



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

JOHN ELIAS BALDACCI
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: TRACY BLISS, L.P.N.) **CONSENT AGREEMENT**
 of Shapleigh, Maine) **FOR WARNING AND**
 License #P010231) **LICENSE PROBATION**

INTRODUCTION

This document is a Consent Agreement regarding Tracy Bliss's license as a licensed practical nurse in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and § 8003(5) (B). The parties to this Consent Agreement are Tracy Bliss ("Licensee" or "Ms. Bliss"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with the Licensee in an informal conference on April 15, 2008 and the parties reached this Agreement on the basis of a Notice of Complaint from the Board dated April 12, 2007 and Complaint No. 4019 from the Department of Health and Human Services, Division of Licensing and Regulatory Services dated April 6, 2007.

FACTS

1. Tracy Bliss has been a practical nurse licensed to practice in Maine since November 1990.
2. The Division of Licensing and Regulatory Services completed an on-site complaint investigation at Piper Shores on November 17, 2006 that substantiated Tracy Bliss was physically and emotionally abusive to a resident by failing to provide care in a dignified manner as outlined in the resident's care plan. Ms. Bliss transported the resident with a Certified Nursing Assistant (CNA) by lifting the resident under the arms, which caused physical pain and emotional distress to the resident.
3. Tracy Bliss acknowledges that the transport of the resident was conducted in an inappropriate manner.

AGREEMENT

4. Tracy Bliss understands that her conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A (2) (F), (2) (H) and Chapter 4.1.A.6., 4.1.A.8. and 4.3.F. of the Rules and Regulations of the Maine State Board of Nursing. Tracy Bliss is hereby **WARNED** for unprofessional conduct because she failed to follow policies and procedures in a practice situation designed to safeguard the patient. Specifically, the violations are:



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- a. “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.” See also Chapter 4, Section 1.A.6.
- b. “ H. A violation of this chapter or a rule adopted by the board.” See also Chapter 4, Section 1.A.6.
- c. “Unprofessional Conduct” as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, describes “Nursing Behavior which fails to conform to legal 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 shall not be limited to, the following:

F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.”

5. Tracy Bliss’s license as a licensed practical nurse in the State of Maine is placed on a probationary status with conditions. The period of probation will be for three (3) years, effective only while she is employed in nursing practice and/or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which she performs nursing services. Ms. Bliss’s probationary license will be subject to the following conditions:
 - a. Tracy Bliss will immediately notify the Board in writing should there be any change in her employment and/or educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent changes in employment or educational programs.
 - b. Tracy Bliss will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.
 - c. Tracy Bliss will arrange for and ensure submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice. If during the period of probation, Ms. Bliss’s employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board of this change to ensure that she remains in compliance with her employment and/or educational quarterly reports.

- d. Tracy Bliss will complete a class approved by the Executive Director of the Board which addresses the regulatory procedures regarding the subject area of abuse and neglect of residents/patients receiving nursing care.
6. Tracy Bliss agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the three-year probationary period until and unless the Board, at Ms. Bliss's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Bliss has complied with the provisions of this Agreement and her professional conduct when providing services to residents/patients.
7. 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 Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. Bliss'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 principle home for legal purposes; her domicile. Other party states that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Bliss understands that this document is a Consent Agreement subject to the Compact. She agrees that during the pendency of this Consent Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If Ms. Bliss wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.
8. This Consent Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
9. Tracy Bliss understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
10. Tracy Bliss affirms that she executes this Consent Agreement of her own free will.
11. Modification of this Consent Agreement must be in writing and signed by all the parties.
12. This Consent Agreement is not subject to review or appeal by the Licensee.
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, TRACY BLISS, L.P.N., HAVE READ AND UNDERSTAND THE FOREGOING
CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE
CERTAIN RIGHTS. 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: 8/19/08

Tracy Bliss LPN
TRACY BLISS, L.P.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: Aug 25, 2008

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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 8/26/08

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General