



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: DANIELLE L. LISTER, RN
 of Winterport, Maine
 License No. RN61107

)
)
)

CONSENT AGREEMENT
 FOR
 PROBATION

Complaint No. 2012-11

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Danielle L. Lister's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Danielle L. Lister ("Ms. Lister"), the Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. The Board met with the licensee in an informal conference on August 15, 2012. The parties enter into this Agreement pursuant to 32 M.R.S. §2105-A (1-A)(B) and 10 M.R.S. §8003 (5)(B) in order to resolve Complaint 2012-11.

FACTS

1. Danielle L. Lister was licensed by endorsement as an RN in Maine on November 16, 2011. Ms. Lister is also licensed as an RN in Rhode Island (License No. 47769); the RI license expires on March 1, 2013.
2. Danielle L. Lister's Maine Application for Licensure As a Registered Professional Nurse By Endorsement ("Application") dated November 15, 2011 was received by the Board November 16, 2011. Ms. Lister responded "No" to the question pertaining to disciplinary information in Section V(C) on her Application: *"Is there any complaint pending against your license in any state or jurisdiction?"*
3. On December 27, 2011, the Board conducted a search on NURSUS, which is a licensure verification service. The search disclosed that the Rhode Island Board of Nurse Registration and Education ("RI Board") disciplined Ms. Lister's RN license with a Reprimand, pursuant to a Consent Order signed by Ms. Lister, which became effective December 12, 2011.
4. On May 24, 2011, Ms. Lister was notified by mail at "9 D Constellation Avenue, Middletown, RI 02842," her address on record at the RI Board, that the RI Board received "information alleging that [Ms. Lister] failed to maintain the standards of nursing practice while working at Village House Convalescent Home" ("Complaint").

On July 19, 2011, she was again notified at the same address that she was scheduled to meet with a subcommittee of the RI Board on September 12, 2011 regarding its Complaint against her RN license. On September 15, 2011, at the same address, the RI Board sent Ms. Lister the above-referenced Consent Order for her signature, which became effective December 12, 2011.

5. Danielle L. Lister admits that she failed to disclose on her Maine Application that she had a complaint pending against her RN license with the RI Board.
6. Danielle L. Lister wishes to resolve this matter by accepting this Agreement and thereby waives her rights to an adjudicatory hearing.



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

AGREEMENT

7. Danielle L. Lister acknowledges that the Board has evidence from which it could conclude there is a violation of Title 32 M.R.S. §§2105-A(2)(F), (2)(H) and Chapter 4 §§1.A.6. and 1.A.8. of the Rules and Regulations of the Maine State Board of Nursing (“Board Rules”). Ms. Lister acknowledges that her conduct in the above-stated facts constitutes grounds for discipline. Ms. Lister’s RN license is hereby placed on **PROBATION** for a term of six (6) months of nursing practice as defined by 32 M.R.S. §2102(2). Specifically, the violations are:
 - a. 32 M.R.S. §2105-A(2)(F). Ms. Lister engaged in unprofessional conduct that violates standards of professional behavior regarding medication administration that have been established in the practice for which she is licensed. See also: Board Rule Chapter 4, §1.A.6.
 - b. 32 M.R.S. §2105-A (2)(H). Ms. Lister violated a Maine Revised Statute in Title 32, Chapter 31 and rules adopted by the Board. See also: Board Rule Chapter 4, §1.A.8.
8. Danielle L. Lister’s RN license is placed on probationary status with conditions. The period of probation will be for a period of six (6) months, effective only while she is employed in nursing practice. Her probationary license will be subject to the following conditions:
 - a. Danielle L. Lister shall fully comply with the conditions of the probation in this Agreement. Ms. Lister shall inform the Board in writing within 15 days of any address change.
 - b. Danielle L. Lister must notify any and all of her nursing employers of the terms of this Agreement and provide them with a copy of it.
 - c. Danielle L. Lister must 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.
 - d. Ms. Lister will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer regarding her general nursing practice. If during the period of probation, Ms. Lister’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.
 - e. Danielle L. Lister must provide documentation that she has successfully met the requirements of the December 12, 2011 RI Board Consent Order within six (6) months from the effective date of this Agreement.
 - f. Danielle L. Lister must inactivate her RI RN license within six (6) months from the effective date of this Agreement per the Compact’s primary state of residence requirements.
9. Danielle L. Lister agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement beyond the above-referenced probationary period 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. Lister has complied with the provisions of this Agreement.
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. Lister’s “Home state” of licensure and primary state of residence, which means that she has declared Maine as her fixed, permanent and principle home for legal purposes; her domicile. Other Party states in the Compact are referred to as

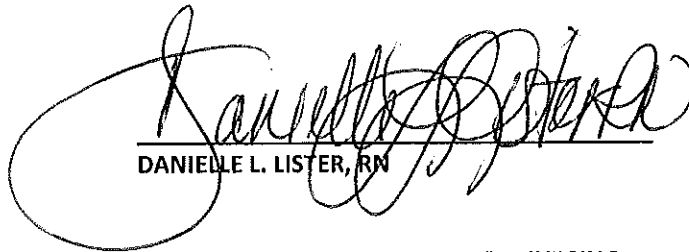
“Remote states,” which means Party states other than the Home state that have adopted the Compact. Ms. Lister understands and agrees this Agreement is applicable to her multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Ms. Lister’s license is subject to this 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.

11. 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.
12. 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.
13. Danielle L. Lister understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
14. Danielle L. Lister affirms that she executes this Agreement of her own free will.
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.
17. This Agreement becomes effective upon the date of the last necessary signature below.

I, DANIELLE L. LISTER, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY 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.

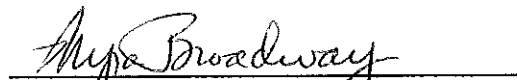
DATED: 1/20/13



DANIELLE L. LISTER, RN

FOR THE MAINE STATE BOARD OF NURSING

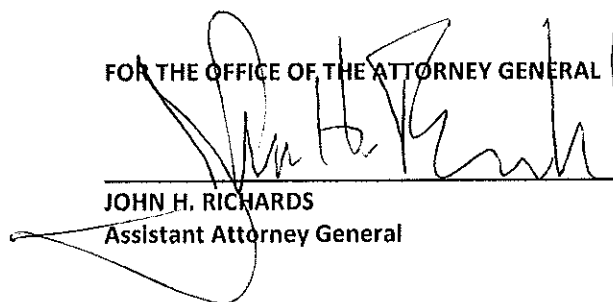
DATED: 1/30/13



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 1/31/13



JOHN H. RICHARDS
Assistant Attorney General