



Paul R. LePage
GOVERNOR

STATE OF MAINE
BOARD OF NURSING
158 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0158

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

IN RE: EMILY G. LENZ, RN)
of Hallowell, ME)
License No. RN54295)

CONSENT AGREEMENT
FOR
REVOCATION

Complaint No. 2012-271

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Emily G. Lenz's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Emily G. Lenz ("Licensee" or "Ms. Lenz"), the Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S. §8003 5(B) in order to resolve Complaint 2012-271.

FACTS

1. Emily G. Lenz has been licensed to practice in Maine as an RN since September 17, 2007.
2. At all times relevant to Complaint No. 2012-271, Ms. Lenz was employed as a Critical Care Nurse at MaineGeneral Medical Center ["MaineGeneral"] in Augusta, Maine.
3. On December 19, 2012, the Board received a Provider Report from MaineGeneral notifying the Board of Ms. Lenz's termination on December 14, 2012 for potential drug diversion. In addition to the Provider Report, MaineGeneral included supplementary information dated December 18, 2010 [sic], detailing its preliminary investigation of Ms. Lenz's drug diversion activity. Attached hereto, incorporated herein and marked as Exhibit A.

MaineGeneral's preliminary investigation began June 22, 2012 when the Nurse Manager and Administrative Director of Inpatient Services met with Ms. Lenz to discuss her excessive access to the Pyxis medication system for narcotics medications. A pharmacy audit revealed that Ms. Lenz had removed 8800 mcg of Fentanyl IV, but documented giving 3025 mcg to three different patients and wasting 3900 mcg. There were 1875 mcg of Fentanyl not accounted for. Audits continued thereafter until December 9, 2012.

During November 2012, the Nurse Manager received concerns from seven other Critical Care Nurses regarding Ms. Lenz's narcotic administration and wasting practices and her volunteering to work extra shifts. The narcotics involved were Fentanyl, Morphine, Ativan, and Dilaudid. The Nurse Manager and Administrative Director of Inpatient Services met with Ms. Lenz on November 27, 2012 regarding information from the Pyxis narcotic usage reports pertaining to her narcotic medication administration and wasting practices, as well as her unusual behavior reported from co-workers including confrontations with staff members, yelling at patients, and leaving the unit for extended periods without advising co-workers. She was advised to have someone witness her wasting of narcotics, to follow the values and standards of MaineGeneral, and that her Pyxis use would be monitored.



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On December 8, 2012, the Nurse Manager received a call from a night shift Charge Nurse regarding Ms. Lenz's removal of a Fentanyl drip and Fentanyl IV push prior to her shift starting. When questioned, Ms. Lenz stated she was helping a day nurse and felt the patient was in pain, so Ms. Lenz called and received an order for more medication.

On December 10, 2012, Ms. Lenz was suspended for her shift. On December 11, 2012, after reviewing additional pharmacy Pyxis audit reports, MaineGeneral suspended Ms. Lenz indefinitely with pay. Ms. Lenz's employment was subsequently terminated on December 14, 2012.

4. MaineGeneral's report reflecting Ms. Lenz's work shifts from December 1 to December 10, 2012 indicates she accessed the Pyxis 79 times, which is considered excessive. The report also indicates Ms. Lenz wasted narcotics on several occasions at the end of her shift. In the vast majority of times, she did not administer the amount of Fentanyl which she withdrew.
5. On December 30, 2012, the Board received written response from Emily Lenz via e-mail in which she admitted that she recreationally used drugs which she diverted during her work as a Critical Care Nurse at MaineGeneral. She stated that she diverted the drugs in an attempt to self-medicate and obtain relief from her nearly all-consuming sadness. She also stated that she had a history of depression. Ms. Lenz further stated that Fentanyl was her drug of choice.
6. Upon receipt of additional information from MaineGeneral, the Board issued Complaint No. 2012-271 and sent it to Ms. Lenz for response on January 2, 2013.
7. Emily G. Lenz wishes to resolve this matter by entering into this Agreement revoking her RN license, thereby waiving her rights to an adjudicatory hearing.

AGREEMENT


8. Emily G. Lenz 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(2)(A), (2)(B), (2)(E)(1), (2)(F) and (2)(H) and Chapter 4, Sections 1(A)(1), 1(A)(2), 1(A)(5)(a) 1(A)(6), 1(A)(8) and Chapter 4, Sections 3(F), 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing ("Board Rules"). Specifically, the violations are:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(A) for engaging in the practice of fraud or deceit in connection with service rendered within the scope of the license issued. See also: Board Rule Chapter 4, §1.A.1.
 - b. Pursuant to 32 M.R.S. §2105-A (2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Lenz performing services in a manner that endangers the health or safety of patients. See also: Board Rule Chapter 4, §1.A.2.

- c. 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. See also: Board Rule Chapter 4, §1.A.5.a.
 - d. 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. See also: Board Rule Chapter 4, §1.A.6.
 - e. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4, §3(F) by failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
 - f. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4, §3(K) by inaccurately recording, falsifying, or altering a patient or health care provider record.
 - g. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4, §3(P) by diverting drugs, supplies, or property of a patient or health care provider.
 - h. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4, §3(Q) by possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
9. Emily G. Lenz understands and agrees that as a result of this Agreement, her nursing license is revoked and she no longer has a license. Ms. Lenz understands and agrees that, upon receiving a written request from her to reinstate her Maine RN license, the Board shall have the sole discretion to grant or deny such a request or to grant her a license with probation and conditions as it determines appropriate to protect the public.
 10. 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. Lenz'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. Lenz understands this Agreement is subject to the Compact.
 11. Emily G. Lenz understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
 12. Emily G. Lenz 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 registered professional nurse or with the designation "RN" while her nursing license is revoked.
 13. 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.

14. 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.
15. Modification of this Agreement must be in writing and signed by all parties.
16. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
17. Emily G. Lenz affirms that she executes this Agreement of her own free will.
18. This Agreement becomes effective upon the date of the last necessary signature below.

I, EMILY G. LENZ, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE LICENSE. 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.

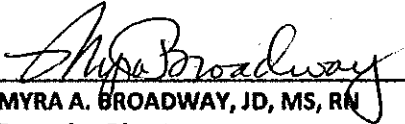
DATED: 01/18/13



EMILY G. LENZ, RN

FOR THE MAINE STATE BOARD OF NURSING

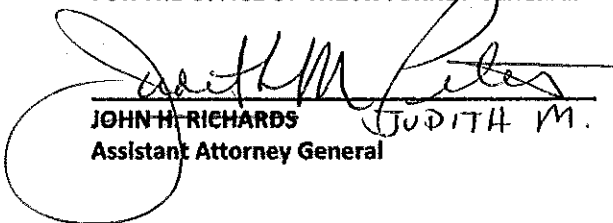
DATED: 1/22/13



MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 3/6/13



JOHN H. RICHARDS JUDITH M. PETERS
Assistant Attorney General