



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: CYNTHIA A. STOVER, LPN
of Portland, ME
License No. LPN4710

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CONSENT AGREEMENT
FOR
VOLUNTARY SURRENDER

Complaint 2012-244

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. §8008, the Legislature provided that the sole purpose of the Board is to "protect the public health and welfare" and that "other goals or objectives may not supersede this purpose."

This document is a Consent Agreement ("Agreement") regarding Cynthia Stover's license as a licensed practical nurse ("LPN") in the State of Maine. The parties to this Agreement are Cynthia Stover ("Ms. Stover" or "Licensee"), the Maine State Board of Nursing ("the Board"), and the Office of the Attorney General, State of Maine. The Board met with the Licensee in an informal conference on December 16, 2013. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A)(C), 10 M.R.S. §§8003 (5)(B) and 8003(5)(D) in order to resolve Complaint 2012-244.

FACTS

1. Licensee has been licensed to practice as an LPN in Maine since November 14, 1975. From January 1995 to March 1996, Ms. Stover's nursing license was placed on probationary conditions following a 1994 conviction for attempting to acquire drugs by deception and admitted substance abuse, for which she received treatment. On October 30, 1996, Ms. Stover received a Reprimand from the Board regarding documentation concerns and failure to follow physician's orders.
2. On April 18, 2000, the Board issued a non-disciplinary Letter of Concern for a ten-year period [April 18, 2010] regarding Licensee's responsibility and role when a patient or resident refused medication in terms of considering all possible consequences. On December 11, 2000, the Board issued a non-disciplinary Letter of Concern for a five-year period [December 11, 2005] regarding Licensee's lack of candor with potential employers, urging her to be truthful and candid when responding to questions. On January 6, 2010, the Board issued a non-disciplinary Letter of Concern for a five-year period [January 6, 2015] regarding the importance of the Licensee's maintaining professional demeanor and treating patients with dignity, which is currently in effect.
3. On March 20, 2012, Licensee submitted her 2012-2014 LPN Renewal Application to the Board, responding "NO" to the question, "Have you been convicted of a crime, other than a minor traffic violation(s) since the last renewal of your Maine license?"
4. On November 19, 2012, the Board received notification from the Attorney General's Office of Ms. Stover's February 2012 York County Superior Court indictment for Theft by Deception and Making False Representation concerning two separate incidents in September 2009 and June 2010 in which Licensee obtained \$4,567.66 from the Town of Hollis. As a result of receiving this information, the Board initiated a complaint against the Licensee's Maine nursing license. Board staff docketed the Complaint as 2012-244.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
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5. On December 7, 2012, the Board issued a Notice of Complaint to Licensee relating to Complaint 2012-244.
6. On January 29, 2013, despite attempts to reach the Licensee, a reminder was sent to Ms. Stover concerning her failure to respond to Complaint 2012-244.
7. On March 6, 2013, following review of the case, the Board advised the Licensee that she would be scheduled for an informal conference.
8. On November 22, 2013, the Board received a copy of an Agreement of Defendant and Order Deferring Disposition dated July 5, 2013 in which conditions, including \$3704.98 restitution to the Town of Hollis, were placed on Ms. Stover.
9. On December 16, 2013, the Board held an informal conference with the Licensee regarding Complaint 2012-244.
10. During the informal conference, the Board considered the documentation provided by York County Superior Court, the Licensee's failure to respond to Complaint 2012-244 and her explanation of the events which occurred. Licensee admitted that when she applied for town assistance she failed to disclose she was receiving unemployment benefits, indicating "0" on the question concerning income. She stated she served four days in jail and is paying restitution to the Town of Hollis. Licensee further stated she is currently on medical disability and although cleared by her physician to work, chooses not to at this time.
11. During the informal conference, the Board discussed with the Licensee the option of license surrender since she does not plan to practice nursing in the near future. The Board voted to offer the Licensee a Consent Agreement for a voluntary surrender.
12. Absent Licensee's acceptance of this Agreement by signing and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before January 27, 2014, the Board will take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, findings beyond those contained above and also impose greater adverse action including costs of a hearing, suspension or revocation of Licensee's license.

AGREEMENT

13. Licensee admits to the Facts as stated above and that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing licenses under the following laws and regulations:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(A) for the practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;
 - b. Pursuant to 32 M.R.S. §2105-A (2)(F) and Board Rules Chapter 4 §1.A.6 for engaging in conduct that violates any standard of professional behavior which has been established in the practice for which the licensee is licensed; and
 - c. Board Rule Chapter 4 §3(G) for conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or conviction of a crime for which incarceration for one year or more may be imposed.
14. As discipline for the conduct cited in Paragraph No. 13 above, Licensee agrees to **SURRENDER** her Maine LPN license, effective on the date of the final execution of this Agreement. Licensee understands and agrees that as a result of surrendering her license, she no longer has a nursing license and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to reinstate her license.

Licensee understands and agrees that upon receiving her request to reinstate her Maine LPN license, the Board shall have the sole discretion to grant or deny such a request or to grant her licensure with probation and conditions as it determines appropriate to protect the public.

15. Licensee understands and agrees that prior to seeking reinstatement of her nursing license, she must provide evidence that she has successfully met all the conditions of the July 2013 Deferred Disposition and any subsequent court orders.
16. This Agreement is not appealable. This Agreement cannot be modified orally. It can only be modified by writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General. Any decision by the Board as a result of Licensee's request to modify this Agreement need not be made pursuant to a hearing.
17. 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-A.
18. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).
19. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
20. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
21. Licensee acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she has executed this Agreement of her own free will and that she agrees to abide by all the terms and conditions set forth in this Agreement.

DATED: 1/14/14

Cynthia Stover LPN
LICENSEE CYNTHIA STOVER, LPN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 1/21/14

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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 1/22/14

Ronald O. Guay
RONALD O. GUAY
Assistant Attorney General

Effective Date: 1/22/14