

PUBLIC MINUTES OF MAINE STATE BOARD OF NURSING

July 8, 2016

Hearing:

An Adjudicatory Hearing was held by the Maine State Board of Nursing at the Board Office, 161 Capitol Street in Augusta, on Friday, July 8, 2016 regarding **Krystal Carrier**. The hearing commenced at 1:05 PM with Rebekah Smith presiding as the Hearing Officer.

Special Board Meeting:

A subcommittee meeting of the Maine State Board of Nursing, held at the Board Office, 161 Capitol Street in Augusta, on Friday, July 8, 2016, was called to order at 8:40 AM by Valerie J. Fuller, DNP – Chair.

PRESENT: Valerie J. Fuller, DNP – Chair
Margaret Hourigan, RN
Kathy McManus, RN
Peggy Soneson, RN – Secretary
Vaughn Stinson
Kim Esquibel, PhD, MSN, RN, Executive Director
Lauren LaRochelle, Assistant Attorney General
Katie Johnson, Assistant Attorney General (in at 11:50 AM)

ABSENT: Stephanie Stimpson, RN
Carmen Clark, RN
Elaine Duguay, LPN

INFORMAL CONFERENCES

1. **(2016-67)** Licensee joined the meeting, with her attorney, to discuss further her response to the Provider Report dated March 31, 2016.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 8:40 AM.

At 8:47 AM, in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted unanimously to return to open session.

In a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

2. **(2016-27)** Licensee joined the meeting, via conference call, discuss further her response to the Provider Report dated February 23, 2016.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 8:58 AM.

At 9:12 AM, in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted unanimously to return to open session.

In a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

3. **(2016-30)** Licensee joined the meeting to discuss further her response to the Provider Report dated February 26, 2016.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 9:21 AM.

At 9:25 AM, in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted unanimously to return to open session.

In a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

4. **(2016-147)** Licensee joined the meeting to discuss further her response to the complaint dated June 22, 2016.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 9:42 AM.

At 9:44 AM, in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted unanimously to return to open session.

In a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted to offer the Licensee a Consent Agreement.

**VOTE: 4 in favor – Valerie J. Fuller, Margaret Hourigan, Kathy McManus, Vaughn Stinson
1 opposed – Peggy Soneson**

5. **(2015-246)** Licensee joined the meeting to discuss further her response to the Provider Report I dated October 27, 2015.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 9:50 AM.

At 10:06 AM, in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted unanimously to return to open session.

In a motion made by Margaret Hourigan, RN and seconded by Valerie J. Fuller, DNP, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

6. **(2015-280)** Licensee joined the meeting to discuss further her response to the Provider Report dated December 11, 2015.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 10:51 AM.

At 11:06 AM, in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted unanimously to return to open session.

In a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted to Order the Licensee to undergo a substance abuse evaluation in accordance with 32 MR.S. §2105-A(4).

VOTE: Unanimously in favor

7. **(2016-29)** Licensee joined the meeting to discuss further her response to the Provider Report dated February 8, 2016.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 11:17 AM.

At 11:31 AM, in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted unanimously to return to open session.

In a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

8. **(2011-308)** Licensee joined the meeting to discuss further her response to the Provider Report dated June 28, 2011.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 11:52 AM.

At 12:16 PM, in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted unanimously to return to open session.

In a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted to amend the Consent Agreement offered to the Licensee.

VOTE: Unanimously in favor

INFORMAL MEETING

1. **Sonia Milcendeau** joined the meeting to discuss further her May 9, 2016 request to appeal the Board's April 7, 2016 Preliminary Denial of her March 14, 2016 Registered Professional Nurse Application for License Reinstatement.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie J. Fuller, DNP and seconded by Peggy Soneson, RN the Board voted unanimously to go into executive session to discuss information gathered by the Board staff, which information is confidential and not subject to access by the general public pursuant to 32 M.R.S. § 2105-A(1-A) at 11:35 AM.

At 11:50 AM, in a motion made by Valerie J. Fuller, DNP and seconded by Peggy Soneson, RN, the Board voted unanimously to return to open session.

In a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

COMPLAINTS/PROVIDER REPORTS

1. **(2016-152)**

Following discussion, in a motion made by Margaret Hourigan, RN and seconded by Valerie J. Fuller, DNP the Board voted to suspend the Licensee's license as a Registered Professional Nurse in accordance with 32 M.R.S. §10004(3).

VOTE: Unanimously in favor

In a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

2. (2016-149)

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN the Board voted to meet with the Licensee in an Informal Conference to discuss further the information received.

VOTE: Unanimously in favor

NEW BUISNESS**1. Chelsea Harkins – RE 4/14/16 Application for Examination and Licensure as a Registered Professional Nurse**

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted to preliminarily deny Ms. Harkin's Application for Examination and Licensure as a Registered Professional Nurse.

VOTE: Unanimously in favor

2.**a. Amber Berube, CNP – RE 1/13/16 Advance Practice Registered Nurse Certified Nurse Practitioner Application for License Renewal**

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted to preliminarily deny Ms. Berube's Advance Practice Registered Nurse Certified Nurse Practitioner Application for License Renewal.

VOTE: Unanimously in favor

b. Amber Berube, CNP – RE 1/13/16 Registered Professional Nurse Application for License Renewal

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted to preliminarily deny Ms. Berube's Registered Professional Nurse Application for License Renewal.

VOTE: Unanimously in favor

3. Deborah Provencher, RN – RE 5/11/16 Registered Professional Nurse Application for License Renewal

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted to approve Ms. Provencher's Registered Professional Nurse Application for License Renewal.

VOTE: Unanimously in favor

4. **Annie Von Kres, RN** – RE 5/31/16 Registered Professional Nurse Application for License Renewal

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Margaret Hourigan, RN, the Board voted to preliminarily deny Ms. Von Kres's Registered Professional Nurse Application for License Renewal.

VOTE: Unanimously in favor

5. **Brittanie Henderson, RN** – RE 2/18/15 Application for Licensure as a Nurse Practitioner

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Peggy Soneson, RN, the Board voted to preliminary deny Ms. Henderson's Application for Licensure as a Nurse Practitioner.

VOTE: 5 in favor

In a motion made by Valerie J. Fuller, DNP and seconded by Peggy Soneson, RN, the Board voted to initiate a complaint against Ms. Henderson.

VOTE: Unanimously in favor

UNFINISHED BUSINESS

1. **(2016-10)** – RE Request for clarification of the **number of years** for June 8-9, 2016 decision for a Letter of Concern RE *the importance of vigilance in narcotic monitoring of patients on opiate contracts*.

Following discussion, in a motion made by Margaret Hourigan, RN and seconded by Kathy McManus, RN, the Board voted to amend the terms of the June 8-9, 2016 Letter of Concern.

VOTE: Unanimously in favor

2. **Jayne Tasker, RN** – RE 3/16/16 Registered Professional Nurse Application for Renewal of Licensure

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Peggy Soneson, RN, the Board voted to offer Ms. Tasker a Consent Agreement.

VOTE: Unanimously in favor

3. **(2016-11 & 2016-33)** – RE 6/8/16 Board Decision for a Consent Agreement for Surrender.

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted to amend the terms of the June 8, 2016 Consent Agreement.

VOTE: Unanimously in favor

4. **(2015-150 & 2016-54)** – RE 7/6/16 Attorney's Request for Reconsideration of April 7, 2016 Offer of a Consent Agreement for Surrender

Following discussion, in a motion made by Valerie J. Fuller, DNP and seconded by Kathy McManus, RN, the Board voted to amend the terms of the June 8, 2016 Consent Agreement.

VOTE: Unanimously in favor

ADJOURNED @ 2:30 PM