



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: **JOAN A. GILES**)
 of Limington, Maine)
 License #R017662) **CONSENT AGREEMENT**
FOR VOLUNTARY
SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement regarding Joan A. Giles's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(B), (5)(D) and 32 M.R.S.A. § 2105-A(1-A)(C). The parties to this Consent Agreement are Joan A. Giles, Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on April 26, 2004. The parties reached this Agreement as a result of information submitted by Maine Veterans' Homes in a report dated October 1, 2003, a report from the Office of the Attorney General dated October 1, 2002, the response of the Licensee dated December 18, 2003 and information submitted by the Licensee's attorney Janet E. Michael in a letter with attachments dated April 2, 2004.

FACTS

1. Joan A. Giles has been a registered professional nurse for 31 years and licensed to practice in Maine since 1973.
2. Maine Veterans' Homes reported that Ms. Giles exercised unsafe nursing practice and poor nursing judgment in the following instances:
 - A. Four residents did not receive their scheduled test for blood sugars and did not receive their 4:00 PM insulin.
 - B. One resident who was complaining of "crushing chest pain" received nitroglycerine (NTG) every 15 minutes three times. The order required nitroglycerine (NTG) every five minutes three times. The nursing supervisor was not notified of the change in the resident's condition. The resident was later sent to the hospital emergency room. NTG tabs were found on the floor in the resident's room.
 - C. The protocol for wasting a Schedule II narcotic (Fentanyl patch) was not followed because she failed to properly document that the patch she had in her possession was taken from the C-Unit narcotic box for the 9:00 AM dose and she failed to document that the patch was destroyed.



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3. Joan A. Giles admits the following in response to the allegations of the Maine Veterans' Home:
 - A. Ms. Giles was approximately one hour late in preparing to check the blood glucose levels for four residents and to give the same four residents their insulin. When Ms. Giles was in the process of drawing up the insulin for the residents in question she was interrupted by a resident emergency. During the course of dealing with the resident emergency Ms. Giles spoke with the nursing supervisor who said that she would follow-up on giving the insulin and checking the blood glucose levels. [This never happened.]
 - B. Ms. Giles gave a resident who was complaining of "crushing chest pain" NTG every five minutes 3 times as ordered but later documented giving the NTG every 15 minutes 3 times. Ms. Giles called 911 to request an ambulance for this resident but failed to notify the nursing supervisor of the change in the resident's condition. Ms. Giles spilled the NTG tablets on the floor as a result of failing to cap the NTG tablet bottle and then backing into the bedside stand on which the NTG bottle was sitting.
 - C. Ms. Giles admits that she did not follow the appropriate policy for wasting and documenting the wasting of a Schedule II narcotic (Fentanyl patch). Ms. Giles should have had a second licensed nurse observe the wasting of the Fentanyl patch and co-sign all appropriate narcotics records.
4. Joan A. Giles further admits that she deviated from appropriate standards of nursing practice (as described in Paragraph No. 3) on August 2, 2003 when working at the Maine Veterans' Home and that she should not have gone to work on the day in question knowing that she was not feeling well. Joan A. Giles was involved in a motor vehicle accident on April 6, 2003. She was diagnosed with a closed head injury and suffers from post-concussion syndrome. She also claims to experience difficulties with cognitive function and memory loss. No one including the Board is able to determine whether Ms. Giles acts were the result of negligence, or incompetence, or occurred as a result of a medical condition which had arisen from injuries sustained in a motor vehicle accident.
5. After the incidents which occurred at the Maine Veterans' Home on August 2, 2003, Ms. Giles sought further medical care and as a result of discussions with her primary care physician, Ms. Giles concluded that she should not be practicing as a registered professional nurse. Therefore, Ms. Giles has not worked as a registered professional nurse since she was terminated from the Maine Veterans' Home even though she had a valid nursing license in Maine until April 2, 2004. Joan A. Giles admits that she is not currently safe to practice as a registered professional nurse or in any capacity in the nursing profession as a result of her current medical condition. Ms. Giles allowed her nursing license to lapse in April of 2004 and has offered to surrender her license as a registered professional nurse due to her inability to practice nursing at this time.

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AGREEMENT

6. The Maine State Board of Nursing will accept Joan A. Giles's voluntary surrender of her license and Ms. Giles agrees and understands that if her registered professional license is reinstated, her license will be for a probationary period set by the Board.
7. Joan A. Giles understands that this document imposes discipline regarding her license to practice registered professional nursing in the State of Maine under 32 M.R.S.A. § 2105-A(2)(C), (2)(H) and Chapter 4, sections 1(A)(3) of the Rules and Regulations of the Maine State Board of Nursing.
8. Joan A. Giles will have the opportunity to seek reinstatement of her license when she can demonstrate to the board that her medical condition is resolved sufficiently for her to have the ability or fitness to discharge her duties as a registered professional nurse. Ms. Giles understands and agrees that her license will not be reinstated until and unless the Board, upon Ms. Giles's written request, votes to reinstate Ms. Giles's license.
9. Joan A. Giles understands that this document affects her ability to practice registered professional nursing in the State of Maine. Ms. Giles also 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.
10. Joan A. Giles shall provide medical documentation which confirms a resolution of her post-concussion syndrome and her fitness to work as a registered professional nurse, shall authorize release to the Board of any related medical and other records and information needed by the Board to make a judgment regarding Ms. Giles' fitness to practice as a professional registered nurse, and shall authorize any such discussions and communications with any and all persons involved in her care as may be requested by the Board for the purpose of further evaluating Ms. Giles' fitness for reinstatement of her nursing license. The Board will hold all such information as confidential and will not disclose any such health care information to any outside party without Ms. Giles express written permission.
11. Joan A. Giles shall provide such information, shall authorize any release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care as may be requested by the Board for the purpose of evaluating Ms. Giles's potential reinstatement as a nurse.
12. Joan A. Giles shall not work or volunteer in any position holding herself out as a registered professional nurse or with the designation, R.N. while her nursing license is surrendered.

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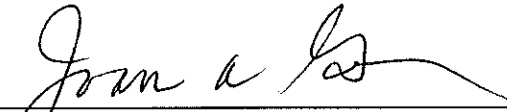
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13. Modification of this Consent Agreement must be in writing and signed by all parties.
14. Joan A. Giles affirms that she executes this Consent Agreement of her own free will.
15. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by action in the Superior Court.
16. This Consent Agreement becomes effective upon the date of the last necessary signature below.


**I, JOAN A. GILES 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: 10/17/04



JOAN A. GILES


DATED: 10/17/04



JANET E. MICHAEL, ESQ.
Attorney for Joan A. Giles

**FOR THE MAINE STATE
BOARD OF NURSING**

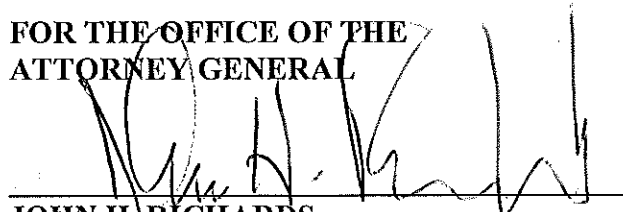
DATED: Oct 21, 2004



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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: Oct. 25, 2004



JOHN H. RICHARDS
Assistant Attorney General