



Paul R. LePage
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

IN RE: NICOLE A. SEGERSON
of Machias, ME
License No. RN58156

Complaint 2012-192

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**CONSENT AGREEMENT
TO SURRENDER LICENSE**

INTRODUCTION

This document is a Consent Agreement ("Agreement") regarding Nicole A. Segerson's license as a registered professional nurse ("RN") in the State of Maine. The parties to this Agreement are Nicole A. Segerson ("Licensee" or "Ms. Segerson"), the Maine State Board of Nursing ("the 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) and 10 M.R.S. §8003 (5)(B) in order to resolve Complaint 2012-192.

FACTS

1. Nicole A. Segerson was first licensed to practice in Maine as an RN on July 12, 2010.
2. At all times relevant to this matter, Ms. Segerson was employed as an RN at Down East Community Hospital ("Down East") in Machias, Maine.
3. On September 28, 2012, Board Complaint 2012-192 was initiated based upon a Provider Report from Down East received September 27, 2012 regarding Ms. Segerson's August 17, 2012 arrest for Operating Under the Influence after failing a Field Sobriety Test; her intoxilyzer test result was 0.18%.

A search of her purse and person resulted in the discovery of empty blister packs of Hydrocodone and Oxycodone, as well as eight hypodermic needles, some used and some sealed. Four empty plastic narcotic auto-injector tubes and an empty blister pack of Lorazepam were found in the vehicle. Further investigation determined that five of the empty unit dose packages matched lot numbers and expiration dates of medications that were the property of Down East. These included Hydrocodone Bitartrate and Acetaminophen tablets 7.5/325mg and 10/325mg, Donepezil 5mg, Melatonin 3mg, and Omeprazole 20mg. In reviewing Ms. Segerson's charts during the previous 30 days that she worked, Down East found that medications she removed from the pyxis were documented by her as being given to her patients. Ms. Segerson was suspended from her employment at Down East on August 24, 2012 pending further investigation; she was subsequently terminated on October 22, 2012. Down East was not able to substantiate drug diversion.

4. Item 12 of Down East Community Hospital's Policy & Procedure Manual, Policy #6060028, "Safe and Effective Drug Therapy" (Medication Administration) states: *"Needles and syringes are disposable and extraordinary care will be taken to avoid accidental wounds. Needles are not recapped. Needles, syringes, disposable sharps, and IV supplies are disposed of in rigid, puncture*



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proof container labeled with 'Biohazardous Material' decal. There is a sharps container in each patient care area."

Nicole A. Segerson admits that she breached the above-stated policy by failing to properly discard the hypodermic needles and auto-injector tubes in accordance with Down East's Policy & Procedure Manual.

5. On October 3, 2012, Ms. Segerson admitted to the Board's Investigator that she had been driving after drinking on August 17, 2012. On November 19, 2012, Ms. Segerson pled guilty to the criminal offense of Operating Under the Influence (Class D misdemeanor) in the Machias District Court. She received a sentence of incarceration for 48 hours, a \$500 fine and a 90-day driving license suspension.
6. On November 28, 2012, the Board voted to issue an Emergency Suspension of Ms. Segerson's nursing license pursuant to 5 M.R.S. §10004(3) because of the immediate jeopardy her continued practice of nursing posed to the health and physical safety of the public.
7. Nicole A. Segerson is currently in substance abuse counseling and has offered to surrender her RN license based upon the above-stated facts, thereby waiving her rights to an adjudicatory hearing.

AGREEMENT

8. Nicole A. Segerson understands and agrees that should this matter go to a hearing before the Board on the above-stated facts and the underlying investigative 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 her conduct in the above-stated facts constitutes grounds for discipline regarding her nursing practice in the State of Maine. Specifically, the violations are:
 - a. Pursuant to 32 M.R.S. §2105-A (2)(B) for habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Segerson performing services in a manner that endangers the health or safety of patients. See also: Board Rule Chapter 4, §1.A.2.
 - b. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rule Ch. 4, §3(F) by failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard patients.
9. As discipline for the conduct admitted in Paragraph No. 8 above, Nicole A. Segerson agrees to **SURRENDER** her Maine RN license, effective on the date of the final execution of this Agreement. Ms. Segerson understands and agrees that as a result of surrendering her license, she no longer has a nursing license and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to reinstate her license. Ms. Segerson understands and agrees that upon receiving a request from her to reinstate her Maine RN license, the Board shall have the sole discretion to grant or deny such a request or to grant her a license with probation and conditions as it determines appropriate to protect the public.

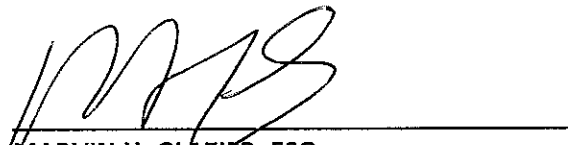
10. The State of Maine is a “party state” that has adopted the Nurse Licensure Compact (“the Compact”), which is set out in Chapter 11 of the Rules of the Maine State Board of Nursing. The State of Maine is Ms. Segerson’s “home state” of licensure and primary state of residence, which means that she has declared Maine as her fixed permanent and principal 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. Segerson understands this Agreement is subject to the Compact.
11. Nicole A. Segerson understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
12. Nicole A. Segerson 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 registered professional nurse or with the designation “RN” while she does not hold a nursing license. She shall not seek any employment where the handling or dispensing of drugs is part of the job responsibility.
13. 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.
14. This Agreement constitutes a final adverse licensing action that is reportable to the National Practitioner Data Bank (NPDB) and the Healthcare Integrity and Protection Data Bank (HIPDB) pursuant to Section 1128E of the Social Security Act and 45 C.F.R. Part 61.
15. Modification of this Agreement must be in writing and signed by all parties.
16. This Agreement is not subject to review or appeal by Ms. Segerson, but may be enforced by an action in the Superior Court.
17. Nicole A. Segerson affirms that she executes this Agreement of her own free will.
18. This Agreement becomes effective upon the date of the last necessary signature below.

I, NICOLE A. SEGERSON, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I UNDERSTAND THE EFFECT IT WILL HAVE ON MY NURSING LICENSE. 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: 9/13/13

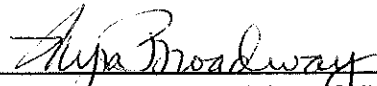

NICOLE A. SEGERSON

Dated: 9/30/13


MARVIN H. GLAZIER, ESQ.
Attorney for NICOLE A. SEGERSON

FOR THE MAINE STATE BOARD OF NURSING


Dated: 10/2/13



MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

Dated: 10/4/13



RONALD O. GUAY, ESQ.
Assistant Attorney General

