



Paul R. LePage  
GOVERNOR

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

KIM ESQUIBEL, PH.D., M.S.N., R.N.  
EXECUTIVE DIRECTOR

IN RE: MELANIE R. BAILEY, RN )  
of Columbia Falls, Maine )  
License No. RN54889 )

CONSENT AGREEMENT  
FOR  
WARNING

Complaint No. 2015-166

**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 Melanie R. Bailey's license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Melanie R. Bailey (“Ms. Bailey”), the Maine State Board of Nursing (“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)(A) and 10 M.R.S. § 8003(5)(A-1)(1) and (5)(B) in order to resolve Complaint 2015-166.

**FACTS**

1. Melanie R. Bailey was first licensed to practice as an RN by examination in Maine on April 29, 2008.
2. On June 22, 2015, Maine Coast Memorial Hospital terminated Ms. Bailey’s employment for “violating several policies regarding documentation of patient medications.” On multiple occasions, Ms. Bailey removed narcotics from the dispensing system but did not document dosages in the patient’s record until several hours after the medication was administered. In addition, she removed narcotics from the dispensing system that were not documented in the medication administration record and removed narcotics for patients for whom the medication had not been prescribed. The hospital’s investigation also noted that several patients had complained they had not received medication that had been documented as administered. As a result of receiving this information, the Board docketed Complaint 2015-166 against Ms. Bailey’s license.
3. On August 21, 2015, the Board issued a Notice of Complaint/Provider Report to Ms. Bailey relating to Complaint 2015-166.
4. In her response to the Notice of Complaint/Provider Report, Ms. Bailey stated the following. Her documentation was late at times and she attributed this to the fact that she served primarily as the charge nurse. The charge nurse does not have an assigned computer, and as a result Ms. Bailey had to borrow a computer to document her medication administration. Also, in her role as charge nurse Ms. Bailey occasionally needed to pull medications for staff nurses who could not leave their patients. When this happened Ms. Bailey would be given the patient’s room number but not necessarily the patient name. She would pull the medication and take it to the staff nurse for administration. Ms. Bailey relied on the staff nurses to appropriately administer and document the medications that she gave to them, and never verified what was done with the medications that she pulled under such circumstances. Ms. Bailey believes that this may explain why several medications that she pulled were not documented or were pulled under the name of a patient who did not have an order for the medication.
5. Following review at its December 2-3, 2015 meeting, the Board notified Ms. Bailey through letter dated December 4, 2015, that she would be scheduled for an informal conference to discuss Complaint 2015-166.



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

PHONE: (207) 287-1133

FAX: (207) 287-1149

6. On February 26, 2016, the Board received supplemental information from Maine Coast Memorial Hospital relating to the incidents noted in the August 21, 2015 Notice of Complaint/Provider Report, including copies of the medication administration records. On March 1, 2016, the Board received supplemental information from Ms. Bailey, including ten letters of reference and five course completion certificates.
7. On March 23, 2016, the Board met with Ms. Bailey in an informal conference. The Board voted to offer Ms. Bailey a Consent Agreement.
8. Absent Ms. Bailey'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 July 15, 2016**, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action on this matter including fines or the suspension or revocation of Ms. Bailey's license.

### AGREEMENT

9. Melanie R. Bailey 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 conduct that violates any standard of professional behavior that has been established in the practice for which the licensee is licensed by pulling medications without verifying the order and by pulling medication for administration by another nurse; and
  - 32 M.R.S. § 2105-A(2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(F), by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.
10. As discipline for the violations admitted to in paragraph 9 above, Ms. Bailey agrees she will receive a **WARNING** related to the above-stated conduct.
11. 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 Office of the Attorney General.
12. Ms. Bailey waives her right to an adjudicatory hearing before the Board or any court regarding all facts, terms, and conditions of this Agreement. Ms. Bailey agrees this Agreement is a final order resolving Complaint 2015-166.
13. The Board and the Attorney General may communicate and cooperate regarding Ms. Bailey's practice or any other matter relating to this Agreement.
14. 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.
15. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB).
16. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
17. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
18. Ms. Bailey 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.

DATED: July 8, 2016

Melanie R. Bailey RN  
LICENSEE MELANIE R. BAILEY, RN

DATED: July 2, 2016

Janet E. Michael  
JANET E. MICHAEL, RN, MS, JD  
Attorney for Melanie R. Bailey, RN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 7/12/16

Kim Esquibel  
KIM ESQUIBEL, PhD, MSN, RN  
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 7-13-16

Lauren Larochelle  
LAUREN LAROCHELLE  
Assistant Attorney General