



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 A. BUCKLEY, L.P.N.)      CONSENT AGREEMENT**  
of South Gardiner, Maine                    )      **FOR PROBATION**  
License #P008730                                 )      **WITH CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement (Agreement”) regarding Deborah A. Buckley’s license to practice licensed practical 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 parties to this Agreement are Deborah A. Buckley (“Licensee” or “Ms. Buckley”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of the Board’s review of 1) a Board Notice of Complaint/Provider Report dated May 1, 2009, which included information from MaineGeneral Medical Center (“MaineGeneral”) dated April 27, 2009; and 2) Ms. Buckley’s response received May 11, 2009. Both are attached hereto and incorporated herein as Exhibit A.

**FACTS**

1. Deborah A. Buckley has been a licensed practical nurse licensed to practice in Maine since November 1985.
2. Deborah A. Buckley admits that she diverted the controlled narcotic Vicodin from MaineGeneral. Ms. Buckley states that she diverted the Vicodin because of a back injury she sustained falling off a ladder; she is currently on medical leave from MaineGeneral because of the back injury.
3. Deborah A. Buckley states that she is currently in counseling for secondary depression associated with her back injury and will be referred to a physical therapist to help manage her chronic pain.

**AGREEMENT WITH CONDITIONS OF PROBATION**

4. Deborah A. Buckley understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice practical nursing in the State of Maine. The grounds for discipline for violations are under 32 M.R.S.A. § 2105-A(2)(A), (2)(F), (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
  - a. M.R.S.A. § 2105-A (2) (A). Ms. Buckley engaged in the practice of fraud and deceit in connection with service rendered within the scope of the license issued by



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diverting schedule drugs for her own personal use. (See also Rule Chapter 4, Section 1.A.1)

- b. M.R.S.A. § 2105-A (2) (F). Unprofessional Conduct. Ms. Buckley engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed regarding the administration of scheduled drugs. (See also Rule Chapter 4, Section 1.A.6.)
- c. M.R.S.A. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.6.)

Rule Chapter 4, Section 3. *Unprofessional Conduct* is defined as *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 not be limited to, the following:*

- d. Chapter 4, Section 3(K). Ms. Buckley inaccurately recorded, falsified or altered a health care provider record.
  - e. Chapter 4, Section 3(P). Ms. Buckley diverted drugs from patients and a health care provider.
  - f. Chapter 4, Section (Q). Ms. Buckley possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
5. Deborah A. Buckley's license as a licensed practical nurse in the State of Maine is placed on probationary status with conditions. The period of probation will commence upon Ms. Buckley's return to nursing practice, either through employment and/or pursuant to a clinical nursing educational program and will be for a period of five years, to be effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Buckley performs nursing services. Her probationary license will be subject to the following conditions:
- a. Deborah A. Buckley will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a physician who is aware of her substance abuse history.
  - b. Deborah A. Buckley shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. Ms. Buckley shall inform the Board in writing within 15 days of any address change.
  - c. Deborah A. Buckley 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. Buckley's treatment is terminated during her probation, she shall notify the Board and provide written documentation.

d. Deborah A. Buckley 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. Buckley'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 A. Buckley 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 A. Buckley 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 A. Buckley 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 Ms. Buckley's written request, votes to terminate her probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Buckley has complied with the provisions of this Agreement.

h. Deborah A. Buckley's employment is restricted during the period of probation to structured settings with on-site supervision by a 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 A. Buckley agrees and understands 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. Buckley 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.

6. If Ms. Buckley 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.

7. 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. Buckley'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. Buckley 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. Buckley 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.
8. 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.
9. Deborah A. Buckley 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. Deborah A. Buckley affirms that she executes this Agreement of her own free will.
11. Modification of this Agreement must be in writing and signed by all parties.
12. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
13. This Agreement becomes effective upon the date of the last necessary signature below.

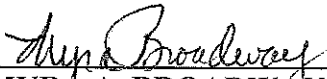
**I, DEBORAH A. BUCKLEY, L.P.N., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY LICENSED PRACTICAL NURSE LICENSE. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 7-22-09

Deborah A Buckley L.P.N.  
DEBORAH A. BUCKLEY, L.P.N.

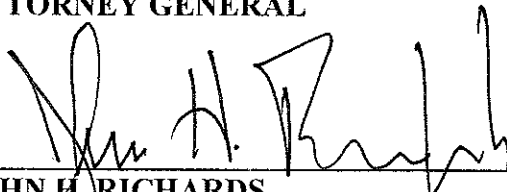
**FOR THE MAINE STATE  
BOARD OF NURSING**

DATED: 7/27/09

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

**FOR THE OFFICE OF THE  
ATTORNEY GENERAL**

DATED: 7/28/09

  
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**JOHN H. RICHARDS**  
Assistant Attorney General