



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: ELLEN R. TICE)
 of Otis, ME)
 License #P012447)

CONSENT AGREEMENT
 FOR VOLUNTARY SURRENDER
 OF LICENSE

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Ellen R. Tice’s license to practice licensed practical nursing in the 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. Tice on June 3, 2009 regarding the terms and conditions of her July 2008 Consent Agreement with the Board. The parties to this Agreement are Ellen R. Tice (“Ms. Tice” or “Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine.

FACTS

1. Ellen R. Tice has been a licensed practical nurse licensed to practice in Maine since January 2006; her license lapsed April 27, 2009.
2. The Board and Ms. Tice entered into a Consent Agreement [Exhibit A] on July 24, 2008, based on information submitted by Narraguagus Bay Health Care Facility located in Milbridge, Maine.
3. Under the July 24, 2008 Consent Agreement, Ms. Tice agreed and understood that based upon the stated facts, her conduct constituted grounds for discipline under Title 32 M.R.S.A. § 2105-A (F), (2) (H) and Chapter 4.1.A.6. and 1.A.8., Chapter 4.3.F. and 4.3.K. The Board disciplined Ms. Tice with a formal **REPRIMAND** because she failed to follow policies and procedures in the practice situation of medical treatment and documentation designed to safeguard the safety of the patient, and placed her license on a one-year probationary status with conditions. The period of probation was to be effective only while she is employed in nursing practice or enrolled in a nursing education program. Nursing employment was defined as any employment during which Ms. Tice performed nursing services. Ms. Tice’s probationary license was subject to the following conditions:
 - a. *Within the one (1) year probationary period, Ms. Tice shall successfully complete an approved course on medication administration and nursing documentation, which must be approved by the Executive Director of the Board.*
 - b. *Ellen R. Tice will immediately notify the Board in writing of her current employer or educational program in the field of nursing. She will immediately notify the*



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Board in writing should she change employment or enter into an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program. Ms. Tice will also immediately notify the Board in writing of any subsequent change in employment or educational programs.

- c. Ellen R. Tice will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.*
- d. Ellen R. Tice will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.*

- 4. Ellen R. Tice has failed to comply with the conditions of her July 24, 2008 Consent Agreement as stated above and enumerated in this Consent Agreement as Paragraphs 3.a., 3.b., 3.c. and 3.d.
- 5. Ellen R. Tice wishes to resolve this matter by voluntarily surrendering her practical nurse license and accepting this Agreement, thereby waiving her rights to an adjudicatory hearing.

AGREEMENT

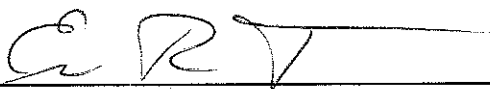
- 6. The Maine State Board of Nursing will accept Ellen R. Tice's offer to voluntarily surrender her licensed practical nurse license. Ms. Tice understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not the facts would support the Board's findings in this Agreement.
- 7. Ellen R. Tice understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her license to practice practical nursing in the State of Maine. The grounds for discipline are Ms. Tice's failure to comply with the terms and conditions of her July 24, 2008 Consent Agreement.
- 8. Ellen R. Tice 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 Ms. Tice's written request, votes to reinstate her license. Ms. Tice agrees and understands that if the Board reinstates her license, it will be for a probationary period.
- 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. Tice'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. Tice understands that this document is a Consent Agreement that is subject to the Compact.

10. Ms. Tice understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Ellen R. Tice 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.," including in a veterinarian's office, while her nursing license is surrendered. In addition, Ms. Tice is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
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. Ellen R. Tice 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, ELLEN R. TICE, 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: AUG 18, 2009



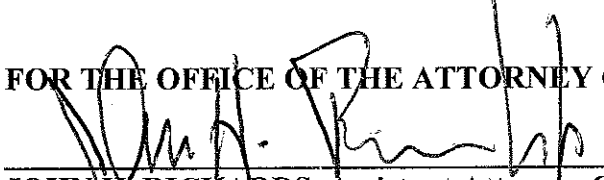
ELLEN R. TICE

DATED: 8/24/09

FOR THE MAINE STATE BOARD OF NURSING


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

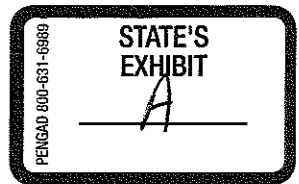
DATED: 8/29/09

FOR THE OFFICE OF THE ATTORNEY GENERAL


JOHN H. RICHARDS, Assistant Attorney General



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: ELLEN R. TICE, L.P.N.) **CONSENT AGREEMENT**
 of Indianapolis, Indiana) **FOR REPRIMAND AND**
 License #P012447) **PROBATION**

INTRODUCTION

This document is a Consent Agreement regarding Ellen R. Tice's license to practice licensed practical nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003 (5) (B). The parties to this Consent Agreement are Ellen R. Tice ("Licensee" or "Ms. Tice"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on November 20, 2007. The parties reached this Agreement on the basis of information submitted by Narraguagus Bay Health Care Facility located in Milbridge, Maine, ("Narraguagus Bay"), which is attached to a Notice of Complaint or Provider Report dated July 3, 2007. The attached information submitted by the Narraguagus Bay is contained in correspondence dated May 22, 2007 and June 4, 2007.

FACTS

1. Ellen R. Tice has been a licensed practical nurse licensed to practice in Maine since 2006.
2. Ellen R. Tice's employment was terminated from Narraguagus Bay on May 14, 2007 for inadequate and incorrect documentation and poor professional judgment. Narraguagus Bay reported the following adverse actions:
 - a. On May 14, 2007, Ms. Tice administered three units of insulin to a resident prior to Electroconvulsive Therapy ("ECT"). Ms. Tice neglected to follow the instructions written for the resident that specified that the resident's insulin prior to the ECT for that day should be withheld until after the ECT was administered. Ms. Tice proceeded to send the resident to the ECT appointment. The resident became unresponsive at the ECT appointment, which caused the resident to be hospitalized for two days to stabilize this hypoglycemic episode.
 - b. A resident had received an order for Morphine Sulfate, 1-10 mg prn for pain the morning of May 13, 2007. Ms. Tice worked the evening shift on May 13, 2007. The resident had not been administered any dose of the Morphine Sulfate since it was ordered that morning. During Ms. Tice's evening shift, she administered the maximum dose of 10 mg to the resident. Ms. Tice did not provide any documentation in the nurse's note, Kardex or treatment sheet regarding the reason for administering the 10 mg of Morphine Sulfate or the effectiveness of the medication.



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

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- c. On May 14, 2007, a resident complained of or exhibited backache, insomnia and anxiety. Ms. Tice administered two tabs of Vicodin 5/500 to the resident at 0130 and 5 mgm of Ambien and 1 mgm of Lorazepam at 0150. Ms. Tice did not provide any supportive documentation in the nurse's notes or Kardex regarding the administration of these medications, their effectiveness or any side effects. At 0430 on May 14, 2007, the resident became disoriented and fell. The incident report from Ms. Tice cites, "Resident out-of-bed to bathroom, urinated on the bathroom floor, slipped and fell." Ms. Tice failed to follow Narraguagus Bay's policy by not providing any nursing note documentation regarding the resident's condition or whether the resident was injured.
- d. On May 18, 2007, Ms. Tice failed to provide adequate documentation regarding a resident who fell and sustained injuries. Ms. Tice's nursing notes on May 18, 2007 at 0330 regarding the resident's fall merely stated that the resident was incoherent. Ms. Tice checked the resident's blood sugar, which was recorded as 34 at the time of the fall. Ms. Tice administered 1 mgm IM of Glucagon. The resident was transported by EMS to the hospital. Ms. Tice failed to document on the Treatment Administration Record ("TAR") the time that the Glucagon was administered to the resident.
- e. Prior to the occurrence of each of the above-described resident incidents, Ms. Tice had received an orientation of Narraguagus Bay's standards, policies, and procedures; therefore, she failed to follow Narraguagus Bay's policies and procedures in providing adequate nursing services to residents in these incidents.

AGREEMENT

3. Ellen R. Tice agrees and understands that based upon the above-stated facts her conduct constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A (F), (2) (H) and Chapter 4.1.A.6. and 1.A.8., Chapter 4.3.F. and 4.3.K. Ellen R. Tice is hereby formally **REPRIMANDED** because she failed to follow policies and procedures in the practice situation of nursing treatment and documentation designed to safeguard the safety of the patient.
4. Ellen R. Tice neither admits nor denies the facts contained herein; however, she acknowledges and understands that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not the facts would support the Board's findings in this Consent Agreement.
5. Ellen R. Tice's license to practice practical nursing in the State of Maine is placed on a probationary status with conditions. The period of probation will be for a period of one (1) year. Within the one (1) year probationary period, Ms. Tice shall successfully complete an approved course on medication administration and nursing documentation, which must be approved by the Executive Director of the Board. The period of probation is effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Ms. Tice performs nursing services. Ms. Tice's probationary license will be subject to the following conditions:

- a. Ellen R. Tice will immediately notify the Board in writing of her current employer or educational program in the field of nursing. She will immediately notify the Board in writing should she change employment or enter into an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program. Ms. Tice will also immediately notify the Board in writing of any subsequent change in employment or educational programs.
 - b. Ellen R. Tice will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - c. Ellen R. Tice will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her nursing practice.
6. 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 Ellen R. Tice's "home state" of licensure and primary state of residence, which means that Ms. Tice has declared the State of Maine as her fixed permanent and principle home for legal purposes; her domicile. Ms. Tice agrees that during the pendency of this Consent Agreement her nursing practice may be limited to the State of Maine. If Ms. Tice requests to practice in any "remote state," which means a party state, other than the home state that has adopted the Compact, she shall petition this Board to obtain written authorization to practice in the remote party state. In addition, Ms. Tice will arrange to have the remote party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that remote party state.
7. Ellen R. Tice agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement until and unless the Board, at Ms. Tice's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Tice has complied with the provisions of this Consent Agreement.
8. Ellen R. Tice understands that this document is a Consent Agreement that may affect her rights to practice nursing in the State of Maine or any party state in the Compact. Ms. Tice understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
9. If Ms. Tice fails to meet any of the obligations of this Consent Agreement, 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.
10. Ellen R. Tice affirms that she executes this Consent Agreement of her own free will.

11. Modification of this Consent Agreement must be in writing and signed by all the parties.
12. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
13. This Consent Agreement becomes effective upon the date of the last necessary signature below.

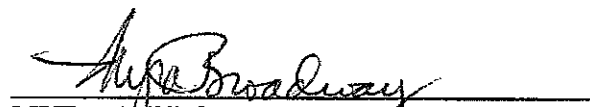
I, ELLEN R. TICE, L.P.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 7/18/2008


ELLEN R. TICE, L.P.N.

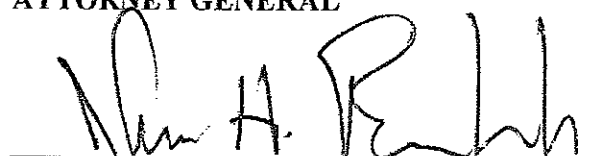
FOR THE MAINE STATE
BOARD OF NURSING

DATED: 7/21/08


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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 7/24/08


JOHN H. RICHARDS
Assistant Attorney General