

MAINE STATE BOARD OF NURSING

IN RE: Lisa Anne Norris, R.N.) DECISION & ORDER
Licensure Disciplinary Action)

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S. Sec. 2105-A (1-A) (D), *et seq.*, 5 M.R.S. Sec. 9051, *et seq.* and 10 M.R.S. Sec. 8001, *et seq.*, the Maine State Board of Nursing (Board) met in public session at the Board's office located in Augusta, Maine on July 15, 2008 for the purpose of determining whether Lisa Norris, R.N. engaged in unprofessional conduct as a registered nurse while licensed in Maine as more specifically stated in the Notice of Hearing dated June 16, 2008. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Acting Chairwoman, Therese B. Shipp, D.N. Sc., R.N., Dorothy Melanson, R.N., Robin Brooks (public representative), Susan L. Brume, L.P.N., and Susan C. Baltrus, M.S.N., R.N., C. Carrie Carney, Assistant Attorney General, presented the State's case. James E. Smith, Esq. served as Presiding Officer. Lisa Norris was not present, although had been served by first class mail with the Notice of Hearing on or about June 20, 2008. In addition, the post office attempted to deliver the certified/return receipt requested Notice of Hearing packet on June 20 and again on June 28, but it was refused and returned to the Board office July 5, 2008 (received July 11).

Following the determination that none of the Board members had conflicts of interest which would bar them from participating in the hearing, the taking of official notice of its statutes and rules, and subsequent to the opening statement by counsel, State's Exhibits 1-3 were admitted into the Record. The Board then heard the testimony, reviewed the submission of exhibits, and considered counsel's closing argument, after which it deliberated and made the following findings of fact by a preponderance of the credible evidence regarding the violations alleged in the Complaint.

II.

FINDINGS OF FACT

Lisa Norris, 39 years of age, is a resident of Georgia who was first issued a 90-day letter on January 2, 2008, to practice as a R.N. in the State of Maine. This letter was granted pursuant to 32 M.R.S. Sec. 2103, which, among other provisions, authorizes a registered or licensed practical nurse, licensed in another state, to practice her/his profession in this state for 90 days pending licensure in Maine.¹ Ms. Norris also submitted an application for licensure as a full-time registered nurse.

Ms. Norris began her employment at the Aroostook Medical Center (TAMC) in Presque Isle, Maine on or about January 8, 2008. She was accompanied by another nurse who supervised her practice during her first several shifts until January 16. At approximately 8:00 a.m. on January 17, 2008, Lisa Norris informed Nurse Levesque that she had administered the narcotic Dilaudid IV x 2 and Ambien 5mg tab during the night to patient JG. The purpose was to relieve the patient's pain and to help her sleep. However, Nurse Levesque had experience with JG and had not noticed that she was in any distress. She then questioned JG, who stated that she had not been given any pain medication.

Shortly thereafter, Dr. Ghosn, a physician who is hospital based, was making her rounds. When she reviewed the chart of patient JG, she noticed that an order for Dilaudid had been added to her orders on January 16 at 8:00 a.m., without her knowledge or consent. The written order, allegedly by Dr. Ghosn, was carried out by Nurse Norris who, according to the Pyxis computerized dispensing machine record, withdrew two doses of Dilaudid, but only recorded one on the Medication Administration Record (MAR). This documentation is necessary since it records the time at which the medication is given and requires the administrator of the medication, usually 30 minutes later, to document its effect on the patient. When the order was reduced to print by Nurse Norris, Dr. Hanf was credited with the order. Nurse Norris was confronted with the above information. She could not explain what had happened and said that she thought Dr. Hanf was the physician on call. The pharmacy discontinued the order.

The above incident caused the staff to review the medications withdrawn from Pyxis by Nurse Norris. That review revealed that several medications had not been documented by the licensee as having been administered to her patients. For example, the MAR did not reveal

¹ Nurse Norris's 90-day privilege expired on April 2, 2008.

entries for Ambien allegedly given to patient JG, morphine allegedly administered to patient JT, Percocet allegedly given to patient MT, and Xanax, allegedly administered to patient EL. Nurse Norris explained that she knew that she gave some of the medications and didn't know why she didn't document that fact in the Medication Administration Record.

On January 18, 2008, the hospital's pharmacist noticed a discrepancy with the drug Ativan. He reviewed the Pyxis record, which demonstrated that on January 16, Nurse Norris, under the account of patient KP, had entered the hospital's refrigerator that contained some medications, including Ativan. Five of the vials containing this drug had been removed, although patient KP had not been prescribed any refrigerated medications. Although other nurses also had access to the refrigerator, none were under suspicion for improper conduct. Additionally, it was determined that several medications had been ordered for patients by Nurse Norris even though those drugs had not been prescribed in the past for those individuals.

Nurse Norris was terminated from her employment at TAMC on January 17, 2008. The hospital's stated reasons were that:

1. Ms. Norris entered an order for Dilaudid by a provider, but entered the order onto a chart under another provider's name;
2. The Pyxis reports revealed evidence of eight narcotic removals without any corresponding notes that the drugs were administered;
3. Five vials of Ativan were missing at the end of Nurse Norris's January 16, 2008 shift with evidence that she had entered the refrigerator to withdraw medications even though her patient was not ordered to receive refrigerated medications; and
4. Nurse Norris's explanations for the above incidents were vague.

III.

CONCLUSIONS OF LAW

The Board, considering the above evidence and utilizing its experience and training, concluded by a vote of 5-0 that Lisa Anne Norris violated the following Board statutes and Rules:

"32 M.R.S. Sec. 2105-A.2. Grounds for discipline. The board may suspend or revoke a license pursuant to Title 5, Section 10004. The following are grounds for an action to

issue, modify, suspend, revoke, or refuse to renew the license of an individual licensed under this chapter:

F. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed.

H. A violation of this chapter or a rule adopted by the board.”

Rules adopted by the Board contained in the “Rules and Regulations of the Maine State Board of Nursing”, Chapter 4, Section: 1.A. 6. state that “Unprofessional Conduct” is a violation of those Rules. Chapter 4, Section 3 provides the following definition of “Unprofessional Conduct”: “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 not be limited to, the following:

K. Inaccurate recording, falsifying or altering a patient or health care provider record.

P. Diverting drugs, supplies or property of patients or health care provider.”

IV. SANCTIONS

The Board, by a vote of 5-0, based on the above recited facts and its training and expertise, ordered the following sanctions:

1. Lisa Anne Norris’s application for licensure as a Registered Nurse in Maine is hereby denied. The noted violations pose grave concerns to the Board since they seriously impact patient care.
2. Lisa Anne Norris shall pay a fine of \$6,000 for the above violations **by November 30, 2008**. The fine is assessed at the maximum \$1,500 for each of the four patients affected by the violations. The certified check or money order shall be made payable to: Treasurer, State of Maine and mailed to Myra Broadway, J.D., M.S., R.N., Executive Director, 158 State House Station, Augusta, Maine 04333-0158.
3. Lisa Anne Norris shall pay the **\$788.75** costs related to this hearing (Hearing Officer, two hours at the hearing, two and one-quarter hours to write decision @ \$115 per hour = \$488.75; Court Reporter, \$300.00) **by November 30, 2008**. The certified

check or money order shall be made payable to: Maine Board of Nursing and mailed to Myra Broadway, J.D., M.S., R.N., Executive Director, 158 State House Station, Augusta, Maine 04333-0158. Additional costs may be assessed in the event that Lisa Norris requests a transcript of the hearing. Costs shall be paid before the Board entertains any request by Lisa Norris for relicensure. The costs are ordered since the necessity for this hearing could have been avoided had Nurse Norris responded to the complaint. Additionally, associated hearing costs are more appropriately assessed against those licensees who violated Board statutes and Rules rather than those who obey same.

SO ORDERED.

Dated: Aug 26, 2008



Therese B. Shipps, D.N. Sc., R.N., Acting Chairwoman
Maine State Board of Nursing

V.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S. Sec. 10051.3, any party that decides to appeal this Decision & Order must file a Petition for Review within 30 days of the date of receipt of this Order with the Superior Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings, and the Maine Attorney General.