



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

BEFORE THE MAINE STATE BOARD OF NURSING

IN THE MATTER OF LICENSE)	
R037529 ISSUED TO:)	
)	
JAMES A. BOIS)	ORDER TERMINATING
)	PROBATION
)	
To practice registered professional)	
nursing in the State of Maine)	

WHEREAS, on **July 15, 2008**, License #R037529 issued to **James A. Bois** was placed on "probation" pursuant to 32 M.R.S. Section 2105-A (1-A); and

WHEREAS, on **August 31, 2011**, the Board of Nursing duly considered all evidence presented to it concerning **James A. Bois's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **James A. Bois** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **July 15, 2008** is hereby terminated.

DATED this **2nd** day of **September 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: JAMES A. BOIS)
 of Auburn, Maine)
 License #R037529)
)
)
)
)

CONSENT AGREEMENT
 FOR LICENSE REINSTATEMENT
 AND PROBATION WITH
 CONDITIONS

INTRODUCTION

This document is a Consent Agreement regarding James A. Bois's license to practice as a registered professional nurse in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). The Board met with Mr. Bois on June 5, 2008 regarding his request for reinstatement of his nursing license. The parties to this Consent Agreement are James A. Bois ("Mr. Bois" or "Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine.

FACTS

1. James A. Bois entered into a Consent Agreement with the Board on June 28, 2006, surrendering his license as a registered professional nurse [Exhibit A].
2. In Item 9 of said Consent Agreement, Mr. Bois's reinstatement was conditioned on his completion of a formal education course regarding medication administration, particularly intravenous therapy. Mr. Bois completed a three (3) credit hour course in pharmacology from the University of Southern Maine. In addition, Mr. Bois received a certificate to verify completion of a 9 contact hour continuing education course entitled "IV Therapy for Registered Nurses."

AGREEMENT AND CONDITIONS OF PROBATION

3. The Board determined that Mr. Bois complied with the educational condition of the 2006 Consent Agreement and voted to reinstate Mr. Bois's license as a registered professional nurse in the State of Maine. His license is reinstated on a probationary status with conditions. The period of probation will commence upon Mr. Bois's return to nursing practice, either through employment or pursuant to an educational program. The term of probation will be for a period of three (3) years, effective only while he is employed in nursing practice or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Mr. Bois performs nursing services. Mr. Bois's probationary license will be subject to the following conditions:



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Consent Agreement for Reinstatement/Probation with Conditions

- a. James A. Bois will immediately notify the Board in writing should he return to 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 educational program and any subsequent change in employment or educational programs.
 - b. James A. Bois will notify any and all of his nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - c. James A. Bois will arrange for and ensure submission to the Board of quarterly reports from his nursing employer and/or clinical faculty regarding his general nursing practice. If, during the period of probation, Mr. Bois's employment as a nurse terminates or should his educational program in the field of nursing terminate, he shall notify the Board of this change to ensure that he remains in compliance with his employment and/or educational quarterly reports.
4. James A. Bois'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, school nursing, work as a traveling nurse or work within the correctional system.
 5. James A. Bois agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement beyond the three (3) year probationary period until and unless the Board, at Mr. Bois's written request, votes to terminate Mr. Bois's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Bois has complied with the provisions of this Agreement.
 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 Mr. Bois's "home state" of licensure and primary state of residence, which means that Mr. Bois has declared the State of Maine as his fixed permanent and principle home for legal purposes; his domicile. Other party states that are in the Compact are referred to as "remote states," which means party states other than the home state that have adopted the Compact. Mr. Bois understands that this document is a Consent Agreement that is subject to the Compact. Mr. Bois agrees that during the pendency of this Consent Agreement his nursing practice may be limited to the State of Maine as it pertains to the Compact. If Mr. Bois 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.
 7. If the Board finds that Mr. Bois has failed to meet the obligations of this Consent Agreement, the Board may take any disciplinary action which it deems

James A. Bois
Consent Agreement for Reinstatement/Probation with Conditions

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.

8. This Consent 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.
9. James A. Bois understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.
10. James A. Bois affirms that he executes this Consent Agreement of his own free will.
11. Modification of this Consent Agreement must in writing and signed by all the parties.
12. This Consent Agreement is not subject to review or appeal by Mr. Bois, 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, JAMES A. BOIS, 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: 7/10/2008

James A. Bois
JAMES A. BOIS


DATED: 07/09/2008

Janet E. Michael
JANET E. MICHAEL, R.N., M.S., J.D.
Attorney for James A. Bois

James A. Bois
Consent Agreement for Reinstatement/Probation with Conditions

**FOR THE MAINE STATE
BOARD OF NURSING**

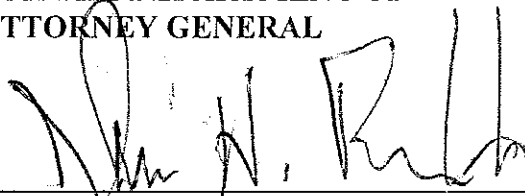
DATED: 7/14/08



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

**FOR THE DEPARTMENT OF
ATTORNEY GENERAL**

DATED: 7/15/08



JOHN H. RICHARDS
Assistant Attorney General



STATE OF MAINE
BOARD OF NURSING
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JOHN ELIAS BALDACCI
GOVERNOR

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

IN RE: **JAMES A. BOIS**) **CONSENT AGREEMENT**
of Auburn, Maine) **FOR VOLUNTARY**
License #R037529) **SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement regarding James A. Bois' license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(C) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are James A. Bois ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties met in an informal conference on April 7, 2004. The parties reached this Agreement on the basis of information submitted by, Parkview Adventist Medical Center ("Parkview"), Brunswick, Maine by complaint dated October 28, 2005; information submitted by [REDACTED] (wife of the deceased) dated March 1, 2006; and, information submitted in a response to the complaint from James A. Bois dated February 15, 2006 and March 20, 2006.

FACTS

1. James A. Bois has been a registered professional nurse licensed to practice in Maine since 1998.
2. On October 22, 2005, Mr. Bois was working the day shift and providing care to a 79-year old patient who was recovering following a left rotator cup repair on October 21, 2005. The patient stated that he was experiencing substantial pain (15 out of a 10 scale pain), and previous medication orders (including morphine) were ineffective. The physician's order was for Demerol 10-30 mg. IV push every two (2) hours PRN for pain. Rather than administer Demerol, Mr. Bois mistakenly provided the patient with Dilaudid 10 mg. IV push.
3. James A. Bois made the following errors with respect to the treatment of this patient. First, Mr. Bois chose to take medication from the Pyxis by override prior to the medication order review and subsequent entry into the Pyxis System by the hospital's pharmacy. Had Mr. Bois contacted the pharmacy requesting immediate entry into the Pyxis System, in accordance with the hospitals procedures, Mr. Bois would have received Demerol, the medication ordered for this patient. Second, Mr. Bois should have known the difference between Dilaudid (Hydromorphone hydrochloride) and Demerol (Meperidine hydrochloride). On this point, it is noted that Mr. Bois said he documented in his notes that he reviewed the Nursing 2004 Drug Handbook edited by Lippincott, Williams & Wilkins, Spring House, PA, 2004, pages 386-387, before administering the



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Dilaudid. If he had reviewed this handbook and assuming that he believed that Hydromorphone hydrochloride (Dilaudid) was the same as Meperidine hydrochloride (Demerol), he should have recognized the dosage prescribed by the physician for Hydromorphone hydrochloride (Dilaudid) (10-30 mg.) was inappropriate.

4. Finally, Mr. Bois failed to recognize visual cues when he had to draw five separate 2 mg. containers of Dilaudid into one syringe to achieve the ordered dosage of what he thought was Demerol. Mr. Bois recorded in the medical record that Demerol, which was actually Dilaudid, as being administered to the patient on October 22, 2005 at 8:10 a.m. At 8:25 a.m., the patient was found by Mr. Bois, unresponsive, without a pulse, and apneic. At the close of his October 22 shift, 12 hours later, Mr. Bois self-reported that he may have provided the patient with the wrong medication. While the patient was resuscitated on October 22, he ultimately died on November 26, 2005.
5. In addition, to the above-mentioned errors, Mr. Bois failed to remain with the patient after he administered the medication to assess the patient's response to the medication. Had he done so, he could have assessed the patient's adverse reaction to the administered medication and had an earlier opportunity to call a code.
6. James A. Bois has offered to surrender his registered professional nurse license.

AGREEMENT

7. The Maine State Board of Nursing will accept James A. Bois' voluntary surrender of his registered professional nurse license. Mr. Bois understands that his license will be on surrender status for a period of two years.
8. James A. Bois understands that this document imposes discipline regarding his license to practice registered professional nursing in the State of Maine and the above-described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(E)(1), A(2)(E)(2), A(2)(F) and A(2)(H) and Chapter 4.1.A.5.a., 4.1.A.5.b., 4.1.A.6., and 4.3.K. (inaccurate recording) of the Rule and Regulations of the Maine State Board of Nursing.
9. James A. Bois may petition the Board for reinstatement of his license two years from the effective date of this Consent Agreement. Mr. Bois agrees and understands that his registered professional nurse license will not be reinstated until and unless the Board, upon Mr. Bois' written request, votes to reinstate Mr. Bois' license. Prior to reinstating his license Mr. Bois must complete a formal education course re: medication administration, particularly intravenous therapy. The content and curriculum must be reviewed and approved by the Executive Director. In the event that Mr. Bois' registered professional nurse license is reinstated, it will be for a probationary period with conditions.

10. James A. Bois 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. In addition, Mr. Bois is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
11. James A. Bois understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into this Consent Agreement.
12. James A. Bois affirms that he executes this Consent Agreement of his own free will.
13. Modification of this Consent Agreement must be in writing and signed by all parties.
14. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, JAMES A. BOIS, 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: 6/23/06


James A. Bois
JAMES A. BOIS

DATED: 06/21/06

Janet E. Michael
JANET E. MICHAEL, R.N., M.S., J.D.
Attorney for James A. Bois

FOR THE MAINE STATE
BOARD OF NURSING

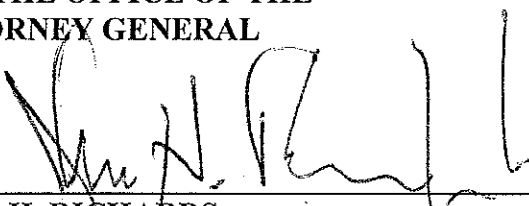
DATED: June 26, 2006



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: June 28, 2006



JOHN H. RICHARDS
Assistant Attorney General