



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

PAUL R. LEPAGE
 GOVERNOR

KIM ESQUIBEL, PhD, M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: JO-ANN M. BELANGER, RN)
 of Poland, ME)
 License No. RN42468)

CONSENT AGREEMENT
 FOR
 WARNING

Complaint No. 2016-55

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 Jo-Ann M. Belanger's license as a Registered Professional Nurse (“RN”) in the State of Maine. The parties to this Agreement are Jo-Ann M. Belanger (“Ms. Belanger”), the Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A(1-A)(A) and 10 M.R.S. § 8003(5)(A-1)(1) and (5)(B) in order to resolve Complaint 2016-55.

FACTS

1. Jo-Ann M. Belanger was first licensed to practice as a RN in Maine by examination on June 22, 1998.
2. On March 4, 2016, Ms. Belanger resigned from her position at John F. Murphy Homes, Inc. during an investigation by the facility. Two certified nursing assistants (“CNAs”) at the facility reported that Ms. Belanger was repeatedly dozing off at the nurse’s station on her shift between 5:00 p.m. on March 3, 2016 and 5:00 a.m. on March 4, 2016. An outside cleaning vendor also reported that he witnessed two female staff members sleeping during the overnight shift that began on August 24, 2015. Ms. Belanger and a female CNA, over whom she had supervisory authority, were scheduled to work on the third shift on that date. As a result of receiving this information from the facility, the Board issued a Notice of Complaint/Provider Report to Ms. Belanger relating to Complaint 2016-55.
3. In her March 25, 2016 response to the Notice of Complaint/Provider Report, Ms. Belanger admitted to “possibly dozing” while working on the third shift that started on March 3, 2016. She said all of the nursing tasks of the night had been completed and there were several CNAs on duty.
4. According to supplemental information the Board received from John F. Murphy Homes, Inc. on May 4, 2016, Ms. Belanger received training on or about February 10-11, 2016 that all on-duty responsible direct care staff, including on-duty nurses, are expected to be awake on a 24-hour basis, when clients are present, to be able to take prompt action in the case of an emergency.
5. Following review at its June 8-9, 2016 meeting, the Board voted to offer Ms. Belanger a consent agreement.
6. Absent Ms. Belanger’s acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or **before July 27, 2016**, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action in this matter including fines or the suspension or revocation of Ms. Belanger’s license.



PRINTED ON RECYCLED PAPER

OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

AGREEMENT

7. Jo-Ann M. Belanger admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license under the following laws and regulations:
 - 32 M.R.S. § 2105-A(2)(F) & (H), for engaging in unprofessional conduct as defined by the Board and violating a rule of the Board by failing to supervise persons to whom nursing functions have been delegated (Board Rules Ch. 4, § 3(E)); and
 - 32 M.R.S. § 2105-A(2)(F) & (H), for engaging in unprofessional conduct as defined by the Board and violating a rule of the Board by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient (Board Rules Ch. 4, § 3(F)).
8. As discipline for the violations admitted to in paragraph 7 above, Ms. Belanger agrees she will receive a **WARNING** related to the above-stated conduct.
9. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can be modified only in writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General.
10. Ms. Belanger waives her right to an adjudicatory hearing before the Board or any court regarding all facts, terms, and conditions of this Agreement. Ms. Belanger agrees this Agreement is a final order resolving Complaint 2016-55.
11. The Board and the Attorney General may communicate and cooperate regarding Ms. Belanger's practice or any other matter relating to this Agreement.
12. 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.
13. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB).
14. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
15. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement.
16. Ms. Belanger 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.

[Signature Page to Follow]

DATED: 7/1/16

Jo-Ann M Belanger
LICENSER JO-ANN M. BELANGER, RN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 7/7/2016

Kim Esquibel
KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 7/8/16

Katie Johnson
KATIE JOHNSON
Assistant Attorney General

