



STATE OF MAINE  
 BOARD OF NURSING  
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 04333-0158

JOHN ELIAS BALDACCI  
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.  
 EXECUTIVE DIRECTOR

IN RE: **JAMES A. BOIS** ) **CONSENT AGREEMENT**  
 of Auburn, Maine ) **FOR VOLUNTARY**  
 License #R037529 ) **SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding James A. Bois' license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(C) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are James A. Bois ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties met in an informal conference on April 7, 2004. The parties reached this Agreement on the basis of information submitted by Parkview Adventist Medical Center ("Parkview"), Brunswick, Maine by complaint dated October 28, 2005; information submitted by [REDACTED] (wife of the deceased) dated March 1, 2006; and, information submitted in a response to the complaint from James A. Bois dated February 15, 2006 and March 20, 2006.

**FACTS**

1. James A. Bois has been a registered professional nurse licensed to practice in Maine since 1998.
2. On October 22, 2005, Mr. Bois was working the day shift and providing care to a 79-year old patient who was recovering following a left rotator cup repair on October 21, 2005. The patient stated that he was experiencing substantial pain (15 out of a 10 scale pain), and previous medication orders (including morphine) were ineffective. The physician's order was for Demerol 10-30 mg. IV push every two (2) hours PRN for pain. Rather than administer Demerol, Mr. Bois mistakenly provided the patient with Dilaudid 10 mg. IV push.
3. James A. Bois made the following errors with respect to the treatment of this patient. First, Mr. Bois chose to take medication from the Pyxis by override prior to the medication order review and subsequent entry into the Pyxis System by the hospital's pharmacy. Had Mr. Bois contacted the pharmacy requesting immediate entry into the Pyxis System, in accordance with the hospitals procedures, Mr. Bois would have received Demerol, the medication ordered for this patient. Second, Mr. Bois should have known the difference between Dilaudid (Hydromorphone hydrochloride) and Demerol (Meperidine hydrochloride). On this point, it is noted that Mr. Bois said he documented in his notes that he reviewed the Nursing 2004 Drug Handbook edited by Lippincott, Williams & Wilkins, Spring House, PA, 2004, pages 386-387, before administering the



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Dilaudid. If he had reviewed this handbook and assuming that he believed that Hydromorphone hydrochloride (Dilaudid) was the same as Meperidine hydrochloride (Demerol), he should have recognized the dosage prescribed by the physician for Hydromorphone hydrochloride (Dilaudid) (10-30 mg.) was inappropriate.

4. Finally, Mr. Bois failed to recognize visual cues when he had to draw five separate 2 mg. containers of Dilaudid into one syringe to achieve the ordered dosage of what he thought was Demerol. Mr. Bois recorded in the medical record that Demerol, which was actually Dilaudid, as being administered to the patient on October 22, 2005 at 8:10 a.m. At 8:25 a.m., the patient was found by Mr. Bois, unresponsive, without a pulse, and apneic. At the close of his October 22 shift, 12 hours later, Mr. Bois self-reported that he may have provided the patient with the wrong medication. While the patient was resuscitated on October 22, he ultimately died on November 26, 2005.
5. In addition, to the above-mentioned errors, Mr. Bois failed to remain with the patient after he administered the medication to assess the patient's response to the medication. Had he done so, he could have assessed the patient's adverse reaction to the administered medication and had an earlier opportunity to call a code.
6. James A. Bois has offered to surrender his registered professional nurse license.

#### AGREEMENT

7. The Maine State Board of Nursing will accept James A. Bois' voluntary surrender of his registered professional nurse license. Mr. Bois understands that his license will be on surrender status for a period of two years.
8. James A. Bois understands that this document imposes discipline regarding his license to practice registered professional nursing in the State of Maine and the above-described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(E)(1), A(2)(E)(2), A(2)(F) and A(2)(H) and Chapter 4.1.A.5.a., 4.1.A.5.b., 4.1.A.6., and 4.3.K. (inaccurate recording) of the Rule and Regulations of the Maine State Board of Nursing.
9. James A. Bois may petition the Board for reinstatement of his license two years from the effective date of this Consent Agreement. Mr. Bois agrees and understands that his registered professional nurse license will not be reinstated until and unless the Board, upon Mr. Bois' written request, votes to reinstate Mr. Bois' license. Prior to reinstating his license Mr. Bois must complete a formal education course re: medication administration, particularly intravenous therapy. The content and curriculum must be reviewed and approved by the Executive Director. In the event that Mr. Bois' registered professional nurse license is reinstated, it will be for a probationary period with conditions.

10. James A. Bois 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 himself out as a registered professional nurse or with the designation, R.N. while his nursing license is surrendered. In addition, Mr. Bois is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
11. James A. Bois 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 this Consent Agreement.
12. James A. Bois affirms that he executes this Consent Agreement of his own free will.
13. Modification of this Consent Agreement must be in writing and signed by all parties.
14. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. This Consent Agreement becomes effective upon the date of the last necessary signature below.

**I, JAMES A. BOIS, 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: 6/23/06


James A. Bois  
JAMES A. BOIS

DATED: 06/21/06

Janet E. Michael  
JANET E. MICHAEL, R.N., M.S., J.D.  
Attorney for James A. Bois

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: June 26, 2006

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: June 28, 2006

  
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JOHN H. RICHARDS  
Assistant Attorney General