



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: Application for Reinstatement)
 of Licensure of Lori A. Gibbs)
 Case # 2012-188)

CONSENT AGREEMENT
 FOR PROBATIONARY
 LICENSE

INTRODUCTION

This document is a Consent Agreement that grants a probationary license to practice registered professional nursing in the State of Maine to Lori A. Gibbs. The parties to this Agreement are Lori A. Gibbs ("Ms. Gibbs"), 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)(B) and § 8003(5)(B).

FACTS

1. License History: On November 22, 1985, the Board issued Ms. Gibbs a license to practice as a licensed practical nurse. On July 14, 1995, the Board issued Ms. Gibbs a license to practice as a registered professional nurse ("RN").
2. On March 14, 1997, Ms. Gibbs entered into a Consent Agreement and Reprimand with the Board and the Office of the Attorney General ("the 1997 Consent Agreement") regarding an incident that occurred at the Woodlawn Nursing Home that involved falsification of documentation (i.e., she documented that she had performed an assessment on a newly admitted patient when, in fact, she had not) in a resident's chart, which resulted in the termination of her employment.
3. On October 3, 2002, the Board issued Ms. Gibbs a Letter of Concern regarding the "issue of documentation which is done after an assessment or event and not before [and that she] must be diligent in [her] documentation, that it is timely, appropriate and reflective of the patient's condition and care rendered." The Board placed this Letter of Concern on file for ten (10) years.
4. On February 28, 2005, Ms. Gibbs entered into a Consent Agreement for Voluntary Surrender of License with the Board and the Office of the Attorney General ("the 2005 Consent Agreement") following an informal conference and as a result of information provided by Sebasticook Valley Health Care Facility. According to that information, Ms. Gibbs was counseled for repeated failures to follow policies and procedures in the standards of nursing practice which were designed to safeguard residents. In the Consent Agreement, Ms. Gibbs admitted that she had been counseled on October 1, 2003 and October 13, 2003 for incidents that deviated from standing protocols, failure to document, and failure to administer scheduled tube feedings and Nebulizer treatments. According to the 2005 Consent Agreement, Ms. Gibbs was involved in a motor vehicle accident on September 27, 2003 and was under the care of a physician for post-concussion injury. As a result, Ms. Gibbs "limited her practice" and wrote "down everything in a notebook so she will not forget." According to the 2005 Consent Agreement, the Board determined that Ms. Gibbs demonstrated "a pattern in failing to follow policies and procedures,

PRINTED ON RECYCLED PAPER

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

PHONE: (207) 287-1133

FAX: (207) 287-1149

specifically documentation, in rendering nursing care designed to safeguard the safety of patients/residents and that she is not safe to practice.” As a result, Ms. Gibbs offered to voluntarily surrender her RN license “until she and the Board can determine that she is safe to resume nursing practice.”

5. On November 7, 2006, Ms. Gibbs sent an e-mail to the Executive Director of the Board inquiring “about the steps needed to get [her] license back.” On that same date, the Executive Director responded to Ms. Gibbs’ e-mail stating in part:

What you must do, Lori, is demonstrate to the Board that you are safe to practice. You should provide a complete evaluation from your treating physician. You also should address the memory issue since the basis of the surrender was failure to follow policies and procedures in standards of nursing practice.

You should have the physician send the information, in writing, directly to the Board. You must also write a letter requesting to meet with the Board and address the issue of forgetfulness, memory and being safe in your practice.

6. The Board next heard from Ms. Gibbs on July 2, 2009 when the Board received a letter from Ms. Gibbs in which she stated that all of the nursing incidents that led her to surrender her license “occurred after a severe car accident in which [she] was... left with a head injury that no one noticed or diagnosed until after these episodes occurred.” Ms. Gibbs indicated that she “was diagnosed and treated by Dr. M. Eisengart now retired.” In support of her request for reinstatement of her license, Ms. Gibbs indicated that she had completed a professional development program at KVCC and worked as a customer service representative, which involved multi-tasking.
7. On July 16, 2009, Board staff sent Ms. Gibbs a letter acknowledging its receipt of her request for reinstatement and instructed her to “provide supportive documentation such as treatment provider reports from those involved in your medical care.” The letter also indicated that once the information was received, she could be scheduled for an interview with the Board on September 2-3, 2009.
8. The Board next heard from Ms. Gibbs on June 27, 2012 when the Board received a letter from Ms. Gibbs in which she requested a meeting with the Board regarding the reinstatement of her RN license. In that letter, Ms. Gibbs stated that she had voluntarily surrendered her license “after a severe car accident almost eight years ago” that left her with “short-term memory loss” from which she was recovered. Ms. Gibbs indicated that she had “spent the last eight years recovering, relearning and putting [her] nursing and people skills to use as a customer service representative.” In addition, Ms. Gibbs stated that she was “willing to take any tests and or classes to prove to all of you that [she is] capable of safely, competently and meticulously performing the duties of a registered nurse.”
9. On September 18, 2012, the Board met with Ms. Gibbs regarding her request for reinstatement of her RN license. At that time, the Board also reviewed a note from Ms. Gibbs’ primary care physician dated July 24, 2012, which stated:

Maine State Board of Nursing

Lori Gibbs surrendered her nursing license after a MVA 8 years ago. At that time she was having memory problems that were likely associated with a head injury.

I am happy to report that Lori appears to have recovered completely. She demonstrates good cognitive function through managing her mother's multiple medical conditions, coordinating appointments, medication refills, etc. Lori is also in better shape physically. She is capable of performing the duties of a registered nurse at this time, and I support her application for licensure.

Following its review of this information and its discussion with Ms. Gibbs, the Board voted to grant Ms. Gibbs' application to reinstate her license to practice as an RN pursuant to a Consent Agreement for Probation. In so doing, the Board made a determination, based primarily upon the representations of Ms. Gibbs' primary care provider, that Ms. Gibbs is safe to return to the practice of nursing under probation and conditions that will allow the Board to monitor her nursing practice.

10. Lori A. Gibbs wishes to resolve her application for reinstatement of her RN license by accepting this Consent Agreement for Probationary License.

COVENANTS

11. Lori A. Gibbs acknowledges that the Board has the discretion to grant or deny her application for reinstatement of her RN license pursuant to the 2005 Consent Agreement. Ms. Gibbs acknowledges that her prior disciplinary history, her prior cognitive deficits, and her lack of nursing practice for eight years constitute sufficient reasonable grounds for the Board to impose conditions of probation when granting her application for reinstatement of her RN license pursuant to this Consent Agreement for Probationary License.
12. In light of Ms. Gibbs' prior disciplinary history, her prior cognitive deficits, and her lack of nursing practice for eight years, the Board agrees to issue and Ms. Gibbs agrees to accept, effective upon the execution of this Consent Agreement, an RN license subject to **PROBATION** with the following conditions:
 - a. Ms. Gibbs shall inform the Board in writing within 15 days of any address change.
 - b. Ms. Gibbs shall, prior to returning to the active practice of nursing in any capacity, enroll in and successfully complete a nursing update/refresher course pre-approved by the Executive Director of the Board. In complying with this condition, Ms. Gibbs shall:
 1. Submit documentation of a proposed course (i.e., a course syllabus or the equivalent) to the Executive Director for review and approval.
 2. Submit documentation of successful completion of any pre-approved course(s) to the Executive Director prior to engaging in the active practice of nursing in any capacity.


- c. Ms. Gibbs shall notify any and all of her nursing employers or prospective nursing employers of the terms of this Consent Agreement and provide them with a copy of it.
 - d. Ms. Gibbs shall notify the Board in writing within five (5) business days after she obtains any nursing employment and/or enrolls in a nursing education program. Notice under this section shall include the place and position of employment and/or the nursing educational program. If during the period of probation, Ms. Gibbs's employment as a nurse or her educational program terminates, she shall notify the Board in writing within five (5) business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances surrounding the termination or separation.
 - e. Ms. Gibbs shall arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her general nursing practice.
13. Ms. Gibbs agrees and understands it is the parties' intent that the probation and conditions imposed by the Consent Agreement shall exist for at least a term of one (1) year of active nursing practice. However, Ms. Gibbs agrees and understands that her license will remain on probationary status and subject to the terms of this Consent Agreement beyond the previously referenced probationary term of one (1) year until and unless the Board, at her written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Gibbs has complied with the terms and conditions of this Consent Agreement and the reports of her nursing employers.
14. 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 Board Rules. The State of Maine is Ms. Gibbs'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 principal 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. Gibbs understands and agrees that this Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in Compact states.
- IT IS FURTHER AGREED that while Ms. Gibbs's license is subject to this Consent Agreement, she may not work outside the State of Maine pursuant to a multi-state privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which she wishes to work.
15. Pursuant to 10 M.R.S. § 8003(5), violation by Ms. Gibbs of any of the terms or conditions of probation of this Consent Agreement shall constitute grounds for disciplinary action against Ms. Gibbs' nursing license including, but not limited to, suspension or revocation.
16. Pursuant to 10 M.R.S. § 8003(5), Ms. Gibbs agrees that the Board has the authority to suspend or revoke her license in the event that she violates any of the terms or conditions of probation of this Consent Agreement.
17. This Consent Agreement constitutes final, non-appealable action regarding Ms. Gibbs' application for the reinstatement of her RN license. This Consent Agreement cannot be

amended orally. This Consent Agreement may only be amended or rescinded in writing by agreement of all the parties.

18. This Consent 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.
19. This Consent Agreement constitutes adverse licensing action that is subject to the federal reporting requirements of Section 1128E of the Social Security Act and 45 C.F.R. Part 61 and any other interstate/national reporting requirements.
20. Lori A. Gibbs 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 this Consent Agreement.
21. For the purposes of this Consent Agreement, the term "execution" shall mean the date on which the final signature is affixed to this Consent Agreement.

I, LORI A. GIBBS, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSING 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.

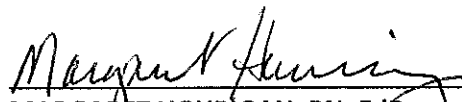
DATED: 10/17/12



LORI A. GIBBS

FOR THE MAINE STATE
BOARD OF NURSING


DATED: 10/27/12



MARGARET HOURIGAN, RN, EdD
Chair

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 11/2/12



DENNIS E. SMITH
Assistant Attorney General

Effective Date: 11/2/12