



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: SANDRA J. MARTIN)
 of Portland, OR)
 License #R035955)
) CONSENT AGREEMENT
) FOR
) WARNING & PROBATION

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Sandra J. Martin’s (“Ms. Martin” or “Licensee”) license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Ms. Martin, 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), (A-1) (4) and 10 M.R.S. § 8003(5) (B). The Board met with Ms. Martin in an informal conference via telephone conference call on October 7, 2009 and September 1, 2010. The parties reached this Agreement on the basis of 1) a Board Notice of Complaint/Provider Report dated June 17, 2009 with information from Mercy Hospital (“Mercy”) dated May 18, 2009; 2) supplemental information from Mercy dated June 8, 2010; and 3) Ms. Martin’s responses dated July 13, 2009 and August 4, 2010.

FACTS

1. Sandra J. Martin has been a registered professional nurse licensed to practice in Maine since February 1993. At the time these incidents occurred, her license was in active status.
2. Sandra J. Martin was terminated from employment at Mercy on March 19, 2009 for “deliberate inattention to patient care or engaging in any conduct detrimental to patient care,” which is specifically described in the “Employee Notice Of Discharge” [Exhibit A]. On December 31, 2008, Ms. Martin was given a written warning by Mercy because of substandard documentation in her administration of narcotics. Mercy put her on an improvement plan with correction action steps with the immediate expectation that all narcotics she administered be documented; further occurrences of poor documentation would result in further discipline, including termination. The Board reviewed ten separate instances of substandard narcotic administration documentation, in which Ms. Martin either failed to document administration after being withdrawn from Pyxis, failed to document wasted narcotics, failed to document if narcotics withdrawn from Pyxis for a patient were partly administered, or failed to document for wasted narcotics that were not administered.
3. Sandra J. Martin denies that she diverted narcotics from Mercy, indicating that she had a difficult time adapting to a new computerized documentation system.
4. Sandra J. Martin has been employed as a registered professional nurse at Providence Hospital in Portland, Oregon since February 2010.
5. In lieu of an adjudicatory hearing, Ms. Martin has agreed to enter this Agreement with the Board.

AGREEMENT

6. Sandra J. Martin understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her license to practice nursing in the State of Maine. The grounds for discipline for violations are under 32 M.R.S. § 2105-A (2) (F) and (2) (H); Chapter 4, Sections 1.A.6. and 1.A.8.; and Chapter 4, Section 3(F) of the Rules and Regulations of the Maine State Board of Nursing. Sandra J. Martin is hereby formally **WARNED** for unprofessional conduct because she failed to follow policies and procedures in a practice situation designed to safeguard the patient. Specifically, the violations are:



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- a. 32 M.R.S. § 2105-A (2) (F). Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed. (See also Rule Chapter 4, Section 1.A.6)
- b. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8)
- c. Rule Chapter 4, Section 3. *Unprofessional Conduct: Nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*

(F). Ms. Martin failed to follow policies and procedures designed to safeguard patients in that she failed to follow appropriate standards of nursing practice in medication administration and documentation.

7. Sandra J. Martin's license as a registered professional nurse is placed on probationary status with conditions. The period of probation will be for a period of five years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing educational program. Her probationary license will be subject to the following conditions:
 - a. Sandra J. Martin shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. She shall inform the Board in writing within 15 days of any address change.
 - b. Sandra J. Martin will notify the Board in writing within five business days after she obtains or changes any nursing 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 nursing educational program. If during the period of probation, Ms. Martin's employment as a nurse or her educational program in the field of nursing terminates, she shall notify the Board in writing within five business days after she is terminated or separated, regardless of cause, with a full explanation of the circumstances.
 - c. Sandra J. Martin will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Agreement and provide them with a copy of it.
 - d. Sandra J. Martin will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer and/or clinical faculty regarding her general nursing practice including competence, adherence to policies and procedures, and documentation of medication administration.
8. Sandra J. Martin 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. Martin has complied with the provisions of this Agreement.
9. If Ms. Martin violates any condition of her probation, the Board will give written notice to the Licensee regarding her failure to comply. She has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's response to determine what action, if any, it determines to take. If the Licensee fails to timely respond to the Board's notification regarding her failure to comply, her license will be immediately suspended pending a hearing at the next regularly scheduled Board meeting. If after notice and hearing the Board finds that the Licensee has failed to meet the conditions of probation, the Board may take any disciplinary action which it deems appropriate and impose any of the sanctions including, but not limited to, that found in Title 10 M.R.S. § 8003 and Title 32 M.R.S. § 2105-A.
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 Rules and Regulations of the Maine State Board of Nursing. Ms. Martin understands this Agreement is subject to the Compact.

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. Sandra J. Martin understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering the Agreement.
13. Sandra J. Martin affirms that she executes this Agreement of her own free will.
14. Modification of this Agreement must be in writing by all parties.
15. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
16. This Agreement becomes effective upon the date of the last necessary signature below.

I, SANDRA J. MARTIN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL NURSE 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: July 6, 2011

Sandra J. Martin
SANDRA J. MARTIN

DATED: June 15, 2011

Janet E. Michael
JANET E. MICHAEL R.N., M.S., J.D.
Attorney for Sandra J. Martin

FOR THE MAINE STATE BOARD OF NURSING

DATED: July 11, 2011

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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: July 12, 2011

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General