



## MAINE STATE BOARD OF NURSING

35 ANTHONY AVENUE  
STATE HOUSE STATION 158  
AUGUSTA, MAINE 04333  
(207) 624-5275

In re: )  
Heather J. Caldwell, R.N. ) CONSENT AGREEMENT  
of Atlanta, Georgia ) REGARDING PROBATIONARY  
License #R28648 ) STATUS OF LICENSE

### INTRODUCTION

This document is a Consent Agreement regarding Heather J. Caldwell's license to practice professional nursing in the State of Maine, entered into pursuant to 32 M.R.S.A. Section 2105-A(1-A)(B) and 10 M.R.S.A. Section 8003(5)(B). The parties to this Consent Agreement are: Heather J. Caldwell, R.N., the Maine State Board of Nursing ("Board") and the Department of Attorney General, State of Maine. On December 18, 1985 the Board voted to accept Ms. Caldwell's voluntary surrender of her R.N. license for a one-year period on the basis that she had diverted drugs for her own use which may have been indicative of habitual intemperance in the use of a narcotic in violation of 32 M.R.S.A. Section 2105-A(B). After an informal conference on June 17, 1988, these parties entered into a Consent Agreement under which Ms. Caldwell's license was reinstated on a six-month probationary status, with conditions. On July 13, 1989, Frances Roy, R.N., Vice-President of Nursing Affairs for Mid-Maine Medical Center, notified the Board that Ms. Caldwell had been referred to that facility's substance abuse recovery program. Further information was provided in a letter dated October 15, 1990 from Barbara Whitehead, R.N., the facility's Vice-President for Patient Services. After a series of notices setting this matter for an informal conference, and then for an adjudicatory hearing at which Ms. Caldwell never appeared, she wrote the Board on January 27, 1992, requesting a meeting. An informal conference was held on June 10, 1992, at which Ms. Caldwell was present and was not represented by an attorney.

### FINDINGS OF FACT

As a result of the informal conference the Board made the following findings of fact:

1. Ms. Caldwell admits to the diversion of narcotics in 1989.

2. The diversion in 1989 was part of a relapse of a substance abuse problem dating back to 1985.
3. Ms. Caldwell did not adequately respond to the notices from the Board from 1989 to 1992.
4. Ms. Caldwell is now involved in the Talbott-Marsh Recovery Program.
5. Ms. Caldwell has remained substance-free for almost three years now and has a good support system.
6. Ms. Caldwell is involved in formal self-help programs.
7. Ms. Caldwell is employed in the health care field as a dialysis technician, and her employer is supportive of her relicensure as a nurse.
8. Ms. Caldwell plans to remain in Georgia and participate in the recovery process.

#### COVENANTS

Based on the above findings of fact, the Board voted to enter into an Agreement with Ms. Caldwell under which her license to practice professional nursing in Maine will be reinstated on a probationary status for three years, subject to the following conditions:

1. Ms. Caldwell will remain substance-free.
2. Ms. Caldwell will continue in her prescribed substance abuse treatment program.
3. Ms. Caldwell will continue in her involvement with self-help programs.
4. Ms. Caldwell will arrange to have quarterly reports submitted to the Board from her substance abuse therapist and from her nurse employer. Ms. Caldwell waives any claims of confidentiality and privilege which she may have with respect to these reports.
5. Ms. Caldwell will notify the Board of any change in her nursing employment.
6. The Board agrees to take no further disciplinary action upon these facts so long as Ms. Caldwell fully complies with these conditions.

Ms. Caldwell understands that this document is a Consent Agreement which affects her rights to practice nursing in Maine. Ms. Caldwell understands that she does not have to execute this

Consent Agreement and that she has the right to consult with an attorney before entering this Consent Agreement. Ms. Caldwell affirms that she executes this Consent Agreement of her own free will.

DATED: 9/10/92

BY: Heather J. Caldwell, R.N.  
HEATHER J. CALDWELL, R.N.

FOR THE MAINE STATE BOARD OF NURSING:

DATED: 9/14/92

BY: Jean C. Caron  
JEAN C. CARON, R.N., M.S.  
Executive Director

FOR THE DEPARTMENT OF ATTORNEY GENERAL

DATED: 9/15/92

BY: Timothy W. Collier  
TIMOTHY W. COLLIER  
Assistant Attorney General  
Counsel to the Board