



Paul R. LePage
GOVERNOR

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

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

IN RE: DEBORAH C. MCGINLEY, RN
of Lyman, ME
License No. RN38118

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CONSENT AGREEMENT
FOR
WARNING & FINE

Complaint 2014-26

INTRODUCTION

Pursuant to Title 32, Chapter 31, the Maine State Legislature endowed the Board with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. §8008, the Legislature provided that the sole purpose of the Board is to "protect the public health and welfare" and that "other goals or objectives may not supersede this purpose."

This document is a Consent Agreement ("Agreement") regarding Deborah C. McGinley's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Deborah C. McGinley ("Licensee" or "Ms. McGinley"), the Maine State Board of Nursing ("the Board"), and the Office of the Attorney General, State of Maine. A subcommittee of the Board met with the Licensee in an informal conference on February 7, 2014. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A)(A), 10 M.R.S. §§8003 (5)(A-1)(1), 8003 (5)(A-1)(3) and 8003 (5)(B) in order to resolve Complaint 2014-26.

FACTS

1. Licensee was first licensed to practice as an RN in Maine on October 21, 1994; said license lapsed on January 31, 2012.
2. Licensee continued to provide nursing services for the National Health Insurance Company after the lapse. Licensee had been working for this employer since 2011.
3. On January 30, 2014, the Board received Licensee's 2014-2016 RN Renewal Application in which she stated that when she attempted to renew on-line, her license status was listed as "failed to renew." In her letter of explanation, she stated that she believed her previous on-line renewal transaction for her 2012-2014 renewal had been successfully processed, but she does not have documentation to confirm this.
4. Licensee sought reinstatement of her license and submitted the requested filings.
5. On January 31, 2014, the Board initiated a complaint against the Licensee for continuing to work as a nurse without a license.
6. On February 7, 2014, the subcommittee of the Board held an informal conference with the Licensee regarding Complaint 2014-26. Following the informal conference, the Board voted to offer Licensee a consent agreement.
7. Absent Licensee's acceptance of this Agreement by signing, dating and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 on or before February 7, 2014, the Board will take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, findings beyond those contained above and also impose greater adverse action including fines, suspension or probation of Licensee's license.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>


PHONE: (207) 287-1133

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AGREEMENT

8. Licensee admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license under the following laws and regulations:
32 M.R.S. §2105-A(2)(H) for violation of a rule adopted by the Board; and
Board Rules Chapter 4, §2(A)(3) for practicing as an RN while no longer being licensed to do so.
9. As discipline for the violations admitted to in paragraph 8 above, Licensee agrees that she will receive a **WARNING** and a **FINE** of **\$500.00** related to the above-stated conduct.
10. Licensee's license will not be reinstated until this Agreement is fully executed and the required fine is paid to the Board.
11. Licensee waives her right to an adjudicatory hearing before the Board or any court regarding all facts, terms and conditions of this Agreement. Licensee agrees that this Agreement is a final order resolving Complaint 2014-26.
12. The Board and the Attorney General may communicate and cooperate regarding Licensee's practice or any other matter relating to this Agreement.
13. 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-A.
14. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB).
15. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
16. For the purposes of this Agreement, the term "execution" means that date on which the final signature is affixed to this Agreement. Licensee acknowledges by her signature hereto that she has read this Agreement, that she has executed this Agreement of her own free will, and that she agrees to abide by all the terms and conditions set forth in this Agreement.


DATED: 2-07-14



LICENSEE DEBORAH C. MCGINLEY, RN

FOR THE MAINE STATE BOARD OF NURSING

DATED: 2/7/14



MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 2/7/14



RONALD O. GUAY, Assistant Attorney General