



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

JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: MICHELE D. TOMPKINS) **CONSENT AGREEMENT**
 of Caribou, Maine) **FOR VOLUNTARY SURRENDER**
 License #R037952) **OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Michele D. Tompkins’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Michele D. Tompkins (“Ms. Tompkins” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Ms. Tompkins in an informal conference on October 6, 2010. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (C), 10 M.R.S.A. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S.A. § 8003 (5) (D). The parties reached this Agreement on the basis of a 1) Board Notice of Complaint/Provider Report dated April 12, 2007, with information from Maine Veterans’ Homes-Caribou (“MVH”) dated April 3, 2007; and 2) Ms. Tompkins’s responses dated December 13 and 15, 2008 [Exhibit A].

FACTS

1. Michele D. Tompkins has been licensed as a registered professional nurse to practice in Maine since August 10, 1994. At the time of the incidents discussed in this Agreement, Ms. Tompkins held an active nursing license; it did, however, lapse on December 31, 2007. In addition, she held a licensed practical nurse license in Maine from August 30, 1993 to December 31, 1994.
2. Michele D. Tompkins’s employment as a registered professional nurse at MVH was terminated on March 31, 2007 as a result of performance issues and substandard nursing practice.
3. Michele D. Tompkins admits that the information contained in Exhibit A regarding her nursing practice and a recent diagnosis which affects her mental health demonstrate that she is currently not safe to provide direct patient care.
4. Michele D. Tompkins wishes to resolve this matter by voluntarily surrendering her registered professional nurse license, thereby waiving her right to an adjudicatory hearing.

AGREEMENT

5. The Maine State Board of Nursing will accept Michele D. Tompkins’s offer to voluntarily surrender her registered professional nurse license.
6. Michele D. Tompkins understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her license to practice as a registered professional nurse in the State of Maine. The grounds for discipline are for violations under 32 M.R.S.A. § 2105-A(2)(C), (E)(1), (2)(H) and Chapter 4, sections 1(A)(3), 1(A)(5)(a), 1(A)(8) and Chapter 4, section 3(F) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:



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Title 32 M.R.S.A. §§:

- a. 2105-A (2) (E) (1). Incompetence in the practice for which Ms. Tompkins is licensed by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a patient and the general public. (See also Chapter 4, Section 1.A.5.a.)
- b. 2105-A (2) (E) (3). Ms. Tompkins has been diagnosed with a mental health condition that has resulted or is foreseeably likely to result in her performing her duties in a manner that endangers the health or safety of her patients. (See also Chapter 4, Section 1.A.3.)
- c. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Chapter 4, Section 1.A.8.)

Chapter 4, Section 3. Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, states: *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:*

- d. Section 3(F). Ms. Tompkins failed to take appropriate action or follow policies and procedures in the practice situation designed to safeguard patients.
7. Michele D. Tompkins understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Prior to meeting with the Board, she will need to provide written documentation from a medical professional that she has been evaluated and is safe to practice. Ms. Tompkins agrees and understands that if the Board reinstates her license, it will be for a probationary period.
 8. 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. Tompkins’s “home state” of licensure and primary state of residence, which means that 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. Tompkins understands this Consent Agreement is subject to the Compact.
 9. Ms. Tompkins understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
 10. Michele D. Tompkins shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2) or in any position holding herself out as a registered professional nurse or with the designation “R.N.” while her nursing license is surrendered.
 11. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
 12. Modification of this Agreement must be in writing and signed by all parties.

13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. Michele D. Tompkins affirms that she executes this Agreement of her own free will.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, MICHELE D. TOMPKINS, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. 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.

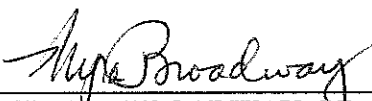
DATED: 11/28/16



MICHELE D. TOMPKINS

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Feb 11, 2011



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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 2/16/11



JOHN H. RICHARDS
Assistant Attorney General