



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: MARY H. HOFFMAN, RN
of Hollis Center, ME
License No. RN17827

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CONSENT AGREEMENT
FOR PROBATION

Complaint No. 2011-341

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Mary H. Hoffman's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Mary H. Hoffman ("Licensee" or "Ms. Hoffman"), the Maine State Board of Nursing ("the 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)(B) and 10 M.R.S. § 8003(5)(B) in order to resolve the above-referenced Complaint.

FACTS

1. Mary H. Hoffman was first licensed as an RN in Maine on February 6, 1974.
2. By letter dated August 1, 2011, Hospice of Southern Maine ("HSM") notified the Board that Ms. Hoffman's employment with HSM had been terminated for "unsafe practice and poor professional behavior." More specifically, Ms. Hoffman was terminated for poor sterile technique, not following physician's orders, not adhering to standard infection control policies, lacking sensitivity of family members following the death of a patient, and poor interdisciplinary collaboration.
3. In her response to the Board, Ms. Hoffman admitted that she had failed to maintain sterile technique with respect to the insertion of a foley catheter, and that she had failed to follow physician orders regarding the care of another patient.
4. The Board met with Ms. Hoffman in an informal conference on July 17, 2013 and voted to offer her a Consent Agreement for a period of probation.
5. Ms. Hoffman wishes to resolve this matter by accepting this Agreement, thereby waiving her rights to an adjudicatory hearing.

AGREEMENT

6. Ms. Hoffman admits to the Facts as stated above and admits that such conduct constitutes grounds for disciplining her pursuant to:
 - a) 32 M.R.S. § 2105-A(2)(F) for engaging in unprofessional conduct that violates standards of professional behavior that have been established in the practice for which Ms. Hoffman is licensed. See also: Board Rule Chapter 4, § 1(A)(6); and



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b) 32 M.R.S. § 2105-A(2)(H) for engaging in unprofessional conduct as specified in Board Rules Chapter 4, § 3(F) by failing to take appropriate action or to follow policies and procedures in a practice situation designed to safeguard patients.

7. Ms. Hoffman's RN license will be placed on **PROBATION** of nursing practice as defined by 32 M.R.S. § 2102(2) for a minimum period of two (2) years, such two-year period to be calculated only while she is engaged in nursing practice within the State of Maine. Her probationary license will be subject to the following conditions:
 - a. Ms. Hoffman shall fully comply with the conditions of the probation in this Agreement.
 - b. Ms. Hoffman must notify the Board in writing within five (5) business days after she obtains any nursing employment. Notice under this section shall include the place and position of employment and the name of the registered nurse supervisor who will be providing the on-site supervision required in subsection c.
 - c. Ms. Hoffman's 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, school nursing, work as a travel nurse, or within the correctional system.
 - d. Ms. Hoffman must arrange for and ensure the submission to the Board of written quarterly reports from her registered professional nurse supervisor regarding her general nursing practice, including medication administration documentation and critical judgment skills in her nursing practice.
 - e. Ms. Hoffman shall inform the Board in writing within five (5) business days of any change in nursing employment with a full explanation of the circumstances.
 - f. Ms. Hoffman shall inform the Board in writing within ten (10) business days of any personal address change.
 - g. Ms. Hoffman must notify any and all of her nursing employers of the terms of this Agreement and provide them with a copy of it.
8. Ms. Hoffman agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the above-referenced 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. Hoffman has complied with the provisions of this Agreement.
9. 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 Ms. Hoffman'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; 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. Hoffman 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 Ms. Hoffman's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state privilege without written permission from the Maine State Board of Nursing and the Board of Nursing in the party state in which she wishes to work.

10. 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.
11. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
12. Ms. Hoffman understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
13. Ms. Hoffman affirms that she executes this Agreement of her own free will.
14. Modification of this Agreement must be in writing and signed by all parties.
15. This Agreement is not subject to review or appeal by Ms. Hoffman.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, MARY H. HOFFMAN, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY 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: 10/3/2013



MARY H. HOFFMAN, RN

FOR THE MAINE STATE BOARD OF NURSING

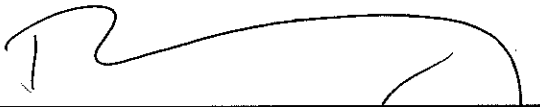
DATED: 10/8/13



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 10/9/13



MICHAEL MILLER
Assistant Attorney General

Ronald Goss