



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: SUSAN R. RIVA, R.N. )  
 of Bradley, Maine )  
 License #033842 )**      **CONSENT AGREEMENT  
 FOR VOLUNTARY  
 SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding Susan R. Riva's license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement ("Agreement") pursuant to 32 M.R.S.A. § 2105-A (1-A) (C) and 10 M.R.S.A. § 8003 (5) (B), (5) (D). The parties to this Consent Agreement are Susan R. Riva ("Ms. Riva"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with Ms. Riva in an Informal Conference on October 8, 2008. The parties reached this Agreement on the basis of a Notice of Complaint or Provider Report from the Board dated April 10, 2008, consisting of information from 1) Brewer Rehab and Living Center ("Brewer Rehab") dated March 26, 2008; and 2) Complaint Investigation ME 00006896 conducted by the Department of Health and Human Services, Bureau of Medical Services, Division of Licensing and Regulatory Services on March 28, 2008.

**FACTS**

1. Susan R. Riva has been licensed as a registered professional nurse to practice in Maine since August 1990.
2. On March 14, 2008, Ms. Riva was the charge nurse at Brewer Rehab from 6:45PM until 7:00AM the following morning. At 10:45PM, Ms. Riva was notified by a CNA that a resident had fallen out of bed and was complaining of pain. Ms. Riva went to the resident's room and without making an assessment for pain or mobility, told the CNAs who were present to put the resident back in bed. Three CNAs informed Ms. Riva several times throughout the night that the resident was screaming and crying because of pain. The resident also requested to be sent to the hospital. Ms. Riva told the CNAs that the morning shift could take care of the resident, instructing them to "calm the patient down." At the change of shift, Ms. Riva reported to the day charge nurse that she might want to get an x-ray on the resident. The day charge nurse went to the resident's room and the resident started to cry. The nurse assessed the resident, finding that her leg was rotated inward. The resident was sent to the hospital and it was determined that she had a dislocated hip.
3. On March 19, 2008, Ms. Riva's employment was terminated at Brewer Rehab for negligent performance of her responsibilities as a registered professional nurse because she failed to advocate and assess a resident in a prudent manner, which resulted in harm to the resident.



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4. Susan R. Riva admits she did not do a good assessment on the patient. She also admits that she has a substance abuse problem. Following an April 2006 OUI, she attended DEEP counseling and now attends AA four times per week.
5. Susan R. Riva wishes to resolve this matter by voluntarily surrendering her registered professional nurse license and accepting this Agreement, thereby waiving her rights to an adjudicatory hearing.

### AGREEMENT

6. The Maine State Board of Nursing will accept Susan R. Riva's offer to voluntarily surrender her registered professional nurse license. Ms. Riva understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not the facts would support the Board's findings in this Agreement.
7. Susan R. Riva understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine. The grounds for discipline for violations under 32 M.R.S.A. § 2105-A(2)(B), (2)(F), (2)(H) and Chapter 4, sections 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F) and 3(H) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
  - a. B. Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health and safety of patients. See also Chapter 4, Section 1.A.2.
  - b. F. 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 Chapter 4, Section 1.A.6.
  - c. H. A violation of this chapter or a rule adopted by the board. See also Chapter 4, Section 1.A.6.
  - d. "Unprofessional Conduct" as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, describes, "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 and shall include, but shall not be limited to, the following:
    - (1) F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.

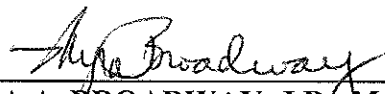
(2) H. Negligently causing physical and emotional injury to a resident

8. Susan R. Riva understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Ms. Riva's written request, votes to reinstate her license. Ms. Riva agrees and understands that if the Board reinstates her license, it will be for a probationary period.
9. 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. Riva's "home state" of licensure and primary state of residence, which means that she 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. Riva understands that this document is a Consent Agreement subject to the Compact.
10. Ms. Riva understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Susan R. Riva shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S.A. § 2502 (2), or in any position holding herself out as a registered professional nurse or with the designation "R.N.," including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Riva is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
12. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
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. Susan R. Riva affirms that she executes this Agreement of her own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

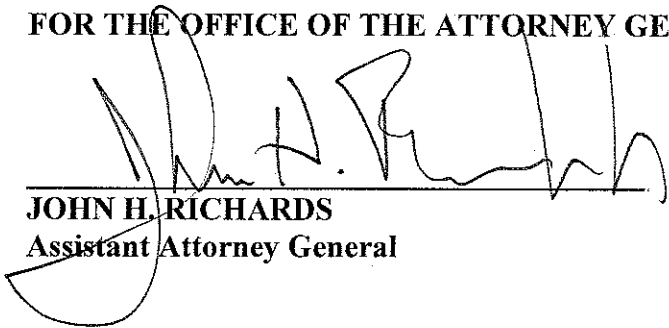
**I, SUSAN R. RIVA, R.N., HAVE READ AND UNDERSTAND THE FOREGOING  
CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE  
CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLI-  
GENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND  
THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND  
THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 12/1/08   
SUSAN R. RIVA, R.N.

**FOR THE MAINE STATE BOARD OF NURSING**

DATED: Dec 2, 2008   
MYRA A. BROADWAY, J.D., M.S., R.N.  
Executive Director

**FOR THE OFFICE OF THE ATTORNEY GENERAL**

DATED: 12/4/08   
JOHN H. RICHARDS  
Assistant Attorney General