



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

PAUL R. LePAGE
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: LINDA A. PANETTA, R.N.)
 of Kennebunk, Maine)
 License #R034740)

**CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Linda A. Panetta’s license to practice registered professional nursing in the State of Maine. The Parties to this Agreement are Linda A. Panetta (“Licensee” or “Ms. Panetta”), 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. § 2105-A (1-A) (B) and 10 M.R.S. § 8003(5) (B). The Parties met in an informal conference on November 5, 2010 and reached this Agreement on the basis of a Board Complaint dated January 20, 2009, with an attached Provider Report from York Hospital dated January 14, 2009.

FACTS

1. Linda A. Panetta has been a registered professional nurse licensed to practice in Maine since September 1991.
2. Linda A. Panetta was employed at York Hospital as a registered professional nurse from December 3, 2007 until her resignation on November 21, 2008. In November 2008, a question had arisen about Ms. Panetta’s documentation of the administration of Nubain during labor and delivery. York Hospital investigated this issue and found that in 30 of 60 instances, Ms. Panetta failed to provide supporting documentation regarding Nubain which she had withdrawn from Pyxis. Ms. Panetta admits her documentation of Nubain did not comply with nursing standards for documentation. In addition, Ms. Panetta, who worked the 7:00PM-7:00AM shift, admits that it was sometimes difficult to enter documentation into the computer system because it was shut down each night between 1:00AM-3:00AM for rebooting.
3. Linda A. Panetta wishes to resolve this matter by accepting this Agreement and thereby waives her right to an adjudicatory hearing.

AGREEMENT WITH CONDITIONS OF PROBATION

4. Linda A. Panetta agrees and understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice registered professional nursing and the grounds for discipline are under 32 M.R.S. § 2105-A(2)(F), (2)(H) and Chapter, 4(1)(A)(6), 4(1)(A)(8) and Chapter 4(3)(F) of the Rules and Regulations of the Maine State Board of Nursing. Specifically the violations are:
 - a. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Panetta engaged in unprofessional conduct because she violated a standard of professional behavior by failing to conform to legal standards and accepted standards of the nursing profession that have been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - b. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)
 - c. Rule Chapter 4, Section 3. Unprofessional Conduct: *Nursing behavior which fails to conform to legal 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:*



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- 1) Chapter 4, Section 3(F). Ms. Panetta failed to follow policies and procedures designed to safeguard patients at York Hospital.
5. Linda A. Panetta's license as a registered professional nurse in the State of Maine is placed on probationary status with conditions. The period of probation will be for a period of two (2) years, to be effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Panetta performs nursing services. Her probationary license will be subject to the following conditions:
- a. Linda A. Panetta shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. Ms. Panetta shall inform the Board in writing within 15 days of any address change.
 - b. Linda A. Panetta will notify the Board in writing within five business days of any change in nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Ms. Panetta's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
 - c. Linda A. Panetta's practice of administering medication must be supervised by another registered professional nurse for the duration of her probationary term.
 - d. Linda A. Panetta will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
 - e. Linda A. Panetta will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, which is to include clinical competency, safe medication administration and related documentation.
 - f. Linda A. Panetta agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the two-year probationary period until and unless the Board, at Ms. Panetta's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Panetta has complied with the provisions of this Agreement.
6. If Ms. Panetta violates the conditions of her probation, the Board will give written notice to her regarding her failure to comply. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, 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. § 8003 and Title 32 M.R.S. § 2105-A.
7. 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. Panetta'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. Panetta understands and agrees that this Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Ms. Panetta's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state licensure privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which the Licensee wishes to work.

8. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
9. Linda A. Panetta understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
10. Linda A. Panetta affirms that she executes this Agreement of her own free will.
11. Modification of this Agreement must in writing and signed by all the Parties.
12. This Agreement is not subject to review or appeal by Ms. Panetta, but may be enforced by an action in the Superior Court.
13. This Agreement becomes effective upon the date of the last necessary signature below.

I, LINDA A. PANETTA, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. 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: 4-11-2011

Linda A. Panetta RN.
LINDA A. PANETTA, R.N.

DATED: 4/2/2011

Janet E. Michael
JANET E. MICHAEL, R.N., M.S., J.D.
Attorney for Linda A. Panetta, R.N.

FOR THE MAINE STATE BOARD OF NURSING

DATED: 4/20/11

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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 4/21/11

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General