



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

JOHN ELIAS BALDACCI
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: DEBORAH S. LAVINE) **CONSENT AGREEMENT**
 of South Paris, Maine) **FOR LICENSE REINSTATEMENT**
 License #R035511) **AND PROBATION WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Deborah S. LaVine’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). The Board met with Ms. LaVine on June 3, 2009 regarding her request for reinstatement of her nursing license. The parties to this Consent Agreement are Deborah S. LaVine (“Licensee” or “Ms. LaVine”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine.

FACTS

1. Deborah S. LaVine’s License History: Ms. LaVine was originally licensed to practice registered professional nursing in Maine in August, 1992. On March 19, 2004, she voluntarily surrendered her registered professional nurse license by Consent Agreement with the Board. The basis for her license surrender was drug diversion and substance abuse. Ms. LaVine’s registered professional nurse license was reinstated on probation by Consent Agreement with the Board dated July 8, 2004. On September 28, 2006, the Board immediately suspended Ms. LaVine’s registered professional nurse license pursuant to Condition #6 of the July 2004 Consent Agreement after determining there was reasonably reliable information that she had not remained substance free. Ms. LaVine again agreed to surrender her registered professional nurse license by Consent Agreement with the Board on November 1, 2006 for a period of one year. On October 31, 2007, the Board reinstated Ms. LaVine’s license on probation for a five-year term. On December 4, 2008, Ms. LaVine surrendered her license for a third time after a drug screen showed a positive for opiates (morphine). The prior referenced Consent Agreements are attached and marked as Exhibit A.
2. Deborah S. LaVine presented the Board with a report for a negative drug screen conducted at Stephens Memorial Hospital on April 15, 2009. She currently attends AA three to four times a week, has a sponsor, and is working through the 12-step AA program with a women’s recovery group that meets weekly.

AGREEMENT WITH CONDITIONS OF PROBATION

3. Deborah S. LaVine’s license as a registered professional nurse in the State of Maine is reinstated on a probationary status with conditions. The term of probation will be for a period of five years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing



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employment is any employment during which Ms. LaVine performs nursing services. Her probationary license will be subject to the following conditions:

- a. Deborah S. LaVine will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from her treatment providers who are aware of her substance abuse history.
- b. Deborah S. LaVine will continue in her treatment program to such an extent and for as long as her treatment providers recommend and will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers until her probation is terminated. If Ms. LaVine's treatment is terminated during her probation, she shall notify the Board and provide written documentation.
- c. Deborah S. LaVine 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.
- d. Deborah S. LaVine will notify the Board in writing within five business days after she obtains 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. LaVine'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 surrounding the termination or separation.
- e. Deborah S. LaVine will notify any and all of her nursing employers and faculty involved in any clinical studies of the terms of this Consent Agreement and provide them with a copy of it.
- f. Deborah S. LaVine 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, which is to include clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.
- g. Deborah S. LaVine understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year 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. LaVine has complied with the provisions of this Agreement.
- h. Deborah S. LaVine's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, home health, school nursing, work as a travel nurse or within the correctional system.

- i. Deborah S. LaVine understands and agrees that the Board and the Office of the Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate her compliance with the Agreement and her continued recovery. Ms. LaVine shall provide such information, authorize the release of such records and information, and authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board.
4. If Ms. LaVine violates the conditions of her probation, the Board will give written notice to the Licensee regarding her failure to comply. Notice will be sent by certified mail, return receipt requested, to the last known address of the Licensee that is on file with the Board. The Licensee 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 timely response to determine what action, if any, the Board 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 a 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.A. § 8003 and Title 32 M.R.S.A. § 2105-A.
5. Deborah S. LaVine understands and agrees that if any member of the Board or the Board's Executive Director receives reasonably reliable information suggesting that she has not remained substance free in accordance with the Consent Agreement, her license will be immediately and automatically suspended pending further review by the Board. In the event any member of the Board or its Executive Director receives such information, the information will be immediately forwarded to Ms. LaVine for a response. Ms. LaVine understands and agrees that in such an event, her license shall remain suspended pending a hearing. The Board shall hold a hearing within 60 days of the automatic suspension unless both the Licensee and the Board agree to hold the hearing later, or the Executive Director and/or the Office of the Attorney General earlier determines that such information is without merit. If the information received is proven to be inaccurate or incorrect, either through hearing or determination by the Executive Director and/or the Office of the Attorney General, Ms. LaVine's license will be immediately reinstated retroactive to the date of suspension.
6. 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. The State of Maine is Ms. LaVine's "home state" of licensure and primary state of residence, which means 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. LaVine understands this document is an Agreement subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice may be limited to the State of Maine as it pertains to the

Compact. If Ms. LaVine wishes to practice in any other party state within the Compact, she shall arrange to have the party state in which she intends to practice provide the Board with written authorization that she has been approved to practice in that state.

7. This Agreement is a public record within the meaning of 1 M.R.S.A. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S.A. § 408.
8. Deborah S. LaVine understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
9. Deborah S. LaVine affirms that she executes this Consent Agreement of her own free will.
10. Modification of this Consent Agreement must be in writing and signed by all parties.
11. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
12. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, DEBORAH S. LAVINE, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

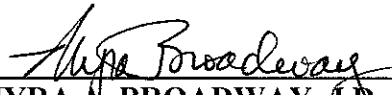
DATED: 7-8-09



DEBORAH S. LAVINE

FOR THE MAINE STATE BOARD OF NURSING

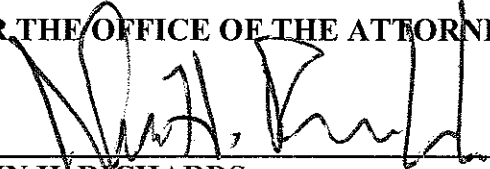
DATED: July 9, 2009



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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: July 15, 2009



JOHN H. RICHARDS
Assistant Attorney General