



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

PAUL R. LEPAGE
 GOVERNOR

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

IN RE: MELISSA D. WOOD)
 of Gorham, ME)
 License No. LPN12208)
)
)
 Complaints No. 2011-221, 2011-222 & 2012-120)

**CONSENT AGREEMENT FOR
 REVOCATION**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Melissa D. Wood’s license as a licensed practical nurse (“LPN”) in the State of Maine. The parties to this Agreement are Melissa D. Wood (“Ms. Wood”), the Maine State Board of Nursing (“the Board”), and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A), 10 M.R.S. §8003 (5)(B), and 10 M.R.S. §8003 (5)(D) in order to resolve Complaints 2011-221, 2011-222 and 2012-120.

FACTS

1. Melissa D. Wood [formerly “Melissa Marandola”] was licensed to practice in Maine as an LPN from February 9, 2004 until August 21, 2012, when her license lapsed on August 22, 2012.
2. On January 13, 2007, the Board issued Ms. Wood a Letter of Concern regarding the importance of accurate and timely documentation and placed this Letter of Concern in Ms. Wood’s file for a period of five years.
3. Ms. Wood was employed as an LPN at Maine Veterans’ Homes, Scarborough (“Maine Vets”) from November 6, 2008 until her termination on April 27, 2011 for allegations of poor leadership and its “loss of trust in her abilities.”
4. On May 3, 2011, the Board received 1) Attorney General Incident Report #99-2011-0185 dated February 3, 2011; 2) Attorney General Incident Report #99-2011-0621 dated April 15, 2011; and 3) Intake Report ME00011395 from Licensing and Regulatory Services, Department of Health and Human Services, dated April 14, 2011, all regarding an anonymous complaint against Melissa Wood concerning resident abuse. The Board docketed the complaint as Complaint 2011-222.
5. On May 5, 2011, the Board received a Provider Report from Maine Vets’ (Complaint No. 2011-221) regarding the April 21, 2011 employment suspension of Melissa Wood regarding 1) possible verbal and physical abuse of residents; and 2) an allegation of drug diversion. Upon further in-house investigation at Maine Vets’, other issues regarding Ms. Wood’s behavior surfaced, including routine napping during the 11-7 shift and an inordinate amount of time spent off the unit and in the bathroom. Ultimately, Ms. Wood’s employment was terminated because 1) she failed on several occasions to act compassionately toward residents; 2) her



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professional behavior was not consistent with the standards of resident-centered care consistent with Maine Veterans' Homes core philosophy; and 3) her supervision of staff did not meet the goals of Maine Veterans' Homes, despite attending an intensive supervisory training class.

6. On May 12, 2011, Ms. Wood was hired as an LPN at Southridge Rehabilitation & Living Center ("Southridge"); she was terminated on May 18, 2012 for admitted drug diversion.
7. On April 16, 2012, the Board received a Provider Report from Southridge regarding a count disparity of liquid narcotics involving Ms. Wood.
8. On May 18, 2012, the Board received a Provider Report from Southridge notifying the Board of a May 17, 2012 staff report of drug diversion. Southridge also notified the Biddeford Police Department, the Attorney General's Office, and the Division of Licensing and Regulatory Services at the Department of Health and Human Services. Southridge stated it would provide the Board with the results of the investigation within five days.
9. On May 21, 2012, the Board received the Investigation Summary from Southridge in which a May 18, 2012 interview with Ms. Wood resulted in her acknowledged diversion and employment termination. Southridge advised the Board that law enforcement was continuing its investigation for further action.
10. On July 24, 2012, the Board received Maine Drug Enforcement Agency Investigative Report for Case #DE-2012-1289 dated May 22, 2012 in which Melissa Wood admitted to stealing liquid morphine from Southridge. On July 24, 2012, Board Complaint No. 2012-120 was issued and sent to Ms. Wood for a response. Ms. Wood failed to respond and on August 28, 2012, the Board issued another Complaint for her failure to respond to the Southridge Complaint (2012-120).
11. On October 10, 2012, the Board notified Melissa Wood that Complaint 2012-120 would be brought to the Board's attention at its November 28-29, 2012 meeting without her response.
12. On November 28, 2012, pursuant to 5 M.R.S. §10004 (3), the Board voted to summarily suspend Melissa Wood's LPN license for thirty (30) days pending an adjudicatory hearing to be scheduled for December 21, 2012.
13. On December 14, 2012, Melissa Wood admitted in a telephone interview with the Board's Investigator that she did divert liquid morphine from Southridge. She stated that when a patient passed away at Southridge, the facility was very lax with wasting medication and she would take the liquid morphine for herself, replacing it with water. She also admitted that she used the medication while at work. On a number of occasions, she also diverted living patients' medications, also replacing them with water. Ms. Wood stated that she had been prescribed pain medication years ago following surgery for a broken hand, that she is currently prescribed Suboxone and has been taking it since 2005.

She further stated that she is scheduled to appear in court on January 9, 2013 and expects a jail sentence of six months, during which time she hopes to wean herself off her medications.

14. Melissa Wood now seeks to enter into this Agreement with the Board to avoid an adjudicatory hearing.
15. Absent Ms. Wood's acceptance of this Agreement by signing, dating and returning it to Jayne Winters, Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158, on or before December 20, 2012, the hearing in this matter will proceed as scheduled. Upon receipt of a signed copy of this Agreement, the Consent Agreement will be presented to the Board for its approval and ratification.

AGREEMENT

16. Ms. Wood acknowledges that should this matter proceed to an adjudicatory hearing before the Board, there is sufficient evidence from which the Board could conclude by a preponderance of the evidence that she engaged in the conduct alleged above and that such conduct would constitute a basis for the Board to impose discipline against her.
17. Based on Ms. Wood's acknowledgement of the sufficiency of the evidence in this matter, the Board finds sufficient evidence of proof of the alleged conduct and concludes that Ms. Wood has committed violations of law that constitute bases for imposing discipline against her as follows:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(A) for engaging in the practice of fraud or deceit in connection with service rendered within the scope of the license issued;
 - b. Pursuant to 32 M.R.S. §2105-A (2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Wood performing services in a manner that endangers the health or safety of patients;
 - c. Pursuant to 32 M.R.S. §2105-A (2)(E)(1) by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by an LPN to her client, patient, or the general public;
 - d. Pursuant to 32 M.R.S. §2105-A (2)(E)(2) by engaging in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice of an LPN;
 - e. Pursuant to 32 M.R.S. §2105-A (2)(F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed;
 - f. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(K) by inaccurately recording, falsifying, or altering a patient or health care provider record;
 - g. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(O) by practicing nursing when physical or mental ability to practice is impaired by alcohol or drugs;

- h. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(P) by diverting drugs, supplies, or property of a patient or health care provider; and
 - i. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(Q) by possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
- 18. Ms. Wood does not contest the Board’s findings and conclusions as stated in paragraph 17 and, as discipline for these findings of violations, agrees to the **REVOCATION** of her license. Ms. Wood understands and agrees that as a result of this Agreement, she no longer has a license. Ms. Wood understands and agrees that, upon receiving a request from her to reapply for Maine LPN licensure, the Board shall have the sole discretion to grant or deny such a request or to grant her a license with probation and conditions as it determines appropriate to protect the public.
- 19. The State of Maine is a “Party state” that has adopted the Nurse Licensure Compact (“the Compact”), which is set out in Chapter 11 of the Rules of the Maine State Board of Nursing. The State of Maine is Ms. Wood’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 principal 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. Wood understands this Agreement is subject to the Compact.
- 20. Ms. Wood shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. §2502(2) or in any position holding herself out as a licensed practical nurse or with the designation “LPN” while she does not hold a nursing license.
- 21. This Agreement is a public record within the meaning of 1 M.R.S. §402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. §408.
- 22. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
- 23. Modification of this Agreement must be in writing and signed by all parties.
- 24. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
- 25. Melissa D. Wood affirms that she executes this Agreement of her own free will.
- 26. This Agreement becomes effective upon the date of the last necessary signature below.

Melissa D. Wood - Consent Agreement for Revocation
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I, MELISSA D. WOOD, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY LICENSED PRACTICAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, 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: 12/18/12

Melissa D. Wood LIC# P012208
MELISSA D. WOOD

FOR THE MAINE STATE
BOARD OF NURSING

Dated: 12/19/12

Myra Broadway
MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF
THE ATTORNEY GENERAL

Dated: 12/21/12

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General