



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: WENDY E. CHAMBERLAIN) **CONSENT AGREEMENT FOR**
 of Minot, Maine) **LICENSE REINSTATEMENT**
 License #R042374) **& PROBATION WITH CONDITIONS**

INTRODUCTION

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

FACTS

1. License History: Ms. Chamberlain was originally licensed to practice registered professional nursing in Maine in June 1998. On January 4, 2006, she voluntarily surrendered her registered professional nurse license by Consent Agreement with the Board regarding drug diversion and substance abuse. Wendy E. Chamberlain admitted a substance abuse problem.
2. Treatment History: In November 2005, Ms. Chamberlain started weekly NA meetings at Trinity Church in Lewiston, Maine. In February 2006, she enrolled in and completed a 12-week out-patient rehabilitation program (“Program”) which involved group and one-on-one counseling and mandatory rehabilitation classes; she also attended at least three NA or AA meetings per week while in the Program. After its completion, she continued with AA because it focused on rehabilitation versus NA, where she felt people discussed drug use. Ms. Chamberlain has developed a strong support group and is active in her children’s school and other activities.
3. Wendy E. Chamberlain has maintained her sobriety since July 2006.

AGREEMENT WITH CONDITIONS OF PROBATION

4. Wendy E. Chamberlain’s license as a registered professional nurse in the State of Maine is reinstated on probationary status with conditions. The period of probation will commence upon Ms. Chamberlain’s return to nursing practice and will be for a period of five years, effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Chamberlain performs nursing services. Her probationary license will be subject to the following conditions:
 - a. Wendy E. Chamberlain will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from her health care providers who are aware of her substance abuse history.
 - b. Wendy E. Chamberlain will continue in her treatment program(s) to such an extent and for as long as her treatment provider(s) recommend. She will arrange for and ensure the submission of



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

quarterly reports to the Board by her treatment provider(s) and such reports shall continue until her probation is terminated. If Ms. Chamberlain's treatment is terminated during her probation, she shall notify the Board and provide written documentation.

c. Wendy E. Chamberlain shall fully cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. Ms. Chamberlain shall inform the Board in writing within 15 days of any address change.

d. Wendy E. Chamberlain 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. Chamberlain'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.

e. Wendy E. Chamberlain 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. Wendy E. Chamberlain 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 are to include clinical competency, ability to follow policies and procedures relative to standards of practice, and clinical documentation.

g. Wendy E. Chamberlain understands and agrees that her license will remain on probationary status and subject to the terms of this Agreement beyond the five-year probationary 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. Chamberlain has complied with the provisions of this Agreement.

h. Wendy E. Chamberlain'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. Wendy E. Chamberlain understands and agrees that the Board and 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. Chamberlain 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.

5. If Ms. Chamberlain 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, it 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.

6. Wendy E. Chamberlain 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, it will be immediately forwarded to Ms. Chamberlain for response. Ms. Chamberlain 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 determine 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. Chamberlain's license will be immediately reinstated retroactive to the date of suspension.
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. Chamberlain's "home state" of licensure and primary state of residence, which means that 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. Chamberlain understands this Agreement is subject to the Compact. She agrees that during the pendency of this Agreement, her nursing practice will be limited to the State of Maine as it pertains to the Compact. If Ms. Chamberlain 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. Wendy E. Chamberlain understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
10. Wendy E. Chamberlain 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, WENDY E. CHAMBERLAIN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY REGISTERED PROFESSIONAL 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: 2-2-10

Wendy E. Chamberlain
WENDY E. CHAMBERLAIN

**FOR THE MAINE STATE
BOARD OF NURSING**

DATED: Feb 3, 2010

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

**FOR THE OFFICE OF
ATTORNEY GENERAL**

DATED: 2/4/10

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General