

MAINE STATE BOARD OF NURSING

IN RE: Jeanne M. Leboeuf, L.P.N.)
) **DECISION AND ORDER**
Licensure Disciplinary Action)

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S.A. Sec. 2105-A(1-A)(D), et seq., 5 M.R.S.A. Sec. 9051, et seq. and 10 M.R.S.A. Sec. 8001, et seq., the Maine State Board of Nursing (Board) met in public session at the Board's offices located in Augusta, Maine on September 29, 2005. The purpose of the meeting was to hold an adjudicatory hearing to determine whether grounds exist for the Board to take disciplinary action against Jeanne M. Leboeuf's license to practice as a practical nurse in Maine as more specifically stated in the Notice of Hearing dated August 18, 2005. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairwoman Therese B. Shipp, R.N., Betty Kent-Conant, R.N., Diane Dalton, R.N., Bruce O'Donnell, C.R.N.A., and Karen Tripp (public member). Jack Richards, Ass't. Attorney General, presented the State's case. Ms. Leboeuf did not appear and neither was she represented by counsel. James E. Smith, Esq. served as Presiding Officer. The Board first found that timely service had been made on the Respondent by certified mail on August 19, 2005 and by first class mail on or about the same date.

Following the determination that none of the Board had conflicts of interest which would bar them from participating in the hearing, the taking of official notice of its statutes and rules, and subsequent to the opening statement by counsel, State's Exhibits 1-7 were admitted into the Record. The Board then heard the testimony, reviewed the submission of exhibits and considered counsel's closing argument after which it deliberated and made the following findings of fact by a preponderance of the credible evidence regarding the violations alleged in the Complaint.

II.

FINDINGS OF FACT

Jeanne M. Leboeuf, 41 years of age, is a resident of Benton, Maine. She was first licensed to practice nursing in the Commonwealth of Massachusetts on January 1, 1990. She subsequently became licensed in Maine on October 17, 2002. Her license lapsed on July 19, 2004.

Ms. Leboeuf began employment on October 16, 2002 as a practical nurse at Gray Birch Rehabilitation and Nursing Care (Gray Birch). At 5:00 p.m. on April 27, 2003, Gray Birch was notified by the Fairfield, Maine police department that Jeanne Leboeuf had been arrested for operating after suspension. In her purse, the police found three bottles of insulin, two of which bore no label and the third was labeled "Gray Birch South." Ten insulin syringes, one tablet of oxycontin 10mg, and one tablet of oxycodone 5 mg, were also found in Jeanne Leboeuf's purse. Ms. Leboeuf did not have permission to remove these items from Gray Birch. The licensee was then suspended from work for 3 days.

The Director of Nursing then interviewed those patients at Gray Birch who had prescriptions for oxycontin 10 mg and oxycodone 5 mg. One of those patients recalled on April 27 requesting nurse Leboeuf for her oxycontin 10mg to relieve her back pain. The medication records revealed that nurse Leboeuf signed out oxycontin 10mg at 8:00 that morning. The patient did not receive the medication.

Oxycodone 5 mg had been signed out to be administered to another patient by nurse Leboeuf on the same day at 10:15 a.m. Nurse Leboeuf lead the patient to believe that she was given her oxycodone at 2:10 p.m. that day. There is no record to substantiate that the medication was administered. The only relevant entry in this patient's medication records reveals that a 5 mg. dose of this medication was allegedly given to her at 7:15 a.m. Further investigation demonstrated that nurse Leboeuf had allegedly destroyed some medications at Gray Birch although the disposal of the drugs was not witnessed by anyone else in contravention of the facility's policy. Gray Birch then attempted to have an interview with the licensee but she failed to appear and was deemed to have voluntarily resigned from Gray Birch. Additionally, Ms. Leboeuf was served by certified mail on May 21, 2003 with a copy of Gray Birch's Complaint in this matter and elected not to respond to the allegations.

III.

CONCLUSIONS OF LAW

The Board, by a vote of 5-0, and utilizing its training and experience, found and concluded that Jeanne M. Leboeuf, L.P.N. violated the following provisions of Board statutes and Rules.

32 M.R.S.A. Sec. 2105-A.2. Grounds for discipline. The board may suspend or revoke a license pursuant to Title 5 section 10004. The following are grounds for an action to issue, modify, suspend, revoke or refuse to renew the license of an individual licensed under this chapter:

A. The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued.

Nurse Leboeuf was deceitful and practiced fraud by withdrawing drugs that were not administered to any patient and failing to note same. She also did not properly record the alleged disposal of certain medications.

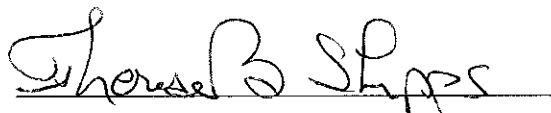
F. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed.

The facts found in this Decision support the conclusion that Ms. Leboeuf was unprofessional in her practice of nursing since she: stole the insulin and most probably the syringes and drugs; did not properly dispose of wasted drugs; caused patient harm by not administering drugs; did not respond to the Board's complaint.

Based on the above findings and conclusions, the Board voted 5-0 to **Revoke Nurse Leboeuf's license** to practice as a licensed practical nurse pursuant to 10 M.R.S.A. Sec. 8003.

SO ORDERED.

Dated: 10-31-05


Therese B. Shipps, R.N. Chairwoman
Maine State Board of Nursing

IV.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3, any party that decides to appeal this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the District Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings, and the Maine Attorney General.