MAINE STATE BOARD OF NURSING

IN RE: Lisa A. Paddock, R.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 January 7, 2004. The purpose of the hearing was to determine whether grounds exist to take disciplinary action against Lisa Paddock's Maine license as a registered nurse as more specifically stated in the Notice of Hearing dated December 16, 2003. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairwoman Jeanne B. Delicata, R.N.C., Jody Deegan, R.N., Charyl Doughty, L.P.N., Bruce O'Donnell, C.R.N.A. and Karen Tripp (public representative). Ms. Paddock did not appear and neither was she represented by counsel. James E. Smith, Esq. served as Presiding Officer.

Following the determination that none of the Board had conflicts of interest which would bar them from participating in the hearing, the Board's Exhibits 1-4 were admitted into the Record. The Board then determined that the Respondent had been duly served with notice of the hearing by first class mail posted on December 16, 2003. Certified mail sent on the same day was returned to the Board marked "unclaimed." The first class mail was not returned. The Board heard testimony and reviewed the submission of exhibits 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. <u>FINDINGS OF FACT</u>

Lisa A. Paddock was first licensed as a registered nurse to practice nursing in the State of Maine in 1995 and remained in that status until December 10, 2003 at which time the Board suspended her license pending hearing on the instant allegations. Her license expires on June 8, 2004. The exhibits and testimony of Myra Broadway, Executive Director of the Board for the past 6 years, revealed that while working in her capacity as a nurse at Mid-Coast Hospital on June 23 and July 7, 2003, Ms. Paddock allegedly removed morphine without a physician's order and there is no record that it was administered to a patient. Subsequently, Ms. Paddock was arrested on July 20 and July 24, 2003 by local police for driving while impaired. On July 30, 2003, Mid-Coast Hospital terminated Ms. Paddock's employment for failure to report to work for 4 consecutive scheduled shifts without notifying the hospital of her absence. The Board scheduled informal conferences on July 3 and October 1, 2003 to discuss the above allegations with the Respondent. She did not appear at either session. The Board further finds that nurse Paddock has admitted by default the above noted facts.

CONCLUSIONS OF LAW

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The relevant statutory and regulatory provisions regarding the above matter and as stated in the Complaint/Notice of Hearing are as follows:

- 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:
- E. Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:

1. Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed

by the licensee to a client or patient or the general public.

- 2. Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed.
- H. A violation of this chapter or a rule adopted by the board.

"Rules and Regulations of the Maine State Board of Nursing, Chapter 4."

1. Disciplinary Action.

- 3. Definition of Unprofessional Conduct. Nursing behavior which fails to conform to legal standards and accepted 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 not be limited to, the following:
 - P. Diverting drugs, supplies or property of patients or health care provider.
- Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.

The Board, by a vote of 5-0, based on the above recited facts and its training and expertise, concluded that Lisa A. Paddock, R.N., violated the above statutory and regulatory standards of nursing and poses a threat to the health of the public and her. The Board voted to **revoke her license** to practice as a registered nurse pursuant to 10 M.R.S.A. Sec. 8003. The Board further ordered Lisa Paddock to **pay the costs** related to the hearing which **total \$317** (Hearing officer -1 hour and 40 mins. @ \$100 per hour = \$167); (Court reporter services for afternoon = \$150). The check or money order shall be made payable to: Maine Board of Nursing and mailed to Myra Broadway, Exec. Director, 158 State House Station, Augusta, Maine 04333-0158.

SO ORDERED.

Dated January 1 2004

Jeanne B. Delicata, R.N.C. Chairwoman

Maine State Board of Nursing

APPEAL RIGHTS

IV.

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.