



PAUL R. LEPAGE
GOVERNOR

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

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

December 8, 2016

CERTIFIED MAIL RRR #7014 0150 0001 0999 3483
First Class Mail

Joleen M. Beninati, LPN
31 North Street
Ellsworth, ME 04605-3340

RE: **Complaint No. 2016-252** License # LPN13677 (Expiration Date 3/20/18)

**ORDER OF IMMEDIATE SUSPENSION OF LICENSE AS
A LICENSED PRACTICAL NURSE**

Dear Ms. Beninati:

On December 8, 2016, the staff of the Maine State Board of Nursing made the initial presentation of the above referenced complaint to the Board. After reviewing the evidence gathered so far, the Board concludes that your continued ability to practice as a Licensed Practical Nurse ("LPN") constitutes an immediate jeopardy to the health and safety of yourself and the public who receives nursing services, and that it is necessary to immediately suspend your license as an LPN pending a hearing in order to adequately respond to the risk.

Specifically, the Board preliminarily finds, for purposes of this Order that:

- Ms. Beninati is currently licensed by the Maine State Board of Nursing ("Board") to practice as a nurse in the State of Maine.
- At all times relevant to this matter, Ms. Beninati was employed as an LPN at Seaport Village Health Care.
- In October 2016, Ms. Beninati diverted for her own use multiple 5 mg oxycodone tablets prescribed to a patient.
- Ms. Beninati was under the influence of the oxycodone she diverted while performing her duties as an LPN.

The Board concludes for purposes of this order that these preliminary findings if proven by a preponderance of the evidence would constitute grounds for imposing discipline against Ms. Beninati pursuant to



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- 32 M.R.S. § 2105-A(2)(B) for misusing drugs or other substances that has resulted or may result in the licensee performing services in a manner that endangers the health or safety of patients;
- 32 M.R.S. § 2105-A(2)(E)(1) for engaging in conduct that evidences a lack of fitness to discharge the duty owed by the licensee to a patient;
- 32 M.R.S. § 2105-A(2)(F) for engaging in unprofessional conduct by practicing nursing when his physical or mental ability to practice is impaired by alcohol or drugs (Board Rule Ch. 3 § 4(O));
- 32 M.R.S. § 2105-A(2)(F) for engaging in unprofessional conduct by diverting drugs, supplies or property of patients or a health care provider (Board Rule Ch. 3 § 4(P)); and
- 32 M.R.S. § 2105-A(2)(F) for engaging in unprofessional conduct by possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs (Board Rule Ch. 3 §4(Q)).

The Board finds for purposes of this immediate suspension that the health or physical safety of Ms. Beninati and members of the public are in immediate jeopardy as a result of his actions, particularly because he was covertly stealing and using addictive prescription medications while working as a nurse, and that as a result of her actions her license must be suspended in order to adequately respond to that risk.

This suspension is issued pursuant to 5 MRS § 10004(3). **Your license as an LPN is suspended immediately for the 30-day period ending on January 7, 2017, at 11:59 p.m.**, pending further Board action at an adjudicatory hearing that will be scheduled for a later date. You will receive a formal Notice of Hearing, which will outline the issues and procedures for that hearing.

You may not practice as a LPN during this suspension.


Valerie J. Fuller, DNP
Board Chair

cc: Lauren LaRoche, Assistant Attorney General
Kim Esquibel, PhD, MSN, RN/Executive Director