



Maine State Board of Nursing

295 WATER STREET
AUGUSTA, MAINE 04330

In Re:) PROBATIONARY
 Vivian Merrick, R.N.) CONSENT AGREEMENT

This Consent Agreement is made pursuant to 32 M.R.S.A. § 2105-A(1-A)(B) and § 2105-A(2)(E) and (2)(F). It concerns the license to practice professional nursing of Vivian Merrick, R.N. The parties to this agreement are Vivian Merrick, R.N., the Maine State Board of Nursing (the "Board"), and the Department of the Attorney General.

I. RECITALS

1. Ms. Merrick currently holds a license to practice as a professional registered nurse in the State of Maine.
2. Ms. Merrick was employed as a professional registered nurse at AMHI for a period of five years, the last four of which she worked in AMHI's infirmary as a charge nurse.
3. Ms. Vera Gillis, Professional Consultant for Nursing at AMHI, lodged a complaint, dated November 21, 1986, and an

amendment, dated January 26, 1987, with the Board against Ms. Merrick. The complaint and amendment allege incompetent and unprofessional behavior.

4. Ms. Merrick responded to the complaint and amendment by letters dated December 31, 1986 and February 21, 1987 respectively. She alleges staff harassment and inaccurate supervisory reports.

5. The Board notified Ms. Merrick, by letter dated October 2, 1987, of an informal conference which was held on October 29, 1987. Ms. Merrick and her attorney, Vendean V. Vafiades, Esq., were present at that conference.

II. FINDINGS OF FACT

Following the informal conference on October 29, 1987, the Board found the following facts:

1. That Ms. Merrick performed an improper catheterization without a doctor's order and used an improper procedure to perform that catheterization;

2. That Ms. Merrick had problems with interpersonal relationships which, ultimately, were detrimental to patients;

3. That Ms. Merrick, from time to time over a two year period, performed improper charting, failed to use sterile technique, failed to follow doctors' orders and failed to use resources appropriately; and

4. That this course of conduct is a violation of 32 M.R.S.A. § 2105-A(2)(E) and 32 M.R.S.A. § 2105-A(2)(F), specifically Board Rule Chapter 4, 3(F).

III. COVENANTS

1. In reliance upon and in consideration of the covenants undertaken by Ms. Merrick in this Consent Agreement, upon execution of this Consent Agreement by all parties, the Board and the Attorney General hereby agree to terminate investigation of the AMHI complaint, dated November 21, 1986 and January 26, 1987.

2. Ms. Merrick agrees to the following conditions:

a. That her license will be on a probationary status for one year.

b. That she will not work or be employed as a professional nurse until she has, to the Board's satisfaction, satisfactorily completed a refresher course in nursing which includes a clinical component. Ms. Merrick shall submit appropriate documentation of course completion to the Board for its approval.

3. That Ms. Merrick, prior to accepting employment, will submit to the Board acceptable certification from a physician that she is physically capable of practicing nursing.

At the meeting, when asked orally if she would agree to the conditions of the agreement, as voted by the Board, Ms. Merrick

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answered affirmatively. Ms. Merrick consents to this agreement for the sole purpose of terminating the investigation and because of her present physical limitations.

At the end of the probationary year, one year from the date of this agreement, Ms. Merrick may apply to the Board to remove the probationary status and reinstate her license to full status. If the terms of this agreement are not met, Ms. Merrick understands that, at the time she applies for reinstatement, the Board may continue the probationary status of her license with the same conditions and limitations.

Dated: _____

Vivian Merrick R.N.
Vivian Merrick, R.N., 12/15/87

Dated: _____

Vendean V. Vafiades, Esq.
Attorney for Vivian Merrick

Dated: 12/23/87

Jean C. Caron
Jean C. Caron,
Executive Director
Maine State Board of Nursing

Dated: 12/28/87

Martha F. Willard
Martha F. Willard
Assistant Attorney General
Counsel to the Board