



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: MARGO A. DOWNING, R.N.** ) **CONSENT AGREEMENT**  
 of Milford, Maine ) **FOR**  
 License #R050650 ) **REPRIMAND**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Margo A. Downing's license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Margo A. Downing (“Licensee” or “Ms. Downing”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Licensee met with the Board in an Informal Conference on July 8, 2010. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (A), 10 M.R.S.A. § 8003(5) (A-1) (1) and § 8003(5) (B) and reached this Agreement on the basis of: 1) a Board Notice of Complaint/Provider Report dated December 28, 2006, with information from Marcia Smith dated November 7, 2006; 2) investigative results submitted by the Maine Department of Health and Human Services, Division of Licensing & Certification dated April 5, 2007; 3) Board Notice of Complaint for Failure to Respond dated December 10, 2008; and 4) Ms. Downing’s response dated December 1, 2007, received January 8, 2010.

**FACTS**

1. Margo A. Downing has been a registered professional nurse licensed to practice in Maine since December 2004.
2. Margo A. Downing admits that she failed to follow a standard of safe medication administration utilizing the “Five Rights” which are: 1) Right patient; 2) Right time and frequency of administration; 3) Right dose; 4) Right route of administration; and 5) Right drug. In this case, the patient was admitted to St. Joseph’s Hospital in Bangor, ME on October 15, 2006 for emergency surgery. The patient was hospitalized from October 15-30, 2006. On October 21, 2006, one day post operation from a second surgery, the patient’s diet consisted of ice chips only. Pain medication was administered through a PCA pump (no oral medications); her last dose of antibiotics had been administered earlier that day. The evening of October 21, between 7:30-7:45PM, a nurse by the name of “Lisa” identified herself as the patient’s assigned nurse for the night and administered a prescribed dose of Heparin by injection. After she left the patient’s room, another nurse, who did not identify herself, came into the patient’s room between 7:45-8:00PM and stated to the patient that she was there to administer medications consisting of Colace, Senokot and an IV antibiotic. The patient stated to this second nurse that she was not prescribed any oral medication, that her administration of antibiotics was complete, and that her diet consisted of ice chips only. This nurse left the patient’s room to verify the information on the patient’s chart and returned, erasing the name on the dry erase board and putting her name (“Margo”) on the board. She indicated that the patient was wrong about her medications and attempted to hang an IV antibiotic bag. The patient grabbed the IV bag and read the label, which identified another patient’s name. The patient stated that she was not the patient printed on the label. “Margo” asked the patient where she had her surgery; the patient stated she pulled up her Johnny shirt and showed the nurse her abdominal incision and g-tube and again insisted that she had the wrong patient. The nurse then checked the patient’s armband, discovered her error and apologized. At this point, the patient was upset and in tears because of what she described as this nurse’s “accusatory argumentative attitude and the fact that she was not listening to what I was saying.” The patient remained upset after this incident and was prescribed Benadryl via IV pump and Ambien to help her sleep that night.
3. Margo A. Downing admits that she failed to respond to the Board’s Notice of Complaint dated December 28, 2006 in a timely manner. Her response was ultimately received on January 8, 2010.



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**AGREEMENT**

4. Margo A. Downing understands that her conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A, (1-A), 32 M.R.S.A. § 2105-A (2) (F), (2) (H) and Chapter 4.1.A.6., and Chapter 4.3.F. and 4.3.H. of the Rules and Regulations of the Maine State Board of Nursing. Margo A. Downing is hereby **REPRIMANDED** for the above violations. Specifically, the violations are:

Title 32 M.R.S.A. §§:

- a. 2105-A (1-A). Failure to respond to a Board Notice of Complaint/Provider Report in a timely manner.
- b. 2105-A (2) (F). Unprofessional Conduct. Ms. Downing engaged in unprofessional conduct by violating standards of professional behavior regarding medication administration and documentation for patient care that have been established in the practice for which she is licensed. (See also Chapter 4, Section 1.A.6.)
- c. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Chapter 4, Section 1.A.8.)

Chapter 4, Section 3. Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, states: "*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:*

- d. Section 3(F). Ms. Downing failed to follow policies and procedures designed to safeguard a patient in that she failed to follow an appropriate standard of nursing practice in medication administration; and
  - e. Section 3(H). Ms. Downing negligently caused emotional injury to a patient.
5. 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. Downing'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 in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Downing understands this Agreement is subject to the Compact.
6. Margo A. Downing 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.
7. Margo A. Downing affirms that she executes this Agreement of her own free will.
8. Modification of this Agreement must be in writing and signed by all parties.
9. This 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.
10. This Agreement is not subject to review or appeal by Ms. Downing.
11. This Agreement becomes effective upon the date of the last necessary signature below.

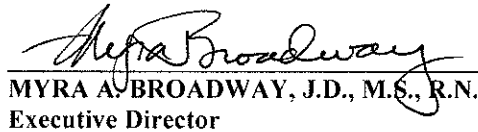
I, MARGO A. DOWNING, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 9-28-10

  
MARGO A. DOWNING, R.N.

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 10/6/10

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 10/6/10

  
JOHN H. RICHARDS  
Assistant Attorney General