

A review of the relevant records at the hospital further revealed that Ms. Thompson had removed a 4th vial of Demerol, 100 mgs. from the drug dispenser. There was no documentation that this had been administered to any patient and the empty vial was found in the disposal container. The disposal of the Demerol was not witnessed by anyone else in contravention of the hospital's policy. The facility terminated Nurse Thompson's employment on the 18th of March.

III. CONCLUSIONS OF LAW

The Board, by a vote of 5-0, found and concluded that Patricia Thompson violated the following provisions of Board statutes and Rules.

1. 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:

E. Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:

1. Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public.
2. Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed.

The facts found in this Decision support the conclusion that Ms. Thompson is incompetent to practice nursing since she was not truthful about her reasons for ordering the Demerol, did so without authorization for the 100 mgs., did not record how the medication was disposed of, and diverted the Demerol for her own purposes.

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.

The facts found in this Decision support the conclusion that Ms. Thompson was unprofessional in her practice of nursing since she was not truthful about her reasons for ordering the Demerol, ordered same without authorization, did not record how the doses were disposed of, and diverted same for her own purposes.

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

2. "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.

Nurse Thompson was deceitful in withdrawing drugs that were not administered to any patient and failing to note same.

2. Habitual intemperance in the use of alcohol or the habitual use of a narcotic or hypnotic or other substances the use of which has resulted or may result in the licensee performing his duties in a manner which endangers the health or safety of his patients.

The amount of Demerol diverted would lead to the conclusion that Nurse Thompson was impaired while on duty.

5. Incompetency in the practice for which he is licensed. A licensee shall be deemed incompetent in the practice if the licensee has:

1. Engaged in conduct which evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public; or

2. Engaged in conduct which evidences a lack of knowledge, or inability to apply principles or skills to carry out the practice for which he is licensed.

The facts found in this Decision support the conclusion that Ms. Thompson is incompetent to practice nursing since she was not truthful about her reasons for ordering the Demerol, did so without authorization for the 100 mgs., did not record how the medication was disposed, and diverted the Demerol for her own purposes.

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.

3. 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:

F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.

Nurse Thompson did not document the disposal of the Demerol or have another nurse witness the wasting of same.

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

Nurse Thompson did not record the history of the Demerol after she removed same from the dispenser. Additionally, there is no record of her wasting the doses.

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

Nurse Thompson removed Demerol in doses that were not prescribed and diverted same for her own purposes.

Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

Nurse Thompson obtained and possessed a prescription drug, Demerol, without authorization.

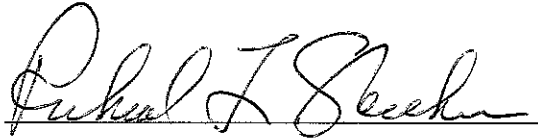
The Board voted 5-0 to:

1. **Revoke Nurse Thompson's license** to practice as a registered nurse pursuant to 10 M.R.S.A. Sec. 8003.

2. Ordered Nurse Thompson to pay the costs related to the hearing not to exceed \$800 by November 30, 2004. Those costs **total \$420**. (Hearing officer – 3 hours. @ \$100 per hour = \$300; Court reporter services = \$120). The check or money order shall be made payable to: Maine Board of Nursing and mailed to Myra Broadway, Exec. Director, 158 State House Station, Augusta, Maine 04333-0158. The costs are in keeping with past Board practices and considering that no response was filed to the complaint which failure resulted in the instant hearing.

SO ORDERED.

Dated: August 17, 2004



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

IV.

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.



JOHN ELIAS BALDACCI
GOVERNOR

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

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

August 24, 2007

Patricia Thompson
c/o House of T.I.M.E.
1721 13th Avenue
Columbus, GA 31901

Dear Ms. Thompson:

This letter and enclosed receipt will acknowledge your recent and FINAL payment in the amount of \$60 for the hearing costs associated with the 2004 Board Decision and Order. As I've indicated previously, we have appreciated your prompt monthly installments and desire to put this action behind you.

The Board wishes you continued success in your recovery and future endeavors!

Sincerely,

A handwritten signature in cursive script that reads "Jayne Winters".

Jayne C. Winters
Probation Compliance

Enclosure
cc



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