



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: JOSEPH F. LYDON, R.N.)
 of Waterville, Maine)
 License #R049442) **CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS**

INTRODUCTION

This document is a Consent Agreement regarding Joseph F. Lydon'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) and 10 M.R.S.A. § 8003(5)(B). The parties to this Consent Agreement are Joseph F. Lydon ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on April 7, 2005. The parties reached this Consent Agreement based on information submitted by Inland Hospital, Waterville, Maine, by a complaint dated June 29, 200[4], the Licensee's response dated August 2, 2004, both attached and marked as Exhibit A, and supporting documentation marked and attached as Exhibit B.

FACTS

1. Joseph F. Lydon has been a registered professional nurse since 1992, and in 2004 the Board endorsed and licensed him to practice in Maine.
2. On June 22, 2004, Mr. Lydon was terminated from Inland Hospital because of his failure to report to work as scheduled and his failure to follow the hospital's call in procedure. Mr. Lydon revealed that the reason for his absence from work was because he is an alcoholic and had a relapse that led to a 4 day blackout from alcoholic consumption. Exhibit A.
3. Joseph F. Lydon completed the 28 day outpatient Serene program on July 22, 2004 and continued in aftercare. In September 2004, Mr. Lydon had another relapse. He entered the Seton Hospital 30 outpatient substance abuse program and completed it on October 18, 2004. Exhibit B. Mr. Lydon has been sober for a period of seven months.
4. Joseph F. Lydon attends AA, has a sponsor and also attends the weekly Caduceus meeting for health care professionals in Waterville, Maine. Mr. Lydon is not currently seeing a licensed substance abuse counselor.



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5. Joseph F. Lydon is currently employed as a registered professional nurse at Northland Living Center, Jackman, Maine. His employer regards Mr. Lydon as an excellent nurse and is aware of his past problems with substance abuse.

AGREEMENT WITH CONDITIONS OF PROBATION

6. Joseph F. Lydon agrees and understands that this document imposes discipline regarding his license to practice registered professional nursing and the above-described conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(F) and (2)(H) and Chapter 4(1)(A)(6) of the Rules and Regulations of the Maine State Board of Nursing.
7. Joseph F. Lydon'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 10 years, to be effective only while he 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 Mr. Lydon performs nursing services. Mr. Lydon's probationary license will be subject to the following conditions:
 - a. Mr. Lydon will remain substance free, with the exception of prescribed medications by his health care provider(s) who are aware of Mr. Lydon's substance abuse history.
 - b. Mr. Lydon shall resume counseling with a licensed substance abuse counselor and will continue in an aftercare treatment program to such an extent and for as long as his treatment provider(s) recommend.
 - c. Mr. Lydon will arrange for and ensure the submission of quarterly reports to the Board by his treatment provider(s) for as long as he remains in treatment or until his probationary period terminates, whichever occurs first.
 - d. Mr. Lydon will immediately notify the Board in writing regarding any change in his 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.
 - e. Mr. Lydon will notify any and all of his nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - f. Mr. Lydon will arrange for and ensure the submission to the Board of quarterly reports from his direct nursing supervisor or clinical faculty regarding his general nursing practice until his probation is terminated.

g. Mr. Lydon's employment is restricted during the period of probation to structured settings, which shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.


h. Mr. Lydon agrees that during the pendency of this Consent Agreement his nursing practice is limited to the State of Maine unless otherwise authorized by the Board. If Mr. Lydon wishes to practice in any other party state within the Compact he shall petition the Board for written authorization. In addition, Mr. Lydon will arrange to have the party state he intends to practice in provide the Board with written authorization that he has been approved to practice in that state.

8. Mr. Lydon agrees and understands that his license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the 10 year probationary period, until and unless the Board, at Mr. Lydon's written request, votes to terminate Mr. Lydon's probation. When considering whether to terminate the probation, the Board will consider the extent to which Mr. Lydon has complied with the provisions of this Consent Agreement.
9. Mr. Lydon understands that this document is a Consent Agreement that affects his rights to practice nursing in the State of Maine. Mr. Lydon understands that he does not have to execute this Consent Agreement and that he has the right to consult with an attorney before entering into the Consent Agreement.
10. If Mr. Lydon 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.
11. Mr. Lydon affirms that he executes this Consent Agreement of his own free will.
12. Modification of this Consent Agreement must in writing and signed by all the parties.
13. This Consent Agreement is not subject to appeal or review by the Licensee but may be enforced by an action in the Superior Court.

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

I, JOSEPH F. LYDON, R.N., 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.

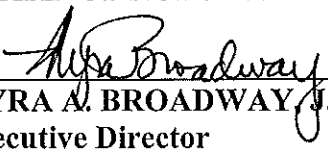
DATED: 5/6/05



JOSEPH F. LYDON, R.N.

FOR THE MAINE STATE
BOARD OF NURSING

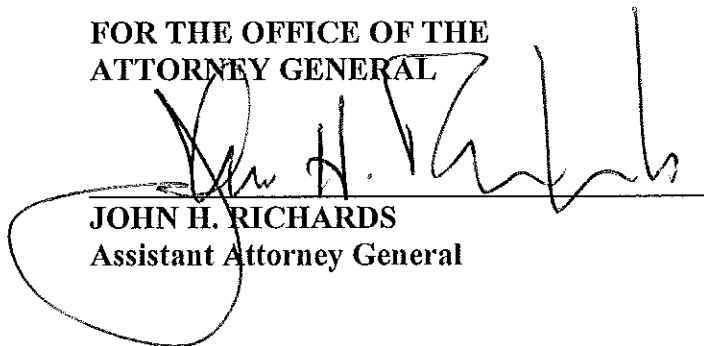
DATED: 5/13/05



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: 5/17/05



JOHN H. RICHARDS
Assistant Attorney General