



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

JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: **LISA MCMAINS, R.N.**) **DECISION AND ORDER**
 of South Portland) **OF SUSPENSION**
 License No. R038957)

INTRODUCTION

On September 27, 2007, Maine State Board of Nursing (“Board”) met at the Board’s offices located at 161 Capitol Street, Augusta, Maine to consider the above captioned matter. The Board reviewed a Complaint or Provider Report dated October 24, 2006, with information from Maine Medical Center (“MMC”) dated September 19, 2006, October 10, 2006 and November 21, 2006. In reaching this Agreement the Board also relied on information from Maine Medical Partners, through faxes, dated August 29, 2007 and September 25, 2007; and, information from VNA Home Health Care, through faxes, dated August 27, 2007 and August 31, 2007. The Board also reviewed and considered Ms. McMains’ response to the Provider Report from MMC. The compilation of this information is incorporated within this Decision and Order and attached as Exhibit A.

FACTS

1. Lisa McMains has been licensed as a registered professional nurse since 1995.
2. On or about October 5, 2006, Ms. McMains was terminated as a registered professional from Maine Medical Center because issues surrounding her narcotic administration practices. Exhibit A.
3. On or about August 28, 2007, Ms. McMains was placed on suspension from her employer, VNA Home Health Care pending an investigation on allegations of drug diversion and alleged violations of professional boundaries. Exhibit A.

APPLICABLE LAW

1. Pursuant to 32 M.R.S.A. § 2105-A (2), “The Board may suspend or revoke a license pursuant to Title 5, section 10004.”
2. Pursuant to 5 M.R.S.A. § 10004(3), “an agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when: the health or physical safety of a person or the continued well-being of a significant natural resource is in immediate jeopardy at the time of the agency's action, and acting in accordance with subchapter IV or VI would fail to adequately respond to a known risk, provided that the revocation, suspension or refusal to renew shall not continue for more than 30 days.”



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

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CONCLUSIONS OF LAW

Pursuant to 5 M.R.S.A. § 10004 (3) the Board concludes that based upon the information contained in Exhibit A, that Ms. McMains' behavior fails to conform to legal standards and accepted standards of the nursing profession, and such conduct is substantially related to the qualifications, functions or duties of a registered professional nurse, and that her conduct reflects adversely on the health and welfare of the public, such that, the licensee and the public she serves is in immediate jeopardy at the time of the Board's action, and acting in accordance with subchapter IV or VI of Title 5 of the Maine Revised Statutes Annotated would fail to respond to a known risk.

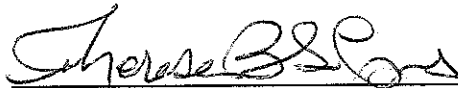
DECISION AND ORDER

By a unanimous vote of the Board, Lisa McMains' registered professional nurse license is suspended effective immediately. A Notice of Hearing will be sent to Lisa McMains for a scheduled adjudicatory hearing on October 31, 2007.

RECORD VOTE

THERESE B. SHIPPS	Affirmative
SUSAN L. BRUME	Affirmative
CARMEN CHRISTENSEN	Affirmative
BRUCE R. O'DONNELL	Affirmative
ROBIN BROOKS	Affirmative
LYNN F. TURNBULL	Affirmative
DOROTHY MELANSON	Affirmative

DATED: 10-12-2007



**THERESE B. SHIPPS, Chair
FOR THE MAINE STATE
BOARD OF NURSING**

NOTICE OF APPEAL RIGHTS

Lisa McMains may appeal this Decision and Order summarily suspending her license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision and Order.