



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

PAUL R. LePAGE
 GOVERNOR

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

IN RE: DEBORAH L. MACLEOD
 of Hope, Maine
 License No. R042775

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CONSENT AGREEMENT
 REGARDING
 LICENSURE

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Deborah L. MacLeod’s license to practice as a registered professional nurse in the State of Maine. The parties to this Agreement are Deborah L. MacLeod (“Ms. MacLeod” or “Licensee”), Maine State Board of Nursing (“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) (C) and 10 M.R.S. § 8003(5). The parties reached this Agreement on the basis of information provided to the Board by the Maine State Prison (MSP) dated June 22, 2009, February 24, 2010, and April 8, 2010.

FACTS

1. Deborah L. MacLeod was first licensed by the Board as a registered professional nurse on July 27, 1998. At the time of the incidents discussed in this Agreement, Ms. MacLeod held an active nursing license.
2. On April 5, 2004, Deborah L. MacLeod (Fowler) entered into a Consent Agreement with the Board and Office of the Attorney General regarding an incident at the Maine State Prison. In that incident, Ms. MacLeod admitted that she failed to properly assess a patient’s wound by cleaning and steri-stripping it when, in fact, the wound was extensive enough to require sutures.¹ As a result of this incident, Ms. MacLeod agreed to accept a Warning for unprofessional conduct and for failing to take appropriate action or follow policies and procedures designed to safeguard the patient. A copy of that Consent Agreement is attached hereto and incorporated into this Consent Agreement as Exhibit 1.
3. On June 25, 2009, the Board received a report from the Medical Department at the Maine State Prison regarding discipline that it had imposed upon Ms. MacLeod’s employment as a nurse. According to that report, Ms. MacLeod received numerous counselings during her tenure at the Maine State Prison. In addition, according to the information, Ms. MacLeod had received multiple reprimands and a suspension for incidents related to her professional nursing conduct, including the alleged mistreatment of inmate patients, failure to follow established protocols, failure to follow supervisor’s instructions, and violation of safety rules.
4. On July 1, 2009, the Board sent Ms. MacLeod a copy of the report and accompanying materials received from the Medical Department at the Maine State Prison and notified her that she was required by law to “respond, in writing, within 30 days” to the alleged violations.
5. On August 24, 2009, the Board received a letter from Ann Voorhees, R.N., on behalf of Ms. MacLeod. According to that letter, Ms. Voorhees was a colleague of Ms. MacLeod’s at the Maine State Prison and observed Ms. MacLeod to be “diligent and thorough in all areas of correctional nursing.” In addition, Ms. Voorhees noted that Ms. MacLeod was a “stickler for documenting” and indicated that she had investigated the November 2008 incident in which Ms. MacLeod was accused of failing to document and found the missing documentation had been misfiled.
6. On August 25, 2009, the Board received a response from Ms. MacLeod to the various allegations in the report from the Medical Department at the Maine State Prison regarding discipline that it had imposed

¹ According to Ms. MacLeod’s written response to that complaint, the patient was witnessed tampering with his leg wound, causing it to bleed.



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upon Ms. MacLeod's employment as a nurse. Ms. MacLeod denied all allegations, except the two described as follows, and included copies of statements and records to support her denials.

- a. Incident 1: This incident involved Ms. MacLeod's conduct involving an inmate who had self-inflicted lacerations with a razor. In that case, Ms. MacLeod asked a corrections officer to give her the razor blade with which the inmate had inflicted his lacerations so she could use it to cut the tape on bandages that she was applying to the inmate's wounds. According to the "State of Maine Record of Employee Discipline," Ms. MacLeod received a written reprimand for: (1) professional misconduct detrimental to the rights and safety of self, co-workers, institutional employees and inmate; and (2) violation or disregard of established policy and safety rules. As remediation, Ms. MacLeod was required to "perform a review of blood borne pathogens² and universal precautions³... code blue emergency response... and approved sharps/safety devices and their proposer uses." According to the "State of Maine Record of Employee Discipline" form, Ms. MacLeod agreed with the violations and remediation and stated: "I would like to point out that this was a situation where the person had 56 self inflicted cuts, 5 of which were to his neck. Also, perhaps security should be educated as they routinely gather the evidence by just picking up the blades with gloved hands. I will never knowingly do this again." In her response to the Board complaint, Ms. MacLeod admitted that she "was wrong to use the razor to cut the bandages... [and] agreed to the write up and fulfilled the corrective action plan..." In addition, Ms. MacLeod indicated that she used the razor blade because she could not locate scissors.
 - b. Incident 2: This incident involved Ms. MacLeod's failure to ensure that all of the medications in the emergency clinic bags were up-to-date. In this case, the glucagon kit⁴ was expired. Ms. MacLeod admitted that the glucagon kit was not up-to-date, but asserted that the pharmacy inspection was not due for three weeks, the staff was short-handed, and she had advised the nursing supervisor of this fact. Ms. MacLeod submitted the written statement of another nurse, Ann E. Voorhees, RN, to support her assertion that she had advised the nursing supervisor of the issue. However, according to the written statement, Ms. Voorhees "did not personally hear Deborah speak to Violet."
7. On March 4, 2010, the Board received a notice from the Maine State Prison regarding its termination of the employment of Ms. MacLeod, effective February 8, 2010. The alleged basis for the termination included: leaving narcotics unattended, resulting in their disappearance; failing to manage the key control process appropriately, resulting in the disappearance of five vaccutainer needles (one pack); and failing to check on a prisoner at the nearby Bolduc Correctional Facility.
 8. On April 12, 2010, the Board sent Ms. MacLeod a copy of the report and accompanying materials received from the Maine State Prison and notified her that she was required by law to "respond, in writing, within 30 days" to the alleged violations.

² Blood borne pathogens are viruses, microorganisms or other substances that cause diseases (i.e. Hepatitis B, HIV, etc.) that can be transmitted from one person to another through exposure to blood or substances contaminated with blood. In this case, the razor blade used by the inmate was contaminated with his blood, and posed a hazard to Ms. MacLeod and the correctional officer.

³ Universal Precautions is an established standard by which appropriate personal protective devices (i.e. masks, gloves, etc.) and procedures are used to prevent the transmission of blood borne pathogens. In this case, although both Ms. MacLeod and the correctional officer were wearing gloves, passing the razor blade – rather than securing it in a sharps container – posed a risk to them both. In addition, Ms. MacLeod's use of the contaminated razor blade to cut bandages also placed her at a risk of being cut and, thereby, exposed to any blood borne pathogens the inmate might have.

⁴ Glucagon is used in emergency situations to raise the blood sugar levels of persons who are suffering from hypoglycemia, a life-threatening condition.

9. On July 20, 2010, the Board sent Ms. MacLeod a notice that it had not yet received a response from her regarding the March 4, 2010 information from the Maine State Prison and directed that she provide the Board with a response no later than August 6, 2010.
10. On or about August 9, 2010, the Board received a written response from Ms. MacLeod regarding the information received by the Board from the Maine State Prison. In her response, Ms. MacLeod admitted that she was responsible for the dispensing of narcotic medication to inmate patients on June 17, 2009 and that during that time a "med cup with the T-3 (narcotic) in it" labeled with the inmate's name disappeared after the inmate failed to appear. According to Ms. MacLeod, she placed the cup in the area where wasted medication was normally placed, but it was not immediately wasted because the procedure required two nurses and another nurse was not available. In addition, Ms. MacLeod admitted that it was not until the "next morning of the 18th that [she] recognized the 'no show' or (NS) was not documented." According to Ms. MacLeod, another nurse told her that she had pushed the cup against a wall with other stuff and then eventually into the trash. According to Ms. MacLeod, she notified her supervisor as soon as she recognized that the medication was not going to be located. Ms. MacLeod denied all other allegations made by the Maine State Prison.
11. On October 20, 2011, Ms. MacLeod met with a subcommittee of the Board in an informal conference regarding these matters. Following the informal conference, the subcommittee of the Board voted to offer Ms. MacLeod this Agreement to resolve the matters described above. Absent acceptance of this Consent Agreement by Ms. MacLeod on or before January 25, 2012, by signing and dating it and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158, the Board shall schedule this matter for an adjudicatory hearing.

AGREEMENT

12. Deborah L. MacLeod neither admits nor denies the above-stated facts as outlined in this document. However, Ms. MacLeod concedes that should the matter proceed to hearing, the Board could find that it is more likely than not that she engaged in the conduct described in the above-stated facts. In addition, Ms. MacLeod concedes that such conduct, if proven, would constitute grounds to discipline her Maine nursing license for violations are under 32 M.R.S. § 2105-A(2)(F), (2)(H) and Chapter 4, section 3. Specifically, the violations are:
 - a. M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. MacLeod engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - b. M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)
 - c. Rule Chapter 4, Section 3. Unprofessional Conduct: "*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.*"
13. In lieu of proceeding to a hearing before the Board, Deborah L. MacLeod agrees that she has retired from the practice of nursing, allowed her Maine nursing license to lapse, and has no intentions of ever practicing nursing again in the State of Maine. In addition, Ms. MacLeod also specifically agrees that she will never again apply for licensure as a nurse in the State of Maine. In complying with this provision, Deborah L. MacLeod shall: (a) not work or volunteer, in any capacity, for a health care provider as defined by Title 24 M.R.S. § 2502 (2) in any position holding herself out as a licensed professional nurse or with any nursing designation (i.e., "R.N.," "L.P.N.," etc); and (b) not apply for licensure with the Board unless she first petitions and obtains the Board's permission to file an application. The Board shall retain the sole discretion to grant or deny Ms. MacLeod's petition.
14. 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. MacLeod's "Home state" of licensure and primary state of residence, which means Ms. MacLeod has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other Party states that are in the Compact are referred to as "Remote states," which means Party states other than the Home state that have adopted the Compact. Ms. MacLeod understands this document is a Consent Agreement that is subject to the Compact.

15. Ms. MacLeod understands that she does not have to execute this Agreement and that she has the right to consult with an attorney before entering into the Agreement.
16. 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.
17. Modification of this Agreement must be in writing and signed by all parties.
18. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
19. Deborah L. MacLeod affirms that she executes this Agreement of her own free will.
20. This Agreement becomes effective upon the date of the last necessary signature below.

I, DEBORAH L. MACLEOD, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. 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: 1/13/2012


DEBORAH L. MACLEOD

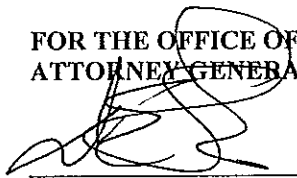
FOR THE MAINE STATE
BOARD OF NURSING

DATED: Jan 18, 2012


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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 1/23/12


DENNIS E. SMITH
Assistant Attorney General



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

STATE'S EXHIBIT
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 PENSACOLA 800-631-6989

JOHN ELIAS BALDACCI
 GOVERNOR

MYRAA. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: DEBORAH L. FOWLER, R.N.)
 of Hope, Maine) **CONSENT AGREEMENT**
 License #R042775) **FOR WARNING**

INTRODUCTION

This document is a Consent Agreement regarding Deborah L. Fowler'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)(A-1)(1), § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(A). The parties to this Consent Agreement are Deborah L. Fowler ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on March 10, 2004. The parties reached this Agreement on the basis of information submitted by the State of Maine, Department of Corrections by a letter dated June 17, 2003.

FACTS

1. Deborah L. Fowler has been a registered professional nurse licensed to practice in Maine since 1998.
2. The Board has determined that Ms. Fowler failed to properly assess a patient's wound. Ms. Fowler cleaned and steri-stripped the wound when the wound required sutures.

AGREEMENT

3. Deborah L. Fowler agrees and understands that her conduct in the above stated facts constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A(2)(F), (2)(H) and Chapter 4.1.A.6. and Chapter 4.3.F. Deborah L. Fowler is hereby **WARNED** for unprofessional conduct and for failing to take appropriate action or follow policies and procedures in a practice situation designed to safeguard the patient.
4. Deborah L. Fowler understands that this Consent Agreement imposes discipline regarding her license to practice registered professional nursing in the State of Maine. Ms. Fowler understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into this Consent Agreement.
5. Deborah L. Fowler affirms that she executes this Consent Agreement of her own free will.



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OFFICES LOCATED AT: 24 STONE ST., AUGUSTA, ME.

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<http://www.maine.gov/boardofnursing/>

6. Modification of this Consent Agreement must be in writing and signed by all the parties.
7. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
8. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, DEBORAH L. FOWLER, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 3/26/04

Deborah L. Fowler, RN
DEBORAH L. FOWLER, R.N.

DATED: 03/25/04

Janet E. Michael
JANET E. MICHAEL, ESQ.
Attorney for Deborah L. Fowler

FOR THE MAINE STATE
BOARD OF NURSING

DATED: March 30, 2004

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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: April 5, 2004

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General