



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

PAUL R. LePAGE
 GOVERNOR

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

IN RE: JAMES S. WILLIS, R.N.)
 of Troy, ME)
 License No. R035845)

**CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding James S. Willis’s license as a registered professional nurse in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (B) and 10 M.R.S. § 8003(5) (B). The parties to this Agreement are James S. Willis (“Licensee” or “Mr. Willis”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on August 18, 2010 and continued on January 7, 2011. The parties reached this Agreement on the basis of a Board Complaint dated March 15, 2010, with an attached Provider Report from Eastern Maine Medical Center (“EMMC”) dated March 12, 2010.

FACTS

1. James S. Willis has been a registered professional nurse licensed to practice in Maine since December 1992.
2. James S. Willis was suspended from EMMC on March 9, 2010 pending an internal investigation regarding an allegation that he engaged in aggressive and unprofessional behavior toward a patient in the EMMC Emergency Department. Mr. Willis resigned his position as a registered professional nurse at EMMC on March 10, 2010.
3. On February 26, 2010, an intoxicated 20-year-old individual was admitted to the EMMC Emergency Department. The patient was described as rude and disrespectful. Mr. Willis’s interactions with this patient appeared to escalate the patient’s behavior, which Mr. Willis either failed to recognize or, if he did, failed to take steps to calm the patient or take measures that could have de-escalated the situation. Mr. Willis’s interaction with this patient failed to conform to accepted standards of the nursing profession and such conduct is substantially related to the qualifications, functions or duties of a registered professional nurse.
4. James S. Willis wishes to resolve this matter by accepting this Agreement and thereby waives his right to an adjudicatory hearing.

AGREEMENT WITH CONDITIONS OF PROBATION

5. James S. Willis agrees and understands that based upon the above-stated facts, this document imposes discipline regarding his registered professional nursing license. The grounds for discipline are under 32 M.R.S. § 2105-A (2) (F), (2) (H) and Chapter, 4(1) (A) (6), 4(1) (A) (8) and Chapter 4(3) (F) of the Rules and Regulations of the Maine State Board of Nursing. Specifically the violations are:
 - a. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Mr. Willis engaged in unprofessional conduct because he violated a standard of professional behavior by failing to conform to legal standards and accepted standards of the nursing profession that have been established in the practice for which he is licensed. (See also Rule Chapter 4, Section 1.A.6.)
 - b. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)



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- c. 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(F). Mr. Willis failed to follow policies and procedures designed to safeguard a patient at Eastern Maine Medical Center.
6. James S. Willis's license as a registered professional nurse in the State of Maine is placed on a probationary status with conditions. The period of probation will commence upon Mr. Willis's return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program. The period of probation will be for a period of three (3) years, to be effective only while he is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. Willis performs nursing services. His probationary license will be subject to the following conditions:
 - a. James S. Willis shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of his compliance with probation. Mr. Willis shall inform the Board in writing within 15 days of any address change.
 - b. James S. Willis will notify the Board in writing within five business days after he obtains any nursing employment and/or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational program. If during the period of probation, Mr. Willis's employment as a nurse or his educational program in the field of nursing terminates, he shall notify the Board in writing within five business days after he is terminated or separated, regardless of cause, with a full explanation of the circumstances.
 - c. James S. Willis must successfully complete educational courses in anger management skills and communication techniques, pre-approved by the Board's Executive Director, within one year from the effective date of this Agreement, and provide the Board with documentation regarding successful completion of these courses.
 - d. James S. Willis will notify any and all of his nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
 - e. James S. Willis will arrange for and ensure the submission to the Board of quarterly reports from his nursing employer and/or clinical faculty regarding his general nursing practice, in particular, communication skills and professional behavior with peers and patients.
 - f. James S. Willis understands and agrees that his license will remain on probationary status and subject to the terms of this Agreement beyond the three-year probationary period until and unless the Board, at Mr. Willis's written request, votes to terminate his probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Willis has complied with the provisions of this Agreement.
7. If after notice and a hearing, the Board finds that the Licensee 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. § 8003 and Title 32 M.R.S. § 2105-A.
8. 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. Willis'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. Willis understands and agrees that this Agreement is applicable to his multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Mr. Willis's license is subject to this Agreement, he may not work outside the State of Maine pursuant to a multi-state licensure privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which he wishes to work.

9. 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.
10. James S. Willis understands that he does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
11. James S. Willis affirms that he executes this Agreement of his own free will.
12. Modification of this Agreement must in writing and signed by all the parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Agreement becomes effective upon the date of the last necessary signature below.

I, JAMES S. WILLIS, R.N., 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: 01/20/11



JAMES S. WILLIS, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

DATED: March 7, 2011



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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: 3/9/11



JOHN H. RICHARDS
Assistant Attorney General