



JOHN ELIAS BALDACCI  
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

**BEFORE THE MAINE STATE BOARD OF NURSING**

IN THE MATTER OF LICENSE  
R053117 ISSUED TO:

NICOLLE DAUPHINEE

To practice registered professional  
nursing in the State of Maine

ORDER TERMINATING  
PROBATION

WHEREAS, on **November 9, 2006**, License #R053117 issued to **Nicolle Dauphinee** was placed on "probation" pursuant to 32 M.R.S.A. Section 2105-A (1-A); and

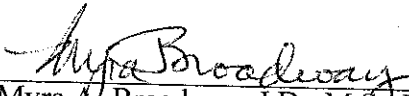
WHEREAS, on **March 4, 2010**, the Board of Nursing duly considered all evidence presented to it concerning **Nicolle Dauphinee's** compliance with the conditions of said probation; and

WHEREAS, the Board found that **Nicolle Dauphinee** has completed all of the Order;

NOW, THEREFORE, it is ordered that the Order of Probation executed on **November 9, 2006** is hereby terminated.

DATED this **18th day of March 2010**.

MAINE STATE BOARD OF NURSING

BY:   
Myra A. Broadway, J.D., M.S., R.N.  
Executive Director



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

IN RE: **NICOLLE DAUPHINEE** )  
 of Hampden, Maine )  
 ) **CONSENT AGREEMENT**  
 ) **FOR PROBATION**  
 ) **WITH CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement regarding Nicolle Dauphinee’s license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(4), (A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Nicolle Dauphinee (“Licensee”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The Board met with the Licensee on September 27, 2006, regarding her application for licensure as a registered professional nurse dated August 27, 2006. The parties reached this Consent Agreement based on information submitted by Ms. Dauphinee in her application

**FACTS**

1. Nicolle Dauphinee was licensed as a registered professional nurse (License No. 571534) in the State of Texas from August 21, 1991 to April 14, 2003, when she voluntarily surrendered her license in a disciplinary action for drug diversion and for problems resulting from chemical dependency. Ms. Dauphinee was also licensed as a registered professional nurse (License No. 76790) in the State of South Carolina from November 1998 to May 1999.
2. Pursuant to the Agreed Order issued to Nicolle Dauphinee from the Board of Nurse Examiners for the State of Texas, dated April 14, 2003, Ms. Dauphinee was prohibited from petitioning for reinstatement of her Texas nurse license until one year elapsed from the date of the Agreed Order. In addition she had to provide verifiable proof of twelve consecutive months of sobriety immediately preceding the petition.
3. Nicolle Dauphinee has changed her residency from the State of Texas to the State of Maine. She has not sought re-licensure in Texas because of her relocation to Maine, and on August 27, 2006, submitted her application for licensure as a registered professional nurse by endorsement to the Maine State Board of Nursing.
4. Nicolle Dauphinee admits that she has a substance abuse problem. She has maintained sobriety for four years and her aftercare treatment consists of attending AA and being active in her church.



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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

## AGREEMENT WITH CONDITIONS OF PROBATION

5. Nicolle Dauphinee license to practice registered professional nursing in the State of Maine is approved by the Board.
  
6. Nicolle Dauphinee's license to practice registered professional nursing in the State of Maine will be placed on a probationary status with conditions. The period of probation will be for a period of two years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Consent Agreement, nursing employment is any employment during which Nicolle Dauphinee performs nursing services. Ms. Nicolle Dauphinee's probationary license will be subject to the following conditions:
  - a. Nicolle Dauphinee 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 or other health care provider who is aware of Ms. Dauphinee's substance abuse history.
  - b. Nicolle Dauphinee will continue in her treatment program to such an extent and for as long as her treatment provider(s) recommend and will arrange for and ensure the submission to the Board quarterly reports from her treatment provider(s).
  - c. Nicolle Dauphinee will notify any and all of her nursing employer(s) and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
  - d. Nicolle Dauphinee will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer(s) or clinical faculty regarding her nursing practice.
  - e. Nicolle Dauphinee will immediately notify the Board in writing regarding any material change in her nursing employment or entry into an educational program in the field of nursing. Notification under this section shall include the place and position of employment or the educational program and the same notification shall apply to any subsequent change in employment or change in educational program.
  - f. Nicolle Dauphinee's employment is restricted during the period of probation to structured settings with the exception of dialysis units or facilities. She will not accept assignments from temporary employment agencies, school nursing or working within the correctional system.

- g. The State of Maine is now Nicolle Dauphinee's home state of licensure. Unless otherwise authorized by the Board, Ms. Dauphinee agrees that during the pendency of this Consent Agreement her nursing practice is limited to the State of Maine. If Ms. Dauphinee wishes to practice in any other party state within the compact she shall petition the Board for written authorization. In addition, Ms. Dauphinee will arrange to have the party state she intends to practice in provide the Board with written authorization that she has been approved to practice in that state.
7. Nicolle Dauphinee agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the probationary period, until and unless the Board, at Ms. Dauphinee's written request, votes to terminate Ms. Dauphinee's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Dauphinee has complied with the provisions of this Consent Agreement.
8. Nicolle Dauphinee understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Dauphinee understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
9. If Nicolle Dauphinee fails to meet any of the obligations of this Consent Agreement, 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.
10. Nicolle Dauphinee affirms that she executes this Consent Agreement of her own free will.
11. Modification of this Consent Agreement must in writing and signed by all the parties.
12. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.

13. This Consent Agreement becomes effective upon the date of the last necessary signature below.


**I, NICOLLE DAUPHINEE, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WITHOUT ANY THREAT OR PROMISE. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 11/6/06

  
NICOLLE DAUPHINEE

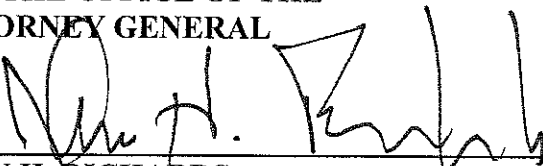
**FOR THE MAINE STATE  
BOARD OF NURSING**

DATED: Nov. 7, 2006

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

**FOR THE OFFICE OF THE  
ATTORNEY GENERAL**

DATED: Nov. 9, 2006

  
JOHN H. RICHARDS  
Assistant Attorney General