



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: ANDREW J. HALL)
 of Lewiston, Maine)
 License No. P009953)

CONSENT AGREEMENT FOR
 VOLUNTARY SURRENDER
 OF LICENSE

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Andrew J. Hall’s license as a practical nurse in the State of Maine. The parties to this Agreement are Andrew J. Hall (“Mr. Hall” or “Licensee”), Maine State Board of Nursing (“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) (C), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S. § 8003 (5) (D). The parties reached this Agreement on the basis of the following Board Complaint dated March 2, 2011, with a Provider Report from Mid Coast Health Services, Mid Coast Hospital (“Mid Coast”) dated February 24, 2011, and Mr. Hall’s response to the Complaint dated May 3, 2011, all of which are attached hereto, incorporated herein and marked as Exhibit A.

FACTS

1. During its meeting on June 1, 2011, the Board reviewed: 1) the Board Complaint dated March 2, 2011, with a Provider Report from Mid Coast Health Services, Mid Coast Hospital (“Mid Coast”) dated February 24, 2011; and 2) Mr. Hall’s response to the Complaint dated May 3, 2011. After its review, the Board voted to summarily suspend Mr. Hall’s practical nurse license (“LPN”) effective June 1, 2011, pursuant to 5 M.R.S. § 10004 (3) because of the immediate jeopardy his continued practice of nursing posed to the health and physical safety of the public.
2. Andrew J. Hall has been licensed as a LPN since November 27, 1989.
3. Andrew J. Hall was terminated from the Surgical Care Medical Group at Mid Coast as a LPN on February 22, 2011 as a result of providing fraudulent information to obtain a controlled substance (Hydrocodone) for his own personal use. Exhibit A.
4. Mr. Hall admits that he made a significant error in judgment in attempting to obtain the prescription drugs for his own personal use and admits that he has a substance abuse problem.
5. In lieu of a hearing before the Board, Andrew J. Hall agrees to voluntarily surrender his LPN license. The Maine State Board of Nursing will accept Andrew J. Hall’s offer to surrender his LPN license, License No. P009953.

AGREEMENT

6. Andrew J. Hall understands that based upon the above-stated facts, this document imposes discipline regarding his license to practice as a LPN in the State of Maine. The grounds for discipline for violations are under 32 M.R.S. §§ 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. M.R.S. § 2105-A (2) (A). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Mr. Hall by attempting to divert scheduled drugs. (See also Rule Chapter 4. Section 1.A.1)

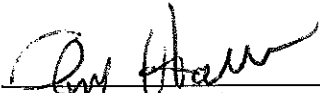


PRINTED ON RECYCLED PAPER

- b. M.R.S. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in Mr. Hall performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2)
 - c. M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Mr. Hall engaged in unprofessional conduct because he violated a standard of professional behavior that has been established in the practice for which Mr. Hall is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - d. 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.)
 - e. 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(K). Mr. Hall inaccurately recorded, falsified or altered a patient or health care provider record.
 - 2) Chapter 4, Section 3(P). Mr. Hall attempted to divert drugs from a health care provider.
 - 3) Chapter 4, Section 3(Q). Mr. Hall attempted to obtain prescription drugs for himself without being authorized by law to prescribe drugs.
7. Andrew J. Hall understands and agrees that his license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Mr. Hall’s written request, votes to reinstate his license. Mr. Hall agrees and understands that if the Board reinstates his license, it will be for a probationary period.
 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 Mr. Hall’s “Home state” of licensure and primary state of residence, which means that Mr. Hall has declared that the State of Maine is his fixed permanent and principle home for legal purposes; his domicile. Other Party states that are in the Compact are referred to as “Remote states,” which means Party states other than the Home state that have adopted the Compact. Mr. Hall understands that this document is a Consent Agreement that is subject to the Compact.
 9. Andrew J. Hall understands that he does not have to execute this Agreement and that he has the right to consult with an attorney before entering into the Agreement.
 10. Andrew J. Hall 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,” including in a veterinarian’s office, while his nursing license is surrendered. In addition, Mr. Hall is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
 11. 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.
 12. Modification of this Agreement must be 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. Andrew J. Hall affirms that he executes this Agreement of his own free will.
 15. This Agreement becomes effective upon the date of the last necessary signature below.

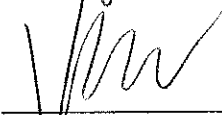
I, ANDREW J. HALL, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY PRACTICAL NURSING LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 10/3/11



ANDREW J. HALL

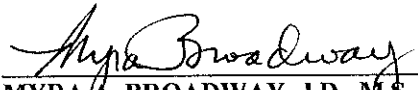
DATED: 10/3/11



HEATHER S. WALKER, ESQ.
Attorney for Andrew J. Hall

FOR THE MAINE STATE
BOARD OF NURSING

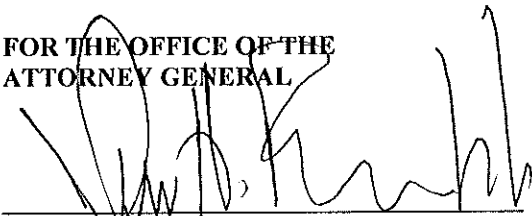
DATED: 10/8/11




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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 10/18/11



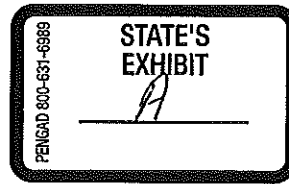
JOHN H. RICHARDS
Assistant Attorney General





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

March 2, 2011

Andrew J. Hall, LPN
227 Lincoln Street
Lewiston, ME 04240

Re: **NOTICE OF PROVIDER REPORT**

Dear Mr. Hall:

Enclosed for your reference is a copy of a letter dated February 24, 2011 from Deborah MacLeod, Vice President, Nursing & Patient Care Services, Mid Coast Hospital. This letter contains information of a possible violation of 32 M.R.S. Sections 2105-A (2)(A), (2)(B), (2)(E), (2)(F) and (2)(H).

Please be advised that pursuant to law you are required to respond, in writing, within 30 days, or by **April 5, 2011**. Enclosed for your reference is a copy of Section 2105-A of the LAW REGULATING THE PRACTICE OF NURSING (32 M.R.S., Chapter 31).

Please do not hesitate to contact my Secretary, Cindy L. Burke, if you have any questions regarding this matter.

Sincerely,

Myra A. Broadway, J.D., M.S., R.N.
Executive Director

MAB/clb

Enclosures

pc: Deborah MacLeod, VP, Nursing & Patient Care Services, Mid Coast Hospital
John H. Richards, Assistant Attorney General



PRINTED ON RECYCLED PAPER

For a lifetime of caring



MID COAST HEALTH SERVICES

123 Medical Center Drive
Brunswick, Maine 04011
(207) 729-0181
www.midcoasthealth.com

Feb. 24, 2011

Myra Broadway, RN, JD
Executive Director Maine State Board of Nursing
161 Capitol St.
158 State House Station
Augusta, Maine 04333-0158
Re: Andrew Hall, LPN

Dear Ms. Broadway:

This letter is to notify the Maine State Board of Nursing in accordance with 24 MRSA Section 2506, that on Feb. 22, 2011, Mr. Hall was terminated from employment at Mid Coast Hospital.

Mr. Hall was employed in our Surgical Care Medical Group as an LPN. On 2/18/11 the practice received a call from Osco Pharmacy in Lewiston to verify a prescription that Mr. Hall had phoned in. The prescription was for [REDACTED] for 45 Hydrocodone. The practice manager, Marcia Turcotte, investigated and found that the practice had no patient by that name. The prescription was phoned in using the name of [REDACTED], M.D. [REDACTED] checked with Dr. [REDACTED] and he confirmed that he had not authorized the prescription. I am attaching an account of Ms. Turcotte's investigation. On 2/22/11 Mr. Hall was questioned about the incident. Present at the meeting with Mr. Hall were Ms. Turcotte, Jana Purrell, Practice Administrator and Coleen Farrell, Director of Human Resources. Mr. Hall admitted that he had called the prescription in for his daughter. He stated that she had a lot of pain and he phoned the prescription in because he found it difficult to watch her suffer. He stated that he knew he had made a mistake. Mr. Hall's employment was terminated immediately.

Subsequent to Mr. Hall's arrest on 2/23/11, Ms. Turcotte is cooperating with the DEA and Lewiston police department in the investigation. It is her understanding that since his arrest Mr. Hall has told the police that the drugs were for his personal use. Please let us know if there is anything further you would like us to provide.

Sincerely,

Vice President, Nursing & Patient Care Services
Mid Coast Hospital

RECEIVED

FEB 28 2011

**MAINE STATE
BOARD OF NURSING**

2/19/11 7:30ish AM Received a call from [REDACTED]. She stated that she had left messages on my cell phone but she thought I had not gotten them. She then proceeded to tell me that she had received a number of calls from Osco's in Lewiston regarding questioning if Andy Hall was authorized to call in prescriptions for Dr. [REDACTED] and if [REDACTED] was Dr. [REDACTED]'s patient. [REDACTED] told them that [REDACTED] was not a patient of the office. She then received another call from someone from Osco asking more question regarding Andy. She told them Dr. [REDACTED] would be in Tuesday morning and told them she really could not give them any more info as she did not know.

2/20/11 Noon I called Osco's of Lewiston at [REDACTED] and spoke to [REDACTED] the pharmacist who had made the calls on Friday to the office. This is what he told me:

Friday at 2:34 Andy left a message on pharmacy prescription line for a prescription of 45 tablets of Hydrocodone for a [REDACTED] with 1 refill. This was the second prescription that Andy had called in for [REDACTED] for Hydrocodone so they were questioning the prescription and wanted to verify it with the doctor. The first was called in on Feb 10th for 30 w/no refill. They tried calling then but could not reach the doctor as it was after 5 when they tried calling so they filled the prescription in good faith. The prescription was picked up on 2/11 @ 5:21 pm. The most recent prescription that was called in on Friday, Andy tried to fill Friday at 5:06pm. He was told that this could not be filled until reaching the doctor which would be on Tuesday morning when the doctor would be back in the office. Andy's reply was that would be fine. I told [REDACTED] not to fill the prescription until I get back to them on Tuesday.

[REDACTED] just called me back (12:30) to tell me that he had called CVS & RiteAid to see if [REDACTED] had any prescriptions filled there recently for any narcotics and the reply from them was no. St. Mary's ER did give her a prescription on 2/16/11 for Hydrocodone that she had filled there at Osco.

[REDACTED] will be off on Tuesday but [REDACTED] will be in and I told him I would call [REDACTED] on Tuesday after checking with Dr. [REDACTED] regarding these prescriptions. If these were not authorized then they will be notifying the authorities.

2/22/11 7:50am spoke with Dr. [REDACTED] to see if he had authorized the Hydrocodone for [REDACTED] and he state no he had not.

Marcia Turcotte
2/20/11 12:20 PM

RECEIVED
FEB 28 2011
MAINE STATE
BOARD OF NURSING

For a lifetime of caring



MID COAST MEDICAL GROUP

Surgical Care

121 Medical Center Drive, Suite 2550
Brunswick, Maine 04011
(207) 373-1707 Fax (207) 373-1467
www.midcoasthealth.com/mcmg

February 23, 2011

To Whom It May Concern:

This letter is to confirm that [REDACTED], MD did not authorize any prescriptions for [REDACTED]. He also did not authorize any prescriptions for [REDACTED] Hall or Andrew Hall.

[REDACTED], MD did not authorize any prescriptions for [REDACTED] [REDACTED] or Andrew Hall.

[REDACTED], MD wrote one prescription for Andrew Hall for Vicodin which was filled on 10/22/10 at Medical Pharmacy, 121 Medical Center Drive, Brunswick, Maine 04011. He did not authorize any other prescriptions.

Please feel to contact me should you need any additional information or have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "Marcia S. Turcotte".

Marcia S. Turcotte
Practice Manager

RECEIVED
FEB 28 2011
MAINE STATE
BOARD OF NURSING

General Surgeons

Nathaniel W. Hyde, MD, FACS • Ira A. Bird, MD • Gregory A. Kelly, MD, FACS

RECEIVED
MAY - 4 2011
MAINE STATE
BOARD OF NURSING

ROBERT A. LASKOFF
WILLIAM B. COTE
LLOYD N. MARTIN
HEATHER S. WALKER
SCOTT QUIGLEY
TARA K. BATES

OF COUNSEL
C. MARTIN BERMAN

May 3, 2011

Myra A. Broadway, J.D., M.S., R.N.
Executive Director
Board of Nursing
158 State House Station
Augusta, Maine 04333-0158

In re: Andrew J. Hall, LPN
227 Lincoln Street, Lewiston, ME 04240

Dear Ms. Broadway:

Please consider this letter as Andrew J. Hall's response to your Notice of Provider Report, dated March 2, 2011.

Mr. Hall does not wish to contest the factual assertions set forth in the Notice of Provider Report. Instead, Mr. Hall would like to provide to the Board an explanation of the factual circumstances within which Mr. Hall exercised poor judgment.

By way of deep background, when Mr. Hall was a child, he stepped on a nail leading to his contracting osteomyelitis in his left heel. As a child, he submitted to surgery and was left with a visually mis-shapen left heel. Over the years, from time to time, his left foot would cause difficulties for Mr. Hall. Approximately one year ago, the pain which Mr. Hall experienced from his left heel, ankle, hip and knee became significant and chronic. Mr. Hall consulted with a podiatrist, [REDACTED] at Mid Coast in April, 2010. Dr. [REDACTED] attempted inserts and then ordered an MRI on Mr. Hall's left ankle. The MRI revealed an old talar dome fracture with a loose fragment. Dr. [REDACTED] prescribed Vicodin for management of Mr. Hall's pain with good result.

Dr. [REDACTED] referred Mr. Hall to Dr. [REDACTED] at Central Maine Orthopedics who recommended surgery. The surgery was performed in August, 2010 and post-operatively Dr. [REDACTED] prescribed Vicodin for management of pain which worked well for Mr. Hall. Mr. Hall experienced post-operative complications, including painful infections. Mr. Hall was continued on Vicodin by Dr. [REDACTED]. Mr. Hall continued to manage his chronic pain with prescribed Vicodin through the fall of 2010 into the early winter of 2010. By early December, 2010, Vicodin was no longer prescribed for Mr. Hall. Mr. Hall continued to experience chronic pain, and began the heavy use of Advil in an effort to manage his pain. Mr. Hall's primary care physician, Dr. [REDACTED] attempted

non-steroidal pain medication which significantly upset Mr. Hall's stomach. Just before Christmas of 2010, Dr. [REDACTED] prescribed Darvocet for Mr. Hall which worked well for him but a week later, Darvocet was removed from the market.

At this point in time, without access to effective medication management for his chronic pain, Mr. Hall engaged in his significant error in judgment and called in prescriptions in his daughter's name for Vicodin for his personal use. In the meantime, Mr. Hall's primary care physician made a referral for Mr. Hall to consult with Medical Rehabilitation Associates. This referral occurred in mid-January, 2011 but the first available appointment was for April 26, 2011. It was during this interim period when Mr. Hall's chronic pain was not being managed that he engaged in his error in judgment in improperly engaging in self-help to access Vicodin for personal use.

Since late February, 2011 and since the intervention of Mr. Hall's employer with regard to Mr. Hall's improper medication access, Mr. Hall has attempted to manage his chronic pain through the use of Ibuprofen, topical Analgesics, two to three hot baths per day, his wife's local massage, and a dramatic limitation of physical activity. As described above, Mr. Hall had his first consultation on April 26, 2011 with Dr. [REDACTED] of Medical Rehabilitation Associates in Lewiston, Maine with regard to his chronic pain issue. Mr. Hall had also simultaneously made independent plans to enter the intensive out-patient chemical dependency program at St. Mary's Regional Medical Center in Lewiston, Maine in order to explore whether he was experiencing an addictive disorder. Following his consultation with Dr. [REDACTED] on April 26, 2011, Mr. Hall entered into a medication management contract with Medical Rehabilitation Associates which closely monitors his pain medication use and which subjects him to periodic urine screens. Mr. Hall reports that it is the opinion of Dr. [REDACTED] that Mr. Hall is not in fact experiencing an addictive disorder but instead engaged in errors of judgment around Mr. Hall's attempts to manage his chronic pain. As such, Mr. Hall is not presently enrolled in the intensive out-patient program at St. Mary's Regional Medical Center. The office note from Mr. Hall's consultation with Dr. [REDACTED] has been requested and will be provided to the Board immediately upon receipt of the office note.

Mr. Hall deeply regrets his error in improperly accessing pain medication. He has experienced significant remorse but is now optimistic that his chronic pain issues will be appropriately managed through the services of Medical Rehabilitation Associates and Dr. [REDACTED]. Mr. Hall would welcome the opportunity to address the Board in the context of an Informal Conference should the Board deem it appropriate to offer Mr. Hall this opportunity.

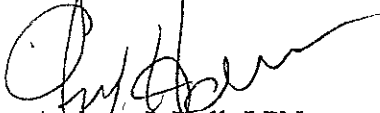
RECEIVED

MAY - 4 2011

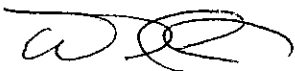
MAINE STATE
BOARD OF SURGEONS

Mr. Hall would be happy to provide any further information that the Board desires at any time.

Very truly yours,



Andrew J. Hall, LPN



William B. Cote, Esq.
Attorney for Andrew J. Hall, LPN

WBC/ac

cc: John H. Richards, AAG

RECEIVED
MAY - 4 2011
MAINE STATE
BOARD OF NURSING