



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

PAUL R. L. PAGE
 GOVERNOR

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

IN RE: SUSAN LUCIER, R.N.)
 of Biddeford, Maine)
 License #R052835)

CONSENT AGREEMENT
 FOR
 REPRIMAND

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Susan Lucier’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (A), 10 M.R.S. § 8003(5) (A-1) (1) and § 8003(5) (B). The Parties met in an informal conference on October 20, 2011. The parties to this Agreement are Susan Lucier (“Licensee” or “Ms. Lucier”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of: 1) a Board Notice of Complaint dated May 7, 2010 with a provider report from Southridge Rehabilitation & Living Center received May 4, 2010; and 2) supplemental information submitted by the Maine Department of Health and Human Resources, Division of Licensing & Certification, dated March 26 and April 23, 2010.

FACTS

1. Susan Lucier has been a registered professional nurse licensed by the Board to practice in Maine since July 27, 2006.
2. On March 24, 2010, Susan Lucier was employed as a registered nurse at Southridge Rehabilitation and Living Center (SRLC) in Biddeford, Maine. On that date, it was reported that Ms. Lucier administered an enema to resident EW without obtaining the resident’s consent and despite the patient’s verbal objections. As a result, North Country Associates, which employed Ms. Lucier to provide nursing services at SRLC, conducted an investigation of this report. According to the report of investigation: (a) two certified nurse assistants (CNAs) witnessed (heard or saw) Ms. Lucier administer the enema to resident EW, despite EW’s verbal protestations; (b) Ms. Lucier stated that the resident was “whining the whole time,” but she did not pay attention to what the resident was saying because the patient was a “whiner.” In addition, Ms. Lucier stated that at one point she did hear the resident say, “stop” or “don’t,” just as she was finishing the procedure; and (c) resident EW told the investigator that, “Things got out of hand” and “I told her that I didn’t want it, but that one doesn’t take ‘no’ for an answer.” The report of investigation was provided to the Maine Department of Health and Human Resources, Division of Licensing & Certification, which, in turn, forwarded it to the Board.
3. On May 7, 2010, the Board sent Ms. Lucier a copy of a “provider report” from SRLC regarding: (a) the incident on March 24, 2010; and (b) the termination of Ms. Lucier’s employment as a nurse at SRLC. The Board requested that Ms. Lucier provide a written response to the allegations. On May 20, 2010, the Board sent Ms. Lucier a copy of the complete investigative materials, including written statements and interviews, regarding this matter.
4. On June 9, 2010, the Board received a written response from Ms. Lucier. In her response, Ms. Lucier described her recollection of events, including a discussion with resident EW about administering an enema to her. According to Ms. Lucier’s statement, resident EW didn’t refuse the enema. According to Ms. Lucier, after she completed EW’s dressings, she told EW that she was going to administer an enema to her. According to Ms. Lucier, after inserting the enema EW “hollered, ‘Oh, no don’t,’” at which point Ms. Lucier removed the enema and stated to the CNA that it was “perfect timing because [she] was finished administering the enema.” In addition, Ms. Lucier disputed the claims by the CNAs that resident EW was screaming because another nurse at the nursing station did not hear anything.



PRINTED ON RECYCLED PAPER

5. On October 4, 2011, the Board received a letter from Marjorie Brown, R.N. who stated that on March 24, 2010, she was at the nursing station at SRLC and did not hear any screaming or yelling by any residents at the facility.

AGREEMENT

6. Susan Lucier neither admits nor denies the allegations contained in the investigation report from SRLC. However, Ms. Lucier understands and agrees that should the matter proceed to an adjudicatory hearing, the Board would have sufficient evidence to conclude by the preponderance of the evidence that she engaged in the conduct alleged by SRLC. In addition, Ms. Lucier agrees and understands that such conduct constitutes grounds for discipline under Title 32 M.R.S. § 2105-A (2)(F), (2)(H) and Chapter 4.1.A.6., and Chapter 4.3.F. and 4.3.H. of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:

Title 32 M.R.S. §§:

- a. 2105-A (2) (F). Unprofessional Conduct. Ms. Lucier engaged in unprofessional conduct by violating standards of professional behavior regarding medication administration and documentation for patient care that have been established in the practice for which she is licensed. (See also Chapter 4, Section 1.A.6.)
- b. 2105-A (2) (H). A violation of this chapter or a rule adopted by the board. (See also Chapter 4, Section 1.A.8.)
- c. Chapter 4, Section 3. “Unprofessional Conduct” as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3 states: *“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:”*

Section 3(F). Ms. Lucier failed to follow policies and procedures designed to safeguard a patient in that she failed to follow an appropriate standard of nursing practice in medication administration; and


Section 3(H). Ms. Lucier negligently caused emotional injury to a patient.

7. As discipline for the foregoing violations, Ms. Lucier agrees to accept a **REPRIMAND**.
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 Ms. Lucier’s “Home state” of licensure and primary state of residence, which means that Ms. Lucier has declared the State of Maine as her fixed permanent and principle 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. Lucier understands this Agreement is subject to the Compact.
9. Susan Lucier understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
10. Susan Lucier affirms that she executes this Agreement of her own free will.
11. Modification of this Agreement must be in writing and signed by all parties.

12. 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.
13. This Agreement is not subject to review or appeal by Ms. Lucier.
14. This Agreement becomes effective upon the date of the last necessary signature below.

I, SUSAN LUCIER, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE 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.

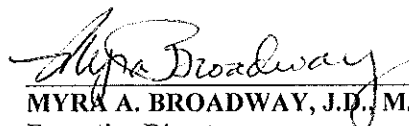
DATED: 12/28/11

I am agreeing because I can't afford a lawyer. n


SUSAN LUCIER, R.N.

FOR THE MAINE STATE
BOARD OF NURSING


DATED: 12/29/11



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

FOR THE OFFICE OF THE
ATTORNEY-GENERAL

DATED: 1/3/12



DENNIS E. SMITH
Assistant Attorney General