



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

IN RE: SUSAN M. BERNARDINI)
 of East Millinocket, ME)
 License No. RN38753)

CONSENT AGREEMENT
 FOR
 PROBATION

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 Susan M. Bernardini’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Susan M. Bernardini (“Ms. Bernardini”), the Maine State Board of Nursing (“the 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) and 10 M.R.S. § 8003(5).

FACTS

1. Susan M. Bernardini was first licensed to practice as an RN in Maine on June 21, 1995.
2. **Disciplinary History.** In December 2013, Ms. Bernardini agreed to surrender her license to resolve two pending complaints, Complaint Nos. 2011-85 and 2013-25. The basis for the complaints included Ms. Bernardini’s substance misuse, among other things. On December 31, 2013, the consent agreement for surrender became effective (hereinafter “2013 Agreement”).
3. Pursuant to the terms of the 2013 Agreement, Ms. Bernardini agreed that she would not have a nursing license until the Board, at her written request, voted to reinstate her license.
4. On August 21, 2016, Ms. Bernardini wrote to the Board to request reinstatement of her license. In her request, she informed the Board that her sobriety began prior to surrendering her nursing license in December 2013, and that she has maintained her sobriety since that time. Ms. Bernardini also submitted two letters of recommendation. Ms. Bernardini did not submit a reinstatement application.
5. On September 21, 2016, the Board met with Ms. Bernardini regarding her request for reinstatement. Following its review of the information presented, the Board voted to reinstate Ms. Bernardini’s license on probation, pending receipt and approval of her reinstatement application.

AGREEMENT

6. As consideration for reinstatement of her nursing license, Ms. Bernardini agrees that, unless this Agreement is modified in writing by all of the parties hereto, **her license to practice as a registered nurse shall be probationary for at least one year of nursing employment** following the execution of this Agreement and subject to the following conditions:
 - a) **Quarterly Reports.** Ms. Bernardini’s nursing supervisor must submit written a report regarding Ms. Bernardini’s nursing performance to the Board every three (3) months. It is Ms. Bernardini’s responsibility to ensure that these reports are provided to the Board in a timely manner. In addition, the supervisor shall inform the Board of any concerns pertaining to Ms. Bernardini’s nursing practice, including issues with regard to inappropriate nursing judgment, inability to concentrate, and medication administration or documentation errors. The supervisor shall report such information to the Board within 24 hours or as soon thereafter as possible.



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- b) Notification to Nursing Employer(s)/Potential Employers/Licensing Jurisdictions. Ms. Bernardini shall provide a copy of this Agreement to any nursing or potential nursing employers, and to any jurisdiction in which she holds or seeks a nursing license.
- c) Contact Address/Change of Contact Address – Notification Requirement. Ms. Bernardini shall provide the Board with a current address at which she may be contacted by the Board. Ms. Bernardini shall inform the Board **in writing within 15 days** of any change of her contact information.
- d) Employment Change – Notification Requirement. Ms. Bernardini 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 place and position of employment and/or the nursing educational program.
- e) 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. The State of Maine is Licensee’s “home state” of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principal home for legal purposes relating to her domicile. Other party states in the Compact are referred to as “remote states,” which means party states other than the home state that have adopted the Compact. Licensee understands and agrees that this Agreement is applicable to her multi-state licensure privilege to practice nursing in Compact states.

IT IS FURTHER AGREED that while Licensee’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.

- 7. Ms. Bernardini agrees and understands that her license will remain on probationary status and 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.
- 8. Violation of any of the terms or conditions of this Agreement by Ms. Bernardini 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.
- 9. In the event Ms. Bernardini is alleged to have violated any conditions 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. Bernardini 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. Bernardini’s timely response to determine what action, if any, it will take. **If Ms. Bernardini fails to timely respond to the Board’s notification regarding noncompliance, her license may be immediately suspended pending hearing at the next regularly scheduled Board meeting.** If after notice and hearing, the Board finds that Ms. Bernardini 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.
- 10. 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, if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Ms. Bernardini 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. Bernardini’s request; (b) grant Ms. Bernardini’s request; or (c) grant Ms. Bernardini’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. Bernardini’s request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
- 11. The Board and the Attorney General may communicate and cooperate regarding Ms. Bernardini’s practice or any other matter relating to this Agreement.


12. 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.
13. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB).
14. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
15. For the purposes of this Agreement, the term “execution” means that date on which the final signature is affixed to this Agreement.
16. Ms. Bernardini 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.
17. Ms. Bernardini’s license will be reinstated upon final execution of this Agreement, subject to her satisfaction of all other license reinstatement requirements.

DATED: 1/30/17


SUSAN M. BERNARDINI

FOR THE MAINE STATE BOARD OF NURSING

DATED: 2/10/17


KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 2-14-17


LAUREN LAROCHELLE
Assistant Attorney General