



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: **RICHARD A. WINE**)
 of Waterville, Maine)
 License #R052110) **CONSENT AGREEMENT FOR**
LICENSE REINSTATEMENT &
PROBATION WITH CONDITIONS

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Richard A. Wine’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Richard A. Wine (“Licensee” or “Mr. Wine”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with Mr. Wine on March 4, 2010 regarding his request for reinstatement of his nursing license. 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).

FACTS

1. License History: Richard A. Wine has been a registered professional nurse licensed to practice in Maine since February 2006. He was terminated from Lakewood in January 2009 for substandard nursing care and significant medication errors. Mr. Wine entered into a Consent Agreement dated October 20, 2009 surrendering his nursing license [Exhibit A].
2. Richard A. Wine’s request to reinstate his registered professional nurse license was granted by the Board.

AGREEMENT WITH CONDITIONS OF PROBATION

3. Richard A. Wine’s license as a registered professional nurse in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence upon his return to nursing practice for a period of two years, to be effective only while he is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. Wine performs nursing services. His probationary license will be subject to the following conditions:
 - a. Prior to being eligible for nursing employment, Richard A. Wine agrees that he must successfully complete a pre-approved refresher/assessment program, of no less than 90 hours, to include theoretical and clinical components. The content of study must include proper procedures for safe medication administration and patient assessment/documentation. Mr. Wine agrees to submit the course to the Board’s Executive Director for prior approval at least 15 days prior to the course starting date, followed by proof of its successful completion.
 - b. Richard A. Wine 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.
 - c. Richard A. Wine will notify the Board in writing within five business days after he obtains any nursing employment and/or enters an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the nursing educational



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program. If during the period of probation, Mr. Wine'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.

d. Richard A. Wine will notify any and all of his nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.

e. Richard A. Wine 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, which is to include clinical competency, ability to follow policies and procedures relative to standards of practice including medication administration, patient documentation, and patient assessment.

f. Richard A. Wine understands and agrees that his license will remain on probationary status and subject to the terms of this Agreement beyond the two-year probationary period until and unless the Board, at his written request, votes to terminate his probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Wine has complied with the provisions of this Agreement.

g. Richard A. Wine's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse or within the correctional system.

4. If Mr. Wine 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, it 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 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.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
5. 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. Wine's "home state" of licensure and primary state of residence, which means that 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. Wine understands this Agreement is subject to the Compact and agrees that during the pendency of this Agreement, his nursing practice will be limited to the State of Maine as it pertains to the Compact. If Mr. Wine 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.
6. 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.

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

I, RICHARD A. WINE, 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: 4/14/2010



RICHARD A. WINE

FOR THE MAINE STATE
BOARD OF NURSING


DATED: 4/22/10



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

FOR THE OFFICE
OF THE ATTORNEY GENERAL

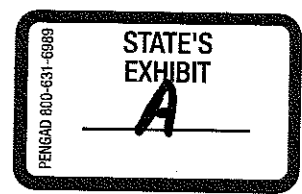
DATED: 4/23/10



JUDITH M. PETERS
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: RICHARD A. WINE, R.N.)
 of Waterville, Maine)
 License #R052110)

CONSENT AGREEMENT
 FOR VOLUNTARY
 SURRENDER OF LICENSE

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Richard A. Wine's license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Richard A. Wine ("Mr. Wine" or "Licensee"), Maine State Board of Nursing ("Board") and the Department of the Attorney General, 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 parties met in an informal conference on October 7, 2009 and reached this Agreement on the basis of a Board Notice of Complaint or Provider Report dated February 24, 2009, with information submitted by Lakewood Continuing Care Center ("Lakewood") dated February 12, 2009; and Mr. Wine's response dated March 18, 2009 [Exhibit A].

FACTS

1. Richard A. Wine has been a registered professional nurse licensed to practice in Maine since February 2006.
2. Richard A. Wine was terminated from Lakewood on January 30, 2009 for substandard nursing care; failure to follow Lakewood nursing policies and procedures; and significant medication errors. The substance of his termination is contained in the Provider Report from Lakewood dated February 12, 2009 [Exhibit A]. Following review of this information and the aforementioned response at its June 3-4, 2009 meeting, the Board notified the Licensee of its decision to meet with him in an informal conference. On July 23, 2009, Mr. Wine sent a supplemental response offering to voluntarily surrender his nursing license.
3. Richard A. Wine wishes to resolve this matter by voluntarily surrendering his registered professional nurse license and accepting this Agreement, thereby waiving his rights to an adjudicatory hearing.

AGREEMENT

4. The Maine State Board of Nursing will accept Richard A. Wine's offer to voluntarily surrender his registered professional nurse license. Mr. Wine understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the



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<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

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- underlying information to support those facts, it is more likely than not the facts would support the Board's findings in this Agreement.
5. Richard A. Wine understands and agrees that based upon the above-stated facts, this document imposes discipline regarding his license to practice registered professional nursing in the State of Maine. The grounds for discipline are for incompetence in the practice for which he is licensed by engaging in conduct that evidences a lack of ability to discharge the duty owed by the Licensee to patients or the general public, 32 M.R.S. § 2105-A (2) (E) (1).
 6. Richard A. Wine understands and agrees that his license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Mr. Wine's written request, votes to reinstate his license. He understands and agrees that if the Board reinstates his license, it may be for a probationary period.
 7. 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. Wine's "home state" of licensure and primary state of residence, which means that 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. Wine understands this Consent Agreement is subject to the Compact.
 8. Mr. Wine understands that he does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
 9. Richard A. Wine 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 himself out as a registered professional nurse or with the designation "R.N." while his nursing license is surrendered.
 10. 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.
 11. Modification of this Agreement must be in writing and signed by all parties.
 12. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
 13. Richard A. Wine affirms that he executes this Agreement of his own free will.
 14. This Agreement becomes effective upon the date of the last necessary signature below.

I, RICHARD A. WINE, R.N., HAVE READ AND UNDERSTAND THE FOREGOING
CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE
CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLI-
GENTLY 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.

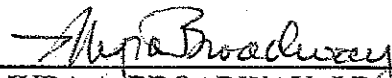
DATED: 10/15/09



RICHARD A. WINE, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

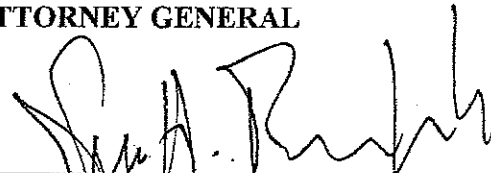
DATED: 10/19/09



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

FOR THE DEPARTMENT OF THE
ATTORNEY GENERAL

DATED: 10/20/09



JOHN H. RICHARDS
Assistant Attorney General