



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: **LISA A. FARRELL-MCMAINS** ) **CONSENT AGREEMENT**  
 of South Portland, ME ) **FOR LICENSE REINSTATEMENT**  
 License #R038957 ) **AND PROBATION WITH CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Lisa Farrell-McMains’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Lisa Farrell-McMains (“Licensee” or “Ms. Farrell-McMains”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Ms. Farrell-McMains on September 3, 2009 regarding her request for reinstatement of her nursing license. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B).

**FACTS**

1. Lisa Farrell-McMains’s License History: Ms. Farrell-McMains was originally licensed to practice registered professional nursing in Maine in July, 1995. On September 27, 2007, the Board summarily suspended her nursing license based upon drug diversion, substance abuse, the conclusion that her behavior failed to conform to legal and accepted standards of the nursing profession, and concern that she and the public she served were in immediate jeopardy. On November 6, 2007, Ms. Farrell-McMains voluntarily surrendered her registered professional nurse license by Consent Agreement with the Board on the basis of drug diversion and habitual substance abuse [Exhibit A].
2. Lisa Farrell-McMains admits that she has a substance abuse problem. In August 2007, she voluntarily entered into and successfully completed a substance abuse treatment program at The Recovery Center at Westbrook Mercy (“Mercy”). The program lasted for approximately three months and consisted of intensive inpatient and outpatient treatment, as well as a partial hospitalization for a medical condition. Ms. Farrell-McMains states that she has been “clean and sober since 8/23/07” and is involved with individual and family counseling on a weekly basis.

**AGREEMENT WITH CONDITIONS OF PROBATION**

3. Lisa Farrell-McMains’s license as a registered professional nurse in the State of Maine is reinstated on a probationary status with conditions. The period of probation will be for a period of five years and will commence upon her return to nursing practice, either through employment, pursuant to an educational program, or while providing voluntary nursing services. For purposes of this Agreement, nursing employment is any employment during which Ms. Farrell-McMains performs nursing services as a registered professional nurse. Her probationary license will be subject to the following conditions:



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a. Lisa Farrell-McMains will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from health care providers who are aware of her substance abuse history.

b. Lisa Farrell-McMains will continue in her treatment program(s) to such an extent and for as long as her treatment provider(s) recommend and will arrange for and ensure the submission of quarterly reports to the Board until her probation is terminated. If her treatment is terminated during her probation, she shall notify the Board and provide written documentation.

c. Lisa Farrell-McMains shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. She shall inform the Board in writing within 15 days of any address change.

d. Lisa Farrell-McMains will notify the Board in writing within five business days after she obtains any nursing employment, volunteer nursing, and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Ms. Farrell-McMains's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.

e. Lisa Farrell-McMains will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.

f. Lisa Farrell-McMains will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice, which is to include clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.

g. Lisa Farrell-McMains understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year period until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Farrell-McMains has complied with the provisions of this Agreement.

h. Lisa Farrell-McMains's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health care, school nursing, work as a travel nurse or within a correctional system.

i. Lisa Farrell-McMains understands and agrees that the Board and Office of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which

the Board deems necessary to evaluate her compliance with the Agreement and her continued recovery. She shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board.

4. If Ms. Farrell-McMains violates the conditions of her probation, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's timely response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that the Licensee has failed to meet the conditions of probation, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
5. Lisa Farrell-McMains understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance free in accordance with the Consent Agreement, her license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, the information will be immediately forwarded to Ms. Farrell-McMains for a response. She understands and agrees that in such an event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or Office of the Attorney General earlier determine that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or Office of the Attorney General, Ms. Farrell-McMains's license will be immediately reinstated retroactive to the date of suspension.
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 Ms. Farrell-McMains's "home state" of licensure and primary state of residence, which means she has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Other party states in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Ms. Farrell-McMains understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the Compact. If she wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.

7. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
8. Lisa Farrell-McMains understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
9. Lisa Farrell-McMains affirms that she executes this Agreement of her own free will.
10. Modification of this Agreement must be in writing and signed by all parties.
11. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
12. This Agreement becomes effective upon the date of the last necessary signature below.

**I, LISA A. FARRELL-MCMAINS, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 10/17/09

  
LISA A. FARRELL-MCMAINS

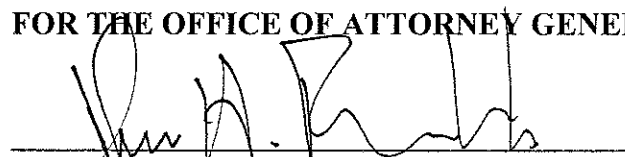
**FOR THE MAINE STATE BOARD OF NURSING**

DATED: Oct 21, 2009

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

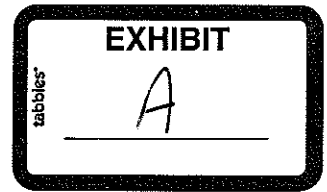
**FOR THE OFFICE OF ATTORNEY GENERAL**

DATED: 10/22/09

  
JOHN H. RICHARDS  
Assistant Attorney General



STATE OF MAINE  
 BOARD OF NURSING  
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 AUGUSTA, MAINE  
 04333-0158



JOHN ELIAS BALDACCI  
 GOVERNOR

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

**IN RE: LISA. A. MCMAINS** ) **CONSENT AGREEMENT**  
**of So. Portland, Maine** ) **FOR VOLUNTARY**  
**License # R038957** ) **SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement regarding Lisa. A. McMains' 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) (C) and 10 M.R.S.A. § 8003(5) (B). The parties to this Consent Agreement are Lisa. A. McMains ("Ms. McMains" or "Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of a Complaint or Provider Report dated October 24, 2006, with information from Maine Medical Center ("MMC") dated September 19, 2006, October 10, 2006 and November 21, 2006. In reaching this Agreement the Board also relied on information from Maine Medical Partners, through faxes, dated August 29, 2007 and September 25, 2007; and, information from VNA Home Health Care, through faxes, dated August 27, 2007 and August 31, 2007. The Board also reviewed and considered Ms. McMains' response to the information from MMC. The compilation of this information is incorporated within this Agreement and attached as Exhibit A.

**FACTS**

1. Lisa. A. McMains has been licensed as a registered professional nurse to practice in Maine since 1995.
2. On or about October 5, 2006, Ms. McMains was terminated as a registered professional from Maine Medical Center because issues surrounding her narcotic administration practices. Exhibit A.
3. On or about August 28, 2007, Ms. McMains was placed on suspension from her employer, VNA Home Health Care pending an investigation on allegations of drug diversion and alleged violations of professional boundaries. Exhibit A.
4. On September 27, 2007, the Board summarily suspended Ms. McMains' registered professional license based upon the information contained in Exhibit A, and concluded that pursuant to 5 M.R.S.A. § 10004 (3), Ms. McMains' behavior failed to conform to legal standards and accepted standards of the nursing profession, and such conduct was substantially related to the qualifications, functions or duties of a registered professional nurse, and that her conduct reflects adversely on the health and welfare of the public, such that, the licensee and the public she serves is in immediate jeopardy at the time of the Board's action, and



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Lisa. A. McMains

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acting in accordance with subchapter IV or VI of Title 5 of the Maine Revised Statutes Annotated would fail to respond to a known risk. A final hearing on this matter was to be scheduled for October 31, 2006.

5. Lisa. A. McMains has offered to voluntarily surrender her registered professional nurse license, License No. R038957, in lieu of an adjudicatory hearing before the Board.

### AGREEMENT

6. The Maine State Board of Nursing will voted to accept Lisa. A. McMains' offer to voluntarily surrender her registered professional nurse license, License No R038957.
7. Lisa. A. McMains neither admits nor denies the facts contained herein; however, she acknowledges and understands that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, that it is more likely than not that the facts would support the Board's findings in this Consent Agreement.
8. Lisa. A. McMains understands that based upon the above-stated facts this document imposes discipline regarding her license to practice professional nursing in the State of Maine. The grounds for discipline are for violations under 32 M.R.S.A. § 2105-A(2)(A), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(K), 3(P), 3(Q) and 3(U) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
  - a. "A. The practice of fraud or deceit in . . . connection with service rendered within the scope of the license issued." See also Chapter 4, Section 1.A.1.
  - b. "F. Unprofessional Conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed." See also Chapter 4, Section 1.A.6.
  - c. "H. A violation of this chapter or a rule adopted by the board." See also Chapter 4, Section 1.A.6.
  - d. Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, as "nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of

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**Lisa. A. McMains**

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the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:

“F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.”

“K. Inaccurate recording, falsifying or altering a patient or health care provider record.”

“P. Diverting drugs, supplies or property of patients or health care provider.”

“Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.”

“U. Engaging in behavior that exceeds professional boundaries . . .”

9. Lisa. A. McMains agrees and understands that her license will remain on surrender status and subject to the terms of this Consent Agreement indefinitely until and unless the Board, at Ms. McMains' written request, votes to reinstate Ms. McMains's license. Ms. McMains agrees and understands that if the Board reinstates her license, it will be for a probationary period.
10. Lisa. A. McMains understands that this document is a Consent Agreement that affects her rights to practice professional nursing in Maine and party states in the Nurse Licensure Compact. Ms. McMains understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering the Consent Agreement.
11. Lisa. A. McMains 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 herself out as a registered professional nurse or with the designation, R.N., including, in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. McMains is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
12. Modification of this Consent Agreement must be in writing and signed by all parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

**Consent Agreement for Voluntary Surrender of License**

**Lisa. A. McMains**

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14. Lisa. A. McMains affirms that she executes this Consent Agreement of her own free will.
15. This Consent Agreement becomes effective upon the date of the last necessary signature below.


**I, LISA A. MCMAINS, 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:** 10/19/07

  
\_\_\_\_\_  
**LISA A. MCMAINS**

**FOR THE MAINE STATE  
BOARD OF NURSING**

**DATED:** 11/5/07

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

**FOR THE OFFICE OF THE  
ATTORNEY GENERAL**

**DATED:** 11/6/07

  
\_\_\_\_\_  
**JOHN H. RICHARDS**  
**Assistant Attorney General**