



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

ANGUS S. KING, JR.  
 GOVERNOR

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

IN RE: **MARY E. COTT, R.N.** ) **CONSENT AGREEMENT**  
 of Falmouth, Maine ) **REGARDING REPRIMAND**  
 License #R027312 )

INTRODUCTION

This document is a Consent Agreement regarding Mary E. Cott's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. § 2105-A(1-A) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Mary E. Cott, R.N., Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reach this Agreement following an informal conference on February 11, 1999 regarding information submitted by the Department of Attorney General and the Department of Health and Human Services.

FACTS

1. Mary E. Cott was owner and administrator of Better Health Care, Inc., a home health agency that had been licensed by the Department of Human Services.
2. In May, 1998, Mary E. Cott was convicted of submitting false statements in determining payments under Medicare and Medicaid programs in violation of Title 42, United States Code, Sections 1320a-7b(a)(2) and Title 18, United States Code, Section 2.
3. Better Health Care, Inc., Ms. Cott's corporate alter-ego, was convicted of presenting a false, fictitious and fraudulent claim to Medicare in violation of Title 18, United States Code, Section 287 and submitting false statements in a matter within the jurisdiction of the Department of Health and Human Services in violation of Title 18, United States Code, Section 1001.
4. Mary E. Cott was placed on probation for a term of five years, ordered to pay restitution in an amount totaling \$34,947, and ordered to perform 300 hours of community service.
5. As Administrator and owner of Better Health Care, Inc., Mary E. Cott also failed to take appropriate action when made aware that nurses employed by her agency were making inappropriate clinical judgments and were not discharging patients in a timely manner.
6. On or about July 18, 1995, the Department of Human Services notified Better Health Care that it would not renew Better Health Care's license to operate a home health agency because of the deficiencies found during a State licensing survey conducted on June 6, 7, 8, 9 and 16, 1995. Better Health Care appealed the Department's decision. Following



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several days of hearings in 1996, before Hearing Officer Michael L. LeBlanc, the Hearing Officer issued a recommended decision that Better Health Care, Inc.'s license not be renewed due to the agency's serious and substantial failure to comply with the regulations governing the functioning of home health care services and due to its failure to fulfill the conditions imposed by a conditional license issued by the Department on July 19, 1994. On November 19, 1996, Kevin Concannon, Commissioner of the Department of Human Services, issued a final decision adopting the recommended decision not to renew the license of Better Health Care, Inc.

AGREEMENT


7. Mary E. Cott agrees and understands that her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F) and (G).
8. Mary E. Cott is hereby **REPRIMANDED**.
9. Mary E. Cott understands that this document imposes discipline regarding her license to practice professional nursing in the State of Maine. Ms. Cott understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement. Modification of this Agreement must be in writing and signed by all parties. Ms. Cott affirms that she executes this Consent Agreement of her own free will.
10. This Consent Agreement becomes effective upon the date of the last necessary signature below.

DATED: 022999

  
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MARY E. COTT, R.N.

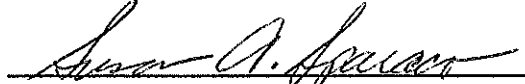
**FOR THE MAINE STATE BOARD  
OF NURSING:**

DATED: March 3, 1999

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

**FOR THE DEPARTMENT OF  
ATTORNEY GENERAL:**

DATED: March 24, 1999

  
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SUSAN A. SPARACO  
Assistant Attorney General