



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

PAUL R. LEPAGE
 GOVERNOR

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

IN RE: MARY E. GIDEON)
 of Lewiston, ME) **CONSENT AGREEMENT TO**
 License No. RN28630) **SURRENDER LICENSE**
)
)
 Complaint No. 2012-163)

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Mary E. Gideon's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Mary E. Gideon ("Ms. Gideon"), the Maine State Board of Nursing ("the 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), 10 M.R.S. § 8003(5)(B), and 10 M.R.S. § 8003(5)(D) in order to resolve Complaint 2012-163.

FACTS

1. Ms. Gideon was first licensed to practice in Maine as an RN on August 26, 1985.
2. On May 22, 2006, the Board issued Ms. Gideon a letter of concern regarding the importance of effective communication and the consequences that can result when communication breaks down, particularly with the prescribing physician. The Board placed this letter of concern in Ms. Gideon's licensing file for a period of ten years.
3. On May 14, 2008, the Board issued Ms. Gideon a letter of concern regarding the importance of documentation and following an organization's policies regarding medication administration. The Board placed this letter of concern in Ms. Gideon's licensing file for a period of five years.
4. At all times relevant to this matter, Ms. Gideon was employed as an RN at Central Maine Medical Center ("CMMC") in Lewiston, Maine.
5. On July 26, 2012, CMMC performed a pharmaceutical audit covering the previous three months that revealed an unusually high incidence of multiple doses of narcotics to post surgical patients without appropriate documentation by Ms. Gideon.
6. On July 30, 2012, Ms. Gideon made notations in a patient's postoperative record indicating that a physician had telephoned an order for the patient to take two tablets of Percocet and that she had administered the Percocet to the patient, when, in fact, no order had been placed by the physician and Ms. Gideon diverted the Percocet for her own use.
7. On July 30, 2012, CMMC placed Ms. Gideon on administrative leave.



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8. On August 1, 2012, Ms. Gideon met with CMMC officials and admitted to diverting Percocet for her own personal use.
9. On August 1, 2012, Ms. Gideon resigned from her employment at CMMC.
10. On August 6, 2012, the Board received a Provider Report from CMMC notifying the Board that CMMC had taken disciplinary action against Ms. Gideon that led to her termination from CMMC. The report stated that Ms. Gideon was terminated for failing to follow established protocols for narcotics administration and medical documentation of administered medications to post surgical patients. The Board docketed the complaint as Complaint 2012-163 and sent it to Ms. Gideon for a response.
11. On September 5, 2012, the Board received a response from Ms. Gideon in which she admitted diverting Percocet from CMMC.
12. On September 19, 2012, Ms. Gideon appeared at an informal conference before the Board. As a result of that informal conference, the Board voted to offer Ms. Gideon a Consent Agreement that would require her to surrender her license.
13. Absent Ms. Gideon's acceptance of this Agreement by signing, dating, and returning it to Jayne Winters, Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158, on or before November 19, 2012, this matter will be brought back to the Board for further action.

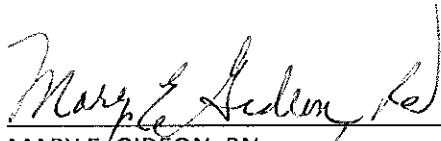
COVENANTS

14. Ms. Gideon admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her as follows:
 - a. Pursuant to 32 M.R.S. § 2105-A(2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Gideon performing services in a manner that endangers the health or safety of patients;
 - b. Pursuant to 32 M.R.S. § 2105-A(2)(F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed;
 - c. Pursuant to 32 M.R.S. § 2105-A(2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, § 3(K) by inaccurately recording, falsifying, or altering a patient or health care provider record; and
 - d. Pursuant to 32 M.R.S. § 2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, § 3(P) by diverting drugs, supplies, or property of a patient or health care provider.
15. As discipline for the conduct admitted in paragraph 14 above, Ms. Gideon agrees to **IMMEDIATELY SURRENDER** her Maine RN license indefinitely, effective on the date of the final execution of this Agreement. Ms. Gideon understands and agrees that as a result of

surrendering her license, she no longer has a license and is subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Gideon understands and agrees that, upon receiving a request from her to reinstate her Maine RN license, the Board shall have the sole discretion to grant or deny such a request or to grant her a license with probation and conditions as it determines appropriate to protect the public. Ms. Gideon further understands and agrees that any decision made by the Board regarding her request for reinstatement shall be considered a request to amend this Agreement, which the Board may in its sole discretion decline to do. Ms. Gideon understands and agrees that any decision by the Board regarding a request to amend this Agreement or to reinstate her license is not appealable to any court.

16. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("the Compact"), which is set out in Chapter 11 of the Rules of the Maine State Board of Nursing. The State of Maine is Ms. Gideon's "Home state" of licensure and primary state of residence, which means that she has declared the State of Maine as her fixed permanent and principal 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. Gideon understands this Agreement is subject to the Compact.
17. Ms. Gideon shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502(2) or in any position holding herself out as an registered professional nurse or with the designation "RN" while she does not hold a nursing license.
18. 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.
19. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
20. This Agreement represents a final, non-appealable, and binding agreement that cannot be amended orally. This Agreement may only be amended in writing and by the agreement of all parties hereto.
21. This Agreement is not subject to review or appeal by Ms. Gideon, but may be enforced by an action in the Superior Court by the Board.
22. Ms. Gideon 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 executed this Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.

Dated: 11/8/12



MARY E. GIDEON, RN

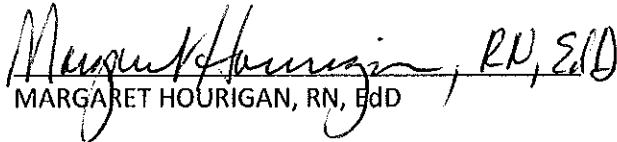
Dated: Nov. 3, 2012



JANET MICHAEL, RN, MS, JD
Attorney for Mary E. Gideon, RN

FOR THE MAINE STATE
BOARD OF NURSING

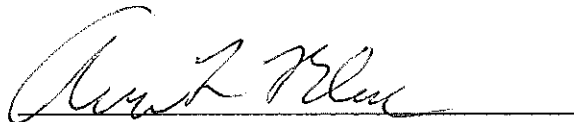
Dated: 11-9-12



MARGARET HOURIGAN, RN, EdD

FOR THE OFFICE OF THE
ATTORNEY GENERAL

Dated: 11/13/2012



ANDREW L. BLACK
Assistant Attorney General