



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: MARY E. GIDEON, RN**  
 of Lewiston, ME  
 License No. RN28630

)  
)  
)  
)  
)

**CONSENT AGREEMENT  
 FOR  
 WARNING**

**Complaint No. 2011-031**

**INTRODUCTION**

This document is a Consent Agreement ("Agreement") regarding Mary E. Gideon's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Mary E. Gideon ("Ms. Gideon"), the Maine State Board of Nursing ("the 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), and 10 M.R.S. § 8003(5) (B) in order to resolve Complaint 2011-031.

**FACTS**

1. Ms. Gideon was first licensed to practice in Maine as an RN on August 26, 1985.
2. On May 22, 2006, the Board issued Ms. Gideon a letter of concern regarding the importance of effective communication and the consequences that can result when communication breaks down, particularly with the prescribing physician. The Board placed this letter of concern in Ms. Gideon's licensing file for a period of ten years.
3. On May 14, 2008, the Board issued Ms. Gideon a letter of concern regarding the importance of documentation and following an organization's policies regarding medication administration. The Board placed this letter of concern in Ms. Gideon's licensing file for a period of five years.
4. At all times relevant to this matter, Ms. Gideon was working as a per diem RN at Victorian Villa Rehabilitation and Living Center ("Victorian Villa") in Canton, Maine.
5. On December 23, 2010, Ms. Gideon medicated a resident twice within one hour with Percocet when the resident's order clearly stated that he was to be medicated only once every six hours. Following this medication error, Ms. Gideon removed the corresponding count sheet from the binder and took it from the facility to her home. Ms. Gideon also discarded in the garbage the medication bubble card with one remaining Percocet.
6. On December 24, 2010, Victorian Villa initiated an investigation into Ms. Gideon's conduct and suspended Ms. Gideon pending a final decision from its investigation.
7. On December 30, 2010, Victorian Villa terminated Ms. Gideon's employment for unprofessional conduct.



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

8. On January 24, 2011, the Board received a Provider Report from Victorian Villa notifying the Board that it had terminated Ms. Gideon for unprofessional conduct. The Board docketed the complaint as Complaint 2011-031 and sent it to Ms. Gideon for a response.
9. On April 14, 2011, the Board received a response from Ms. Gideon in which she admitted to the medication error and taking the count sheet home and did not deny discarding the bubble card with the remaining Percocet.
10. On September 19, 2012, Ms. Gideon appeared at an informal conference before the Board. As a result of that informal conference, the Board voted to offer Ms. Gideon a Consent Agreement that would require her to accept a warning from the Board.
11. Absent Ms. Gideon's acceptance of this Agreement by signing, dating, and returning it to Jayne Winters, Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158, on or before November 19, 2012, this matter will be brought back to the Board for further action.

#### COVENANTS


12. Ms. Gideon admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her as follows:
  - a. Pursuant to 32 M.R.S. § 2105-A(2)(E)(1) for engaging in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public; and
  - b. Pursuant to 32 M.R.S. § 2105-A (2) (F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which she is licensed.
13. As discipline for the conduct admitted in paragraph 12 above, Ms. Gideon agrees to accept a **WARNING**.
14. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("the Compact"), which is set out in Chapter 11 of the Rules of the Maine State Board of Nursing. The State of Maine is Ms. Gideon'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. Gideon understands this Agreement is subject to the Compact.
15. 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.
16. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.

17. This Agreement represents a final, non-appealable, and binding agreement that cannot be amended orally. This Agreement may only be amended in writing and by the agreement of all parties hereto.
18. This Agreement is not subject to review or appeal by Ms. Gideon, but may be enforced by an action in the Superior Court by the Board.
19. Ms. Gideon acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she executed this Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.

Dated: 11/8/12

  
\_\_\_\_\_  
MARY E. GIDEON, RN

Dated: Nov. 3, 2012

  
\_\_\_\_\_  
JANET MICHAEL, RN, MS, JD  
Attorney for Mary E. Gideon, RN

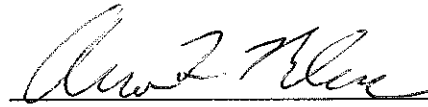
FOR THE MAINE STATE  
BOARD OF NURSING

Dated: 11-9-12

  
\_\_\_\_\_  
MARGARET HOURIGAN, RN, EdD

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

Dated: 11/13/2012

  
\_\_\_\_\_  
ANDREW L. BLACK  
Assistant Attorney General