



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: Eva Pangakis, RN50786)
 Disciplinary Action #2011-3) **DECISION AND ORDER**
 (Orono Commons))

I. **PROCEDURAL HISTORY**

Pursuant to the authority found in 32 M.R.S. Sec. 2105-A(1-A)(D), et seq., 5 M.R.S. Sec. 9051, et seq. and 10 M.R.S. Sec. 8003, et seq., the Maine State Board of Nursing (Board) met in public session at the Board’s hearing room located in Augusta, Maine at 9:00 a.m. on November 6, 2012. The purpose of the meeting was to conduct an adjudicatory hearing to determine whether to take disciplinary action against Eva Pangakis’s license to practice as a Registered Professional Nurse. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting Board members were Chairman Pro Tem Carmen Christensen, RN; Robin Brooks (public representative); Susan C. Baltrus, MSN, RNBC, CNE; Elaine A. Duguay, LPN; and Joanne Fortin, RN. John Richards, Assistant Attorney General, presented the State’s case. Nurse Pangakis was briefly present and not represented by an attorney.¹ James E. Smith, Esq. served as Presiding Officer.

The Board first determined that none of the Board members had conflicts of interest which would bar them from participating in the hearing. The Board then took official notice of its statutes and Rules, and subsequent to the State’s opening statement, State’s Exhibits 1-4 were admitted into the Record. The Board then heard the testimony, reviewed the submission of exhibits, and considered the State’s closing argument. Subsequently, the Board deliberated and made the following findings of fact by a preponderance of the credible evidence and further made conclusions of law regarding the alleged violations contained in the Notice of Hearing.

¹ Nurse Pangakis was the respondent in a Board hearing that adjudicated a complaint earlier this morning. (See RN 50786, Case 2011-273, Bangor Nursing & Rehabilitation Center). Nurse Pangakis was informed immediately after that hearing that the Board would take a 10-minute break before convening for this complaint. She left the hearing room and did not return. A search of the hearing location and the immediate vicinity proved fruitless. Nurse Pangakis did not contact the Board with any excuses for her sudden absence.

II.

FINDINGS OF FACT

1. Respondent Eva Pangakis, a 37-year-old resident of Old Town, Maine, was first licensed in Maine as a Registered Professional Nurse on February 11, 2005. Her current license expires on July 19, 2014. She is presently not employed.
2. Nurse Pangakis was hired in her professional capacity by Orono Commons Nursing Home on October 22, 2010.
3. Kathy Shaw, RN, was the Director of Nursing at Orono Commons during all relevant times.
4. EM was an 89-year-old in-patient at Orono Commons on December 23, 2010. She had difficulty swallowing due to an esophageal condition.
5. At approximately 10:00 p.m. on the above evening, Nurse Pangakis attempted to give medications to EM in both crushed and whole form, both in applesauce.
6. EM told the respondent that she could not swallow the medications due to her esophagus and proceeded to spit them out.
7. Nurse Pangakis then made three more unsuccessful attempts to have her swallow the pills.
8. Nurse Pangakis then left EM's room and CNA LS then entered EM's room. She was told by EM, who was crying, that the respondent had "forced pills down her throat and she had to cough them up and did not receive any medication." EM also was asking for her husband to be called.
9. LS reported the above to Eva Pangakis who "got very upset and stormed towards EM's room" accompanied by CNA MH.
10. EM recited the recent experience regarding "a nurse" forcing her to take pills she could not swallow.
11. Nurse Pangakis informed EM that she was that nurse and did not force EM to do anything. The respondent was observed to be standing with her hands on the foot of the bed and leaning over EM and addressing her with a rising voice that the witness perceived as yelling at EM.
12. EM continued to insist that the pills be administered crushed or in liquid form.
13. Respondent Pangakis was then observed to address EM in a mocking manner asking her what the pills taste like and giving examples like, "chocolate milk, fruit punch, apple juice?"
14. The CNAs eventually left the room upset and explained to Nurse Pangakis that EM was upset and crying.
15. Nurse Pangakis responded with words to the effect that EM was demented and respondent didn't feel sorry for her because she "bugged" her.

16. Nurse Pangakis's employment at Orono Commons was then terminated on December 24, 2010 due to the verbal abuse of resident EM which was perceived as threatening, intimidating and resulting in emotional distress to the resident.
17. The above charges were substantiated by the Maine Department of Health and Human Services which also conducted an investigation of the events that transpired on the evening of December 23, 2010.

III.

CONCLUSIONS OF LAW

Based on the above facts and those found in the record but not alluded to herein, and utilizing its experience and training, the Board, by a vote of 5-0, concluded that Eva Pangakis, RN violated the provisions of:

1. 32 M.R.S. § 2105-A (2) (E) (1) and (E) (2). By exhibiting incompetence in the practice for which she was 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; or (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. (See also: Board Rule Chapter 4, Section 1.A.5.)
2. 32 M.R.S. § 2105-A (2) (F). By engaging in unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed. (See also: Board Rule Chapter 4, Section 1.A.6.)
3. 32 M.R.S. § 2105-A (2) (H). By violating a Maine Revised Statute in Title 32, Chapter 31 and Rules adopted by the Board. (See also: Board Rule Chapter 4, Section 1.A.8.)
4. Chapter 4, Disciplinary Action and Violations of Law, § 3(F). By failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.
5. Chapter 4, Disciplinary Action and Violations of Law, § 3(H). By intentionally or negligently causing physical or emotional injury to a patient.

6. Chapter 4, Disciplinary Action and Violations of Law, § 3(l). By failing to safeguard the patient's dignity and right to privacy in providing services regardless of race, color, creed and status.

IV. SANCTIONS

The Board voted 5-0 to order the following sanctions for the above violations. These sanctions are in addition to those ordered earlier this day in the Bangor Nursing & Rehabilitation Center Decision and Order, cited in footnote #1.

1. Eva Pangakis's Registered Professional Nurse's license is hereby suspended for a period of ninety (90) days beginning November 29, 2012.

(1) Before resuming practice as a nurse, Eva Pangakis shall submit to a psychological evaluation to determine whether she is fit to practice nursing and does not pose a threat to the public.

(2) Eva Pangakis's Registered Professional Nurse's license is hereby placed on probation for a five-year term beginning on the day when she resumes practice as a nurse. Prior to resuming her practice as a nurse, she shall provide documentation that she has successfully passed a course which addresses patients' rights and their rights regarding dignity. Said course must be pre-approved by the Board's Executive Director.

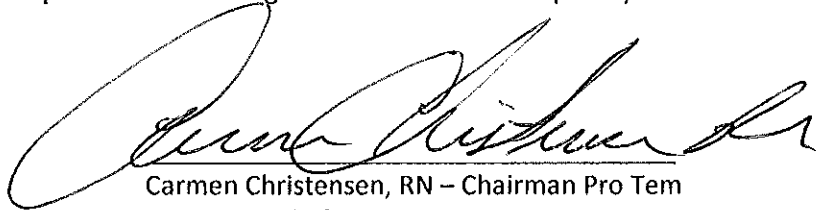
(3) During the probationary period, Eva Pangakis shall arrange for and ensure the submission to the Board of quarterly reports from her nursing employer(s) and/or clinical faculty regarding her general nursing practice. Nursing employment will be restricted during the period of probation to structured settings and shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse or within the correctional system.

(4) IT IS FURTHER AGREED that while Ms. Pangakis's license is subject to this Decision, she may not work outside the State of Maine pursuant to a multi-state privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the party state in which she wishes to work.

2. Any violation of the terms of probation shall be grounds for further disciplinary action.

SO ORDERED.

Dated: November 29, 2012



Carmen Christensen, RN – Chairman Pro Tem
Maine Board of Nursing

V.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S. Sec. 10051.3 and 10 M.R.S. Sec. 8003, 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 Superior Court having jurisdiction. The petition shall specify the person seeking review, the manner in which s/he is aggrieved and the final agency action which s/he wishes 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.