



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: DIANNE M. STEPHENSON)
 of Cape Elizabeth, Maine)
 License No. RN26688)

**CONSENT AGREEMENT
 FOR VOLUNTARY SURRENDER
 OF LICENSE**

INTRODUCTION

This document is a Consent Agreement (“Agreement”) regarding Dianne M. Stephenson’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Dianne M. Stephenson (“Ms. Stephenson” or “Licensee”), 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) (B) and 10 M.R.S. § 8003 (5) (D). The Board held an informal conference with Ms. Stephenson on August 16, 2011 and the parties reached this Agreement on the basis of a Board Complaint dated May 18, 2011, which includes a Provider Report from Maine Medical Center (“MMC”), dated March 28, 2011, with its investigative report dated April 20, 2011.

FACTS

1. Licensing History. Dianne M. Stephenson has been licensed to practice in Maine as a registered professional nurse (“RN”) since August 25, 1983. On February 14, 2007, Ms. Stephenson entered into a Consent Agreement (“Feb07 CA”) with the Board placing her license on probation for a term of four (4) years. A condition of the Feb07 CA states in Paragraph 6.a. that, “Dianne M. Stephenson will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of Ms. Stephenson’s substance abuse history.” The Feb07 CA is attached and marked as Exhibit A.
2. On March 8, 2011, Ms. Stephenson’s employment as a RN at MMC was terminated for drug diversion. An investigation at MMC regarding Ms. Stephenson’s narcotics utilization administrations indicated a significantly higher usage rate and number of waste transactions of Nubain as compared to her peers. When confronted with this information, she admitted that she diverted the Nubain for her own personal use and had “relapsed.” Ms. Stephenson also admits that she has failed to comply with terms and conditions of the Feb07 CA by not remaining abstinent from the use of drugs.
3. Dianne M. Stephenson is currently in treatment for her substance abuse.
4. Dianne M. Stephenson waives her right to a hearing and has offered to surrender her RN license, which will be retroactive to August 16, 2011, effective upon the execution of this Agreement. She will have the right to petition the Board for reinstatement of her RN license in March of 2012.

AGREEMENT

5. The Board accepts Ms. Stephenson’s offer to voluntarily surrender her RN license, License No. RN26688. Ms. Stephenson 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 would support the licensing violations in this Agreement.



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6. Dianne M. Stephenson understands that based upon the above-stated facts, this document imposes discipline regarding her RN license issued in the State of Maine. The grounds for discipline for violations are under 32 M.R.S. §§ 2105-A(2)(A), (2)(B), (2)(F), (2)(H) and Chapter 4, Sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, Sections 3(K), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
 - a. M.R.S. § 2105-A (2) (A). The practice of fraud and deceit in connection with service rendered within the scope of the license issued to Ms. Stephenson by diverting scheduled drugs. See: Rule Chapter 4. Section 1.A.1.
 - b. M.R.S. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Stephenson performing services in a manner that endangers the health or safety of patients. See: Rule Chapter 4. Section 1.A.2.
 - c. M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Stephenson engaged in unprofessional conduct because she violated a standard of professional behavior that has been established in the practice for which she is licensed. See: Rule Chapter 4, Section 1.A.6.
 - d. M.R.S. § 2105-A (2) (H). A violation of this chapter or a rule adopted by the board. See: Rule Chapter 4, Section 1.A.8.
 - e. Rule Chapter 4, Section 3. Unprofessional Conduct: *“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 . . . constitutes unprofessional conduct and shall include, but shall not be limited to, the following:”*
 - 1) Chapter 4, Section 3(K). Ms. Stephenson failed to accurately record the use of a patient’s scheduled drugs.
 - 2) Chapter 4, Section 3(P). Ms. Stephenson diverted drugs from a patient and healthcare provider.
 - 3) Chapter 4, Section 3(Q). Ms. Stephenson possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
7. Dianne M. Stephenson understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at Ms. Stephenson’s written request, votes to reinstate her license. Ms. Stephenson agrees and understands that if the Board reinstates her license, it will be for a probationary period.
8. 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. Stephenson’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 that are in the Compact are referred to as “Remote states,” which means Party states other than the Home state that have adopted the Compact. Ms. Stephenson understands that this Agreement is subject to the Compact.
9. Dianne M. Stephenson understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.


10. Dianne M. Stephenson 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 “R.N.,” including in a veterinarian’s office, while her nursing license is surrendered. In addition, Ms. Stephenson is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
11. 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.
12. Modification of this Agreement must be in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. Dianne M. Stephenson affirms that she executes this Agreement of her own free will.
15. This Agreement becomes effective upon the date of the last necessary signature below.

I, DIANNE M. STEPHENSON, 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: 2/16/2012


DIANNE M. STEPHENSON

DATED: 2/15/2012


JANET E. MICHAEL, ESQ.
(Attorney for Dianne M. Stephenson)

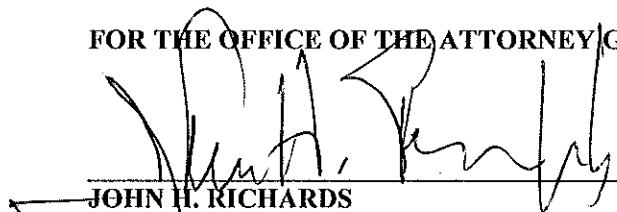
FOR THE MAINE STATE BOARD OF NURSING

DATED: 2/21/12


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

FOR THE OFFICE OF THE ATTORNEY GENERAL

DATED: 2/23/12


JOHN H. RICHARDS
Assistant Attorney General



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: DIANNE M. STEPHENSON, R.N.)
 of Cape Elizabeth, Maine)
 License No. R026688)

CONSENT AGREEMENT
 FOR LICENSE PROBATION
 WITH CONDITIONS

INTRODUCTION

This document is a Consent Agreement regarding Dianne M. Stephenson's license to practice registered professional nursing in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(4), 10 M.R.S.A. § 8003(5)(B), and 32 M.R.S.A. § 2105-A(1-A)(B). The parties to this Consent Agreement are Dianne M. Stephenson ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on January 10, 2007. The parties reached this Consent Agreement based on information submitted by the Family Birth Center, Maine Medical Center ("MMC") in a letter dated February 23, 2006, attached as Exhibit 1 and Ms. Stephenson's response to the complaint dated April 19, 2006, attached as Exhibit 2.

FACTS

1. Dianne M. Stephenson has been a registered professional nurse licensed to practice in Maine since 1983.
2. Dianne M. Stephenson admitted that she diverted controlled medications from MMC for her own personal use. Exhibit 1 and 2.
3. Dianne M. Stephenson has been an employee at MMC for approximately 22 years and has not worked as a nurse since this incident. She has been active in treatment to address her substance abuse issues since January 6, 2006, and states that she has been sober since January 6, 2006. She is actively involved in her recovery for substance abuse which described in Exhibit 2.
4. Her supervisors at MMC stated that there are no issues regarding her nursing practice and that they are willing to have her return to work provided that she enter into a work contract with them.

AGREEMENT WITH CONDITIONS OF PROBATION

5. Dianne M. Stephenson agrees and understands that this document imposes discipline regarding her license to practice registered professional nursing and based upon the above-stated facts her conduct constitutes grounds for discipline under 32 M.R.S.A. § 2105-A(2)(A), (2)(B), (2)(F) and (2)(H) and Chapter,



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4(1)(A)(1), 4(1)(A)(2), 4(1)(A)(6), 4(1)(A)(8), (4)(3)(O), (4)(3)(P) and (4)(3)(Q) of the Rules and Regulations of the Maine State Board of Nursing.

6. Dianne M. Stephenson's license as a registered professional nursing in the State of Maine is placed on a probationary status with conditions. The period of probation will commence on Ms. Stephenson's return to nursing practice, either through employment and/or pursuant to an educational program. The period of probation will be for a period of four years, to be effective only while she is employed in nursing practice and/or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Stephenson performs nursing services. Ms. Stephenson's probationary license will be subject to the following conditions:
 - a. Dianne M. Stephenson will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a treatment provider who is aware of Ms. Stephenson's substance abuse history.
 - b. Dianne M. Stephenson will continue in her aftercare treatment program to such an extent and for as long as her treatment providers recommend.
 - c. Dianne M. Stephenson will arrange for and ensure the submission of quarterly reports to the Board by her treatment providers, and such report shall continue until her probation is terminated. If Ms. Stephenson's treatment is terminated she shall notify the Board.
 - d. Dianne M. Stephenson will immediately notify the Board in writing should she return to 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 educational program and any subsequent change in employment or educational programs.
 - e. Dianne M. Stephenson will notify any and all of her 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. Dianne M. Stephenson's employment is restricted during the period of probation to structured settings with on-site supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.

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g. Dianne M. Stephenson 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. If during the period of probation, Ms. Stephenson's employment as a nurse terminates or should her educational program in the field of nursing terminate, she shall notify the Board of this change to ensure that she remains in compliance with her employment and/or educational quarterly reports.

h. Dianne M. Stephenson agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate Ms. Stephenson's compliance with the Consent Agreement and her continued recovery. Ms. Stephenson shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in her care, counseling and employment as may be requested by the Board for the purpose of evaluating Ms. Stephenson's compliance with the Consent Agreement and her continued recovery.

7. The State of Maine is Dianne M. Stephenson's home state of licensure. Ms. Stephenson agrees that during the pendency of this Consent Agreement her nursing practice is limited to the State of Maine. If Ms. Stephenson wishes to practice in any other party state within the Compact she shall petition the Board for written authorization. In addition, Ms. Stephenson will 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.
8. Dianne M. Stephenson agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the four year probationary period, until and unless the Board, at Ms. Stephenson's written request, votes to terminate Ms. Stephenson's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Stephenson has complied with the provisions of this Agreement.
9. Ms. Stephenson understands that this document is a Consent Agreement that affects her rights to practice nursing in Maine. Ms. Stephenson understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
10. If Ms. Stephenson 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.

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11. Dianne M. Stephenson affirms that she executes this Consent Agreement of her 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 review or appeal 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, DIANNE M. STEPHENSON, 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: 02/06/2007

Dianne M. Stephenson
DIANNE M. STEPHENSON, R.N.

DATED: 02/06/2007

Janet E. Michael
JANET E. MICHAEL, ESQ.
Attorney for Dianne M. Stephenson

FOR THE MAINE STATE
BOARD OF NURSING

DATED: Feb 12, 2007

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

FOR THE DEPARTMENT OF
ATTORNEY GENERAL

DATED: Feb. 14, 2007

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General