Section 10051 or pursuant to any other statutory of constitutional right to hearing.

(2) Susan M. Lindsay knowingly and voluntarily agrees to surrender and return to the Board, upon the effective date of this Administrative Consent Agreement, her currently held Maine

licence to practice as a professional (registered) nurse, which licence is #R 21392.

(3) Susan M. Lindsay knowingly and voluntarily agrees not to, and shall not, practice professional (registered) nursing or practical nursing within the State of Maine for a period of three years from the effective date of this Administrative Consent Agreement.

(4) During said three year period of time, Susan M. Lindsay will not apply, pursuant to 32 M.R.S.A., Section 2206 or 32 M.R.S.A., Section 2255, for annual renewal of licence as either a professional (registered) nurse or practical nurse, and the Board will not grant to Susan M. Lindsay the aforesaid annual renewal of licence as either a professional (registered) nurse or practical nurse during said three year period of time.

(5) During said three year period of time Susan M. Lindsay will otherwise retain the rights and privileges accorded to her pursuant to her status as a nurse whose licence has lapsed.

(6) At the end of said three year period of time Susan M. Lindsay may apply to the Board for reinstatement of her annual licence and, if such application is made, she will at that time present to the Board reasonable documentation that she is sufficiently rehabilitated to the satisfaction of the Board to engage in the practice of nursing.

(7) The Board and the Attorney General agree to forego any further prosecution for licence suspension or revocation, in either the Administrative Court or before the Board, based upon any or all of the allegations set forth in Paragraphs (A) and (B) above.

(8) It is understood by the parties that, by entering into and signing this Administrative Consent Agreement, Susan M. Lindsay is not to be deemed by implication or otherwise to be admitting to any of the allegations contained in the aforesaid Paragraphs (A) or (B), and it is further understood by the parties that the allegations contained in the aforesaid Paragraphs (A) and (B) are not substantiated, expressly or impliedly by either the Board or the Attorney General, by the signing of this Administrative Consent Agreement.

(9) By entering into this Administrative Consent Agreement, neither the Board nor the Attorney General expressly or impliedly waive their right to bring other charges against Susan M. Lindsay should additional allegation giving rise to grounds for discipline, pursuant to 32 M.R.S.A., Section 2105, come to the attention of the Board or the Attorney General after the effective date of this Administrative Consent Agreement.

It is understood by the parties that this Administrative Consent Agreement is enforceable by any of the parties hereto in the courts of the State of Maine.

This Administrative Consent Agreement will become effective upon the date it is signed by all of the persons whose names appear below.

The original of this Administrative Consent Agreement will be retained on file at the Offices of the Board.

Dated: Sept 18, 1979

Susan McNair Lindsay, R.N.
Susan McNair Lindsay, R.N.

Dated: September 21, 1979

Fay E. Ingersoll
Maine State Board of Nursing
By: Fay E. Ingersoll, R.N.
President of the Board

Dated: September 18, 1979

Thomas Danylik, Esq.
Thomas Danylik, Esq.
234 Main Street
Biddeford, Maine
Attorney for Susan M. Lindsay

Dated: September 19, 1979

David Roseman
Richard S. Cohen
Attorney General
By: David Roseman
Assistant Attorney General
Attorney for the
Maine State Board of Nursing