



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: PAMELA L. DUFRESNE, LPN) **CONSENT AGREEMENT**
 of Hollis Center, ME) **FOR**
 License #P011979) **PROBATION**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Pamela L. Dufresne’s license to practice licensed practical nursing in the State of Maine. The parties to this Consent Agreement are Pamela L. Dufresne (“Ms. Dufresne” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on March 23, 2010. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B), 10 M.R.S.A. § 8003(5) (A-1) (4) and 10 M.R.S.A. § 8003 (5) (B); the parties reached this Agreement on the basis of 1) a Board Notice of Complaint/Provider Report dated February 24, 2009 with information from Evergreen Manor Nursing and Rehabilitation Center (“Evergreen Manor”) dated February 11, 2009; and 2) Ms. Dufresne’s response received by the Board April 1, 2009.

FACTS

1. Pamela L. Dufresne has been a licensed practical nurse licensed to practice in Maine since November 2001.
2. Pamela L. Dufresne was terminated from Evergreen Manor on January 28, 2009 for falsifying medical documentation, failure to administer medication as prescribed by a physician, and excessive absenteeism.
3. Pamela L. Dufresne admits that she falsified a resident’s medical record by signing off that a patient’s daily dressing changes were completed on December 15 and 16, 2008 when, in fact, they were not performed. She also admits that on January 22, 2009, she made a medical error by omitting a resident’s morning insulin dose.
4. Pamela L. Dufresne currently has a Consent Agreement with the Board dated December 1, 2006, which placed her nursing license on probation for three years of nursing employment [Exhibit A]. The basis for the December 2006 Agreement resulted from her termination from Gorham House for the same conduct recently cited by Evergreen Manor.
5. Pamela L. Dufresne wishes to resolve this Complaint by entering into this Agreement and waives her right to a hearing before the Board.

AGREEMENT

6. Pamela L. Dufresne agrees and understands that based upon the above-stated facts, her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(G) and 3(K) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:



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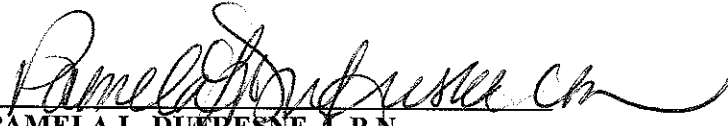
- a. M.R.S.A. § 2105-A (2) (A). Ms. Dufresne engaged in the practice of deceit in connection with service rendered within the scope of the license issued by falsifying medical documentation. (See also Rule Chapter 4, Section 1.A.1)
 - b. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Dufresne engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed regarding the administration of scheduled drugs. (See also Rule Chapter 4, Section 1.A.6)
 - c. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6)
 - d. Rule Chapter 4, Section 3. Unprofessional Conduct. *“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:*
 - 1) Chapter 4, Section 3(F). Ms. Dufresne failed to take appropriate action or follow policies and procedures in a practice situation designed to safeguard a patient.
 - 2) Chapter 4, Section 3(G). Ms. Dufresne neglected a patient requiring nursing care.
 - 3) Chapter 4, Section 3(K). Ms. Dufresne inaccurately recorded and falsified a health care provider record.
7. Pamela L. Dufresne’s current nursing license probationary period of three years with nursing employment is hereby terminated when this Agreement becomes effective and the Board imposes a new probationary license with conditions for a period of five years. The period of probation is effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Dufresne performs nursing services. Her probationary license will be subject to the following conditions:
- a. Pamela L. Dufresne shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. Ms. Dufresne shall inform the Board in writing within 15 days of any address change.
 - b. Pamela L. Dufresne will notify the Board in writing within five business days of any change in nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Ms. Dufresne’s employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
 - c. Pamela L. Dufresne will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
 - d. Pamela L. Dufresne will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, to

include medical documentation, adherence to follow policy and procedure, and clinical competency.

- e. Pamela L. Dufresne agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary period until and unless the Board, at Ms. Dufresne's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Dufresne has complied with the provisions of this Agreement.
- f. If Ms. Dufresne violates any other condition of her probation, the Board will give written notice to the Licensee regarding her failure to comply. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
8. 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. Dufresne'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. Dufresne understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice will be limited to the State of Maine as it pertains to the Compact. If Ms. Dufresne 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; the Board will then make a determination.
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. Pamela L. Dufresne understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
11. Pamela L. Dufresne affirms that she executes this Agreement of her own free will.
12. Modification of this Agreement must in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Agreement becomes effective upon the date of the last necessary signature below.

**I, PAMELA L. DUFRESNE, LPN, HAVE READ AND UNDERSTAND THE FOREGOING
CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY LICENSED
PRACTICAL 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: 8/29/10


PAMELA L. DUFRESNE, L.P.N.

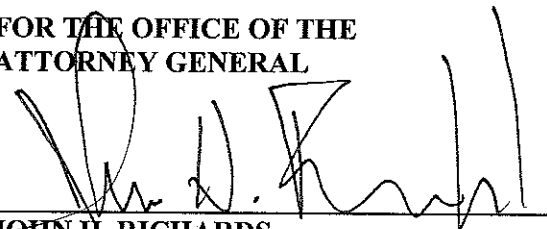
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 9/1/10


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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

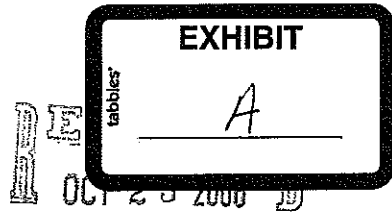
DATED: 9/1/10


JOHN H. RICHARDS
Assistant Attorney General



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

JOHN ELIAS BALDACCI
 GOVERNOR



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

IN RE: PAMELA L. DUFRESNE, ^{LPN}~~R.N.~~) CONSENT AGREEMENT
 of Augusta, Maine) **FOR WARNING AND**
 License #P011979) **PROBATION**

INTRODUCTION

This document is a Consent Agreement regarding Pamela L. Dufresne's license to practice licensed practical nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A)(A) and (B), 10 M.R.S.A. §§ 8003 (5)(A-1)(1) and (4) and 10 M.R.S.A. § 8003 (5)(B). The parties to this Consent Agreement are Pamela L. Dufresne ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on September 27, 2006. The parties reached this Agreement on the basis of information submitted by Gorham House, attached to a Notice of Complaint or Provider Report dated December 17, 2004; information submitted by the Maine Department of Human Services – Bureau of Medical Services, Division of Licensing and Certification through a report dated January 13, 2006.

FACTS

1. Pamela L. Dufresne has been a licensed practical nurse licensed to practice in Maine since 2001.
2. Pamela L. Dufresne was terminated from Gorham House on November 17, 2004, for falsifying a resident's medical record.
3. Pamela L. Dufresne admits that she falsified a resident's medical record by signing off that dressing changes were completed when in fact they were not performed.

AGREEMENT

4. Pamela L. Dufresne agrees and understands that based upon the above-stated facts her conduct constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A(2)(A), (2)(F), (2)(H) and Chapter 4.1.A.1., 1.A.6., 1.A.8., Chapter 4.3.F. and 4.3.H. Pamela L. Dufresne is hereby formally **WARNED** because she failed to follow policies and procedures in the practice situation of medical treatment and documentation designed to safeguard the safety of the patient.
5. Pamela L. Dufresne license to practice practical nursing in the State of Maine is placed on a probationary status with conditions. The period of probation will be for a period of three years. The period of probation is effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. Dufresne



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performs nursing services. Ms. Dufresne's probationary license will be subject to the following conditions:

- a. Pamela L. Dufresne will immediately notify the Board in writing of her current employer or educational program in the field of nursing. She will immediately notify the Board in writing should she change employment or enter into an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program. Ms. Dufresne will also immediately notify the Board in writing of any subsequent change in employment or educational programs.
 - b. Pamela L. Dufresne will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - c. Pamela L. Dufresne will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.
6. The State of Maine is Pamela L. Dufresne's home state of licensure. Ms. Dufresne agrees that during the pendency of this Consent Agreement her nursing practice is limited to the State of Maine unless otherwise authorized by the Board. If Ms. Dufresne wishes to practice in any other party state within the compact she shall petition the Board for written authorization. In addition, Ms. Dufresne will arrange to have the party state she intends to practice in, to provide the Board with written authorization that she has been approved to practice in that state.
 7. Pamela L. Dufresne agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely until and unless the Board, at Ms. Dufresne's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Dufresne has complied with the provisions of this Consent Agreement.
 8. Pamela L. Dufresne understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Dufresne understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
 9. If Ms. Dufresne fails to meet any of the obligations of this Consent Agreement, the Board may take any disciplinary action, which it deems appropriate and impose any of the sanctions, including but not limited to that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
 10. Pamela L. Dufresne 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, but may be enforced by an action in the Superior Court.
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, PAMELA L. DUFRESNE, 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: 11/14/06


PAMELA L. DUFRESNE, L.P.N.

DATED: 11-21-06


SCOTT J. LYNCH, ESQ.
Attorney for Pamela L. Dufresne

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 11/30/06


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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 12/1/06


JOHN H. RICHARDS
Assistant Attorney General