



**MAINE STATE BOARD OF NURSING**

35 ANTHONY AVENUE • STATE HOUSE STATION 158  
AUGUSTA, MAINE 04333-0158  
(207) 624-5275 • FAX (207) 624-5290

In re: ) **DECISION**  
CAROL L. THAYER, L.P.N. ) **AND ORDER**  
of Warren, Maine )  
License #P010475 )

On April 7, 1993, the Maine State Board of Nursing ("the Board") held an adjudicatory hearing and conducted public deliberations regarding this matter. The hearing was held at the Maine State Board of Nursing, 35 Anthony Avenue, Augusta, Maine. Assistant Attorney General Timothy W. Collier presented the case to the Board. Carol Thayer was present and represented by Mark Zobel, Esq.

**STATEMENT OF THE CASE**

The Petitioner alleged that Ms. Thayer failed to give medicines but signed her initials indicating that she had given such medicines to patients in the Camden Nursing Home during her employment at that facility. Evidence was presented by the Petitioner through Krista Weber, who was employed as the Administrator of the Camden Nursing Home at the time Ms. Thayer was employed by that institution, and by Thelma Dean, the Director of Nursing of the Camden Nursing Home. They testified that Ms. Dean received a tip that medication was not being distributed. She shared this information with Ms. Weber who told Ms. Dean to perform random counts of medications which are not normally counted. Ms. Dean followed these instructions and conducted a random count. The counts revealed that some medications had not been given but had been signed as if given and that there were transcriptions of orders for medications which had lead to errors such as extra dosages of medicines being given to a patient.

When the nursing home became aware of this problem, they also at some point learned of the possibility that Ms. Thayer was dyslexic.

Ms. Thayer was hired by Camden Nursing Home in August of 1991. Prior to her termination in March of 1992, she was given special training and counseling regarding administering medications and continued to make mistakes in such administration. Ms. Dean further testified that when she supervised Ms. Thayer, she administered medications correctly and that the problem with administering medications occurred when she was not directly supervised.

It was also established in the testimony of the witnesses for the State and Ms. Thayer, who testified on her own behalf, that Ms. Thayer was a recent graduate of nursing school and inexperienced and that a nursing home is a high pressure place to work as a nurse. Ms. Thayer made allegations of improper conduct against Ms. Dean. Ms. Thayer also testified that she was not part of the social circle among nurses at the Camden Nursing Home.

#### ISSUES PRESENTED

The issues presented for the Board's consideration were as follows:

1. Whether Ms. Thayer is incompetent in the practice for which she is licensed;
2. Whether Ms. Thayer violated any standard of professional behavior which has been established in the practice for which she is licensed; and
3. Whether Ms. Thayer's actions constitute incompetence or unprofessional conduct within the meaning of 32 M.R.S.A. Section 2105-A(2)(E), (2)(F) & (2)(H).

#### DISCUSSION AND DECISION

The Board in its discussion indicated that it believed that the random counts ordered by Ms. Weber and performed by Ms. Dean were accurate and established that Ms. Thayer had a pattern of problems with administering medications. The Board further indicated in its discussion that it believed that Ms. Thayer was capable of administering medications but had simply failed to do so.

There was a motion made to find a violation of 32 M.R.S.A. Section 2105-A(2)(E)(1) which provides that a licensee shall be deemed incompetent in the practice if the licensee has engaged in conduct which evidences a lack of ability of fitness to discharge the duty owed by the licensee to a client or patient or the general public. The motion did not carry.

There was then a motion made to find a violation of 32 M.R.S.A. Section 2105-A(2)(F) which provides that 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 the licensee is licensed. Specifically, the motion to find a violation of Chapter 4 of the Board's Rules and Regulations, Section 3, subsection F which defines as unprofessional conduct "failing to take appropriate action or follow policies and procedures in the practice

situation designed to safeguard the patient" and subsection K which provides that "inaccurate recording, falsifying or altering a patient in a health care provider record is unprofessional conduct" was carried unanimously.

There was then made and seconded a motion to issue a letter of warning based upon the finding of a violation of 32 M.R.S.A. Section 2105-A(2)(F) and Board Rules Chapter 4, subsections 3.F and 3.K. The motion carried with six voting in favor, one opposed and one abstention. The Board further stated that the warning should include reference to the subject matter of this proceeding and to the fact that in the Board's opinion Ms. Thayer needs a fair amount of supervision in performing her duties as a licensed practical nurse.

FOR THE MAINE STATE BOARD OF  
NURSING:

DATED: 5 May 1993

BY: Richard L. Sheehan  
RICHARD L. SHEEHAN, Chairman

**APPEAL RIGHTS**

Any party aggrieved by this decision may appeal to the Administrative Court by filing a petition for review pursuant to 5 MRSA Section 11001 et seq. within 30 days of receipt of this Decision.