

MAINE STATE BOARD OF NURSING

In re:)
Raeann Doyon, R.N.) DECISION AND ORDER
)

Pursuant to authority found in 32 M.R.S.A. § 2105(A) (1-A) *et seq.*, 5 M.R.S.A. § 9051 *et seq.*, and 10 M.R.S.A. § 8003(5), the Maine State Board of Nursing (“the Board”) met in public session at the Board’s offices located in Augusta Maine on September 28, 2005 for the purposes of determining whether grounds existed for the Board to take disciplinary action against the license held by Raeann Doyon, R.N. An adjudicatory hearing was held in accordance with 5 M.R.S.A. § 9051 *et seq.* A quorum of the Board was in attendance during all stages of the proceeding. Participating and voting board members were Board Chair Therese B. Shipps, R.N., Betty Kent-Conant, R.N., Bruce O’Donnell, C.R.N.A., Diane L. Dalton, R.N.C., Dorothy Melanson, R.N., Richard Sheehan, R.N., and Karen L. Tripp, public member. John Richards, Assistant Attorney General, presented the State’s case. Raeann Doyon was not present and was not represented by counsel at the hearing. Susan Sparaco, Assistant Attorney General, served as the Board’s hearing officer.

Three witnesses testified on behalf of the State: the Board’s Executive Director, Myra Broadway, and Janice Chamberlain, R.N., and Peggy Ouellette, R.N. from Spring Harbor Hospital. The State submitted six exhibits into evidence. Exhibit #1 consisted of a record of Ms. Doyon’s license profile and a copy of Ms. Doyon’s original application for examination and license. Exhibit #2 was the Notice of Hearing dated August 17, 2005 and the return receipt dated August 25, 2005. Exhibit #3 was a record of the

procedural timeline in this case as prepared by Board staff. Exhibit #4 was a copy of Executive Director Broadway's November 2, 2004 letter forwarding the Notice of Complaint to Ms. Doyon and advising Ms. Doyon of her responsibility to respond within 30 days. Exhibit #5 consisted of copies of certain R.N. orientation materials from Spring Harbor Hospital regarding Ms. Doyon's orientation at the facility. Exhibit #6 was a copy of Ms. Doyon's e-mail dated December 8, 2004 to Myra Broadway with her attached response dated November 26, 2004.

FINDINGS OF FACT

Based upon the testimony and evidence presented at hearing, the Board found as follows. Raeann Doyon was licensed as an R.N. on June 14, 2004. Shortly thereafter she was hired by Spring Harbor Hospital. She was required to attend orientation in July 2004. During Ms. Doyon's orientation, Peggy Ouellette, the program manager for adolescent services, received phone calls from the staff development office expressing concerns regarding Ms. Doyon's concentration level, minimal eye contact, absences during orientation, and inappropriate questions. Ms. Doyon also failed to show up or call on one of her days of orientation. At times, Ms. Doyon appeared to be psychomotor delayed, disorganized, easily distracted, and difficult to understand. Although Ms. Doyon was spoken to about these concerns, Ms. Doyon was given the benefit of the doubt.

On August 20, 2004, nursing supervisor Janice Chamberlain intercepted Ms. Doyon as she was attempting to draw up spilled oral Benadryl concentrate into a syringe for an IM injection. She was sent home and told not to return until program manager Peggy Ouellette could speak with her. Ms. Ouellette spoke with Ms. Doyon on August

26, 2004 at which time she informed Ms. Doyon that she was terminated from her employment at Spring Harbor Hospital.

On September 22, 2004, the Board received Spring Harbor's provider report regarding Ms. Doyon's termination. The Board forwarded a copy of the report to Ms. Doyon by certified mail dated November 2, 2004 with a letter advising her of her obligation to respond to the report within 30 days. The Board received Ms. Doyon's response on December 8, 2004. Thereafter, the Board sent Ms. Doyon a notice of informal conference to be scheduled for April 8, 2005. Even though the evidence indicates that Ms. Doyon received this notice, Ms. Doyon failed to respond or appear at the scheduled informal conference. The Board gave Ms. Doyon a second opportunity to attend an informal conference scheduled for June 1, 2005. However, the notice of this informal conference was returned as unclaimed on May 23, 2005. On May 27, 2005, Board staff called Ms. Doyon's telephone number and left a message with an unidentified man requesting that Ms. Doyon contact the Board. The Board received no response from Ms. Doyon. On August 17, 2005, the Board sent a Notice of Hearing both by first class and certified mail to Ms. Doyon's last known address. The evidence indicates that Ms. Doyon received the certified mail on August 26, 2005. Following her initial response in December 2004, Ms. Doyon has made no contact with the Board despite the Board's efforts to reach her.

CONCLUSIONS OF LAW

Based upon Ms. Doyon's behavior during her employment at Spring Harbor Hospital and her inexplicable failure to appear before the Board to address its concerns, the Board concludes by a preponderance of the evidence that Raeann Doyon is in


violation of 32 M.R.S.A. § 2105-A(2)(E) (1), (2) and (2)(H) and Chapter 4 § 1(A)(5), § 3(B), (F) and N of the rules and regulations of the Maine State Board of Nursing, .

DISCIPLINARY SANCTION

The Board has serious concerns regarding Ms. Doyon's ability to practice in a manner that will not endanger the public safety. Ms. Doyon's failure to appear before the Board to address these concerns has deprived the Board of the opportunity to explore whether measures short of revocation would adequately protect the public safety. Therefore, upon motion made and seconded, the Board voted to revoke Raeann Doyon's license to practice nursing. Six members of the Board voted in favor of the motion, and one member voted in opposition.

SO ORDERED.

Dated: Dec 12, 2005


Therese M. Shipps, R.N., Chairperson
Maine State Board of Nursing

APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S.A. § 10051(3) and 10 M.R.S.A. § 8003(5)(F), any party may appeal this Decision and Order by filing a Petition for Review within thirty (30) days of the receipt of this order with the District Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action in which they wish reviewed. It shall 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 Maine Attorney General.