



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

JANET T. MILLS
 GOVERNOR

KIM ESQUIBEL, PH.D., M.S.N., R.N.
 EXECUTIVE DIRECTOR

IN RE: JENNIE K. MCNEIL, APRN-CNP)
 of Waldoboro, Maine)
 License Nos. RN39504 & CNP141065)

CONSENT AGREEMENT
 FOR WARNING & CIVIL PENALTY

Complaint 2021-13

INTRODUCTION

Pursuant to M.R.S. Title 32, Chapter 31, the Maine State Legislature endowed the Maine State Board of Nursing (“the Board”) with the power and duty to regulate the practice of nurses licensed by the Board, including issuing licenses and investigating complaints. Pursuant to 10 M.R.S. § 8008, the Legislature provided that the sole purpose of the Board is to “protect the public health and welfare” and that “other goals or objectives may not supersede this purpose.”

This document is a Consent Agreement (“Agreement”) regarding Jennie K. McNeil’s licenses to practice as a registered nurse (“RN”) and an advanced practice registered nurse – certified nurse practitioner (“APRN-CNP”) in the State of Maine. The parties to this Agreement are Jennie K. McNeil (“Ms. McNeil”), 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 and 10 M.R.S. § 8003(5) in order to resolve Complaint 2021-13.

FACTS

1. At all times pertinent to this matter, Ms. McNeil was licensed to practice as an RN, license no. RN39504, and an APRN-CNP, license no. CNP141065, in the State of Maine.
2. At all times pertinent to this matter, Ms. McNeil was working at Boothbay Region Health Center, an independent, private, community-based non-profit facility in Boothbay, Maine.
3. From June 1, 2020, through December 31, 2020, after communication with and pursuant to the treatment plan of Patient A’s naturopathic doctor, Ms. McNeil re-ordered antibiotics for someone with whom she had a close personal relationship (“Patient A”). Patient A’s naturopathic doctor had previously prescribed these antibiotics. Ms. McNeil also prescribed gabapentin, a medication used for the treatment of neuropathic pain and epileptic disorders, to Patient A on or about December 30, 2020.
4. On or about December 30, 2020, Patient A was seen in the LincolnHealth emergency department and admitted to the intensive care unit.
5. On or about January 7, 2021, LincolnHealth reported to the Board that when Patient A was seen in the LincolnHealth emergency department and admitted to the ICU, Patient A said that Ms. McNeil had been prescribing Patient A’s medications. After receiving this information, the Board initiated a complaint against Ms. McNeil’s Maine nursing licenses; Board staff docketed it as Complaint 2021-13.
6. In her response to Complaint 2021-13, Ms. McNeil reported that with the sole exception of gabapentin, the re-orders for antibiotics that she submitted for Patient A were at the direction of and to follow up on the plan of care of Patient A’s naturopathic doctor, who recommended all antibiotic therapies. Ms. McNeil reported she submitted the re-orders for antibiotics during the height of the pandemic in order to expedite Patient A’s care and did not decide on a course of treatment of her own. Ms. McNeil also reported that she wrote the prescription for

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gabapentin for a brief gap in time when Patient A's naturopathic doctor was on vacation for a week. She reported that Patient A never used the gabapentin.

7. Following review at its November 9-10, 2021 meeting, the Board voted to offer Ms. McNeil a consent agreement to resolve Complaint 2021-13.
8. Absent Ms. McNeil's acceptance of this Agreement by signing, dating, and returning it to the Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158 within thirty (30) days of receipt, the Board may take further action. In the absence of an agreement, the Board could impose, subsequent to adjudicatory proceedings, greater adverse action in this matter.

AGREEMENT

9. Ms. McNeil admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her Maine nursing license under the following laws and regulations:

32 M.R.S. § 2105-A(2)(F) & (H), for engaging in unprofessional conduct as defined by the Board and violating a rule of the Board by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient (Board Rules Ch. 4, § 3(F)); and

32 M.R.S. § 2105-A(2)(H), for violating a rule of the Board by providing medical treatment or prescribing medications to any individual with whom the advanced practice registered nurse has a close personal relationship, except as provided in Board Rules Ch. 8 § 6(4)(G)(c) in an established clinical relationship (Board Rules Ch. 8, § 6(4)(G)(a)).

10. As discipline for the violation(s) admitted to above, Ms. McNeil agrees:


- a. To accept a **WARNING**; and

- b. To pay a **CIVIL PENALTY of \$500.00** within three (3) months of the execution of this Agreement. Ms. McNeil shall remit payment to the Maine State Board of Nursing, 158 State House Station, Augusta ME 04330-0158. The fine shall be paid by bank check or money order and made payable to "Treasurer State of Maine."

11. Violation of any of the terms or conditions of this Agreement by Ms. McNeil shall constitute unprofessional conduct and shall be grounds for discipline.
12. Ms. McNeil waives her right to an adjudicatory hearing before the Board or any court regarding all facts, terms, and conditions of this Agreement. Ms. McNeil agrees that this Agreement is a final order resolving Complaint 2021-13.
13. The Board and Ms. McNeil agree that no further agency or legal action will be initiated against her by the Board based upon the specific violations admitted to herein, except or unless she fails to comply with the terms and conditions of this Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Ms. McNeil. The Board may also consider the fact that discipline was imposed by this Agreement in determining appropriate discipline in any further complaints against Ms. McNeil.
14. This Agreement is not appealable and is effective until modified or rescinded by the parties to this Agreement. This Agreement cannot be modified orally. It can only be modified by writing and only if signed by all of the parties to the Agreement and approved by the Office of the Attorney General.
15. The Board and the Office of the Attorney General may communicate and cooperate regarding Ms. McNeil's practice or any other matter relating to this Agreement.

16. 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-A.
17. This Agreement constitutes adverse action and is reportable to the National Practitioner Data Bank (“NPDB”).
18. Nothing in this Agreement shall be construed to affect any right or interest of any person not a party hereto.
19. For the purposes of this Agreement, the term “execution” means that date on which the final signature is affixed to this Agreement.
20. This Agreement may be signed in counterparts, with all counterparts together constituting one original instrument. Signatures below may be applied and/or saved electronically, and such electronic signatures will be given the same effect as a paper document signed in ink.
21. Ms. McNeil 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 has executed this Agreement of her own free will, and that she agrees to abide by all the terms and conditions set forth in this Agreement.

Dated: 3.7.2022


LICENSEE JENNIE K. MCNEIL, APRN-CNP

FOR THE MAINE STATE BOARD OF NURSING

Dated: 3-15-2022


KIM ESQUIBEL, PhD, MSN, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: 3/24/22


KATIE W. JOHNSON
Assistant Attorney General