



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: **RAELYN M. LIBBY, R.N.** ) **CONSENT AGREEMENT**  
 of Winthrop, Maine ) **FOR LICENSE PROBATION**  
 License #R055050 ) **WITH CONDITIONS**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Raelyn M. Libby’s license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S.A. § 2105-A (1-A) (B) and 10 M.R.S.A. § 8003(5) (B). The parties to this Agreement are Raelyn M. Libby (“Licensee” or “Ms. Libby”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. An informal conference was held on March 23, 2010 and continued on September 1, 2010. The parties reached this Agreement on the basis of 1) the Board Notice of Complaint/Provider Report dated July 16, 2009, with information from MaineGeneral Medical Center (“MaineGeneral”) dated July 6, 2009; 2) the response from James Pross, Esq. on behalf of his client, Ms. Libby, dated August 29, 2009; and 3) supplemental information provided by Maine General dated May 27, 2010.

**FACTS**

1. Raelyn M. Libby has been a registered professional nurse licensed to practice in Maine since June 2008.
2. Raelyn M. Libby’s employment as a registered professional nurse at MaineGeneral was terminated on July 1, 2009 as a result of 1) significant narcotic usage exceeding normal utilization, with a Drug Anomalous Usage Audit which identified Ms. Libby as having an access rate of narcotics at many times the standard deviation above her peers; and 2) numerous occasions of drug access without physician orders or documentation of administration of drugs removed. Specific practice issues between May 2 and May 16, 2009 included five different occasions on which Ms. Libby withdrew Fentanyl, which is used for epidural dosing during labor. Three withdrawals were made for patients who did not have an order for Fentanyl or epidural catheters; two patients she withdrew Fentanyl for were withdrawn post-delivery. In these five instances, there is no documentation for administration or wasting of the Fentanyl; on three other separate instances, Ms. Libby withdrew medications (Demerol and Ambien) without a physician’s order and without any documentation of their administration or wasting.
3. Raelyn M. Libby wishes to resolve this matter by accepting this Agreement and thereby waives her right to an adjudicatory hearing.

**AGREEMENT WITH CONDITIONS OF PROBATION**

4. Raelyn M. Libby agrees and understands that based upon the above-stated facts, this document imposes discipline regarding her license to practice registered professional nursing in Maine. The grounds for discipline are under 32 M.R.S.A. § 2105-A (2) (F), (2) (H) and Chapter, 4(1) (A) (6), 4(1) (A) (8) and Chapter 4(3) (F) of the Rules and Regulations of the Maine State Board of Nursing. Specifically the violations are:
  - a. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Libby engaged in unprofessional conduct because she violated a standard of professional behavior in the administration of drugs that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 1.A.6.)
  - b. 32 M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Rule Chapter 4, Section 1.A.8.)



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- c. Rule Chapter 4, Section 3. *Unprofessional Conduct* is defined as *nursing behavior which fails to conform to legal standards of the nursing profession, and which could reflect adversely on the health and welfare of the public* and shall include, but not be limited to, the following:

- (F). Ms. Libby failed to follow policies and procedures designed to safeguard patients.

- 5. Raelyn M. Libby neither admits nor denies the facts contained herein; however, she acknowledges that if this matter went to a hearing before the Board, it is more likely than not the above-stated facts and underlying investigative information to support said facts would support the Board's findings in this Agreement.
- 6. Raelyn M. Libby's license as a registered professional nurse in the State of Maine is placed on probationary status with conditions. The period of probation will commence upon her return to nursing practice for a period of five years, effective only while she is employed in nursing practice and/or enrolled in a clinical nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Libby performs nursing services. Her probationary license will be subject to the following conditions:
  - a. Raelyn M. Libby shall fully comply with the conditions of the probation in this Agreement and cooperate with the representatives of the Board in its monitoring and investigation of her compliance with probation. She shall inform the Board in writing within 15 days of any address change.
  - b. Raelyn M. Libby 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. Libby'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.
  - c. Raelyn M. Libby 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.
  - d. Raelyn M. Libby 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 is to include clinical competency, medication administration practices, her ability to follow policies and procedures relative to standards of practice, clinical documentation, and professional conduct.
  - e. Raelyn M. Libby's employment is restricted during the period of probation to structured settings with on-site supervision by a 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.
  - f. Raelyn M. Libby agrees and understands 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. Libby has complied with the provisions of this Agreement.
- 7. Raelyn M. Libby must undergo an evaluation by a Board-approved substance abuse treatment provider within 60 days to determine whether she has a substance abuse problem. If it is determined that she does have a problem, she will be scheduled to meet with the Board to determine the extent of treatment needed to address this issue
- 8. Raelyn M. Libby agrees and understands that the Board and the 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 evaluation for a substance abuse problem and any recommended treatment which the Board deems necessary to evaluate her compliance with the Agreement. Ms. Libby 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 evaluation, counseling and employment as may be requested by the Board.

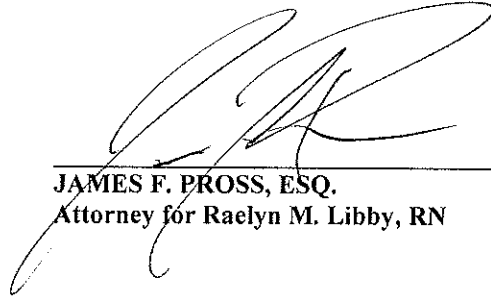
9. If Ms. Libby violates the conditions of her probation, the Board will give written notice to her regarding her failure to comply. The Licensee has 30 days from receipt of this notification to respond to the Board, in writing, regarding the alleged violation. The Board will review the Licensee's response 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.
10. 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. Libby'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. Libby 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. Libby 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; the Board will then make a determination.
11. 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.
12. Raelyn M. Libby understands that she does not have to execute this Consent Agreement and has the right to consult with an attorney before entering into the Agreement.
13. Raelyn M. Libby affirms that she executes this Agreement of her own free will.
14. Modification of this Agreement must in writing and signed by all parties.
15. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
16. This Agreement becomes effective upon the date of the last necessary signature below.

**I, RAELYN M. LIBBY, RN, 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: 1-13-11

Raelyn Libby, RN  
RAELYN M. LIBBY, RN

DATED: 12/22/10

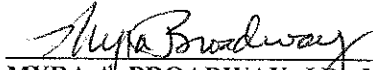


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**JAMES F. PROSS, ESQ.**  
Attorney for Raelyn M. Libby, RN

**FOR THE MAINE STATE  
BOARD OF NURSING**

DATED: Jan 18, 2011

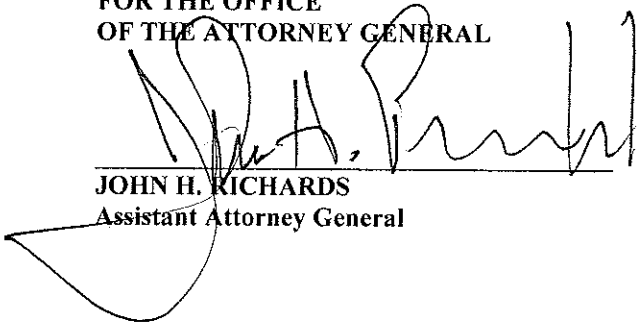


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**MYRA A. BROADWAY, J.D., M.S., R.N.**  
Executive Director

**FOR THE OFFICE  
OF THE ATTORNEY GENERAL**

DATED: 1/20/11



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**JOHN H. RICHARDS**  
Assistant Attorney General