



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: VIOLA F. WISOTZKEY) **CONSENT AGREEMENT**
 of Milo, ME) **FOR VOLUNTARY**
 License #P011464) **SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Viola F. Wisotzkey’s license as a licensed practical nurse in the State of Maine. The parties to this Agreement are Viola F. Wisotzkey (“Licensee” or “Ms. Wisotzkey”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S. § 8003 (5) (D). The Licensee was scheduled to meet with the Board in an informal conference on December 1, 2010. The parties reached this Agreement on the basis of 1) a Board Notice of Complaint/Provider Report dated January 8, 2009 with information from Home, Hope & Healing, Inc. dated November 24, 2008; and 2) a Board Notice of Complaint for Failure to Respond dated September 22, 2009.

FACTS

1. Viola F. Wisotzkey has been licensed to practice in Maine as a licensed practical nurse since October 1996. On May 16, 2002, Ms. Wisotzkey entered into a Consent Agreement with the Board for a probationary period of one year [Exhibit 1]. Despite several attempts on the part of the Board, the Licensee never requested probation termination and has been noncompliant since 2004.
2. Viola F. Wisotzkey’s employment as a licensed practical nurse at Home, Hope & Healing, Inc. began in January 2004; she was terminated on October 29, 2008 as a result of insubordination; failure to follow up on multiple medication errors; and failure to receive additional required training [Exhibit 2].
3. Viola F. Wisotzkey did not respond to the January 8, 2009 Board Notice of Complaint/Provider Report as required by 32 M.R.S. § 2105-A (1-A). In addition, she has failed to respond to subsequent Board attempts to resolve this pending matter.
4. Viola F. Wisotzkey wishes to resolve this matter by surrendering her licensed practical nurse license, thereby waiving her right to an adjudicatory hearing.

AGREEMENT

5. The Maine State Board of Nursing will accept Viola F. Wisotzkey’s offer to voluntarily surrender her practical nursing license. Ms. Wisotzkey 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 they would support the Board’s findings in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. The grounds for discipline are found under Title 32 M.R.S. § 2105-A (1-A), (2) (F), (2) (H) and Chapter 4.1.A.6., 4.1.A.8., 4.3.B. and 4.3.F. of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:



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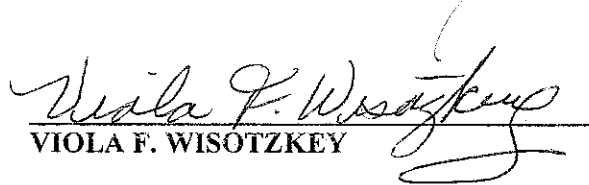
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- a. 32 M.R.S. § 2105-A (1-A). “. . . The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but not later than 60 days from receipt of this information. The licensee shall respond within 30 days. . . .”
- b. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Wisotzkey has engaged in unprofessional conduct, which violates a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 4.1.A.6.)
- c. 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.)
- d. 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:*
 - B. Ms. Wisotzkey assumed duties and responsibilities within the practice of nursing without adequate preparation or when competency had not been maintained.
 - F. Ms. Wisotzkey failed to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
6. Viola F. Wisotzkey 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 her written request, votes to reinstate her license. Ms. Wisotzkey understands and agrees that if the Board reinstates her 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 Ms. Wisotzkey’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. Wisotzkey understands this Consent Agreement is subject to the Compact.
8. Viola F. Wisotzkey understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
9. Viola F. Wisotzkey shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a licensed practical nurse or with the designation “LPN” while her nursing license is surrendered.
10. 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.
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. Viola F. Wisotzkey affirms that she executes this Agreement of her own free will.
14. This Agreement becomes effective upon the date of the last necessary signature below.

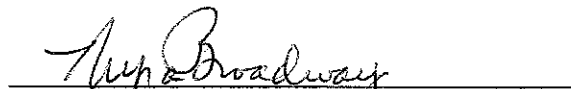
I, VIOLA F. WISOTZKEY, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 1-12-11


VIOLA F. WISOTZKEY

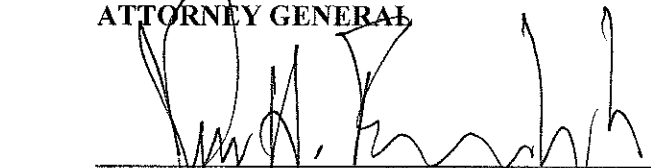
**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Feb 3, 2011


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

**FOR THE OFFICE OF THE
ATTORNEY GENERAL**

DATED: 2/7/11


JOHN H. RICHARDS
Assistant Attorney General