

**MAINE STATE BOARD OF NURSING**

**IN RE: Patricia Sellers, R.N.** )  
 ) **DECISION AND ORDER**  
**Licensure Disciplinary Action** )

**PROCEDURAL HISTORY**

Pursuant to the authority found in 32 M.R.S.A. Sec. 2105-A(1-A)(D), *et seq.*, 5 M.R.S.A. Sec. 9051, *et seq.* and 10 M.R.S.A. Sec. 8001, *et seq.*, the Maine State Board of Nursing (Board) met in public session at the Board's offices located in Augusta, Maine on March 28, 2002 for the purpose of determining whether Patricia Sellers, R.N. engaged in unprofessional conduct as a registered nurse. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairman Richard L. Sheehan, M.S., R.N., Kathleen A. Dugas, L.P.N., Jody L. Deegan, M.S.N., R.N.C., Betty A. Kent-Conant, R.N. and Jeanne B. Delicata, R.N.C.

In accordance with Maine law, Ms. Sellers was served with notice of the Hearing and allegations against her by regular mail posted February 15, 2002 which was not returned. She was also served with the same notice by certified mail which was signed for on February 19, 2002. On the morning of the Hearing in this matter, a letter was received from Ms. Sellers requesting a continuance until an appeal was decided in Pennsylvania which allegedly related to the instant proceeding. The Board denied the request. Ms. Sellers failed to appear either in person or by counsel. John H. Richards, Ass't. Attorney General, presented the State's case. James E. Smith, Esq. served as Presiding Officer.

Subsequent to the opening statement by counsel, State's Exhibits 1-5 and 7-11 were admitted into the Record. Following the taking of testimony, submission of exhibits, and closing argument, the Board deliberated and made the following findings of fact by a preponderance of the credible evidence regarding the violations alleged in the Complaint.

**FINDINGS OF FACT**

Patricia Sellers received her nursing degree in 1969 and has been a licensed registered nurse in the State of Maine since March 1995. On October 30, 1996, an Order was issued from the Pennsylvania Bureau of Professional and Occupational Affairs, State Board of Nursing. That Order, based primarily on the licensee's addiction to alcohol, indefinitely suspended her nursing license "until she can come before the Board to show that she is fit and competent to practice nursing and pays a CIVIL PENALTY in the amount of two hundred and fifty dollars (250.00)" Of additional interest is that an Order to Show Cause why the Pennsylvania Board should not take

disciplinary action against the licensee was received by her on September 2, 1995.

Nurse Sellers applied for a nursing license in Maine in September 1995 which was granted. Subsequently, she applied for and received renewals of that license on August 22, 1997 and July 2, 1999. On each of the latter two applications, she was asked the following two questions: "Has any board of nursing taken disciplinary action against your license in that state(s) or jurisdiction(s) since the last renewal of your Maine license?" "Is there any complaint pending against your license in any state or jurisdiction?" Nurse Sellers answered "No" to each of those questions despite the disciplinary actions taken against her license in Pennsylvania. Additionally, the State of Kentucky also disciplined Nurse Sellers in February 1998 for not reporting the Pennsylvania disciplinary action.

### **CONCLUSIONS OF LAW**

The relevant statutory and regulatory provisions regarding the above matter and as stated in the Complaint/Notice of Hearing are as follows:

**32 M.R.S.A. 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:

**A.** The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued.

**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 and Regulations of the Maine State Board of Nursing, Chapter 4.**

##### **1. Disciplinary Action.**

###### **A. Grounds for Discipline**

1. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued.

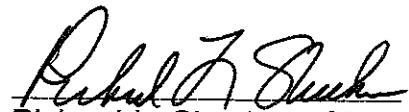
6. **Unprofessional conduct.** A licensee shall be deemed to have engaged in unprofessional conduct if he violates any standard of professional behavior which has been established in the practice for which he is licensed.

The Board, by a vote of 5-0, based on the above recited facts and utilizing its members' experience and training, concludes that Patricia Sellers, R.N. violated the above statutory and regulatory standards of nursing. She falsified her license application and subsequent renewals and received her license under false pretenses while practicing deceit by not disclosing disciplinary actions against her license in Pennsylvania and Kentucky. As a result of her actions:

**Patricia Sellers' license is hereby suspended for a period of 180 days and she is to pay a fine of \$3,000 payable to the Treasurer, State of Maine. The money shall be paid within 60 days of the date of this decision and mailed to the Clerk of this Board at 158 State House Station, Augusta, Maine 04333-0158.**

**SO ORDERED.**

Dated: April 10, 2002

  
Richard L. Sheehan, Chairman  
Maine State Board of Nursing

#### **Appeal Rights**

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3 and 10 M.R.S.A. Sec. 8003, any party that appeals this Decision and Order must file a Petition for Review in the Maine Superior Court within 30 days of receipt of this Order.

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 Attorney General.