



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: **JOHN R. WARK, L.P.N.**) **CONSENT AGREEMENT**
 of Bangor, Maine) **FOR LICENSE PROBATION**
 License #P011511) **WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding John R. Wark’s license to practice practical nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are John R. Wark (“Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on April 8, 2005. The parties reached this Consent Agreement based on information submitted by the State of Maine, Department of Health and Human Services, Bangor Mental Health Institute (“DHHS”), Bangor, Maine by complaint dated August 19, 2004.

FACTS

1. John R. Wark has been a licensed practical nurse licensed to practice in Maine since 1997.
2. On July 28, 2004, Mr. Wark received an oral reprimand from his employer, DHHS, and was placed on probation for medication errors. On August 11, 2004, Mr. Wark was terminated from DHHS for repeated medication errors. There were a total of 10 medication errors made by Mr. Wark between March 3, 2004 and July 26, 2004. These consisted of the following:
 - Pre-pouring medications 2 – 2 1/2 hours before administration (Seroquel 300 mg.);
 - Administering the wrong dose of medication on 2 different occasions (1 tab Seroquel instead of ordered 2 tabs, administered 3 tabs Topimax 25 mg. instead of 1 tab 25 mg.);
 - Administering the wrong medication on 5 different occasions (administered Loped instead of Metformin, administered Lexapro 5 mg. instead of Asa 81 mg., administered 150 mg. Desipramine instead of 50 mg. of Trazodone, administered Nicotine gum 4 mg. instead of 2 mg., ;
 - Failing to administered a schedule dose of medication (Zocar 40);
 - Administering medications that were ordered to be discontinued)Zocar 20 mg.;
 - Administering a medication 3 hours before the scheduled medication and failed to report the incident until the following day.



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3. John R. Wark admits that he is responsible for the medication errors that occurred.
4. John R. Wark failed to follow the policies and procedures of his facility.
5. John R. Wark has a professional diagnosis that resulted in him performing his duties in a manner that endangered the health or safety of patients.

AGREEMENT WITH CONDITIONS OF PROBATION

6. John R. Wark agrees and understands that this document imposes discipline regarding his license to practice practical nursing and the above-described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(C), (2)(E), (2)(F) and (2)(H) and Chapter 4(1)(A)(5)(6) and (4)(3)(F) of the Rules and Regulations of the Maine State Board of Nursing.

7. John R. Wark's license to practice practical nursing in the State of Maine will be placed on a probationary status with conditions. The period of probation will be for a period of ~~three~~ ^{two} years, to be effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Mr. Wark performs nursing services. Mr. Wark's probationary license will be subject to the following conditions:

- a. Mr. Wark will immediately notify the Board in writing regarding any change in his nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program.
- b. Mr. Wark will notify any and all of his nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
- c. Mr. Wark will arrange for and ensure the submission to the Board of monthly reports for the first six months of probation, and, thereafter, quarterly reports from his direct nursing supervisor or clinical faculty regarding his medication administration practice and his general nursing practice until his probation is terminated.
- d. Mr. Wark's employment is restricted during the period of probation to structured settings, with on site supervision, by a registered professional nurse which shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.

- e. Mr. Wark agrees that during the pendency of this Consent Agreement his nursing practice is limited to the State of Maine unless otherwise authorized by the Board. If Mr. Wark wishes to practice in any other party state within the compact he shall petition the Board for written authorization. In addition, Mr. Wark will arrange to have the party state he intends to practice in, to provide the Board with written authorization that he has been approved to practice in that state.
 - f. Mr. Wark shall take a CNA-M medication course and complete it successfully within one year of nursing employment.
 - g. Mr. Wark will not pass medications until the CNA medication course is completed.
 - h. Mr. Wark will obtain a psychiatric evaluation prior to nursing employment. The evaluation will be submitted to the Board for review prior to the nursing employment.
8. John R. Wark agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the two year probationary period, until and unless the Board, at Mr. Wark's written request, votes to terminate Mr. Wark's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Wark has complied with the provisions of this Consent Agreement.
 9. John R. Wark understands that this document is a Consent Agreement that affects his rights to practice nursing in Maine. Mr. Wark understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.
 10. If Mr. Wark fails to meet any of the obligations of this Consent Agreement, the Board may take any disciplinary action, which it deems appropriate and impose any of the sanctions, including but not limited to that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
 11. John R. Wark affirms that he executes this Consent Agreement of his own free will.
 12. Modification of this Consent Agreement must in writing and signed by all the parties.
 13. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.

14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, JOHN R. WARK, L.P.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 15 Feb 2006



JOHN R. WARK, L.P.N.

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: February 15, 2006



THERESE B. SHIPPS, D.Ns.C., R.N.
Chair

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: Feb. 15, 2006



JOHN H. RICHARDS
Assistant Attorney General