



Paul R. LePage
GOVERNOR

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

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

IN RE: Brittany J. Charette

)

DECISION & ORDER

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S. Sec. 2105-A(1-A), *et seq.*, 5 M.R.S. Sec. 9051, *et seq.* and 10 M.R.S. Sec. 8003, *et seq.*, the Maine State Board of Nursing (Board) met in public session at the Board's hearing room located in Augusta, Maine at 10:30 a.m. on March 6, 2013. The purpose of the meeting was to conduct an adjudicatory hearing to determine whether grounds exist for the Board to support its initial denial of Brittany Charette's Application for Examination and Licensure as a Registered Professional Nurse. A quorum of the Board was in attendance during all stages of the proceedings. Participating and voting were Chair Margaret Hourigan, RN, EdD; Robin Brooks (public representative); Elaine A. Duguay, LPN; Valerie Fuller, APRN; Joanne Fortin, RN; and Peggy Sonesen, RN. Andrew Black, Assistant Attorney General, presented the State's case. Ms. Charette was present and not represented by an attorney. James E. Smith, Esq. served as Presiding Officer.

The Board first determined that none of the Board members had conflicts of interest that would prevent them from participating in the hearing. The Board then took official notice of its statutes and rules, and State's Exhibits 1-4 and Appellant's Exhibit 1 were entered into evidence. The Board next heard the State's opening statement and witnesses' testimony, reviewed the exhibits and considered the parties' closing arguments. The Board thereafter deliberated and made the following findings of fact by a preponderance of the credible evidence and conclusions of law regarding the alleged violations.

II. FINDINGS OF FACT

1. Brittany Charette, Saco, Maine has been employed at Southern Maine Medical Center, Biddeford, Maine as an Emergency Department Assistant since July 2007.
2. Appellant completed her studies at the University of New England and was awarded an Associate's Degree in Nursing on August 31, 2012.



PRINTED ON RECYCLED PAPER

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

PHONE: (207) 287-1133

FAX: (207) 287-1149

3. Ms. Charette filed with the Board an Application for Examination and License as a Registered Professional Nurse on August 30, 2012.
4. Ms. Charette, in her application, revealed that on March 4, 2012, she had been arrested for Driving Under the Influence and Driving to Endanger since her blood alcohol reading was .12, well past the legal limit of .08.
5. Appellant pled guilty on April 25, 2012 to the charge of Driving to Endanger and the other charge was dismissed.
6. As a result of her conviction, Ms. Charette was referred by her attorney to Michael Bean, LCPC, LADC, CCS, for an assessment and educational counseling related to her conviction.
7. Ms. Charette subsequently participated in a biopsychological assessment and related treatment with Mr. Bean which was successfully completed October 17, 2012.
8. Counselor Bean noted in correspondence to the Board dated October 17, 2012 that Ms. Charette "demonstrated good insight into the behaviors which led to her [conviction]."
9. Mr. Bean supplemented the above observations by letter dated November 6, 2012. He specifically stated therein that Brittany "does not have an alcohol problem and appears to be at extremely low risk of having any future alcohol related problems...I found no evidence to suggest that she has an alcohol or drug problem." Mr. Bean "strongly" endorsed Appellant's attempt to gain licensure as a Registered Professional Nurse.
10. The Board on November 29, 2012, considered and denied Ms. Charette's August 30 and October 19, 2012 Applications for Examination and Licensure as a Registered Professional Nurse.¹ The decision was based on Ms. Charette's conviction referenced above.
11. The Board at this hearing on appeal on March 6, 2013, noted her remorseful and sincere testimony that she had made a mistake in her consumption of alcohol on March 4, 2012 and that otherwise she had no past or current convictions.
12. The Board also considered the letter of recommendation and testimony by Jennifer Granata, NP-C, MSN, CEN, CPEIN, Ms. Charette's emergency room manager at Southern Maine Medical Center. She stated that the Appellant has been an intelligent and motivated caregiver who exhibits professionalism and compassion for her patients.
13. Nurse Nicole Faulkner also testified in support of licensure for Ms. Charette. Her testimony was in agreement with that of Nurse Granata.

¹ Ms. Charette did not pass the required National Council Licensure Examination for Registered Nurse (NCLEX) which she took on September 29, 2012 and November 16, 2012.

III.

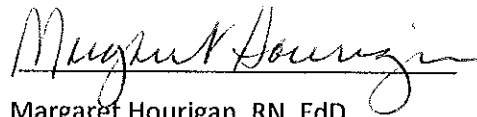
CONCLUSIONS OF LAW

The Board concluded by a vote of 6-0, based on the above facts and those contained in the record but not cited above, that Brittany Charette has been rehabilitated and does not pose a threat of harm to the public.

WHEREFORE, Brittany Charette's Applications for Examination and Licensure as a Registered Professional Nurse are hereby authorized and her APPEAL is **GRANTED**.

SO ORDERED.

Dated: March 26, 2013



Margaret Hourigan, RN, EdD

Chair, State Board of Nursing

IV.

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S. Sec. 11001 and 11002 and the general language following 10 M.R.S. (5-A)(G), any party that appeals this Decision and Order must file a Petition for Review in the Maine Superior Court having jurisdiction within 30 days of receipt of this Order. The petition shall specify the person seeking review, the manner in which s/he is aggrieved and the final agency action which s/he wishes reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings and the Attorney General.