

MSBON



MAINE STATE BOARD OF NURSING
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In re:)
Karen M. Manson) **DECISION AND ORDER**
of Norway, Maine)
License #R024591)

INTRODUCTION

The Maine State Board of Nursing (henceforth "the Board") held an adjudicatory hearing on May 5, 1995. The Respondent, Karen M. Manson (henceforth "Ms. Manson"), was notified of the hearing by letter dated April 19, 1995 (henceforth "the Notice"). The hearing was held at the offices of the Maine State Board of Nursing in Augusta, Maine.

Members of the Board who participated in the hearing and deliberations were: Marie D. Fisher, R.N.C., M.S., Chair; Betty B. Clark, R.N., M.Ed.; Timothy M. McBrady, L.P.N.; Richard L. Sheehan, R.N., M.S.; and Karen L. Tripp.

Shari B. Broder, an attorney and alternative dispute resolution professional, acted as Presiding Officer at the hearing. Jean C. Caron, R.N., M.S., Executive Director for the Board, was not present, but was represented by Assistant Attorney General Timothy W. Collier. Ms. Manson was present.

ISSUES PRESENTED

Whether grounds exist for the Board to take disciplinary action against Karen M. Manson's license to practice professional nursing; specifically, whether Ms. Manson violated 32 M.R.S.A. Section 2105-A(2)(B), (2)(E), and (2)(F) by engaging in habitual substance abuse that has resulted or may result in performing services in a manner that endangers the health or safety of patients; engaging in unprofessional conduct; and incompetency in the practice of nursing.

FINDINGS OF FACT

Karen Manson is a registered nurse who was employed at Stephens Memorial Hospital (the "Hospital") in Norway, Maine from January 27, 1992 until June 22, 1994. Ms. Manson previously had problems with substance abuse, and admitted to diverting medications. Pursuant to the terms of a consent agreement, she was given a probationary license to practice nursing. State Exhibits 8 & 9. The agreement required her to remain substance free and to comply with other conditions. There was no allegation or evidence of any violation of this agreement.

At approximately 5:30 p.m. on June 8, 1994, a pharmacy technician, Sally Cram, delivered a narcotics order to the medical/surgical unit where Ms. Manson worked. The delivery contained, among other things, 60 units of morphine 10 mg. tubex packaged in six boxes of 10 tubex each. Ms. Cram read the medications being delivered off a narcotics requisition form (State Exhibit 3), and Ms. Manson entered these amounts on a narcotic drugs 24 hour inventory form. State Exhibit 4. Although the employer's policy was to count the medications upon delivery, Ms. Manson signed them in without physically counting them. By writing over the numbers on the narcotics requisition form, Ms. Manson noted that 50 tubex of 10 mg. morphine were sent, and not 60. She did the same with the 50 oxycodone with Acetaminophen. State Exhibit 3. Ms. Manson also wrote over the figures on the 24 hour narcotics inventory to change the amount of 10 mg. morphine delivered from 60 tubex to 50. In failing to follow procedures and writing over numbers, Ms. Manson made serious errors in documenting the narcotics inventory.

Ms. Cram left work shortly thereafter, and deposited the requisition form in the pharmacy bin. At 6:00 p.m., the pharmacist, Richard Fessenden, checked the form. He told Ms. Manson that he had sent the medical/surgical unit 60 tubex of 10 mg. morphine, and asked her why the sheet only reflected 50. They counted the tubex together, and found only 50. Mr. Fessenden then corrected the requisition form by writing over the figures with the amounts he sent. State Exhibit 3. The 10 missing tubex of morphine were never recovered.

When Margaret Hourigan, R.N., the senior vice president for the Hospital, learned of the discrepancy, she conducted an investigation. Ms. Manson vehemently denied taking the morphine tubex, and alluded to her belief that her co-workers set her up. Ms. Hourigan doubted this, and because she was reasonably certain that Ms. Manson was responsible for the missing narcotics, she dismissed Ms. Manson from employment on June 22, 1994.

CONCLUSIONS

The Board has the statutory authority, pursuant to 32 M.R.S.A. Section 2105-A, to investigate complaints regarding noncompliance with or violations of Maine statutes and rules regulating the practice of nursing. Pursuant to this statute, if the Board finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further actions, it may take appropriate disciplinary action.

The Board unanimously concludes that Ms. Manson violated 32 M.R.S.A. Section 2105-A(2)(F) and Chapter 4, Section 3(K) by violating standards of professional behavior when she made serious errors in documenting the narcotics inventory. Ms. Manson's unprofessional conduct contributed to or made it possible for 10 tubex of 10 mg. morphine to be diverted.

The Board further unanimously concludes that Ms. Manson violated 32 M.R.S.A. Section 2105-A(2)(E) in that her serious documentation errors in narcotics recordkeeping constitute incompetency in the practice of professional nursing.

ORDER

For Karen M. Manson's violations of the Maine Statutes and Rules and Regulations governing the practice of nursing set forth above, the Board unanimously takes the following actions:

1. Ms. Manson is hereby reprimanded.
2. Ms. Manson is hereby placed on probation for a period of one year from the date on which she obtains employment in health care. During her probation, Ms. Manson shall;
 - a. Provide the Board with a written report from an addictionologist regarding her status with respect to substance abuse, and follow the addictionologist's written recommendations;
 - b. If continued treatment is recommended, arrange to have quarterly reports submitted to the Board from her treatment provider. Ms. Manson waives any claims of confidentiality and privilege which she may have with respect to these reports.
 - c. Inform her nurse employer of her probationary status, and arrange to have quarterly reports submitted to the Board from her employer regarding both her competence and sobriety. Ms. Manson waives any claims of confidentiality and privilege which she may have with respect to these reports.
 - d. Not participate in the administration of narcotics.
3. Ms. Manson shall remain substance-free.

The allegation that Ms. Manson violated 32 M.R.S.A. Section 2195-A(2)(B) by engaging in habitual substance abuse is hereby dismissed.

**FOR THE MAINE STATE BOARD OF
NURSING:**

DATED: JUNE 16, 1995


MARIE D. FISHER, R.N.C., M.S., CHAIR