

AGREEMENT

6. The Maine State Board of Nursing will accept Jessica I. Whittington's offer to voluntarily surrender her licensed practical nurse license. Ms. Whittington understands and agrees that should this matter go to a hearing before the Board on the above-stated facts and 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)(F) and (2)(H) and Chapter 4, Sections 1(A)(1), 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. Specifically, the violations are:
 - a. 32 M.R.S. §2105-A (2)(A). Ms. Whittington engaged in the practice of fraud or deceit in connection with a service rendered within the scope of her license. See also: Board Rule Chapter 4, Section 1.A.1
 - b. 32 M.R.S. §2105-A (2)(F). Ms. Whittington has engaged in unprofessional conduct by violating standards of professional behavior that have been established in the practice for which she is licensed. See also: Board Rule Chapter 4, Section 1.A.6
 - c. 32 M.R.S. §2105-A (2)(H). A violation of this chapter or a rule adopted by the Board. See also: Board Rule Chapter 4, Section 1.A.8
 - d. Board Rule Chapter 4, Section 3. *Unprofessional Conduct* as defined by the Rules and Regulations of the Maine State Board of Nursing states that *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. Failure to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
 - K. Inaccurate recording, falsifying or altering a patient or health care provider record.
 - P. Diverting drugs, supplies or property of patients of health care provider.
 - Q. Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
7. Jessica I. Whittington understands and agrees that her nursing license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. Whittington understands and agrees that if the Board reinstates her license, it may be for a probationary period.
8. The State of Maine is a "Party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Board Rule Chapter 11. The State of Maine is Ms. Whittington'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. Whittington understands this Agreement is subject to the Compact.
9. Jessica I. Whittington understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.

10. Jessica I. Whittington 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 licensed practical nurse or with the designation "LPN" while her nursing license is surrendered.
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 is subject to the federal reporting requirements pursuant to Section 1128E of the Social Security Act and 45 CFR Part 61 and any other interstate/national reporting requirements.
13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
15. Jessica I. Whittington affirms that she executes this Agreement of her own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

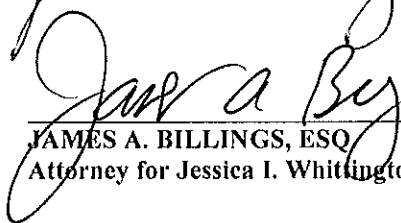
I, JESSICA I. WHITTINGTON, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 8-15-12



JESSICA I. WHITTINGTON

DATED: 8/27/12



JAMES A. BILLINGS, ESQ
Attorney for Jessica I. Whittington

FOR THE MAINE STATE
BOARD OF NURSING

DATED: 8/29/12



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 8/28/12



JOHN H. RICHARDS
Assistant Attorney General