



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: JONATHAN C. HINES, RN
of Portland, ME
License No. RN61063

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CONSENT AGREEMENT
FOR
PROBATION

Complaint Nos. 2013-111 & 2013-131

INTRODUCTION

Pursuant to Title 32 Chapter 3, 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 Jonathan C. Hines's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Jonathan C. Hines ("Licensee" or "Mr. Hines"), the Maine State Board of Nursing ("the Board"), and the Office of the Attorney General, State of Maine. A subcommittee of the Board met with the Licensee in an informal conference on August 21, 2013. 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) in order to resolve Complaint Nos. 2013-111 and 2013-131.

FACTS

1. Licensee has been licensed to practice as an RN in Maine since December 14, 2011.
2. Licensee self-reported two incidents to the Board.
3. On May 23, 2013, Licensee notified the Board in writing about an Operating Under the Influence ("OUI") arrest which had occurred on January 6, 2013. Licensee indicated that he was enrolled in Driver Education and Evaluation Programs ("DEEP") rehabilitation and private substance abuse counseling. Licensee also indicated that he had notified his nursing employer of the arrest and they were supportive in relation to his continued employment. The self-report of May 23, 2013 was docketed as Complaint No. 2013-111.
4. On June 21, 2013, Licensee notified the Board in writing about a traffic stop which had occurred on June 17, 2013. During the traffic stop, the police officer noticed and confiscated open vials of insulin and morphine which were visible on the seat beside Mr. Hines. Licensee indicated that the employer was aware of the event and they were conducting a full investigation. Mr. Hines stated that the vials were wasted medication from the shift that he had worked immediately prior to his arrest. The self-report of June 21, 2013 was docketed as Complaint No. 2013-131.
5. An informal conference was held with the Licensee on August 21, 2013. During the conference, the Licensee admitted that during the traffic stop which was the subject matter of his June 21 self-report, he was actually cited for another OUI incident. Licensee also indicated that the investigation of the vials of medication was complete and that he was still employed by his employer.



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

PHONE: (207) 287-1133

FAX: (207) 287-1149

6. Following the informal conference, the subcommittee voted to offer the Licensee a Consent Agreement to address Licensee's conduct pertaining to substance abuse and his administration and documentation of narcotics in order to mitigate potential harm to the public.
7. Absent Licensee's acceptance of this Agreement by signing, dating and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 **on or before November 20, 2013**, the Board will take further action. In the absence of an agreement the Board could impose, subsequent to adjudicatory proceedings, greater adverse action on this matter including fines, suspension or revocation of Licensee's license.

AGREEMENT

8. Licensee admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against his Maine nursing license under the following laws and regulations:
 - a) 32 M.R.S. §2105-A (2)(B) and Board Rules Chapter 4 §1.A.2 for engaging in conduct that evidences habitual intemperance in the use of alcohol which may result in the performance of duties in a manner which endangers the health and safety of his patients;
 - b) 32 M.R.S. §2105-A (2)(F)(1) and Board Rules Chapter 4 §1.A.6 for engaging in conduct that violates any standard of professional behavior which has been established in the practice for which the licensee is licensed; and
 - c) Board Rule Chapter 4 §3(F) for failing to follow policies and procedures in the practice situation designed to safeguard the patient.
9. As discipline for the violations admitted to in paragraph 8 above, Licensee agrees that unless this Agreement is modified in writing by all of the parties hereto, **his license to practice as a registered professional nurse shall be probationary for the next five (5) years** following the execution of this Agreement and his 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 RN. 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 Licensee (i.e., physically present) and be able to, at all times, observe his nursing performance, in particular, narcotic administration. The nurse supervisor shall inform the Board if the Licensee demonstrates any issues with regard to inappropriate decision-making, ability to concentrate, absenteeism, incompetence, narcotic administration/documentation, unprofessionalism or any other concerns. The supervising nurse shall report such information to the Board by telephone and in writing 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 the Licensee's responsibility to ensure that these reports are provided to the Board in a timely manner.
 - b) Notification to Nursing Employer(s)/Potential Employers/Licensing Jurisdictions. Licensee shall provide a copy of this Agreement to any nursing employers or potential nursing employers, and to any jurisdiction in which he holds or seeks a nursing license.

- c) Change of Contact Address – Notification Requirement. Licensee shall provide the Board with a current address at which he may be contacted by the Board. Licensee shall inform the Board in writing within 15 days of any change of his contact information.
- d) Employment Change – Notification Requirement. Licensee will notify the Board in writing within five (5) business days of any change in his 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.
- e) 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 he has declared the State of Maine as his fixed permanent and principal home for legal purposes relating to his 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 his 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, he 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 he wishes to work.

- f) Substance Abuse Evaluation and/or Treatment Plan. Licensee is to remain substance-free. He shall, within thirty days of execution of this Agreement, contact the Maine Professionals Healthcare Program (“MPHP”) and **upon evaluation and subsequent contract, remain fully compliant with all requirements of the program.** By virtue of this Agreement, Licensee authorizes all health care providers to disclose to the Board any confidential medical information related to his substance abuse evaluation and treatment under this paragraph. Licensee will immediately execute any required consent to disclose information to the Board as required under this paragraph. Licensee will immediately report to the Board any change in status related to his participation in the MPHP.
- 10. 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.
 - 11. 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 his license in the event that he fails to comply with any of the terms or conditions of this Agreement.
 - 12. Unless otherwise specified by the terms and conditions of this Agreement, if Licensee is alleged to have violated any conditions of his probation, the Board will give written notice to him regarding his 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 the 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, his license may be immediately suspended pending a hearing at the next regularly 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.

13. 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.
14. The Board and the Attorney General may communicate and cooperate regarding Licensee's practice or any other matter relating to this Agreement.
15. 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.
16. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).
17. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
18. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
19. Licensee acknowledges by his signature hereto that he has read this Agreement, that he has had an opportunity to consult with an attorney before executing this Agreement, that he has executed this Agreement of his own free will and that he agrees to abide by all the terms and conditions set forth in this Agreement.

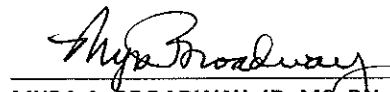
DATED: 11/11/13



LICENSEE JONATHAN C. HINES, RN

FOR THE MAINE STATE BOARD OF NURSING

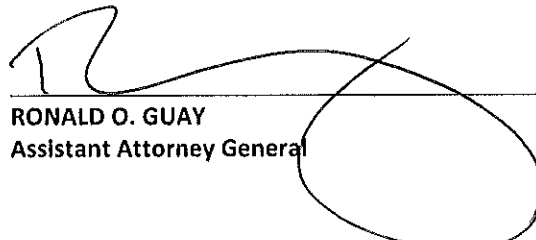
DATED: 11/13/13



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 11/25/13



RONALD O. GUAY
Assistant Attorney General

Effective Date: 11/25/13