



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: RICHARD A. WINE, R.N.)
 of Waterville, Maine) **CONSENT AGREEMENT**
 License #R052110) **FOR WARNING**

INTRODUCTION

This document is a Consent Agreement regarding Richard A. Wine's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (A), 10 M.R.S.A. § 8003(5) (B). The parties to this Consent Agreement are Richard A. Wine ("Licensee" or "Mr. Wine"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with the Licensee in an informal conference on December 6, 2007. The parties reached this Agreement on the basis of information submitted by MaineGeneral Health ("MaineGeneral") located in Augusta, Maine, dated October 20, 2006, and additional information received by the Board on November 27, 2006. Both are attached to a Notice of Complaint or Provider Report dated December 29, 2006.

FACTS

1. Richard A. Wine has been a registered professional nurse licensed to practice in Maine since 2006.
2. On August 8, 2006, Mr. Wine was provided a written list of expectations that he was responsible for as the evening 3-11 charge nurse. Mr. Wine failed to meet the expectations of MaineGeneral and was terminated from MaineGeneral for substandard performance. Examples of his performance include: 1) situations where the telemetry monitors were to be cleared and read at the start of the evening shift and every two hours throughout the shift. MaineGeneral reported that Mr. Wine failed to clear and read the monitors on numerous shifts (two-three times weekly) and that the monitors were not cleared until after 6:00 PM; 2) Mr. Wine had continuing difficulties in conducting patient admissions by failing to obtain pertinent patient information essential in providing nursing services to the patients; 3) Mr. Wine had difficulty with making nursing assignments for the oncoming shift because he did not adequately assess the acuity and arrange the assignments appropriately; 4) Mr. Wine failed to respond in a timely manner to a Code 99 that was called overhead on the unit. There was not reported patient harm in any of these instances.
3. Richard A. Wine admits that he took the responsibilities as a charge nurse in the telemetry unit without adequate preparation or experience.



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4. Richard A. Wine lacked the insight to appreciate the nursing responsibilities required to adequately perform the duties of a charge nurse.

AGREEMENT

5. Richard A. Wine understands that his conduct in the above-stated facts constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A (2) (F), (2) (H) and Chapter 4.1.A.6., 4.1.A.8. and Chapter 4.3.B. and 4.3.F. of the Rules and Regulations of the Maine State Board of Nursing. Richard A. Wine is hereby **WARNED** for unprofessional conduct because he assumed duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained, and he failed to follow policies and procedures in a practice situation designed to safeguard the patient.
6. 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 Mr. Wine’s “home state” of licensure and primary state of residence, which means that Mr. Wine has declared that the State of Maine is his fixed permanent and principle home for legal purposes; his domicile. Other party states that are in the Compact are referred to as a “remote state,” which means a party state, other than the home state that has adopted the Compact. Mr. Wine understands that this document is a Consent Agreement that may affect his rights to practice nursing in the State of Maine and any remote party state in the Nurse Licensure Compact. Mr. Wine understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.
7. Richard A. Wine affirms that he executes this Consent Agreement of his own free will.
8. Modification of this Consent Agreement must be in writing and signed by all the parties.
9. This Consent Agreement is not subject to review or appeal by the Licensee.

10. This Consent Agreement becomes effective upon the date of the last necessary signature below.


I, RICHARD A. WINE, R.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 1/22/2008


RICHARD A. WINE, R.N.

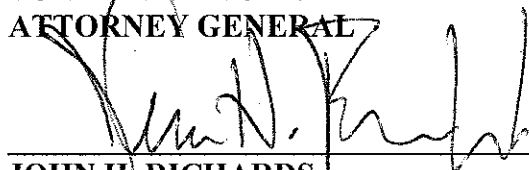
**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Jan. 28, 2008


MYRA A. BROADWAY, J.D., M.S., R.N.
Executive Director

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: Jan. 29, 2008


JOHN H. RICHARDS
Assistant Attorney General