BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE NO.  
R051641 ISSUED TO:  

LOUISE A. MCDONOUGH  
ORDER TERMINATING  
PROBATION  
To practice registered professional  
nursing in the State of Maine  

WHEREAS, on June 13, 2007, License No. R051641 issued to Louise A. McDonough was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on September 4, 2008, the Board of Nursing duly considered all evidence presented to it concerning Louise A. McDonough's compliance with the conditions of said probation; and

WHEREAS, the Board found that Louise A. McDonough has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on February 29, 2008 is hereby terminated.

DATED this 9th day of September 2008.

MAINE STATE BOARD OF NURSING

BY:  
Myra A. Broadway, J.D., M.S., R.N.  
Executive Director

PHONE: (207) 287-1133  
OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME  
http://www.maine.gov/boardofnursing/  
FAX: (207) 287-1149
IN RE: LOUISE A. MCDONOUGH, R.N. ) CONSENT AGREEMENT
 of Stockton Springs, Maine ) FOR PROBATION
 License #R051641 ) WITH CONDITIONS

INTRODUCTION

This document is a Consent Agreement regarding Louise A. McDonough’s license to practice registered professional nursing in the State of Maine. The parties enter into this Consent 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 Louise A. McDonough (“Licensee” or “Ms. McDonough”), Maine State Board of Nursing (“ME Board”) and the Office of the Attorney General, State of Maine. The Board considered Ms. McDonough’s application to renew her license as a registered professional nurse and her Consent Agreement For Probation with the Board of Registration in Nursing (“MA Board”) dated April 19, 2007, incorporated herein and attached hereto as Exhibit A. The parties reached this Consent Agreement based upon the facts stated below.

FACTS

1. Louise A. McDonough has been a registered professional nurse licensed to practice in Maine since 2005.

2. Louise A. McDonough filed a renewal application as a registered professional nurse with the Maine State Board of Nursing on February 7, 2007. Ms. McDonough answered “No” to questions No. 3, “Is there any pending complaint pending against your license in any state or jurisdiction?” Ms. McDonough failed to disclose that there was a complaint pending before the MA Board at the time of her renewal application. The MA Board concluded the matter with a Consent Agreement dated April 19, 2007, with discipline, and placing Ms. McDonough’s Massachusetts license on probation for a period of one (1) year. Exhibit A.

AGREEMENT WITH CONDITIONS OF PROBATION

3. Louise A. McDonough agrees and understands that the ME Board is taking reciprocal action on her Maine license as a registered professional nurse with that of the MA Board.

4. Louise A. McDonough’s license to practice registered professional nursing in the State of Maine will be placed on probationary status commensurate with Massachusetts’s probation. Exhibit A. In addition, Ms. McDonough agrees and understands that her Maine license will have the following additional terms and conditions:
a. Louise A. McDonough will notify any and all of her nursing employers and notify faculty involved in any clinical studies if she is enrolled in a nursing educational program, of the terms of this Consent Agreement and shall provide them with a copy of it.

b. Louise A. McDonough will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.

c. Louise A. McDonough will immediately notify the Board in writing regarding any material change in her nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program.

d. Louise A. McDonough’s employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.

5. 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. McDonough’s “home state” of licensure and primary state of residence, which means that Ms. McDonough has declared that the State of Maine is her fixed permanent and principle home for legal purposes; her domicile. Other party states that are in the Compact are referred to as a “remote state,” which means a party state, other than the home state that has adopted the Compact. Ms. McDonough understands that this document is a Consent Agreement that is subject to the Compact. Ms. McDonough 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. McDonough 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.

6. Louise A. McDonough agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the one (1) year probationary period established by the MA Board Consent Order, until and unless the Board, at Ms. McDonough’s written request, votes to terminate Ms. McDonough’s probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. McDonough has complied with the provisions of this Consent Agreement.
7. 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.

8. Louise A. McDonough understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.

9. If Louise A. McDonough fails to meet any of the obligations of this Consent Agreement, 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. Louise A. McDonough affirms that she executes this Consent Agreement of her own free will.

11. Modification of this Consent Agreement must in writing and signed by all the parties.

12. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.

13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

   I, LOUISE A. MCDONOUGH, 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: 2/5/08

[Signature]

LOUISE A. MCDONOUGH, R.N.
FOR THE MAINE STATE BOARD OF NURSING

DATED: 2/26/08

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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 2/29/08

JOHN H. RICHARDS
Assistant Attorney General
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

BOARD OF REGISTRATION IN NURSING

In the Matter of
Louise McDonough
RN License No. 123118
License Exp. Date: 03/15/08

Docket No. RN-06-105

CONSENT AGREEMENT FOR PROBATION

The Massachusetts Board of Registration in Nursing (Board) and Louise McDonough (Licensee), a Registered Nurse (RN) licensed by the Board, License No. 123118, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee’s record maintained by the Board:

1. The Licensee agrees that this Consent Agreement for Probation (Probation Agreement) is entered into in resolution of the Board’s investigation of a complaint filed against her Massachusetts nursing license, Docket No. RN-06-105.

2. The Licensee acknowledges that, if proved, her conduct as alleged in Docket No. RN-06-105 would constitute failure to comply with the Board’s Standards of Conduct at 244 Code of Massachusetts Regulations (CMR) 9.03(5), (35), (38), (39), (44) and (47) and warrants disciplinary action by the Board under Massachusetts General Laws (G.L.) Chapter 112, section 61 and Board regulations at 244 CMR 7.04, Disciplinary Actions. Specifically, the Licensee acknowledges that there is evidence based on which the Board, following a hearing, could find that while employed as a nurse at Tufts New England Medical Center in Boston, MA, during the period between January 2005 and June 2005, she:
   - failed to properly calculate the rate and dosage of narcotic medications administered to a patient via intravenous drip,
   - administered the medication to this patient in excess of the physician’s order,
   - failed to complete documentation relating to the care, treatment and administration of medications to this patient,
   - failed to properly transcribe verbal and/or telephone order(s) for this patient, and
   - failed to document waste of narcotic medications removed but not administered for this patient and two other patients.
3. The Licensee hereby agrees that she nursing license shall be placed on PROBATION for one (1) year (Probationary Period), commencing with the date on which the Board signs this Probation Agreement (Effective Date).

4. During the Probationary Period, the Licensee further agrees that she shall comply with all of the following requirements to the Board's satisfaction:

   a. Comply with all laws and regulations governing the practice of nursing, and not engage in any continued or further conduct and actions as she acknowledged in Paragraph 2 above.

   b. Not accept any home care assignment.

   c. While employed as a nurse, receive direct supervision from a Registered Nurse who is physically located at all times in each facility in which the Licensee practices nursing.

   d. Within thirty (30) days of the Effective Date of this Agreement and/or thirty (30) days after the commencement of any future nursing employment, review this Probation Agreement with each nursing employer (Employer) and arrange for each Employer to submit directly to the Board within this time period written verification of this review on its letterhead stationery.

   e. Arrange for each Employer to submit directly to the Board quarterly written reports on its letterhead stationery attesting to the Licensee's satisfactory nursing practice, reliability and attendance and specifically evaluating Licensee's nursing practices with respect to the administration and waste of medications, particularly narcotics administered via intravenous drip, and her documentation related to the same. The Licensee is responsible for ensuring that these reports are received by the Board commencing ninety (90) days after the Effective Date of this Probation Agreement and on the first day of every third month thereafter.

   f. Notify the Board in writing within ten (10) days of any change in the Licensee's employment status, including each change in Employer, each resignation or termination, and the name, address and telephone number of each new Employer.

   g. Notify the Board in writing within ten (10) days of each change in the Licensee's name and/or address.

   h. Timely renew her license to practice nursing.
i. Within sixty (60) days after the Effective Date of the Probation Agreement, submit documentation of her successful completion after the Effective Date of the Agreement of six (6) contact hours of continuing education on the topic of Medication Administration and Documentation which must be in addition to any contact hours required for license renewal. These contact hours may be taken as home study or as correspondence course, provided that, such continuing education meets the requirements of Board Regulations at 244 CMR 5.00, Continuing Education.

5. The Board agrees that in return for the Licensee's execution and successful compliance with all the requirements of this Probation Agreement, the Board will not pursue further disciplinary action against her nursing license in connection with Docket No. RN-06-105.

6. If the Licensee has complied to the Board's satisfaction with all the requirements contained in this Probation Agreement, the Probationary Period will terminate one (1) year after the Effective Date of this Agreement upon written notification to the Licensee from the Board.

7. If the Licensee does not comply with each requirement of this Probation Agreement, or, if after the Effective Date of this Probation Agreement the Board receives a complaint against the Licensee alleging conduct in violation of the statutes and regulations governing the practice of nursing and the Board substantiates the allegations, the Licensee agrees to the following:

   a. The Board may, upon written notice to the Licensee at her address of record:

      i. immediately SUSPEND the Licensee's nursing license or right to renew such license; or

      ii. extend the Probationary Period or modify the Probation Agreement requirements, or both, as the Board finds warranted to protect the public's health, safety and welfare.

   b. If the Board imposes a license suspension pursuant to this Paragraph, the suspension will remain in effect and the Probationary Period and the requirements imposed under Paragraph 4 above will be tolled until such time as:

      i. the Probationary Period and requirements under this Probation Agreement are resumed upon approval by the Board based on its review of documentation submitted by
the Licensee to the Board, which demonstrates compliance with the terms of this Probation Agreement; or

ii. the Probationary Period and requirements under this Probation Agreement, as modified by the Board are resumed upon approval by the Board based on its review of documentation submitted by the Licensee to the Board, which demonstrates compliance with the terms of the Probation Agreement; or

iii. this Probation Agreement is superseded by a subsequent consent agreement between the Board and the Licensee or by formal adjudication by the Board.

8. The Licensee understands and agrees that if her nursing license is surrendered or suspended by the Board in accordance with Paragraph 7 or 8 above, respectively, she will immediately return to the Board, by hand or certified mail, her current Massachusetts license to practice as a Registered Nurse. Upon said surrender or suspension, Licensee agrees that she will no longer be authorized to engage in the practice of nursing in the Commonwealth of Massachusetts and shall not in any way represent herself as a Registered Nurse until such time as the Board reinstates her nursing license or right to renew such license. Any evidence of unlicensed practice or misrepresentation as a Registered Nurse after the Board has notified the Licensee of her license surrender or suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution, as set forth in G.L. c. 112, sections 65 and 80.

9. The Licensee understands that entering into this Probation Agreement is a final act and not subject to reconsideration or judicial review.

10. The Licensee states that she has used legal counsel in connection with her decision to enter into this Probation Agreement or, if she has not used legal counsel, that the decision not to do so has been one taken of her own free will.

11. The Licensee understands that after its Effective Date, the Board is authorized to forward a copy of this Agreement to other licensing boards, law enforcement entities, or to any other individual or entity as required or permitted by law.

12. The Licensee agrees to return to the Board, either by hand or certified mail, two (2) duplicate originals of this Probation Agreement signed, witnessed and dated, within fifteen (15) days of her receipt of the unsigned, proposed Probation Agreement from the Board.
13. The Licensee understands that she has a right to formal adjudication concerning the allegations against her and that during said adjudication she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, G. L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 et seq. The Licensee further states that she understands that in executing this document entitled “Consent Agreement for Probation,” she is knowingly and voluntarily waiving her right to a formal adjudication and to the rights listed above.

Supreme Hills 4/13/07
Witness (sign and date)

Louise McDonough 4/13/07
Licensee (sign and date)

Rula Harb, MSN, RN
Executive Director
Board of Registration in Nursing

Witness (print name)

April 19, 2007
Effective Date of Probation Agreement

Fully Signed Agreement Sent to Licensee on 4/19/07

by Certified Mail No. 7006 2760 0000 7733 0094
Please note that Karen Fishman is responsible for monitoring compliance with the requirements of the Agreement. All correspondence and questions in connection with the Agreement should be directed to Ms. Fishman, Probation Monitor, Dept. of Public Health, Division of Health Professions Licensure at 239 Causeway St., Second Floor, Boston, MA 02114. You may also contact Ms. Fishman at (617) 973 - 0951.

Thank you for your cooperation in resolving this matter.

Sincerely,

[Signature]

Vita Palazzolo Berg
Prosecuting Counsel
Department of Public Health
Office of the General Counsel
(617) 973 - 0842

Enclosure