



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

PAUL R. LEPAGE
 GOVERNOR

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

IN RE: ROBERT J. CREIGHTON)	
of Skowhegan, ME)	CONSENT AGREEMENT TO
License No. LPN13009)	SURRENDER LICENSE
)	
Complaint No. 2012-140)	

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Robert J. Creighton's license as a licensed practical nurse ("LPN") in the State of Maine. The parties to this Agreement are Robert J. Creighton ("Mr. Creighton"), 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), 10 M.R.S. § 8003 (5)(B), and 10 M.R.S. § 8003(5)(D) in order to resolve Complaint 2012-140.

FACTS

1. Mr. Creighton was licensed to practice in Maine as an LPN from December 28, 2010 until September 5, 2012, when his license lapsed.
2. On July 9, 2012 and July 19, 2012, the Board received provider reports from Maplecrest Rehabilitation & Living Center ("Maplecrest") dated July 3 and July 16, 2012, respectively. According to the complaint and accompanying documentation:
 - a. On April 23, 2012, Maplecrest issued Mr. Creighton a Written Warning for unprofessional behavior that involved his verbal confrontation with a staff member on April 18, 2012 that created an uncomfortable environment for co-workers and potentially for residents.
 - b. On July 3, 2012, Maplecrest terminated Mr. Creighton's employment following its investigation that concluded that Mr. Creighton had engaged in sexual harassment, which included an allegation that he exposed his penis to a female colleague on June 13, 2012. The Board docketed the complaint as Complaint 2012-140 and sent it to Mr. Creighton for a response.
3. On August 16, 2012, the Board received a written response from Mr. Creighton dated August 14, 2012, to Complaint 2012-140. In his response, Mr. Creighton denied the allegations of sexual harassment, but indicated that he was "being treated for a mental medical condition," which he believes would compromise his practice as an LPN. In addition, Mr. Creighton indicated that he wanted to resolve this matter by surrendering his LPN license.
4. On September 5, 2012, Mr. Creighton's license lapsed as a result of his failure to apply for renewal of his license.



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

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5. On September 18, 2012, the Board reviewed Complaint 2012-140 and voted to offer Mr. Creighton this Consent Agreement.
6. Absent Mr. Creighton's acceptance of this Agreement by signing it and dating it and returning it to Jayne Winters, Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158, on or before November 8, 2012, this matter will be brought back to the Board for further action.

COVENANTS

7. Mr. Creighton acknowledges that should this matter proceed to an adjudicatory hearing before the Board, there is sufficient evidence from which the Board could conclude by a preponderance of the evidence that he engaged in the conduct alleged above and that such conduct would constitute a basis for the Board to impose discipline against him.
8. Based on Mr. Creighton's acknowledgement of the sufficiency of the evidence in this matter, the Board finds sufficient evidence of proof of the alleged conduct and concludes that Mr. Creighton has committed violations of law that constitute bases for imposing discipline against him as follows:
 - a. Pursuant to 32 M.R.S. § 2105-A (2) (F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which he is licensed; and
 - b. Pursuant to 32 M.R.S. § 2105-A (2) (H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, § 3(U) by engaging in behavior that exceeds professional boundaries including, but not limited to, sexual misconduct.
9. Mr. Creighton does not contest the Board's findings and conclusions as stated in paragraph 8 and, as discipline for these findings of violations, agrees to the continued termination of his license. Mr. Creighton understands and agrees that as a result of this Agreement, he no longer has a license or the right to obtain a license and is subject to the terms of this Agreement indefinitely until and unless the Board, at his written request, votes to allow him to reinstate his Maine LPN license. Mr. Creighton understands and agrees that, upon receiving a request from him to reinstate his Maine LPN license, the Board shall have the sole discretion to grant or deny such a request or to grant him a license with probation and conditions as it determines appropriate to protect the public. Mr. Creighton further understands and agrees that any decision made by the Board regarding his request for reinstatement shall be considered a request to amend this Agreement, which the Board may in its sole discretion decline to do. Mr. Creighton understands and agrees that any decision by the Board regarding a request to amend this Consent Agreement or to reinstate his license is not appealable to any court.
10. 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 Mr. Creighton's "Home state" of licensure and primary state of residence, which means that he has declared the State of Maine as his fixed permanent and principal home for legal purposes—his 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. Mr. Creighton understands this Agreement is subject to the Compact.

11. Mr. Creighton shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502(2) or in any position holding himself out as a licensed practical nurse or with the designation "LPN" while he does not hold a nursing license.
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.
13. This Agreement constitutes a final adverse licensing action that is reportable to the national Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
14. This Agreement represents a final, non-appealable and binding agreement, which cannot be amended orally. This Consent Agreement may only be amended in writing and by the agreement of all parties hereto.
15. This Agreement is not subject to review or appeal by Mr. Creighton, but may be enforced by an action in the Superior Court by the Board.
16. Mr. Creighton acknowledges by his signature hereto that he has read this Agreement, that he has had an opportunity to consult with an attorney before executing this Agreement, that he executed this Consent Agreement of his own free will, and that he agrees to abide by all terms and conditions set forth herein.

Dated:

10-13-12

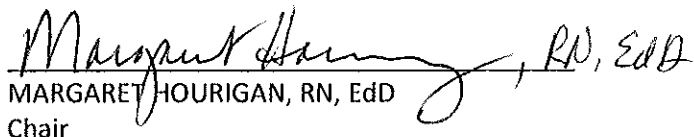


ROBERT J. CREIGHTON

FOR THE MAINE STATE
BOARD OF NURSING

Dated:

10-17-12

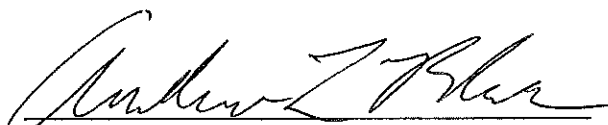


MARGARET HOURIGAN, RN, EdD
Chair

FOR THE OFFICE OF THE
ATTORNEY GENERAL

Dated:

10/23/2012



ANDREW L. BLACK
Assistant Attorney General