



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: GWYNETH LYSAGHT, L.P.N.) **CONSENT AGREEMENT**
 of Augusta, Maine) **FOR VOLUNTARY SURRENDER**
 License #P009746) **OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Gwyneth Lysaght’s license to practice licensed practical nursing in the State of Maine. The parties to this Agreement are Gwyneth Lysaght (“Ms. Lysaght” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (C), 10 M.R.S.A. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S.A. § 8003 (5) (D). The Board met with Ms. Lysaght on October 7, 2009 in an informal conference and reached this Agreement on the basis of the following three Board Notices of Complaint/Provider Report: 1) Notice dated May 22, 2007 with information from MaineGeneral Medical Center (“MaineGeneral”) dated May 8, 2007; 2) Notice dated April 10, 2008 with information from Klearview Manor (“Klearview”) dated March 6 and April 7, 2008; 3) Notice dated January 20, 2009 with information from Country Manor Nursing Home (“Country Manor”) dated January 21, 2008; and 4) Ms. Lysaght’s response dated January 8, 2009.

FACTS

1. Gwyneth Lysaght has been a licensed practical nurse licensed to practice in Maine since December 1988.
2. Gwyneth Lysaght started employment at MaineGeneral as a licensed practical nurse on June 11, 2006. On February 16, 2007, she received a “Letter of Clarity” - a warning regarding her substandard performance in medication administration - which noted the following medication errors: 1) February 5, 2007 - Ms. Lysaght failed to administer twice daily doses of an antipsychotic to a resident, while documenting on the medication administration record (“MAR”) that the doses were given; 2) February 10 and 11, 2007 - Ms. Lysaght administered an incorrect dose of medication to a resident for the treatment of a blood dyscrasia; she administered 500mg rather than the 1000mg of medication ordered; 3) February 11, 2007 - Ms. Lysaght failed to administer a scheduled anxiolytic medication to a resident, although documented on the MAR that it had been administered; and 4) April 27, 2007 - Ms. Lysaght failed to administer timely medications to eight residents at or near their daily designated dosing schedules of 8:00AM, accounting for 31 different medications. In addition, she failed to maintain an acceptable and timely practice for administering BID or TID ordered doses of medications. It was noted that Ms. Lysaght missed doses of psychoactive, diabetic and cardiac medications which need to be given at the same time each day to maintain therapeutic levels.



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As a result of the number of medication errors noted on April 27, 2007 and the recurrent pattern of errors, Ms. Lysaght's employment at MaineGeneral was terminated on May 2, 2007.

3. Gwyneth Lysaght had been employed at Klearview since September 5, 2007; she was terminated from employment on March 6, 2008 for substandard nursing practice and failure to follow standards of nursing practice in the administration of medications. Ms. Lysaght worked at Klearview one night a week as Charge Nurse on the evening shift. She was counseled about her inadequate medication administration documentation, as well as her failure to review the medication sheets at the end of the medication pass and the end of her shift. On both February 23 and 24, 2008, she made medication errors involving residents who required the administration of an anticonvulsant. One error was the administration of a quarter of the required dose; the second error was omitting the administration of the anticonvulsant. There was no reported patient harm in these incidents.
4. Gwyneth Lysaght was also employed at Country Manor and stated that at times she worked back-to-back 12-hour shifts between Klearview and Country Manor. She was terminated from Country Manor on January 4, 2008 for her failure to monitor the accuracy of resident care plans and keeping the plans up-to-date.
5. Gwyneth Lysaght's practice of nursing fails to conform to legal and accepted standards of the nursing profession; such conduct is substantially related to the qualifications, functions or duties of a licensed practical nurse such that her conduct reflects adversely on the health and welfare of the public.

AGREEMENT

6. In lieu of a hearing before the Board, Gwyneth Lysaght offers to voluntarily surrender her licensed practical nurse license.
7. Gwyneth Lysaght understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice as a licensed practical nurse in the State of Maine. The grounds for discipline for violations are under 32 M.R.S.A. § 2105-A(2)(E)(1), (2)(F), (2)(H) and Chapter 4, sections 1(A)(5)(a), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(B), and 3(F) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. M.R.S.A. § 2105-A (2) (E) (1). Incompetence in the practice for which Ms. Lysaght is licensed by engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a patient and the general public. (See also Chapter 4, Section 1.A.5.a.)
 - b. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Lysaght engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)

- c. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)
 - d. Rule Chapter 4, Section 3. Unprofessional Conduct: *“Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*
 - 1) Chapter 4, Section 3(B). Ms. Lysaght assumed duties and responsibilities when competency had not been maintained.
 - 2) Chapter 4, Section 3(F). Ms. Lysaght failed to take appropriate action and follow policies and procedures in the practice situation designed to safeguard the patient.
8. Gwyneth Lysaght understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Lysaght understands and agrees that if the Board reinstates her license, it will be for a probationary period and will include educational requirements.
 9. 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. Lysaght’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 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. Lysaght understands this Agreement is subject to the Compact.
 10. Ms. Lysaght understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
 11. Gwyneth Lysaght 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 licensed practical nurse or with the designation “L.P.N.” while her nursing license is surrendered.
 12. 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.
 13. Modification of this Agreement must be in writing and signed by all parties.
 14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
 15. Gwyneth Lysaght affirms that she executes this Agreement of her own free will.

16. This Agreement becomes effective upon the date of the last necessary signature below.

**I, GWYNETH LYSAGHT, L.P.N., HAVE READ AND UNDERSTAND THE FORE-
GOING 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: 2-3-10



GWYNETH LYSAGHT, L.P.N.

**FOR THE MAINE STATE
BOARD OF NURSING**

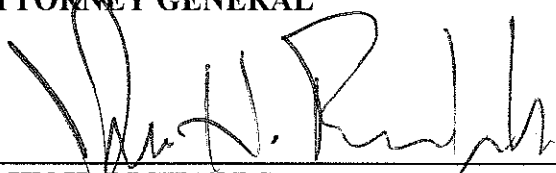
DATED: Feb 3, 2010



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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 2/4/10



JOHN H. RICHARDS
Assistant Attorney General