



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: BEVERLY J. BALLARD, RN
 of Caribou, ME
 License #RN29565

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**CONSENT AGREEMENT
 FOR VOLUNTARY
 SURRENDER OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Beverly A. Ballard’s license as a registered professional nurse (“RN”) in the State of Maine. The parties to this Agreement are Beverly A. Ballard (“Licensee” or “Ms. Ballard”), Maine State Board of Nursing (“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 (1-A) (C), 10 M.R.S. §§ 8003 (A-1) (4), 8003 (5) (B) and 10 M.R.S. § 8003 (5) (D). The Licensee was to be scheduled to meet with the Board in an informal conference regarding her July 21, 2011 termination from Maine Veterans’ Homes - Caribou. However, the parties reached this Agreement prior to the informal conference on the basis of: 1) Board Notice of Complaint/Provider Report dated September 22, 2011 with information from Maine Veterans’ Home - Caribou dated August 15, September 8, and November 28, 2011; 2) Ms. Ballard’s response received October 24, 2011; 3) Board Notice of Complaint dated February 27, 2012 with information from the Virginia Board of Nursing regarding Ms. Ballard’s Consent Order for Voluntary Surrender for Indefinite Suspension dated January 24, 2012; 4) Board Notice for Failure to Respond dated April 6, 2012; and 5) Ms. Ballard’s response received May 25, 2012.

FACTS

1. Beverly A. Ballard has been licensed to practice in Maine as a registered professional nurse since August 19, 1986. Her licensed practical nurse license lapsed December 22, 1986.
2. Beverly A. Ballard’s employment as an RN at Maine Veterans’ Homes - Caribou began March 16, 2011 as a per diem position; she was terminated July 21, 2011 because her performance was not consistent with facility job expectations. Specifically, she had become very confused and nearly falling asleep while giving care to one of the residents. Staff stated that she had blood on her shirt and pants and two 18-gauge syringe needles in her pocket. In addition, an unlabeled syringe with 50 units of liquid was in the treatment cart, along with a pill popped in the med cup sitting in the cart’s top drawer.
3. Beverly A. Ballard’s written response to the Board stated that she was exhausted and extremely stressed from working and not taking her Cymbalta, which had been prescribed for depression.
4. On February 24, 2012, the Board received information from the Virginia Board of Nursing regarding Beverly A. Ballard’s Consent Order for Voluntary Surrender following a January 2010 incident in which Ms. Ballard declined to submit a urine specimen for drug screen after reporting to work confused, disoriented, glassy-eyed, crying and unable to remember her patients’ names. It was later discovered that three bottles of liquid morphine belonging to her former patients had been opened with medication used, but no documentation of administration. [Exhibit A]
5. Beverly A. Ballard has advised the Board that she is now on disability and will not be returning to work. She has requested that her RN license ‘be cancelled.’ Ms. Ballard wishes to resolve these matters by surrendering her RN license, thereby waiving her rights to an adjudicatory hearing.



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AGREEMENT

6. The Maine State Board of Nursing will accept Beverly A. Ballard's offer to voluntarily surrender her RN license. Ms. Ballard understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the 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 (1-A), (2) (E), (2) (F), (2) (H) and Chapter 4.1.A.5., 4.1.A.6., 4.1.A.8., 4.3.B., 4.3.F. and 4.3.N. of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. 32 M.R.S. § 2105-A (1-A). "... The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but not later than 60 days from receipt of this information. The licensee shall respond within 30 days. . . ."
 - b. 32 M.R.S. § 2105-A (2) (E). Incompetence. A licensee is considered incompetent in the practice if the licensee has:
 1. Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public; or
 2. Engaged in conduct that evidences a lack of knowledge or inability to apply principles or skills to carry out the practice for which the licensee is licensed. See also: Rule Chapter 4, Section 4.1.A.5.a and 4.1.A.5.b.
 - c. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Ballard has engaged in unprofessional conduct which violates a standard of professional behavior that has been established in the practice for which she is licensed. See also: Rule Chapter 4, Section 4.1.A.6.
 - d. 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.
 - e. 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:*
 - B. Ms. Ballard assumed duties and responsibilities within the practice of nursing without adequate preparation or when competency had not been maintained.
 - F. Ms. Ballard failed to take appropriate action or follow policies and procedures in the practice situation designed to safeguard the patient.
 - N. Ms. Ballard practiced nursing when unfit to perform procedures and make decisions in accordance with the license held because of physical, psychological or mental impediment.
7. Beverly A. Ballard understands and agrees that her 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. Ballard 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 Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. Ms. Ballard has

not yet changed her primary state of residence from Virginia to Maine, but understands this Consent Agreement is subject to the Compact.

9. Beverly A. Ballard understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
10. Beverly A. Ballard 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 registered professional nurse or with the designation "RN" 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. Beverly A. Ballard 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.

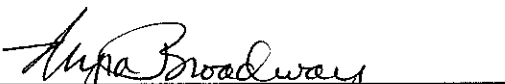
I, BEVERLY A. BALLARD, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND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

DATED: Oct 16, 2012


BEVERLY A. BALLARD, RN

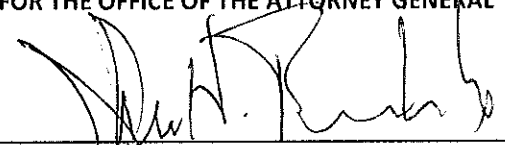
FOR THE MAINE STATE BOARD OF NURSING

DATED: Oct 20, 2012


MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 10/23/12


JOHN H. RICHARDS
Assistant Attorney General