

SETTLEMENT
AGREEMENT
In the Matter of Doreen
Blouin
Docket No. 21-NUR-0018
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BEFORE THE
BOARD OF NURSING
CONCORD NH 03301

In the Matter of: Docket No.: 21-NUR-0018
Doreen Blouin, RN
License #043706-21

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of nursing, the New Hampshire Board of Nursing ("Board") and Doreen Blouin ("Respondent"), a registered nurse licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board in accordance with the following terms and conditions:

1. Pursuant to RSA 326-B:4; RSA 326-B:38, RSA 310-A:1-1, RSA 541-A and Board of Nursing Administrative Rule ("Nur") 207, 208, and 211, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by the Board's licensees. Pursuant to RSA 326-B:38, X, RSA 310-A:1-k, III, and RSA 541-A, V, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice as a licensed registered nurse in the state of New Hampshire on July 17, 1997. Respondent holds license number 043706-21. Respondent's license expired on February 23, 2020.
3. On 12/7/2018, the Board received a complaint from Ethnee Garner of Memorial Hospital alleging the Respondent failed to properly document the administration of controlled substances and may have diverted controlled substances.
4. In response to a complaint, the Board appointed Administrative Prosecution Unit ("APU") to conduct an investigation. The Respondent entered a voluntary preliminary agreement not to practice. After review of the investigation, the Board voted to commence a disciplinary proceeding. APU transferred the case to the Office of Professional Licensure and Certification, Enforcement Division ("OPLC"). The Board issued a Notice of Hearing.
5. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel could prove that Respondent engaged in professional misconduct, in violation of NH RSA 326-B:37, II (h)(1), NH RSA 326-B:37, II (h)(1), (q)(2) and Nur 402.04 (b)(10); and (b)(17), by the following facts:
 - A. At the time of the conduct, Respondent was licensed by the Board and employed at Memorial Hospital in Conway, NH.
 - B. On 09/20/2011, the Board dismissed with a letter of concern a complaint alleging the Respondent made incorrect, inconsistent, or unintelligible entries in patients' records pertaining to documentation of administration of controlled substance of Vicodin and Ativan.
 - C. On 01/06/2015, Respondent entered a settlement agreement with the Board

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settling allegations irregularities associated with the administration of narcotics.

- D. Respondent's documentation failed to conform to nursing standards when:
- i. Respondent failed to document the waste or administration of a partial dose of 2mL fentanyl 50mCg/1mL.
 - ii. Respondent failed to document obtaining verbal orders for hydromorphone where Respondent removed for two different patients three separate doses of hydromorphone from the automated dispensing machine ("ADM") via override and wasted the entire doses, and orders to support such removal cannot be found in the Electronic Medical Record or recorded on the handwritten Physician's Orders Sheet.
 - iii. The Respondent without documentation discarded deceased and discharged patients' personal medications from the patient belongings locker.
- E. Respondent's medication administration practice failed to conform to nursing standards when:
- i. Respondent used a single-use vial of 2mL fentanyl 50mCg/1mL to administer two separate doses.
 - ii. Respondent removed controlled substances from the ADM prior to assessing the patient resulting in:
 1. Wasting (with a witness) full doses of controlled substances when the patient did not need the medication;
 2. Carrying controlled substances in her pockets for hours at a time; and/or,
 3. Storing controlled substances outside of the AMD for hours at a time in locked locations that were not solely controlled by the Respondent.

6. The Board finds that Respondent committed the acts described above and concludes that, by engaging in such conduct, Respondent violated NH RSA 326-B:37, II (h) (1), NH RSA 326-B:37, II (q)(2); and Nur 402.04 (b)(10); and (b)(17).

7. WHEREFORE, Respondent acknowledges that the allegations and facts set forth in paragraphs 5 constitute grounds for the Board to impose disciplinary sanctions and consents to the Board imposing the following discipline, pursuant to RSA 326-B:37, III:

- A. Respondent is **REPRIMANDED** for recording of controlled substances in a negligent manner and failing to perform medication administration practices that conform to nursing standards.
- B. Respondent shall pay an **ADMINISTRATIVE FINE** in the amount of **One Thousand Dollars (\$1,000.00)** which is due and payable in full within 90 days from the effective date of this *Settlement Agreement*. Payments shall be made according to the terms in paragraph 7.D.
- C. Respondent shall pay the **COST OF INVESTIGATION AND PROSECUTION** in the amount of **Two Thousand Dollars (\$2,000.00.)** within 90 days from the effective date of this *Settlement Agreement*. Payments shall be made according to the terms in paragraph 7.D.
- D. All payments shall be in the form of a check or money order made payable to the Treasurer, State of New Hampshire. The payment of the administrative fine shall be made separate from any required payment of the costs of investigation and prosecution. Each payment shall specify on the memo line whether the payment is for "Nursing Administrative Fine" or "Nursing Costs of Investigation and Prosecution." The first payment shall be mailed with a printed copy of this *Settlement Agreement*. All payments shall be sent to:

ATTN: OPLC Finance and Board of Nursing
Office of Professional Licensure and Certification
7 Eagle Sq.
Concord, NH 03301

- E. Respondent is required to meaningfully participate in a total of twelve (12) hours of Board-approved **CONTINUING EDUCATION** courses in the topics of documentation, administration, and waste of controlled substances, and diversion. At least one hour shall be completed in topics of detection of diversion and/or diversion behaviors. These hours shall be in addition to the hours required for renewal of licensure and shall be completed within one hundred and eighty (180) days from the effective date of this *Settlement Agreement*. Within fifteen (15) days of completing these required courses, Respondent shall notify Board and provide proof of completion of the course

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hours to the Board. With proof of course completion, the Respondent shall also provide a **Letter of Reflection** pursuant to the following terms:

- i. The Letter of Reflection shall be in the Respondent's own words and shall demonstrate that the Respondent has achieved a satisfactory degree of skill and understanding in the areas of deficiency as described in the above stated facts. The Letter of Reflection shall at a minimum apply the contents of the continuing education course(s) to the facts alleged in the complaint in the above referenced matter.
 - ii. The Letter of Reflection shall be confidential and exempt from disclosure under RSA 91-A.
 - iii. Within forty-five (45) days of receipt, the Board shall notify the Respondent whether or not the Letter of Reflection demonstrates a satisfactory degree of skill and understanding in the area(s) of deficiency.
 - iv. If the Board finds the Letter of Reflection fails to demonstrate a satisfactory degree of skill and understanding, the Board may order the Respondent to appear at a non-disciplinary show cause hearing to answer as to why the letter failed to demonstrate sufficient skill and understanding and to address the Board's concerns.
 - v. If the Board finds the Letter of Reflection fails to demonstrate a satisfactory degree of skill and understanding, the Board may deny the Respondent's application for reinstatement.
8. For a continuing period of one (1) year from the effective date of this agreement, Respondent shall furnish a copy of this Settlement Agreement to any employer to which Respondent may apply for work as a RN or work which requires an educational degree or health license directly or indirectly involving patients or clients.
9. The Board agrees to the following terms regarding reinstatement of licensure:
- A. The Respondent shall submit a complete application for reinstatement pursuant to Nur 401.02.
 - B. The Board agrees not to deny the Respondent's application for reinstatement as a result of the conduct described in this *Settlement Agreement* or past disciplinary action but may deny the Respondent's application for failure to meet the requirements of licensure pursuant to Nur 401.02 and may deny the Respondent's application for reinstatement pursuant to paragraph 7.E.v.
 - C. Prior to reinstatement, the Respondent shall pay the Administrative Fine and the Cost of Investigation and Prosecution pursuant to paragraph 7.B and C., shall complete and submit proof of completion of all twelve (12) hours of continuing education required in addition to the hours required for renewal of licensure, and submit the Letter of Reflection.
10. The Board agrees that in return for Respondent executing this *Settlement Agreement*, The Board will not proceed with the formal adjudicatory process based upon the facts described herein. However, the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar misconduct is proven against Respondent in the future.
11. The Board may consider Respondent's compliance with the terms and conditions herein in any subsequent proceeding before the Board regarding Respondent's license. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall institute professional misconduct pursuant to RSA 326-B:37 II. (q)(2) and shall serve as a separate and sufficient basis for further disciplinary action by the Board.
12. This *Settlement Agreement* shall become a permanent part of the Respondent's file, which is maintained by the Board as a public document.
13. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to her other than those terms and conditions expressly stated herein.
14. Respondent understands that her action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
15. Respondent has had the opportunity to seek and obtain the advice of an attorney of her choosing in connection with her decision to enter into this *Settlement Agreement*.
16. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that

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any disclosures made to the Board during its review of this *Settlement Agreement* has prejudiced her right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.

17. Respondent is not under the influence of any drugs or alcohol and is otherwise of sound mind at the time she signs this *Settlement Agreement*.
18. Respondent certifies that she has read this document titled *Settlement Agreement*. Respondent understands that she has the right to a formal adjudicatory hearing concerning this matter and that at said hearing she would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on her own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, quality and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, she waives these rights as they pertain to the misconduct described herein. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.
19. This *Settlement Agreement* shall take effect as an Order of the Board on the date it is signed by an authorized representative of the Board.

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FOR RESPONDENT

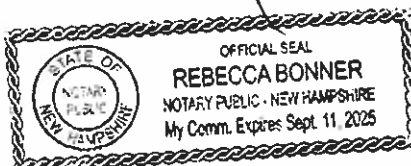
I, Doreen Blouin, have reviewed the foregoing *Settlement Agreement* settling misconduct allegations pending against me and, of my own free will and without duress, and being knowledgeable about all of the consequences, admit to the validity thereof, and agree to all of the terms of this *Settlement Agreement*. Further, I, Doreen Blouin, knowingly and freely waives the right to further notice, opportunity for hearing, substantial evidence, and findings and conclusions with regard to the allegations, which have been settled by the terms of this *Settlement Agreement*.

Dated: 9 January, 2022 ²⁰²³

Doreen Blouin
Doreen Blouin,
Respondent

On this 9th day of Jan A.D. 2022 ²⁰²³ personally appeared the person who subscribe to the following instrument and acknowledged the same as her/his voluntary act and deed before me.

Rebecca Bonner



Justice of the
Peace/Notary Public
My commission
expires:

Ans



FOR THE BOARD

ACCEPTED BY THE BOARD OF NURSING on this 26th
day of January, ~~2022~~ ²⁰²³ (Effective Date).

Date: Ashley Czechowicz
(Signature)

Ashley Czechowicz
Board Administrator of the
NH Board of Nursing