



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: EILEEN J. MITCHELL, APRN-CNP
of Perry, Maine
License No. CNP81576

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CONSENT AGREEMENT
FOR
PROBATION

Complaints No. 2012-38, 2012-92

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Eileen J. Mitchell's ("Licensee" or "Ms. Mitchell") license to practice Advanced Practice Registered Nursing ("APRN") as a Certified Nurse Practitioner ("CNP") in the State of Maine. The parties to this Agreement are Ms. Mitchell, the 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)(B), 10 M.R.S. §8003(5)(A-1)(4) and 10 M.R.S. §8003(5)(B). On April 3, 2013, the Board met with Ms. Mitchell in an informal conference. The parties reached this Agreement on the basis of Board Complaints Nos. 2012-38 and 2012-92.

FACTS

1. Eileen J. Mitchell was licensed by the Board as an APRN-CNP on September 1, 2008. She has also been licensed by the Board to practice in Maine as a registered professional nurse since June 27, 1997.
2. Eileen J. Mitchell was suspended from Pleasant Point Health Center on February 27, 2012 for the following infractions of Tribal Policy:
 - a. Leaving the workplace to make a home visit to her significant other/patient, whereupon she dispensed a controlled substance to her significant other; and
 - b. Two incidents of prescribing controlled drugs without any medication administration documentation in the patients' medical record.
3. Eileen J. Mitchell admits that she misused her prescriptive authority and that her patient care pertaining to medical documentation for assessment and/or reassessment subsequent to the medications being prescribed and/or administered was substandard.
4. Eileen J. Mitchell also admits that providing medical care to her significant other is a breach of professional boundaries.
5. Eileen J. Mitchell has agreed to resolve this matter by accepting this Agreement, thereby waiving her rights to an adjudicatory hearing.

AGREEMENT

6. Eileen J. Mitchell understands that her conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S. §2105-A(2)(F), (2)(H) and Chapter 4, §§1.A.6. and 1.A.8., 4.3.F., 4.3.U. and Chapter 8 §6.5.B.(4) of the Rules and Regulations of the Maine State Board of Nursing ("Board Rules"). Based upon the above-described conduct, the specific violations are:



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- a. Pursuant to 32 M.R.S. §2105-A(2)(F) for engaging in unprofessional conduct that violates standards of professional behavior that has been established in the practice for which she is licensed. See also: Board Rule Chapter 4.1.A.6.
 - b. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(F) by failing to take appropriate action or to follow policies and procedures in a practice situation designed to safeguard patients.
 - c. Pursuant to 32 M.R.S. § 2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(U) by engaging in behavior that exceeds professional boundaries including, but not limited to, sexual misconduct.
 - d. Pursuant to 32 M.R.S. §2105-A (2)(H), Chapter 8, §6.5.B.(4) for abuse of prescriptive and dispensing authority by prescribing and dispensing drugs to an individual in an unsafe manner.
7. Eileen J. Mitchell understands that her APRN-CNP license is hereby placed on **PROBATION** for a term of five (5) years of advanced nursing practice, effective only while she is employed in advanced nursing practice and/or enrolled in a nursing education program. Her probationary license will be subject to the following conditions:
- a. Ms. Mitchell shall fully comply with the conditions of the probation in this Agreement. She shall inform the Board in writing within 15 days of any address change.
 - b. Ms. Mitchell agrees that her prescriptive authority for controlled substances is temporarily suspended until she successfully completes an educational course in prescribing controlled substances and medical documentation regarding patient assessment in the administration of controlled medications. In addition, she must also successfully complete a course in professional boundaries. All courses must be pre-approved by the Board's Executive Director. Ms. Mitchell must provide documentary proof to the Board of her successful completion of the above-described courses, at which time she may petition the Board for reinstatement of her prescriptive authority for controlled substances.
 - c. Ms. Mitchell understands that during the term of this Agreement, her advanced practice nursing will be subject to on-site supervision by a licensed physician or nurse practitioner.
 - d. Ms. Mitchell will notify any and all of her nursing employers of the terms of this Agreement and shall provide them with a copy of it.
 - e. Ms. Mitchell must notify the Board in writing within five (5) business days after she obtains any employment as an advanced nurse practitioner and/or enrolls in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program.
 - f. Ms. Mitchell will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her advanced nursing practice. If during the period of probation, Ms. Mitchell's employment as an advanced nurse practitioner or her educational program terminates, she shall notify the Board in writing within five (5) business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
8. Eileen J. Mitchell agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the five (5) year probationary period until and unless the Board, at Ms. Mitchell's written request, votes to terminate her probation. When considering whether to terminate

the probation, the Board will consider the extent to which Ms. Mitchell has complied with the provisions of this Agreement.

9. 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.
10. 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.
11. Eileen J. Mitchell 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.
12. Eileen J. Mitchell affirms that she executes this Agreement of her own free will.
13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, EILEEN J. MITCHELL, APRN-CNP, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY ADVANCED PRACTICAL 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: 7-18-13



EILEEN J. MITCHELL, APRN-CNP

FOR THE MAINE STATE BOARD OF NURSING

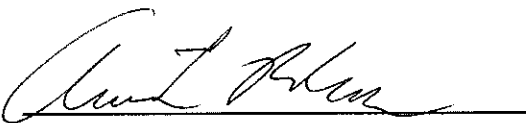
DATED: 7/23/13



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 8/5/2013



ANDREW L. BLACK
Assistant Attorney General