



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

PAUL R. LePAGE  
 GOVERNOR

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

**IN RE: DEBORAH B. ROWE-AKERLEY** )  
 (AKA, Deborah B. Rowe) ) **CONSENT AGREEMENT**  
 of Lewiston, ME )  
 License Nos. R026843 & P007466 )

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Deborah Rowe-Akerley’s licenses as a registered professional nurse and a licensed practical nurse in the State of Maine. The parties to this Agreement are Deborah Rowe-Akerley (“Licensee” or “Ms. Rowe-Akerley”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C), 10 M.R.S. §§ 8003 (5) (A-1) (4), 8003 (5) (B) and 10 M.R.S. § 8003 (5) (C) (3). The parties met in an informal conference on January 7, 2011 and reached this Agreement on the basis of 1) a Board Complaint dated September 16, 2010 containing information about a criminal charge of Operating Under the Influence (“OUI”); and 2) Ms. Rowe-Akerley’s response dated November 4, 2010. The Board Complaint and the Licensee’s response are attached hereto, incorporated herein and marked as Exhibit A.

**FACTS**

1. Licensing History. Deborah Rowe-Akerley has been licensed to practice in Maine as a licensed practical nurse since May 1982 and as a registered professional nurse since August 1983. On January 7, 2003, Ms. Rowe-Akerley entered into a Consent Agreement with the Board, surrendering her nursing licenses as a result of substance abuse and working while impaired. On October 22, 2003, Ms. Rowe-Akerley’s nursing licenses were reinstated and she entered into a Consent Agreement (“2003 Agreement”) with the Board placing her licenses on probation for a period of four (4) years as a result of substance abuse [Exhibit B].
2. Deborah Rowe-Akerley’s nursing licenses lapsed on July 1, 1984 and November 18, 2009, respectively.
3. Deborah Rowe-Akerley’s Criminal History:
  - a. June 5, 2003 - Endangering the Welfare of a Dependent Person (Misdemeanor, Class D). Sentence: Incarcerated three (3) months, all suspended; \$250.00 fine; one year probation beginning June 5, 2003.
  - b. November 24, 2009 - OUI (Misdemeanor, Class D). Sentence: \$500.00 fine.
  - c. December 28, 2010 - OUI-1 Prior (Misdemeanor, Class D). Sentence: Incarcerated 364 days, all but seven (7) days suspended; \$900.00 fine; one year probation.
  - d. December 28, 2010 - Violating Condition of Release (Misdemeanor, Class E). Sentence: Incarcerated seven (7) days.
4. Deborah Rowe-Akerley breached the terms and conditions of her 2003 Agreement, Paragraph No. 4.a., by failing to abstain from the use of alcohol.
5. Deborah Rowe-Akerley admits that she has a substance abuse problem that is foreseeably likely to result in her performing services in a manner that endangers the health and safety of patients. Ms. Rowe-Akerley states that she has been sober since September 25, 2010.
6. Deborah Rowe-Akerley wishes to resolve this matter by entering into this Agreement and thereby waives her right to an adjudicatory hearing.



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### AGREEMENT

7. Deborah Rowe-Akerley agrees that her nursing licenses will not be reinstated. She also understands and agrees that should this matter go to hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not they would support the Board's findings in this Agreement. Further, she understands and agrees that this document imposes discipline regarding her nursing practice in the State of Maine. The grounds for discipline are found under Title 32 M.R.S. § 2105-A (2) (B), (2) (F), (2) (G), (2) (H) and Chapter 4.1.A.2., 4.1.A.6., 4.1.A.7., and 4.1.A.8., of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
  - a. 32 M.R.S. § 2105-A (2) (B). Habitual substance abuse that . . . is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 4.1.A.2.)
  - b. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Rowe-Akerley has engaged in unprofessional conduct, which violates a standard of professional behavior that has been established in the practice for which she is licensed. (See also Rule Chapter 4, Section 4.1.A.6.)
  - c. 32 M.R.S. § 2105-A (2) (G). "Subject to the limitations of Title 5, chapter 341, conviction of a crime that . . . relates directly to the practice for which the licensee is licensed. . . ."
  - d. 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.)
8. Deborah Rowe-Akerley understands and agrees that her license(s) will not be reinstated until and unless the Board, at her written request, votes to reinstate them. Ms. Rowe-Akerley understands and agrees that if the Board reinstates her license(s), it may be for a probationary period.
9. 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. Rowe-Akerley'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. Rowe-Akerley understands that this Agreement is subject to her multi-state licensure privilege, if any, to practice nursing in Compact states.

IT IS FURTHER AGREED that while Ms. Rowe-Akerley's license is subject to this Agreement, she may not work outside the State of Maine pursuant to a multi-state licensure privilege without the written permission of the Maine State Board of Nursing and the Board of Nursing in the Party state in which the Licensee wishes to work.
10. Deborah Rowe-Akerley understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
11. Deborah Rowe-Akerley shall not work or volunteer in any capacity for a health care provider as defined by Title 24 M.R.S. § 2502 (2) or in any position holding herself out as a licensed practical or registered professional nurse or with the designation "LPN" or "RN" while she is not licensed.
12. This Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
13. Modification of this Agreement must be in writing and signed by all parties.
14. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.

15. Deborah Rowe-Akerley affirms that she executes this Agreement of her own free will.
16. This Agreement becomes effective upon the date of the last necessary signature below.

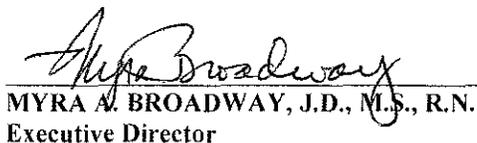
I, DEBORAH B. ROWE-AKERLEY, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.

DATED: 3-20-2011

  
DEBORAH B. ROWE-AKERLEY

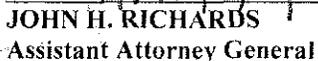
FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 3/26/11

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 3/29/11

  
JOHN H. RICHARDS  
Assistant Attorney General