

IN RE:)	
)	
JEFFREY BARTLETT)	
License #RN53677)	CONSENT AGREEMENT
)	
Complaint Nos. 2012-28; 2012-103;)	
2012-108)	

INTRODUCTION

This document is a Consent Agreement that imposes discipline upon Jeffrey Bartlett’s license to practice registered professional nursing in the State of Maine. The parties to this Consent Agreement are Jeffrey Bartlett (“Mr. Bartlett”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Consent Agreement pursuant to 10 M.R.S. § 8003(5) and 32 M.R.S. § 2105-A(1-A) and (2).

FACTS

1. On June 1, 2007, the Board issued Mr. Bartlett a license to practice as a registered professional nurse, License #53677.
2. On November 24, 2009, Mr. Bartlett’s employment was terminated from Springbrook Center, located in Westbrook, Maine for issues related to medication administration.
3. On February 25, 2011, Mr. Bartlett was arrested by the Windham Police Department for allegedly assaulting his wife, and was placed on bail conditions that included no contact with his wife or her residence, no use or possession of alcohol or illegal drugs, and submission to searches of his person, vehicle and residence at any time for alcohol or illegal drugs.
4. On April 25, 2011, Mr. Bartlett was arrested by the Falmouth Police Department for violating conditions of release and possession of drug paraphernalia. Following his arrest, Falmouth Police Department searched Mr. Bartlett’s vehicle and found drug paraphernalia that tested positive for the presence of cocaine Hcl or cocaine base.
5. On April 27, 2011, Mr. Bartlett pled guilty in Cumberland County District Court in Criminal Docket No. CUMCD-CR-2011-2538 to Violating Conditions of Release (Class E) in violation of 17-A M.R.S. § 1092(1)(A), and was sentenced to four (4) days incarceration, which jail sentence was stayed to on or before May 2, 2011.
6. On April 30, 2011, before Mr. Bartlett began serving his four-day sentence, the Buxton Police Department arrested Mr. Bartlett for burglary, assault and violations of conditions of release as a result of his breaking into his girlfriend’s residence.

7. As a result of his arrest in Buxton, Mr. Bartlett was incarcerated at the York County Jail from April 30, 2011, until 10:00 p.m. on May 3, 2011.
8. On midnight April 30, 2011, while Mr. Bartlett was incarcerated at the York County Jail, his Maine registered professional nurse license lapsed because he failed to renew it on or before that date.
9. On May 4, 2011, at 1:56 p.m., the Board received an application sent by facsimile from Mr. Bartlett to renew/reinstate his Maine nurse license. On that application, Mr. Bartlett answered “No” to the following question: “Have you been convicted of a crime, other than a minor traffic violation(s) since the last renewal of your Maine license?” Mr. Bartlett’s answer was fraudulent or deceitful because on April 27, 2011—only seven days prior to his filing his on-line application—he was convicted of a crime in the Cumberland County District Court and sentenced to jail.
10. On May 5, 2011, at approximately 9:37 a.m., Mr. Bartlett sent an email to Board staff that explained his failure to renew his Maine nurse license before it expired on April 30, 2011, as follows: “hello, the reason my nursing license lapsed was that I needed to take a few days off to go north to Calais for a family emergency and prioritized the emergency over the renewal.” This explanation was fraudulent or deceitful because Mr. Bartlett had been incarcerated at the York County Jail at the time his Maine nurse license lapsed.
11. On May 5, 2011, at approximately 8:00 p.m., the Windham Police Department responded to Mr. Bartlett’s wife’s residence, from which he was banned by bail conditions, because he had entered her home without permission.
12. On May 9, 2011, the Board staff, in full reliance upon Mr. Bartlett’s answers and statements on and/or in support of his application for renewal/reinstatement of his Maine nurse license, reinstated Mr. Bartlett’s Maine nurse license. The Board and Board staff were unaware of Mr. Bartlett’s criminal conviction and alleged illegal drug use/possession.
13. On May 11, 2011, Mr. Bartlett reported to the Cumberland County Jail to begin serving his four-day jail sentence that he was ordered to serve on or before May 2, 2011.
14. On May 12, 2011, Mr. Bartlett was arrested at the Cumberland County Jail pursuant to an arrest warrant obtained by the Windham Police Department for the incident in Windham on May 5, 2011.
15. From May 12, 2011 to July 12, 2011, Mr. Bartlett was incarcerated at the Cumberland County Jail.
16. On July 12, 2011, Mr. Bartlett pled guilty in Cumberland County Court in Criminal Docket No. CUMCD-CR-2011-2863 to violating conditions of release (Class E) in violation of 17-A M.R.S. § 1092(1)(A) and obstructing report of a crime (Class D) in violation of 17-A M.R.S. § 758(1)(A), and was sentenced to 50 days incarceration.
17. On December 27, 2011, Mr. Bartlett completed an on-line application for employment as a nurse with The Barron Center, a long-term care facility located in Portland, Maine. The application for employment asked Mr. Bartlett for his “Employment History.” Mr. Bartlett’s answer to this request was fraudulent, deceitful and/or unprofessional

because he did not list his employment as a nurse at the Springbrook Center, which had terminated his employment for cause.

18. On January 17, 2012, in reliance upon Mr. Bartlett's answers and statements on his on-line application for employment, Mr. Bartlett was hired by The Barron Center as a "charge nurse."
19. On February 8, 2012, The Barron Center terminated Mr. Bartlett's employment for: (a) smoking too close to the nursing facility; and (b) failing to administer a medication to a patient.
20. On February 13, 2012, the Board received a notice from The Barron Center regarding its termination of Mr. Bartlett's employment. The Board docketed this notice as Complaint 2012-28.
21. On March 1, 2012, Mr. Bartlett completed an application for employment with Gorham House, a long-term care facility located in Gorham, Maine. The application for employment asked for information and Mr. Bartlett responded to these requests in a fraudulent, deceitful, and/or unprofessional manner as follows:
 - a. "List current (or most recent employer first and all others in reverse chronological order)." Mr. Bartlett did not list either the Springbrook Center or The Barron Center, both of which terminated his employment for cause.
 - b. "Have you ever been arrested or convicted of a crime other than a traffic violation? If yes, explain." Mr. Bartlett answered this question in the affirmative and provided the following explanation: "Possession of Alcohol by Minor 1993 \$100 fine Calais Me. VCR 2010 100 fine Portland." Mr. Bartlett failed to disclose his full and accurate arrest and conviction history, which included:
 - 1) His arrest by Windham P.D. for domestic assault on February 25, 2011;
 - 2) His arrest by Falmouth P.D. on April 25, 2011 for violating conditions of release and possession of illegal drugs and drug paraphernalia;
 - 3) His conviction for violation of conditions of release on April 27, 2011 and his sentence of four days incarceration;
 - 4) His arrest by the Buxton Police Department on April 30, 2011 for burglary, assault and violations of conditions of release as a result of his breaking into his girlfriend's residence;
 - 5) His arrest by Windham P.D. on May 12, 2011 for violating conditions of release and obstructing the report of a crime; and
 - 6) His convictions for violation of conditions of release and obstructing the report of a crime on July 12, 2011 and his sentence of 50 days incarceration.
22. On March 13, 2012, in reliance upon Mr. Bartlett's answers and statements on his application for employment, Gorham House hired Mr. Bartlett as a part-time evening "charge nurse" on its long-term care unit.

23. From March 14-25, 2012, the nursing staff at Gorham House provided Mr. Bartlett with supervision and orientation. During his orientation, Mr. Bartlett engaged in the following unprofessional conduct for which he was counseled by his employer:
 - a. Eating food belonging to residents;
 - b. Using a resident's name out loud and in the presence of others, including family members, and indicating that she was "on the popper" and needed assistance;
 - c. Entering the narcotic cart to count the narcotics without having another nurse present; and
 - d. An inability to stay on task with the nurse providing him with orientation and training.
24. On March 28, 2012, Gorham House terminated Mr. Bartlett's employment following his first shifts as a charge nurse for: (a) using a credit card to break into the medication room; and (b) the disappearance of liquid narcotic medications during his shifts. Gorham House staff reported this incident to the Gorham Police Department.
25. On May 9, 2012, the Board received a notice from Gorham House regarding its termination of Mr. Bartlett's employment. The Board docketed this notice as Complaint 2012-108.
26. On April 17, 2012, Freeport Nursing & Rehabilitation Center ("Freeport Nursing"), a nursing facility located in Freeport, Maine, hired Mr. Bartlett to work as a charge nurse on its long-term care unit.
27. During his application process at Freeport Nursing, Mr. Bartlett engaged in the following fraudulent, deceitful and/or unprofessional conduct:
 - a. He did not disclose the fact that he had been employed at The Barron Center.
 - b. He did not disclose the fact that he had been terminated by The Barron Center.
 - c. He did not disclose that he had been employed at Gorham House.
 - d. He did not disclose that he had been terminated by Gorham House.
 - e. He did not disclose that he had been convicted of violating conditions of release and had spent 50 days incarcerated in jail.
28. From April 18-20, 2012, the nursing staff at Freeport Nursing provided supervision and orientation to Mr. Bartlett.
29. On April 21, 2012, from 7:00 a.m. to 3:00 p.m., Mr. Bartlett worked his first solo shift as a charge nurse at Freeport Nursing. On that date, Mr. Bartlett stated to certified nursing assistant, "J. T.", as J.T. was bent over picking up a resident's beads: "Wow, nice ass."

30. On April 22, 2012, Mr. Bartlett worked as a charge nurse at Freeport Nursing from 7:00 a.m. to 3:00 p.m. On that date, Mr. Bartlett told J. T.: "If there is not enough room in the raft, you can sit on my shaft."
31. On April 28, 2012, Mr. Bartlett worked as a charge nurse at Freeport Nursing from 7:00 a.m. to 3:00 p.m. On that date, Mr. Bartlett engaged in the following unprofessional conduct:
 - a. He followed staff person K. B. into the whirlpool room, took the key out of the lock and placed it in the front pocket of his shorts and stated, "Get the key."
 - b. He approached K.B. from behind and pressed up against K.B. rubbing his penis against K.B.'s buttocks.
 - c. He ran around with a towel on his head, while sweating profusely, and jumping up and down at the nurses' station.
32. On April 28, 2012, at approximately 2:40 p.m., Mr. Bartlett went into the medication room where the narcotics were stored and opened "second bottles" containing liquid narcotics that were prescribed to specific patients and administered the narcotics to himself using a syringe.
33. On April 30, 2012, Freeport Nursing terminated Mr. Bartlett's employment for allegedly: (a) acting erratically while on duty and having pin-point pupils (evidence that he was under the influence of drugs); (b) making sexualized comments to female staff; and (c) concerns regarding the liquid narcotics counts.
34. On May 3, 2012, the Board received notification and information from Freeport Nursing regarding its termination of Mr. Bartlett's nursing employment. The Board docketed this notice as Complaint 2012-103.
35. On June 7, 2012, the Board summarily suspended Mr. Bartlett's Maine registered professional nurse license pursuant to Title 5 M.R.S. § 10004.
36. The Board scheduled this matter for an adjudicatory hearing on November 13 & 14, 2013, and provided written notice to Mr. Bartlett regarding the time, date, location, and issues to be addressed.
37. Mr. Bartlett desires to resolve this matter without an adjudicatory hearing and agrees to jointly recommend to the Board that it approve and enter into this Consent Agreement.
38. Absent Mr. Bartlett's acceptance of this Consent Agreement by signing, dating and returning it to the Board of Nursing, State House Station 158, Augusta, Maine 04333-0158 on or before November 8, 2013, the matter shall proceed to an adjudicatory hearing.
39. Absent the Board's acceptance of the terms and conditions of this Consent Agreement on November 13, 2013, the matter shall proceed to an adjudicatory hearing.

COVENANTS

40. Mr. Bartlett neither admits nor denies the facts as outlined above. However, Mr. Bartlett agrees that if a hearing were held in these matters, the circumstances set forth above in the FACTS could be proved by a preponderance of the evidence and would constitute a basis on which the Board could, and hereby does, find violations of the following Board statutes and/or rules:
- a. 32 M.R.S. § 2105-A(2)(A). The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued. See Board Rule, Chapter 4 1.A.(1).
 - b. 32 M.R.S. § 2105-A(2)(B). Engaging in habitual substance abuse that has resulted or is foreseeably likely to result in performing services in a manner that endangers the health or safety of patients. See Board Rule, Chapter 4 1.A.(2).
 - c. 32 M.R.S. § 2105-A(2)(E)(1) and (E)(2). Incompetence in the practice of nursing. A licensee is considered incompetent in the practice if the licensee has: (1) engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public; or (2) engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed. See Board Rule, Chapter 4 1.A.(5)(a) and 5(b).
 - d. 32 M.R.S. § 2105-A(2)(F). Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed. Unprofessional conduct is defined in Board Rule Chapter 4, Section 3, as follows: "Nursing behavior which fails to conform to legal standards and accepted standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but not be limited to, the following:"
 1. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient (Chapter 4, Section 3(F));
 2. Failing to safeguard the patient's dignity and right to privacy in providing services regardless of race, color, creed and status (Chapter 4, Section 3(I));
 3. Practicing nursing when unfit to perform procedures and make decisions in accordance with the license held because of physical, psychological or mental impediment (Chapter 4, Section 3(N));

4. Practicing nursing when physical or mental ability to practice is impaired by alcohol or drugs (Chapter 4, Section 3(O));
 5. Diverting drugs, supplies or property of patients or health care provider (Chapter 4, Section 3(P));
 6. Engaging in behavior that exceeds professional boundaries including, but not limited to, sexual misconduct (Chapter 4, Section 3(U)).
41. As discipline for the violations found in paragraph 40, Mr. Bartlett agrees to the **IMMEDIATE AND PERMANENT SURRENDER** of his license to practice as a registered professional nurse in the State of Maine, effective on the date of final execution of this Consent Agreement. The surrender shall remain effective until or unless the surrender is modified by amendment to this Consent Agreement. Mr. Bartlett agrees that, for a period of one year following the final execution of this Consent Agreement, he will not petition the Board to amend this Consent Agreement to permit the reinstatement of his license.
42. In the event that Mr. Bartlett submits such a petition for amendment, the Board may direct that he undergo whatever testing and evaluations that it deems appropriate. In addition, Mr. Bartlett shall execute any and all releases so that the Board, Board staff, and the Office of the Attorney General may obtain copies of his medical, psychological, substance abuse, and counseling records and evaluations. Following its receipt of a petition for amendment and reinstatement from Mr. Bartlett, and its review of any records, evaluations, and investigative information, the Board shall retain the sole discretion to: (a) deny the petition; (b) grant the petition; or (c) grant Mr. Bartlett a license subject to restrictions and/or conditions pursuant to a consent agreement under the authority of 32 M.R.S. § 2105-A and 10 M.R.S. 8003(5). Any decision made by the Board pursuant to this paragraph need not be pursuant to a hearing and is not appealable or reviewable by any Court because this Consent Agreement may only be amended or rescinded by the agreement of all of the parties pursuant to 10 M.R.S. § 8003(5).
43. Mr. Bartlett waives his right to a hearing before the Board or any court regarding all findings, terms, and conditions of this Consent Agreement. Mr. Bartlett agrees that this Consent Agreement and Order is a final order resolving pending Complaint #s 2012-28, 2012-103, and 2012-108. This Consent Agreement is not appealable and is effective until or unless modified or rescinded in writing by the parties hereto. This Consent Agreement cannot be amended orally. It can only be amended by a writing signed by the parties hereto and approved by the Office of Attorney General.
44. Mr. Bartlett understands that this document is a Consent Agreement that affects his rights to practice professional nursing in Maine. Mr. Bartlett understands that he does

not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering the Consent Agreement.

- 45. This Consent 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.
- 46. This Consent Agreement constitutes adverse licensing action that is reportable to the National Practitioner Data Bank (N.P.D.B.).
- 47. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
- 48. Jeffrey Bartlett affirms that he executes this Consent Agreement of his own free will.
- 49. For the purposes of this Consent Agreement, the term “final execution” shall mean the date on which the final signature is affixed to this Consent Agreement.

I, JEFFREY BARTLETT, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THAT I HAVE THE RIGHT TO CONSULT WITH LEGAL COUNSEL REGARDING THIS CONSENT AGREEMENT. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.


DATED: 11/8/13



JEFFREY BARTLETT

FOR THE MAINE STATE BOARD OF NURSING

DATED: 7/01/13, 2013

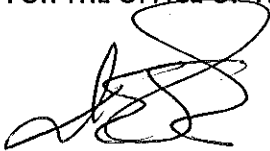


MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

*Margaret Hourigan, RN, EdD
Chairperson*

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 11/13/13



DENNIS E. SMITH
Assistant Attorney General

NOTED
RECEIVED
11/13/13