

PUBLIC MINUTES OF MAINE STATE BOARD OF NURSING

September 21-22, 2016

A regular meeting of the Board of Nursing was held at the Board office, 161 Capitol Street, Augusta, on September 21-22, 2016. The meeting was called to order Wednesday, September 21, 2016 at 8:30 AM by Valerie Fuller, DNP - Chair.

PRESENT:

Valerie J. Fuller, DNP – Chair
Peggy Soneson, RN – Secretary
Kathy McManus, RN
Margaret Hourigan, RN, EdD
Stephanie Stimpson, RN
Vaughn Stinson
Kim Esquibel, PhD, MSN, RN, Executive Director
Virginia deLorimier, MSN, RN, Assistant Executive Director
Lauren LaRochelle, Assistant Attorney General
Katie Johnson, Assistant Attorney General in at 2: 12 PM on September 21, 2016

ABSENT:

Carmen Clark, RN

MINUTES OF June 8-9, 2016 MEETING

In a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to approve the minutes of the June 8-9, 2016 meeting.

VOTE: Unanimously in favor

INFORMAL CONFERENCES

1.

(2014-92) Licensee joined the meeting to discuss further his response to the Complaint dated April 16, 2014.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, 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 1:21 PM.

At 2:04 PM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to offer the Licensee a Consent Agreement.

**VOTE: 4 in favor Valerie Fuller, Peggy Soneson, Kathy McManus, Stephanie Stimpson
2 opposed - Vaughn Stinson, Margaret Hourigan**

(2014-227) Licensee joined the meeting to discuss further his response to the Complaint dated October 20, 2014.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, 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 1:21 PM.

At 2:04 PM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board deferred decision pending receipt and review of further information.

VOTE: Unanimously in favor

2. **(2016-43)** 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 Fuller and seconded by Stephanie Stimpson, 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 2:35 PM.

At 2:49 PM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

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

VOTE: Unanimously in favor

3. **IC 3 – (2016-12)** Licensee joined the meeting to discuss further her response to the Provider Report dated January 12, 2016.

In a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

4. **(2015-292)** Licensee joined the meeting, with her attorney, to discuss further her response to the Provider Report dated October 23, 2015.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Margaret Hourigan and seconded by Kathy McManus, 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 10:20 AM.

At 10:41 AM, in a motion made by Peggy Soneson, the Board voted unanimously to return to open session.

In a motion made by Peggy Soneson and seconded by Kathy McManus, the Board voted to offer the Licensee a Consent Agreement.

**VOTE: 5 in favor Vaughn Stinson, Margaret Hourigan, Peggy Soneson,
Kathy McManus, Stephanie Stimpson
1 recused – Valerie Fuller**

- (2016-53)** Licensee joined the meeting, with her attorney, to discuss further her response to the Provider Report dated March 1, 2016.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Margaret Hourigan and seconded by Kathy McManus, 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 10:42 AM.

At 11:00 AM, in a motion made by Margaret Hourigan, the Board voted unanimously to return to open session.

In a motion made by Peggy Soneson and seconded by Kathy McManus, the Board voted to offer the Licensee a Consent Agreement.

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

5. **(2010-470)** Licensee joined the meeting, with her attorney, to discuss further her response to the Provider Report dated October 12, 2010.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, 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 11:43 AM.

At 11:57 AM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to the Licensee a Consent Agreement.

VOTE: Unanimously in favor

6. **(2016-149)** Licensee joined the meeting to discuss further her response to the Complaint dated June 23, 2016.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, 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 11:30 AM.

At 11:36 AM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to terminate the Licensee's probation.

VOTE: Unanimously in favor

In a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint.

VOTE: Unanimously in favor

COMPLAINTS/PROVIDER REPORTS

1. **(2016-68)**

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

2. **(2016-83)**

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

3. **(2016-118)**

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to meet with the Licensee in an informal conference to discuss further his response.

VOTE: Unanimously in favor

4. **(2016-161) – RESCHEDULED**

5. (2016-188)

Following review of the above information, in a motion made by Peggy Soneson and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

6. (2016-78)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

7. (2016-126)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to meet with the Licensee in an informal conference to discuss further his response.

VOTE: Unanimously in favor

8. (2016-133)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

9. (2016-113)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

10. (2016-114)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

11. (2016-101)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

12. (2016-162)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

13. (2016-136)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

14. (2016-116)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

15. (2016-117)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

16. (2016-102)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

17. (2016-179)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to take no further action on the Complaint.

VOTE: Unanimously in favor

18. (2016-191)

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

VOTE: Unanimously in favor

19. (2016-141) – RESCHEDULED**20. (2016-140)**

Following review of the above information, in a motion made by Peggy Soneson and seconded by Stephanie Stimpson, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

21. (2016-112)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

22. (2016-153)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

23. (2016-110)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

24. (2016-148)

Following review of the above information, in a motion made by Margaret Hourigan and seconded by Kathy McManus, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

25. (2016-125)

Following review of the above information, in a motion made by Peggy Soneson and seconded by Stephanie Stimpson, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

26. (2016-138)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to meet with the Licensee in an informal conference to discuss further her response.

VOTE: Unanimously in favor

27. (2016-177)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to meet with the Licensee in an informal conference to discuss further her response.

VOTE: Unanimously in favor

28. (2016-180)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to offer the Licensee a Consent Agreement.

**VOTE: 5 in favor Vaughn Stinson, Margaret Hourigan, Kathy McManus,
Stephanie Stimpson, Valerie Fuller
1 recused - Peggy Soneson**

29. (2016-178)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

30. (2016-176)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to issue the Licensee a Letter of Concern.

**VOTE: 5 in favor Vaughn Stinson, Margaret Hourigan, Kathy McManus,
Stephanie Stimpson, Valerie Fuller
1 opposed - Peggy Soneson**

31. (2016-190)

Following review of the above information, in a motion made by Margaret Hourigan and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

32. (2016-84)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

33. (2016-129)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

34. (2016-94)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

35. (2016-172)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

36. (2016-91)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

37. (2016-155)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

38. (2016-170)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

39. (2016-159)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

40. (2016-158)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

41. (2016-157)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

42. (2016-134)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to meet with the Licensee in an informal conference to discuss further her response.

VOTE: Unanimously in favor

43. (2016-109)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

44. (2016-151)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

45. (2016-130)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

46. (2016-103)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

47. (2016-154)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to offer the Licensee a Consent Agreement.

**VOTE: 5 in favor Vaughn Stinson, Margaret Hourigan, Peggy Soneson,
Stephanie Stimpson, Valerie Fuller
1 opposed Kathy McManus**

48. (2016-127)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

49. (2016-106)

Following review of the above information, in a motion made by Peggy Soneson and seconded by Stephanie Stimpson, the Board voted to issue the Licensee a Letter of Concern.

**VOTE: 4 in favor Vaughn Stinson, Margaret Hourigan, Stephanie Stimpson
2 recused - Valerie Fuller, Kathy McManus**

50. (2016-105)

Following review of the above information, in a motion made by Peggy Soneson and seconded by Stephanie Stimpson, the Board voted to issue the Licensee a Letter of Concern.

**VOTE: 4 in favor Vaughn Stinson, Margaret Hourigan, Stephanie Stimpson
2 recused - Valerie Fuller, Kathy McManus**

51. (2016-104)

Following review of the above information, in a motion made by Peggy Soneson and seconded by Stephanie Stimpson, the Board voted to issue the Licensee a Letter of Concern.

**VOTE: 4 in favor Vaughn Stinson, Margaret Hourigan, Stephanie Stimpson
2 recused - Valerie Fuller, Kathy McManus**

52. (2016-131)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

53. (2016-187)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

54. (2016-60)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

55. (2016-93)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to order Ms. Harrison undergo a substance abuse evaluation prior to meeting with the Licensee in an informal conference to discuss further her response.

VOTE: Unanimously in favor

56. (2016-175)

Following review of the above information, in a motion made by Peggy Soneson and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

57. (2016-160)

Following review of the above information, in a motion made by Kathy McManus and seconded by Peggy Soneson, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

58. (2016-100)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

59. (2016-192)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to meet with the Licensee in an informal conference to discuss further her response.

VOTE: Unanimously in favor

60. (2016-128)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to take no further action on the Provider Report.

VOTE: Unanimously in favor

61. (2016-97)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

62. (2016-132)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board deferred a decision pending receipt and review of further information.

VOTE: Unanimously in favor

63. (2016-156)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to meet with the Licensee in an informal conference to discuss further her response.

VOTE: Unanimously in favor

64. (2016-182)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to dismiss the complaint based on no violation of the Law Regulating the Practice of Nursing.

VOTE: Unanimously in favor

65. (2016-81)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

66. (2016-92)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

67. (2016-90)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

68. (2016-166)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to issue the Licensee a Letter of Concern.

VOTE: Unanimously in favor

69. (2016-135)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

70. (2016-37)

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to meet with the Licensee in an informal conference to discuss further her response.

VOTE: Unanimously in favor

71. (2016-120)

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Kathy McManus, 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 12:36 PM.

At 12:42 PM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

Following review of the above information, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

UNFINISHED BUSINESS**1. (2016-49)**

Following discussion, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to deny the Licensee's request.

VOTE: Unanimously in favor

2. **Brittanie Henderson** – joined the meeting to discuss further her July 15, 2016 request to appeal the July 8, 2016 preliminary denial of Application for Licensure as an Advanced Practice Registered Nurse, Certified Nurse Practitioner.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Margaret Hourigan, 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 12:56 PM.

At 1:14 PM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Peggy Soneson and seconded by Kathy McManus, the Board voted to approve the application. The Board also voted to issue Ms. Henderson a Letter of Concern.

VOTE: Unanimously in favor

3. **Amber Berube, CNP** – joined the meeting to discuss further her August 25, 2016 request to appeal the July 8, 2016 preliminary denial of Application for Licensure as an Advanced Practice Registered Nurse, Certified Nurse Practitioner.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, 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 2:12 PM.

At 2:21 PM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to approve the application. The Board also voted to issue Ms. Berube a Letter of Concern.

VOTE: Unanimously in favor

4. **Amber Berube, CNP** – joined the meeting to discuss further her August 25, 2016 request to appeal the July 8, 2016 preliminary denial of her Registered Professional Nurse Renewal Application.

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, 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 2:12 PM.

At 2:21 PM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to approve the application. The Board also voted to issue Ms. Berube a Letter of Concern.

VOTE: Unanimously in favor

5. **Annie Von Kres, RN** – joined the meeting to discuss further her July 21, 2016 request to appeal the July 8, 2016 preliminary denial of her Registered Professional Nurse Renewal Application

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Peggy Soneson, 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 2:24 PM.

At 2:31 PM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Margaret Hourigan and seconded by Kathy McManus, the Board voted to approve the application. The Board also voted to issue Ms. Von Kres a Letter of Concern.

VOTE: Unanimously in favor

6. **(2015-71)**

In a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to administratively dismiss the case without prejudice.

VOTE: Unanimously in favor

7. **Lorraine Stickney, RN** – RE Request for Clarification on 6/8/16 Decision to Offer a Consent Agreement for Reinstatement on Probation

In a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to offer Ms. Stickney a Consent Agreement.

VOTE: Unanimously in favor

8. **David Mosher, RN** – joined the meeting to discuss further his June 29, 2016 request to appeal the June 8-9, 2016 preliminary denial of his Registered Professional Nurse Renewal Application

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Valerie Fuller and seconded by Kathy McManus, 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 11:05 AM.

At 11:15 AM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to offer Mr. Mosher a Consent Agreement.

VOTE: Unanimously in favor

9. **Michael Duffy** – joined the meeting, with his attorney Eric B. Morse, to discuss further his May 24, 2016 request to appeal the April 7, 2016 preliminary denial of his Registered Professional Nurse Renewal Application

Pursuant to 1 M.R.S. §405(6)(F), in a motion made by Margaret Hourigan and seconded by Stephanie Stimpson, 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 11:18 AM.

At 11:26 AM, in a motion made by Valerie Fuller, the Board voted unanimously to return to open session.

In a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to offer Mr. Duffy a Consent Agreement.

VOTE: Unanimously in favor

10. **(2016-50)**

In a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

11. **(2015-255)**

In a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to table the complaint against the Licensee.

VOTE: Unanimously in favor

12. **(2016-28)**

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

VOTE: Unanimously in favor

13. **(2016-48)**

In a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to offer the Licensee a Consent Agreement.

VOTE: Unanimously in favor

NEW BUSINESS**1. (2016-23)**

Following discussion, in a motion made by Margaret Hourigan and seconded by Kathy McManus, the Board voted to deny the Licensee's request.

VOTE: Unanimously in favor

2. Heather Boisot, RN – RE 2/24/16 Request for Probation Termination

Following discussion, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to terminate Ms. Boisot's probation.

VOTE: Unanimously in favor

3. Lisa White, RN – RE 8/12/16 Request for Early Probation Termination

Following discussion, in a motion made by Margaret Hourigan and seconded by Peggy Soneson, the Board voted to offer Ms. White a Consent Agreement.

VOTE: Unanimously in favor

4. Christine Palmer-Fournier, RN – RE 8/15/16 Request for Early Probation Termination

Following discussion, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to offer Ms. Palmer-Fournier a Consent Agreement.

VOTE: Unanimously in favor

5. Susan Bernardini, RN – RE 8/21/16 Request for Reinstatement

Following discussion, in a motion made by Margaret Hourigan and seconded by Peggy Soneson, the Board voted to offer Ms. Bernardini a Consent Agreement.

VOTE: Unanimously in favor

6. Maine College of Health Professions – RE 8/29/16 Request for Exception to Masters for Stephanie Chin, MA, M.Ed, BSN, RN

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to grant the request for an Exception to Masters for Ms. Chin.

VOTE: Unanimously in favor

7. **University of Southern Maine School of Nursing** – RE 8/29/16 Request for Exception to Masters for Abbey Darus, RN

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to grant the request for an Exception to Masters for Ms. Darus.

VOTE: Unanimously in favor

8. **University of Southern Maine School of Nursing** – RE 8/29/16 Request for Exception to Masters for Lesley Fairchild, RN

Following discussion, in a motion made by Valerie Fuller and seconded by Kathy McManus, the Board voted to deny the request for an Exception to Masters for Ms. Fairchild.

VOTE: Unanimously in favor

9. **Northern Maine Community College** - RE 8/29/16 Request for Exception to Masters for Valerie Perry, ADN, RN

Following discussion, in a motion made by Margaret Hourigan and seconded by Kathy McManus, the Board voted to deny the request for an Exception to Masters for Ms. Perry.

VOTE: Unanimously in favor

10. **Northern Maine Community College** - RE 8/29/16 Request for Exception to Masters for Napua Napalapalai, ADN, RN

Following discussion, in a motion made by Margaret Hourigan and seconded by Kathy McManus, the Board voted to deny the request for an Exception to Masters for Ms. Napalapalai.

VOTE: Unanimously in favor

11. **Kennebec Valley Community College** – RE 6/15/16 Request for Waiver of Site Visit

Following discussion, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to grant the request for a Waiver of Site Visit.

VOTE: Unanimously in favor

12. **(2015-33) Judy Simon, LPN** – RE 8/2/16 Request to Rescind 1/15/16 Consent Agreement for Warning & Probation x 2 yrs

Following discussion, in a motion made by Margaret Hourigan and seconded by Valerie Fuller, the Board voted to deny Ms. Simon's request.

VOTE: Unanimously in favor

13. **Jennifer Webb, RN** – RE 6/10/16 Application for Examination and Licensure as a Registered Professional Nurse

Following discussion, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to approve the application. Despite the approval however, the Board voted to issue Ms. Webb a Letter of Concern.

VOTE: Unanimously in favor

14. **Kathryn Engel, RN** – RE 8/24/16 Application for Examination and Licensure as a Registered Professional Nurse

Following discussion, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to approve the application. Despite the approval however, the Board voted to issue Ms. Engel a Letter of Concern.

VOTE: Unanimously in favor

15. **John Valarik, RN** – RE 8/18/16 Application for Licensure as a Registered Professional Nurse by Endorsement

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to preliminarily deny Mr. Valarik's Application for Licensure as a Registered Professional Nurse.

VOTE: Unanimously in favor

16. **Maureen Kittredge, CNP** – RE 4/19/16 Application for Licensure as a Nurse Practitioner

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to deny Ms. Kittredge's request.

VOTE: Unanimously in favor

17. **Angela Perry, LPN** – RE 8/29/16 Licensed Practical Nurse Application for License Renewal

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board deferred a decision pending completion of Ms. Perry's Informal Conference.

VOTE: Unanimously in favor

18. **Kelly Johnson, CNP** – RE 9/22/16 Provider Report from National Practitioners Data Bank

Following discussion, in a motion make by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to initiate a complaint against Ms. Johnson.

REPORTS

1. Disciplinary Matters: Kim Esquibel

- a. **Daniel Speranza, RN** – RE Non-Compliance with 1/20/16 Consent Agreement for Probation x 5 yrs

Following discussion, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to initiate a complaint against Mr. Speranza.

VOTE: Unanimously in favor

Following discussion, in a motion made by Valerie Fuller and seconded by Peggy Soneson, the Board voted to issue Mr. Speranza a Letter of Concern.

VOTE: Unanimously in favor

- b. Probationary Licensees Update

Ms. Esquibel provided the Board with an update on Licensees currently on probation.

2. Practice Matters: Virginia E. deLorimier

- a. Can an RN Declog Feeding Tube with Bionix Declogger?

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board determined that licensed nurses, who are educationally prepared according to organization/facility policies and procedures, may declog a feeding tube utilizing an enteral declogging device.

VOTE: Unanimously in favor

- b. Ms. deLorimier provided the Board with an update on Chapter 8.

3. Executive Director: Kim Esquibel

- a. Ms. Esquibel discussed the upcoming NCSBN Mid-year meeting with the Board.
- b. Ms. Esquibel discussed the upcoming NCSBN Discipline Case Management Conference with the Board.
- c. Ms. Esquibel discussed the upcoming NCSBN Annual meeting with the Board.
- d. Ms. Esquibel provided the Board with an update on the NCSBN Investigator Training Conference.
- e. Ms. Esquibel discussed the upcoming OMNE – Nursing Leaders of Maine annual conference with the Board.
- f. Ms. Esquibel provided the Board with an update on the Enhanced Nurse Licensure Compact.

- g. Ms. Esquibel provided the Board with an update on Chapter 7.
- h. Ms. Esquibel provided the Board with an update on the Nursing Website.
- i. Ms. Esquibel provided the Board with an update on Chapter 21.

4. Board Chair: Valerie Fuller

Ms. Fuller provided the Board with an update on the Comprehensive Addiction Recovery Act (CARA).

OTHER BUSINESS

OB 1 – Consent Agenda (see attached)

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to accept the Consent Agenda as presented

VOTE: Unanimously in favor

OB 2 – Use of Sanction Guidelines in Disciplinary Actions Presentation

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to table the discussion until the next scheduled meeting.

VOTE: Unanimously in favor

OB 3 – Request for clarification of what “practicing nursing” means

Following discussion, in a motion made by Valerie Fuller and seconded by Stephanie Stimpson, the Board voted to clarify the definition of “practicing nursing after a lapsed license”.

VOTE: Unanimously in favor

OB 4 – Request for discussion of Board delegation of Interim Consent Agreements and initiating Board complaints to staff

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to delegate authority for staff to draft Interim Consent Agreements for Licensees with pending criminal cases.

VOTE: Unanimously in favor

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, the Board voted to delegate authority for staff to automatically generate complaints against Licensees with a failure to disclose on applications and against Licensees in non-compliance with probationary terms of a Consent Agreement.

VOTE: Unanimously in favor

OB 5 – Discussion on Lapsed License

Following discussion, in a motion made by Valerie Fuller and seconded by Margaret Hourigan, The Board voted to implement a practicing after lapsed license procedure.

VOTE: Unanimously in favor

OB 6 - (2016-185) James Willis, RN – (1) 7/27/16 Complaint from the Maine State Board of Nursing; (2) 9/1/16 Second Notice of Complaint; and (3) 8/29/16 Supplemental Information from Bangor Nursing & Rehabilitation Center

Kim Esquibel, Executive Director, provided the Board with an administrative update.

ADJOURNMENT @ 3:40 PM on Thursday, September 22, 2016

HEARING

(2016-164) Shannon Leydon, RN – Maine Centers for Healthcare - RESCHEDULED

DATES OF NEXT MEETINGS:

Subcommittee Meetings:

October 6, 2016
October 24, 2016

Board Meetings:

December 7-8, 2016
March 8-9, 2017
June 7-8, 2017
September 20-21, 2017
December 6-7, 2017

ADJUDICATORY HEARINGS

October 6, 2016
October 24, 2016

CONSENT AGENDA:

1. Board Minutes for Approval
 - a. **July 8, 2016** – Subcommittee Meeting Minutes
 - b. **August 25, 2016** – Subcommittee Meeting Minutes
2. **MPHP Process and Approach to OUI Evaluations**