



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

PAUL R. LEPAGE  
GOVERNOR

KIM ESQUIBEL, PhD, M.S.N., R.N.  
EXECUTIVE DIRECTOR

March 19, 2018

Lisa Austin  
16 Brigg St  
Sanford, ME 04073-2101

RE: Case ID #: 2018-90

**NOTICE OF LICENSE SUSPENSION**

Dear Ms. Austin:

On March 19, 2018, the Board received notification from the St. André Health Care ["St. An"] that you had admitted to consuming alcohol on the job during your shift on March 16, 2018 – March 17, 2018. The Board concludes that it has received reliable information of your use of alcohol, which is a violation of your March 28, 2017 Consent Agreement for Probation.

Please be advised that your Registered Professional Nursing license is **suspended effective March 19, 2018** in accordance with Condition 12 of your Agreement [copy enclosed]. Your Consent Agreement also includes a provision for a hearing to be held within 60 days of the suspension; you will be notified with the date and time as soon as it has been scheduled.

**Please provide a written explanation regarding these concerns no later than April 19, 2018.**

Sincerely,

Kim Esquibel, PhD, MSN, EN  
Executive Director

Enclosures

cc: Andrew Black, Assistant Attorney General  
Samantha Morgan, Assistant Attorney General  
Megan Hudson, Assistant Attorney General  
File

**CERTIFIED RETURN RECEIPT REQUESTED 7017 0190 0000 2589 8591**  
**First Class Mail**



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME  
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

Call received 12 Midnight 3/16/18-3/17/18 to report possible impaired nurse.

Registered Nurse Lisa Austin was impaired visibly slurred speech, difficulty walking, very strong alcohol odor and disheveled.

Lisa was escorted to my office to interview and determine situation. She initially denied consuming alcohol on the job and stated she took Ativan and another prescription medication before her shift starting at 7pm. She then stated that she took another Ativan due to anxiety.

I called the nurse that was her Nurse Preceptor due to her being in orientation asked him to bring her coffee mug to my office. The coffee cup had liquor in it. Once I smelled it she admitted that she was drinking and began crying.

Bliddeford Police were notified for reporting purposes. She was asked how she was going to get home and she stated that she was going to drive. The BPD let her know that she if she did she would immediately be taken into custody.

St Andres called and paid for a cab to get her to her home in Sanford.

Her badges were collected. After her departure in the cab the nurse on the unit stated she still had the medication keys. St Andres called the cab company and they stated that she was dropped off at Goodall hospital due to her "overdosing".

Omnicare was notified that new keys would need to be cut so we could get into the medication carts. At 330pm count was done with 2 Nurses. Count was found to be off. Oxycodone 10mg tab count was 10 and should have been 11. No documentation of narcotic given to resident. Nursing notified DNS Allyson Thornton and BPD called on 3/17/18 at 415pm to come to investigate and report. BPD Officer arrived took report.



Allyson Thornton Director of Nursing Services

# Notified MSBN - left voicemail 3/18/18

**RECEIVED**

MAR 19 2018

MAINE STATE  
BOARD OF NURSING

MAINE STATE BOARD OF NURSING

|                           |   |                          |
|---------------------------|---|--------------------------|
| IN RE: LISA D. AUSTIN, RN | ) | CONSENT AGREEMENT        |
| of Sanford, ME            | ) | FOR PROBATION (ONE YEAR) |
| License No. RN67052       | ) |                          |
|                           | ) |                          |
| Complaint 2017-105        | ) |                          |

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. § 8008, the Legislature provided that the sole purpose of the Board is to “protect the public health and welfare” and that “other goals or objectives may not supersede this purpose.”

This document is a Consent Agreement (“Agreement”) regarding Lisa D. Austin’s license as a Registered Professional Nurse (“RN”) in the State of Maine. The parties to this Agreement are Lisa D. Austin (“Ms. Austin”), the Maine State Board of Nursing (“the Board”), and the Office of the Attorney General, State of Maine (“Attorney General’s Office”). The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A(1-A) and 10 M.R.S. § 8003(5)(A-1) and (5)(B) in order to resolve Complaint 2017-105.

FACTS

1. Lisa D. Austin was first licensed to practice as an RN in Maine by endorsement on August 31, 2015.
2. On or about August 23, 2016, Ms. Austin and the Board executed a Consent Agreement for Reprimand, Fine & Probation (“August 2016 Agreement”). Paragraph 12(b) of the August 2016 Agreement requires Ms. Austin to comply with all requirements of her Medical Professionals Health Program (“MPHP”) substance abuse monitoring contract. Paragraph 12(c) requires her to “completely abstain from the use of alcohol or drugs with the exception of substances used in accordance with a valid prescription from her health care treatment providers who are aware of her history.” In addition, Paragraph 15 of the August 2016 Agreement provides that:
 

if any member of the Board, the Board’s Executive Director, or the Attorney General’s Office receives reasonably reliable information suggesting she has not remained substance-free in accordance with this agreement, her license will be immediately and automatically suspended pending further review by the Board.

Paragraph 14 of the August 2016 Agreement provides that “[v]iolation of any of the terms or conditions of this Agreement by Ms. Austin shall constitute unprofessional conduct and shall be grounds for discipline . . . .”
3. On January 31, 2017, the Board received notification from MPHP that Ms. Austin had a positive Soberlink blow on January 29, 2017. Her breath alcohol content was 0.067, which MPHP said was not an incidental amount.
4. On January 31, 2017, the Board issued a Notice of License Suspension to Ms. Austin. The notice advised Ms. Austin that her RN license had been suspended in accordance with Paragraph 15 of the August 2016 Agreement. The Board also initiated a complaint against her Maine nursing license and docketed the Complaint as 2017-105.
5. In a response received by the Board on February 8, 2017, Ms. Austin admitted that she drank alcohol on the night of January 28, 2017 after her relative had passed away. Ms. Austin said she has agreed with MPHP to submit an additional urine test every month. She said plans to continue attendance at Alcoholics Anonymous and counseling sessions.

6. Following review at its March 8-9, 2017 meeting, the Board voted to offer Ms. Austin a consent agreement for probation concerning Complaint 2017-105.
7. Absent Ms. Austin's acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or **before April 20, 2017**, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action in this matter including fines or the suspension or revocation of Ms. Austin's license.

#### AGREEMENT

8. Lisa D. Austin admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license under the following laws and regulations:

32 M.R.S. § 2105-A(2)(F), for engaging in unprofessional conduct by violating a standard of professional behavior that has been established in the practice for which she is licensed; specifically, by violating the Consent Agreement for Reprimand, Fine & Probation dated August 23, 2016 by not remaining substance-free.

9. As discipline for the violation admitted to in paragraph 8 above, Ms. Austin agrees that, unless this Agreement is modified in writing by all of the parties hereto, following the execution of this Agreement **her license to practice as a Registered Professional Nurse shall be probationary until she completes at least one (1) year of active nursing practice and/or active enrollment in a nursing education program.** The terms of probation under this Agreement will take effect when the probationary terms of Ms. Austin's separate Consent Agreement for Reprimand, Fine & Probation, dated August 23, 2016, terminate. During the period of probation under this Agreement, Ms. Austin's license shall be subject to the following conditions:

- a) Nurse Supervisor. During the period of probation, Ms. Austin is restricted to employment in structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health care, school nursing, work as a travel nurse, or within the correctional system.

The nurse supervisor must be in direct contact with Ms. Austin (i.e., physically on site) and be able to observe her nursing performance. The nurse supervisor shall inform the Board if Ms. Austin demonstrates any issues with regard to attendance, inability to concentrate, inappropriate decision-making, medication administration/documentation, or any other concerns. The supervising nurse shall report such information to the Board in writing within 24 hours or as soon thereafter as possible. In addition, the nurse supervisor shall provide the Board with a written report regarding Ms. Austin's nursing performance every three (3) months following the execution of this Agreement. It is **Ms. Austin's responsibility** to ensure that these reports are provided to the Board in a timely manner.

- b) Maine Medical Professionals Health Program ("MPHP"). Ms. Austin shall comply with all requirements of her MPHP monitoring contract at all times. Ms. Austin understands and agrees that the monitoring contract may be in effect even during periods when she is not employed in the practice of nursing.
- c) Treatment Provider Reports. Ms. Austin will completely abstain from the use of alcohol or drugs with the exception of substances used in accordance with a valid prescription from her health care treatment providers who are aware of her history. In addition, she will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s), and such reports shall continue until her probation is terminated. If treatment is terminated during her probation, she shall notify the Board and provide written documentation from her treatment provider(s).
- d) Notification to Nursing Employer(s)/Potential Employers/Licensing Jurisdictions. During the period of probation, Ms. Austin shall provide a copy of this Agreement to any nursing employers or potential nursing employers, and to any jurisdiction in which she holds or seeks a nursing license. Ms. Austin shall also notify any nursing employers or potential nursing employers of her substance abuse history.

- e) Current Contact Address/Change of Contact Address – Notification Requirement. During the period of probation, Ms. Austin shall provide the Board with a current address at which she may be contacted by the Board. Ms. Austin shall inform the Board **in writing within 15 days** of any change of her contact address/information.
- f) Employment Change – Notification Requirement. During the period of probation, Ms. Austin will notify the Board **in writing within five (5) business days** of any change in her nursing employment and/or enrollment in a nursing education program. Notice under this section shall include the name and location of the employer and the position accepted, and/or the name and location of the nursing educational program and the course of study.
- g) Privilege to Practice Restrictions. 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 Board Rules. Ms. Austin understands and agrees that this Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Ms. Austin’s license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the party state in which she wishes to work.

- 10. Ms. Austin agrees and understands that her license is on probationary status and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which she has complied with the provisions of this Agreement.
- 11. Violation of any of the terms or conditions of this Agreement by Ms. Austin shall constitute unprofessional conduct and shall be grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of licensure renewal.
- 12. Ms. Austin understands and agrees that if any member of the Board, the Board’s Executive Director, or the Attorney General’s Office receives reasonably reliable information suggesting that she has not remained substance-free in accordance with this Agreement, **her license will be immediately and automatically suspended pending further review by the Board.** In the event any member of the Board, the Board’s Executive Director, or the Attorney General’s Office receives such information, it will be immediately forwarded to Ms. Austin for response. She understands and agrees that in such an event, her license shall remain suspended pending a hearing, which will be held within 60 days of the automatic suspension unless both Ms. Austin and the Board agree to hold the hearing at a later date, or the Executive Director and/or Attorney General’s Office earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or Attorney General’s Office, Ms. Austin’s license will be immediately reinstated retroactive to the date of the suspension.
- 13. In the event that Ms. Austin is alleged to have violated any condition of her probation, the Board will give written notice to her regarding her failure to comply, sent to the last known address that is on file with the Board. Ms. Austin shall, within 30 days from receipt of this notification, submit a written response to the Board regarding the alleged violation. The Board will review Ms. Austin’s response to determine what action, if any, it will take. **If Ms. Austin fails to timely respond to the Board’s notification regarding noncompliance, her license may be immediately suspended** pending a hearing at the next scheduled Board meeting. If after notice and hearing, the Board finds that Ms. Austin has failed to meet probationary conditions, the Board may take any disciplinary action that it deems appropriate and impose any of the sanctions including, but not limited to, those found in 10 M.R.S. § 8003 and 32 M.R.S. § 2105-A.
- 14. Ms. Austin waives her right to an adjudicatory hearing before the Board or any court regarding all facts, terms, and conditions of this Agreement.


15. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only in writing and only if signed by all of the parties to the Agreement and approved by the Attorney General's Office. Ms. Austin may file a written request, together with any supporting documentation, to modify the terms and conditions of this Agreement. The Board retains the sole discretion to: (a) deny Ms. Austin's request; (b) grant Ms. Austin's request; and/or (c) grant Ms. Austin's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Ms. Austin's request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
16. The Board and Ms. Austin agree that no further agency or legal action will be initiated against her by the Board based upon the specific violations admitted to herein, except or unless she fails to comply with the terms and conditions of this Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Ms. Austin. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Ms. Austin.
17. The Board and the Attorney General's Office may communicate and cooperate regarding Ms. Austin's practice or any other matter relating to this Agreement.
18. 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-A.
19. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank ("NPDB").
20. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
21. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
22. Ms. Austin acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she has executed this Agreement of her own free will, and that she agrees to abide by all the terms and conditions set forth in this Agreement.
23. Upon final execution of this Agreement, Ms. Austin's suspension under the January 31, 2017 Notice of License Suspension shall terminate, and her RN license shall be reinstated.

DATED: 3/30/17

  
\_\_\_\_\_  
LISEE LISA D. AUSTIN, RN


FOR THE MAINE STATE BOARD OF NURSING

DATED: 3/30/17

  
\_\_\_\_\_  
KIM ESQUIBEL, PhD, MSN, RN  
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 3/28/17

  
\_\_\_\_\_  
KATIE W. JOHNSON  
Assistant Attorney General