



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: CYNTHIA A. FRENCH, RN)
 of Wilton, ME)
 License No. RN51412)

**CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Cynthia A. French’s license as a registered professional nurse in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (B) and 10 M.R.S. § 8003(5) (B). The parties to this Agreement are Cynthia A. French (“Licensee” or “Ms. French”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on December 14, 2011. The parties reached this Agreement on the basis of a Board Complaint dated July 26, 2010, with an attached Provider Report from Sandy River Center (“SRC”) dated July 20, 2010, which advised the Board of its termination of Ms. French’s employment based upon multiple violations of policies and nursing standards.

FACTS

1. Cynthia A. French has been a registered professional nurse licensed to practice in Maine since July 8, 2005.
2. On July 1, 2010, SRC terminated Cynthia A. French’s employment as a nurse as a result of cumulative and repeated violations of policies/protocols and nursing standards designed to safeguard the safe care and treatment of patients at SRC. According to the report from SRC, Ms. French’s violations spanned three years, during which time she was repeatedly counseled and provided with additional nursing training regarding documentation, patient assessment, wound care, medication administration, IV evaluation and maintenance, and notification and coordination with the treating physician.
3. On July 23, 2010, the Board received a notice from SRC regarding its termination of Ms. French’s employment, together with a report regarding the basis for the termination. On July 26, 2010, the Board sent Ms. French a complaint regarding this matter and directed that she respond in writing within thirty days to the allegations in the SRC report.
4. On August 11, 2010, the Board received a written response from Ms. French. In her response, Ms. French indicated that during her employment with SRC, she was a recent nursing graduate and lacked experience working with other disciplines. According to Ms. French, she was given approximately a week of training before being placed into a nursing supervisor position on the night shift. Ms. French indicated that she had a difficult time learning all of the new policies and procedures. Ms. French expressed embarrassment for her nursing record at SRC and indicated that she had learned a lot from her mistakes and feels great reward working with the geriatric population. Ms. French expressed a desire to continue practicing nursing and to continue to learn and develop as a nurse.
5. On December 14, 2011, a subcommittee of the Board met with Ms. French in an informal conference to discuss the issues reported by SRC. During the informal conference, the subcommittee noted that Ms. French was a relatively new nurse. Ms. French indicated that she was currently employed at Edgewood Rehabilitation where she has been working for over a year. During the informal conference, the subcommittee discussed with Ms. French concerns regarding her basic nursing competency, addressing the issues identified by SRC, including the failure to evaluate and document an IV placement. Following the informal conference, the subcommittee voted to offer Ms. French this Consent Agreement in order to resolve the pending complaint against her nursing license and to allow her to continue to practice nursing.



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6. Cynthia A. French appreciates and understands the subcommittee's concerns regarding her competency to practice nursing in light of the report from SRC and discussions during the informal conference. In lieu of further proceedings, such as an adjudicatory hearing, Ms. French desires to resolve this pending complaint by entering into this Consent Agreement with the Board and waives her right to an adjudicatory hearing. Ms. French has been cooperative with the Board and the Board staff during the investigation of this matter.
7. Absent acceptance of this Consent Agreement by Ms. French by signing 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 April 9, 2012, this matter shall be scheduled for an adjudicatory hearing.

AGREEMENT WITH CONDITIONS OF PROBATION

8. Cynthia A. French agrees and understands that based upon the above-stated facts, this document imposes discipline regarding her registered professional nursing license. The grounds for discipline are under 32 M.R.S. § 2105-A (2) (F), (2) (H) and Chapter 4(1) (A) (6), 4(1) (A) (8) and Chapter 4(3) (F) of the Rules and Regulations of the Maine State Board of Nursing. Specifically the violations are:
 - a. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. French engaged in unprofessional conduct because she violated a standard of professional behavior by failing to conform to legal standards and accepted standards of the nursing profession that have been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - b. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the board. (See also Rule Chapter 4, Section 1.A.8.)
 - c. Rule Chapter 4, Section 3. Unprofessional Conduct is defined as *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. French failed to follow policies and procedures designed to safeguard residents at Sandy River Center.
9. Cynthia A. French's license as a registered professional nurse in the State of Maine is placed on a probationary status with conditions, effective upon the execution¹ of this Consent Agreement. The period of probation will be two (2) years, and effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. French performs nursing services. Ms. French's probationary nursing license will be subject to the following conditions:
 - a. Cooperation with Board/Board Staff. Cynthia A. French shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. Ms. French shall inform the Board in writing within 15 days of any address change.
 - b. Notification(s) to Board. Cynthia A. French will notify the Board in writing within five business days of any and all current nursing employment and/or current educational program(s) in the field of nursing. Notice under this section shall include the place and position of nursing employment or the nursing educational program. If during the period of probation, Ms. French'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.

¹ For the purposes of this Consent Agreement, "execution" means the date on which the final signature is affixed to this Consent Agreement.

- c. Board-Approved Practice Monitor. Cynthia A. French must have a Board-approved individual on-site to monitor her practice of nursing. The Board-approved monitoring must be in direct contact with Ms. French and observe her within her approved nursing practice setting at least once a week, and inform the Board immediately if Ms. French demonstrates any issues with regard to inappropriate decision-making, incompetence, unprofessionalism or any other concerns. The monitor shall report such information to the Board by telephone and in writing within 24 hours or as soon thereafter as possible. Ms. French understands that the monitor will be an agent of the Board pursuant to Title 24 M.R.S. § 2511. In compliance with this condition, Ms. French shall, within ten (10) days following the execution of this Consent Agreement, provide the Board in writing with the name(s) of the individual(s) who/whom she proposes to monitor her nursing practice. The Board retains the sole discretion to approve or deny any individual(s) proposed to monitor Ms. French's practice. In the event that Ms. French fails to comply with this condition, she shall voluntarily cease the practice of nursing until such time as the Board has approved a practice monitor.
- d. Board-Approved Practice Monitor Reporting Requirements. Ms. French shall ensure that her Board-approved practice monitor(s) provide(s) the Board with written reports on a quarterly basis (i.e. every three months) following the execution of this Consent Agreement. The written reports shall include assessments of Ms. French's current competency to practice nursing and include the following subject areas:
- (1) patient assessment skills;
 - (2) documentation;
 - (3) implementation of orders (including wound care and medication administration);
 - (4) compliance with appropriate nursing protocols
- e. Reading Evaluation. Ms. French shall, within sixty (60) days following the execution of this Consent Agreement, successfully complete an evaluation of her reading skills by an individual pre-approved by the Board. In compliance with this condition, Ms. French shall, within twenty (20) days following the execution of this Consent Agreement, provide the Board in writing with the name(s) of the individual(s) who/whom she proposes to conduct an assessment of Ms. French's reading skills. The Board retains the sole discretion to approve or deny any individual(s) proposed to monitor/evaluate Ms. French's reading skills. Ms. French shall ensure that the Board receives a written report regarding the assessment of her reading skills within ninety (90) days following the execution of this Consent Agreement.
- f. Location of Nursing Practice. For the duration of her probation, Ms. French agrees to practice in structured settings only; she agrees not to practice nursing in schools, home health care, correctional facilities, for temporary employment agencies or as a travel nurse.
- g. Notification to Employers. Cynthia A. French 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.
- h. Termination of Probation. Cynthia A. French understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement beyond the two-year probationary period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. French has complied with the provisions of this Agreement.
10. 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 sanctions including, but not limited to, those found in Title 10 M.R.S. § 8003(5) and Title 32 M.R.S. § 2105-A. Ms. French understands and agrees that, in the event she fails to comply with the conditions of probation, the Board has the authority to suspend or revoke her license pursuant to Title 10 M.R.S. § 8003(5).
11. 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. French's "home state" of licensure and primary state of residence, which means 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. French understands and agrees that this Agreement is applicable to her multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED that while Ms. French's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multistate licensure 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.

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. Cynthia A. French understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
14. Cynthia A. French affirms that she executes this Agreement of her own free will.
15. Modification of this Agreement must in writing and signed by all parties.
16. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
17. This Agreement becomes effective upon the date of the last necessary signature below.


I, CYNTHIA A. FRENCH, RN, 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: 4-5-12


CYNTHIA A. FRENCH, RN

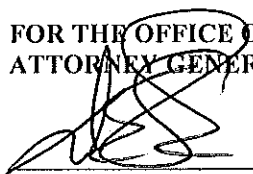
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 4/10/12


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

FOR THE OFFICE OF
ATTORNEY GENERAL

DATED: 4/11/12


DENNIS E. SMITH
Assistant Attorney General

Effective Date: 4/11/12