



PAUL H. 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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSES
R024004 & P006408 ISSUED TO:

ANDREW L. PRATT

To practice registered professional and
licensed practical nursing in the State of
Maine

)
)
) **ORDER TERMINATING**
) **PROBATION**
)

WHEREAS, on **July 21, 2009**, Licenses #R024004 and #P006408, issued to **Andrew L. Pratt** were placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

WHEREAS, on **April 20, 2011**, the Board of Nursing duly considered all evidence presented to it concerning **Andrew L. Pratt's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Andrew L. Pratt** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **July 21, 2009** is hereby terminated.

DATED this **20th day of April, 2011**.

MAINE STATE BOARD OF NURSING

BY: *Myra Broadway*
Myra A. Broadway, J.D., M.S., R.N.
Executive Director



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JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: ANDREW L. PRATT) **CONSENT AGREEMENT**
 of Augusta, ME) **FOR**
 Licenses #R024004 & #P006408) **PROBATION**

INTRODUCTION

This document is a Consent Agreement regarding Andrew L. Pratt's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. §§ 2105-A (1-A) (B), 10 M.R.S.A. §§ 8003(5) (A-1) (4) and 8003(5) (B). The parties to this Consent Agreement are Andrew L. Pratt ("Mr. Pratt" or "Applicant"), Maine State Board of Nursing ("Nursing Board") and the Office of the Attorney General, State of Maine. The Board met with Mr. Pratt on July 21, 2009.

FACTS

1. Andrew L. Pratt has been a registered professional nurse licensed to practice in Maine since August 1980. Mr. Pratt was also licensed as a licensed practical nurse from November 20, 1979 to November 3, 2004; this license is currently inactive.

Applicant's Disciplinary History:

2. On March 10, 2004, the Nursing Board denied Mr. Pratt's application for the renewal of his registered professional nurse license, pursuant to 10 M.R.S.A. § 8003(5)(C)(3), because of his failure to comply with a Consent Agreement dated April 11, 2002, with the Board of Funeral Service ("Funeral Board"). Mr. Pratt appealed the Board's denial, met with the Nursing Board on June 30, 2004, and entered into a Consent Agreement for a Warning and Voluntary Surrender of his registered professional nurse and licensed practical nurse licenses [Exhibit A].

The Warning was the result of the following two provider reports: 1) On March 16, 2003, Mr. Pratt was found sleeping on duty while working on the Adult Psychiatric Unit at St. Mary's Regional Medical Center; he was the only RN on the unit at that time; and 2) On August 24, 2003, Mr. Pratt was employed by Diversified Staffing Group as an agency nurse. He was assigned to Redington Fairview General Hospital to work the night shift in SCU. While on that shift, he was found sleeping on duty.

As a result of his non-compliance with the April 2002 Funeral Board Consent Agreement to make restitution for embezzlement of funds from client's mortuary trust funds, Mr. Pratt also agreed to voluntarily surrender his nursing licenses.

3. On October 7, 2004, Mr. Pratt met with the Nursing Board regarding his resolution of the compliance issues with the Funeral Board's April 2002 Consent Agreement. The



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PHONE: (207) 287-1133

FAX: (207) 287-1149

Nursing Board offered Mr. Pratt a Consent Agreement to reinstate his registered professional nurse (and licensed practical nurse) license on probationary status with conditions. Mr. Pratt accepted the Consent Agreement, which became effective on November 3, 2004 [Exhibit B].

4. On May 5, 2005, the Nursing Board voted to revoke, effective May 23, 2005, Mr. Pratt's registered professional nurse license for non-compliance pursuant to Covenant #3 of an Amended Consent Agreement, dated October 7, 2004, with the Funeral Board for failure to pay restitution of embezzled mortuary trust funds. The May 5, 2005 letter revoking Mr. Pratt's nursing license and the October 7, 2004 Amended Consent Agreement are attached hereto and marked respectively as Exhibits C and D.
5. On June 7, 2006, Mr. Pratt was convicted in the Kennebec Superior Court, Docket No. CR-04-733, on two criminal charges: Count 1: Theft by Unauthorized Taking, 17-A M.R.S.A. § 352, Class B, felony. He received a sentence of five years imprisonment, all suspended but one year to serve and four years of probation. As a condition of this probation, Mr. Pratt was ordered to pay restitution in the amount of One Hundred Forty-Four Thousand, Four Hundred Ninety-One dollars (\$144,491.00); and Count 2: Theft by Deception, 17-A M.R.S.A. § 354, Class B felony. He received a sentence of five years imprisonment, all suspended but one year to serve and four years of probation, to be served concurrently with Count 1. The Judgment and Commitment for Counts 1 and 2 and the Conditions of Probation are incorporated herein, attached hereto and marked as Exhibit E.
6. On April 18, 2008, Mr. Pratt applied for relicensure as a registered professional nurse after compliance was established with the October 7, 2004 Amended Consent Agreement with the Funeral Board. Mr. Pratt submitted the appropriate fees, application and documents to the Board of Nursing and was granted permission to register for the NCLEX-RN Examination by the Executive Director of the Board, Myra Broadway, RN, MS, JD. Mr. Pratt successfully completed and passed the examination on February 2, 2009.
7. On June 10, 2009, a Motion to Revoke Mr. Pratt's probation in the matter of State v. Pratt, Docket No. CR-04-733, for alleged failure to pay restitution was withdrawn by the Attorney General. On June 10, 2009, a Consent Order was issued by the Kennebec County Superior Court that established a specific payment plan for repayment of the remaining restitution Pratt owed. The Motion for Probation Revocation, dated January 23, 2009, the withdrawal of the Motion, and the Superior Court Consent Order are attached hereto and marked as Exhibit F.
8. Andrew L. Pratt currently has no pending matters of discipline before the Board of Nursing.
9. Andrew L. Pratt is currently in good standing on his criminal probation.

AGREEMENT

10. Andrew L. Pratt's license to practice registered professional nursing in the State of Maine will be placed on probationary status with conditions. The period of probation will be for a period commensurate with his term of criminal probation in the matter of State v. Pratt, Docket No. CR-04-733. Mr. Pratt's probationary license will be subject to the following conditions:
 - a. Andrew L. Pratt agrees to comply with the terms of the Consent Order issued in the matter of State v. Pratt, Kennebec County Superior Court Docket # CR-04-733, and all terms of his probation in that matter. Upon successful completion of Mr. Pratt's probation and obligations in the Consent Order, the parties agree that this Agreement will no longer remain in effect.
 - b. Andrew L. Pratt shall fully cooperate with the representatives of the Board in its monitoring and investigation of his compliance with probation. He shall inform the Board in writing within 15 days of any address change.
11. If Mr. Pratt violates the conditions of his probation, the Board will give written notice to the Licensee regarding his failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's timely response to determine what action, if any, the Board determines to take. If the Licensee fails to timely respond to the Board's notification regarding his failure to comply, his license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and a hearing, the Board finds that Mr. Pratt has failed to meet the conditions of probation, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
12. 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 Mr. Pratt's "home state" of licensure and primary state of residence, which means he has declared the State of Maine as his fixed permanent and principle home for legal purposes; his 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. Mr. Pratt understands this document is an Agreement subject to the Compact. He agrees that during the pendency of this Agreement, his nursing practice may be limited to the State of Maine as it pertains to the Compact. If Mr. Pratt wishes to practice in any other party state within the Compact, he shall arrange to have the party state in which he intends to practice provide the Board with written authorization that he has been approved to practice in that state.

13. 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.
14. Andrew L. Pratt understands that he does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
15. Andrew L. Pratt affirms that he executes this Consent Agreement of his own free will.
16. Modification of this Consent Agreement must be in writing and signed by all parties.
17. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
18. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, ANDREW L. PRATT, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 7/21/09



ANDREW L. PRATT

DATED: 7/21/09



ROGER KATZ, ESQ.
Attorney for Andrew L. Pratt

FOR THE MAINE STATE BOARD OF NURSING

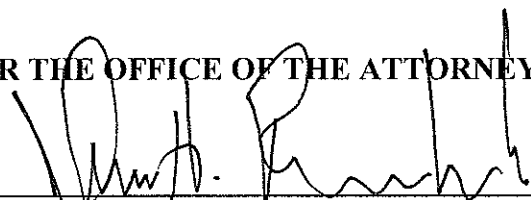
DATED: July 21, 2009



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 7/21/09



JOHN H. RICHARDS
Assistant Attorney General