

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

ANGUS S. KING, JR.

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

| IN RE: | LEIGH A. HAMMERBACHER, R.N. of Portland, Maine | ) | CONSENT AGREEMENT FOR WARNING |
|--------|--|---|-------------------------------|
|        | License #R041796                               | ) |                               |

## INTRODUCTION

This document is a Consent Agreement regarding Leigh A. Hammerbacher's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A). The parties to this Consent Agreement are Leigh A. Hammerbacher, Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. The parties reached this Agreement following an informal conference on August 25, 1999 regarding information submitted by Saint Joseph's Manor by letter dated January 26, 1999 and a report from State of Maine, Department of Human Services, Bureau of Medical Services dated April 26, 1999.

## **FACTS**

- 1. Leigh A. Hammerbacher has been a registered nurse, licensed by the Board to practice in Maine since November 10, 1997.
- 2. Leigh A. Hammerbacher was terminated from employment at Saint Joseph's Manor on January 19, 1999 for violation of the facility's policies on Medication Administration and Physician Order Documentation. The facility's investigation showed that Ms. Hammerbacher allowed a Certified Nursing Assistant (C.N.A.), under her supervision, to administer insulin subcutaneously to a resident. Also, in a separate incident, Ms. Hammerbacher improperly permitted the same C.N.A., under her supervision, to verify and transcribe Physician Orders on a Resident's Medication Administration Record and to sign the record with Ms. Hammerbacher's initials.
- 3. The State of Maine, Department of Human Services, Bureau of Medical Services investigated the matter and substantiated the facts.

## **AGREEMENT**

4. Leigh A. Hammerbacher agrees and understands that her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(E), (2)(F), and (2)(H). Leigh A. Hummerbacher is hereby WARNED. Ms. Hammerbacher is hereby WARNED because she failed to understand and appreciate the scope and delegation of responsibilities between a registered professional nurse and unlicensed assistive personnel.



- 5. The Board agrees to take no further disciplinary action upon these facts.
- 6. Leigh A. Hammerbacher understands that this document imposes discipline regarding her license to practice professional nursing in the State of Maine. Ms. Hammerbacher understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement.
- 7. Modification of this Consent Agreement must be in writing and signed by all parties.
- 8. Leigh A. Hammerbacher affirms that she executes this Consent Agreement of her own free will.
- 9. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
- 10. This Consent Agreement becomes effective upon the date of the last necessary signature below.

| DATED: | 10/ | 6/ | 99 | Lei |
|--------|-----|----|----|-----|
|        |     |    |    |     |

LEIGH A HAMMERBACHER, R.N.

DATED: 10/6/99

JENNIFER S. RIGGUE, ESQ.
Attorney for Ms. Hammerbacher

FOR THE MAINE STATE BOARD OF NURSING:

DATED: 10/8/99

VIRGINIA E. deLORIMIER, M.S.N., R.N.

Assistant Executive Director

FOR THE DEPARTMENT OF ATTORNEY GENERAL:

DATED: 10

JOHN N. RICHARDS
Assistant Attorney General

MERCE AND