

MAINE STATE BOARD OF NURSING

IN RE: James R. Sirois, R.N., L.P.N.)
) DECISION AND ORDER
Licensure Disciplinary Action)

I. 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 State of Maine Board of Nursing (Board) met in public session at the Board's offices located in Augusta, Maine on March 11, 2003 for the purpose of determining whether James R. Sirois, R.N., L.P.N. engaged in unprofessional conduct as a registered nurse (R.N.) and licensed practical nurse (L.P.N.) while licensed in Maine as more specifically stated in the Notice of Hearing dated February 14, 2003. 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., Betty A. Kent-Conant, M.S.N., R.N.C., Therese B. Shipp, R.N., Charyl Kelley, L.P.N., and Karen Tripp (public representative). John H. Richards, Ass't. Attorney General, presented the State's case. James E. Smith, Esq. served as Presiding Officer. Mr. Sirois did not appear by himself or by counsel. He was served with the Notice of Hearing by certified mail on February 15, 2003.

Following the determination that none of the Board had conflicts of interest which would bar them from participating in the hearing, and subsequent to the opening statement by counsel, State's Exhibits 1- 10 were admitted into the Record. The Board then heard the testimony, reviewed the submission of exhibits, considered the closing argument and deliberated in public.

James Sirois was first licensed as an L.P.N. on November 27, 1978, which license lapsed on July 1, 1980. He was licensed as a Registered Nurse on April 6, 1979 until the license lapsed on April 25, 2002. Thereafter, that license was reinstated on October 28, 2002. On September 16, 1983, James Sirois was awarded his Certified Registered Nurse Anesthetist certificate (CRNA). In order to receive that certificate, Mr. Sirois had to possess a license to practice as a Registered Nurse. Due to the allegations which form the basis of the instant proceeding, Nurse Sirois' licenses were suspended by the Board on February 13, 2003.

II. FACTS

On or about May 24, 2002, the Board received a letter from Jeff Cutler, Human Resources Director for the Spectrum Medical Group. This organization employed Mr. Sirois who was assigned to practice at St. Joseph's Hospital in Bangor, Maine as the chief Certified Registered Nurse Anesthetist. Mr. Cutler informed the Board that Mr. Sirois had resigned on January 22, 2002 while in the process of re-credentialing his hospital privileges. It was then discovered that Mr. Sirois was "not current with his required re-certification status as a CRNA" which certification was due to expire on April 25, 2002.

The Board further investigated and concluded that Mr. Sirois had not been re-certified as a CRNA since July 31, 1996, even though he had practiced his profession in that capacity and produced re-certification cards dated July 31, 1998, July 31, 2000 and July 31, 2002. These were

determined to be forgeries, the result of which could subject the hospital and his employer to financial penalties and call into question patient care.

32 M.R.S.A. Sec. 2105-A.2.A. states as a ground for discipline: "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."

32 M.R.S.A. Sec. 2105-A.2.F. states as a ground for discipline: "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."

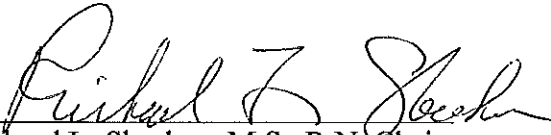
III.

CONCLUSION

The Board voted 5-0 to revoke the Registered Nurse and Licensed Practical Nurse licenses of James R. Sirois based on his violation of the above two statutory sections. These violations occurred when he forged his credentials over a six year period. These acts allowed James Sirois to provide service as a Certified Registered Nurse Anesthetist within the scope of his license to practice as a Registered Nurse when he was not so authorized.

SO ORDERED.

Dated: March 14, 2003


Richard L. Sheehan, M.S., R.N. Chairman
Maine State Board of Nursing

II.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3, any party that decides to appeal this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the District 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.