



Paul R. LePage
GOVERNOR

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

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

IN RE: LINE ELLIS)
of Manchester, ME)
License No. RN27646)

CONSENT AGREEMENT
FOR
PROBATION

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. §8008, the Legislature provided that the sole purpose of the Board is to "protect the public health and welfare" and that "other goals or objectives may not supersede this purpose."

This document is a Consent Agreement ("Agreement") regarding Line Ellis's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Line Ellis ("Licensee"), the Maine State Board of Nursing ("the Board"), and the Office of the Attorney General, State of Maine. The Board met with the Licensee on December 4, 2013 to discuss her request for license reinstatement. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A) (B), 10 M.R.S. §§8003 (5) (A-1) (4) and 8003 (5) (B).

FACTS

1. Licensee was originally licensed to practice as an RN in Maine on August 14, 1984.
2. **Disciplinary History.** Licensee surrendered her license through a Consent Agreement with the Board in August 1998, the grounds of which were drug diversion and admitted substance abuse.

Licensee petitioned the Board for license reinstatement and her license was reinstated on probation in October 2001. Licensee successfully met the conditions of her 2001 probation and the Board terminated her probation in December 2004.

3. Licensee resigned her employment with Belgrade Regional Health Center on April 25, 2010 during the course of the facility's investigation regarding a suspected instance of Licensee falsifying a prescription.
4. During an August 4, 2010 interview with the Board's investigator, the Licensee admitted that she had been fraudulently obtaining prescription drugs for about a year.
5. Licensee denied selling or using drugs for personal use and claimed that she obtained the prescriptions for her husband's pain management.
6. The Licensee and the Board entered into a Consent Agreement for Voluntary Surrender of Licensee's license on September 2, 2010.
7. On June 13, 2011, the Licensee requested reinstatement of her nursing license. The Board requested the Licensee provide written documentation to support her request.



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

8. On August 27, 2011, the Licensee submitted another letter which detailed her inability to get formal counseling due to lack of insurance. The Licensee discussed her participation in AA and the efforts of her husband to seek treatment of his addiction.
9. The Board requested that additional information be submitted prior to November 10, 2011 for consideration at its meeting on November 28 – 29, 2011.
10. On November 8, 2011, the Licensee wrote the Board indicating that she had recently received health insurance and was waiting the scheduling of treatment for her condition.
11. On February 12, 2012, the Licensee was charged with operating a vehicle under the influence. This information was provided to the Board by the Office of the Attorney General on or about October 12, 2012. The Licensee pled guilty to the charge.
12. On October 4, 2012, the Board received a letter from the Licensee requesting reinstatement (erroneously dated October 3, 2011), which included medical reports documenting the Licensee's treatment for her condition.
13. On April 4, 2013, the Board issued a letter to the Licensee regarding a telephone conversation which occurred the prior day. The letter indicates that the Licensee's request for reinstatement made in October 2012 was not granted due to the OUI conviction. The Licensee was invited to make another request after experiencing one year of sobriety.
14. On May 1, 2013, the Licensee submitted her request for reinstatement of her license and enclosed treatment records from her counselor which indicated that she was no longer in treatment as she had reached the "maintenance phase" and had the necessary skills to support ongoing recovery.
15. On May 28, 2013, the Licensee was scheduled to meet with the Board on June 13, 2013 to discuss her request for reinstatement.
16. On June 13, 2013, the Board deferred reinstatement of said license pending receipt of evidence of Licensee's successful completion of the terms of her OUI conviction, documentation of regular attendance at AA meetings, and any additional documentation from individuals involved in her recovery support network.
17. On July 22, 2013, the Board received a reply from the Licensee which contained court docket records.
18. On August 13, 2013, the Board sent a letter to the Licensee requesting additional information regarding the court imposed counseling and monitoring that had been placed on the Licensee as a result of her OUI conviction. The Board reiterated its request of documentation confirming regular attendance at AA meetings and any additional documentation from individuals involved in her recovery support network.
19. On November 4, 2013, the Licensee submitted a detailed narrative describing her efforts and compliance with recovery programs. The Licensee also provided extensive medical records from Maine General which detailed her treatment for her addiction, as well as extensive records relating to her OUI conviction, post-conviction assessments and monitoring.
20. On December 4, 2013, the Board met with the Licensee to determine whether sufficient rehabilitation had occurred to warrant the public's trust.

21. After further review and consideration, the Board voted to offer the Licensee a Consent Agreement which would allow reinstatement of her license on probation.
22. Absent Licensee's acceptance of this Agreement by signing and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 **on or before March 25, 2014**, the Board will take further action. In the absence of an agreement the Board could impose, subsequent to adjudicatory proceedings, findings beyond those contained above and also impose greater adverse action including fines, costs of the hearing, suspension or revocation of Licensee's license.

AGREEMENT

23. As consideration of reinstatement of her license as a professional nurse, Licensee agrees that, unless this Agreement is modified in writing by all of the parties hereto, **her license to practice as a registered professional nurse shall be probationary for the next five (5) years** following the execution of this Agreement and her license will be subject to the following conditions:

- a) **Nurse Supervisor.** Licensee's nursing employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health care, school nursing, work as a travel nurse, or within the correctional system.

The nurse supervisor must be in direct contact with the Licensee (i.e., physically on-site) and be able to observe her nursing performance. The supervisor shall inform the Board if the Licensee demonstrates any issues with regard to inappropriate nursing judgment, inability to concentrate, absenteeism, drug diversion, medication administration/documentation or any other concerns. The supervising nurse shall report such information to the Board within 24 hours or as soon thereafter as possible. In addition, the nurse supervisor shall provide the Board with a written report regarding Licensee's nursing performance every three (3) months following the execution of this Agreement. It is Licensee's responsibility to ensure that these reports are provided to the Board in a timely manner.

- b) **Treatment Provider Reports.** Licensee will completely abstain from the use of alcohol or drugs with the exception of substances used in accordance with a valid prescription from her health care treatment providers who are aware of her history. In addition, she will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers and AA sponsors and such reports shall continue until her probation is terminated. If treatment is terminated during her probation, she shall notify the Board and provide written documentation.
- c) **Notification to Nursing Employer(s)/Potential Employers/Licensing Jurisdictions.** Licensee shall provide a copy of this Agreement to any nursing employer(s) or potential nursing employers, and to any jurisdiction in which she holds or seeks a nursing license.
- d) **Contact Address/Change of Contact Address – Notification Requirement.** Licensee shall provide the Board with a current address at which she may be contacted by the Board. Licensee shall inform the Board **in writing within 15 days** of any change of her contact information.
- e) **Employment Change – Notification Requirement.** Licensee will notify the Board **in writing within five (5) business days** of any change in her nursing employment and/or enrollment in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program.
- f) **Nursing Employment Restrictions.** 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 Board Rules. The State of Maine is Licensee'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 principal home for legal purposes relating to 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. Licensee understands and agrees that this Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Licensee's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the party state in which she wishes to work.

24. Violation of any of the terms or conditions of this Agreement by Licensee shall constitute grounds for discipline including, but not limited to, modification, suspension, or revocation of licensure or the denial of licensure renewal.
25. In accordance with this Agreement and pursuant to 10 M.R.S. §8003(5) (B), the Board and Licensee agree that the Board has the authority to issue an order modifying, suspending, and/or revoking her license in the event that she fails to comply with any of the terms or conditions of this Agreement.
26. In the event that Licensee is alleged to have violated any condition of her probation, the Board will give written notice to her regarding her failure to comply, sent to the last known address that is on file with the Board. Licensee shall, within 30 days from receipt of this notification, submit a written response to the Board regarding the alleged violation. The Board will review Licensee's response to determine what action, if any, it will take. **If the Licensee fails to timely respond to the Board's notification regarding noncompliance, her license may be immediately suspended** pending a hearing at the next scheduled Board meeting. If after notice and hearing, the Board finds that the Licensee has failed to meet probationary conditions, the Board may take any disciplinary action that it deems appropriate and impose any of the sanctions including, but not limited to, that found in 10 M.R.S. §8003 and 32 M.R.S. §2105-A.
27. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can only be modified by writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Licensee may file a written request, together with any supporting documentation, to modify the terms and conditions of this Agreement. The Board retains the sole discretion to: (a) deny Licensee's request; (b) grant Licensee's request; and/or (c) grant Licensee's request in part as it deems appropriate to ensure the protection of the public. Any decision by the Board as a result of Licensee's request to modify this Agreement need not be made pursuant to a hearing and is not appealable to any court.
28. The Board and the Attorney General may communicate and cooperate regarding Licensee's practice or any other matter relating to this Agreement.
29. 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-A.
30. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).
31. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
32. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.

33. Licensee acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she has executed this Agreement of her own free will and that she agrees to abide by all the terms and conditions set forth in this Agreement.
34. Licensee's license will be reinstated upon final execution of this Agreement.

DATED: 3/10/14

Line Ellis

LICENSEE LINE ELLIS

FOR THE MAINE STATE BOARD OF NURSING

DATED: 3/17/14

Myra Broadway

MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 3/27/14

[Signature]

RONALD O. GUAY
Assistant Attorney General

Effective Date: 3/27/14