



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

September 19, 2012

Donna Swan  
42 Barnes Road  
Windham, ME 04062

Dear Ms. Swan:

Pursuant to your meeting with the Board on September 19, 2012, this will confirm that the Board voted to reinstate your registered professional nursing license.

Enclosed please find your license renewal application; please complete and return it along with the appropriate license fee for processing at your earliest convenience.

Best wishes for a healthy and happy nursing career~

Sincerely,

A handwritten signature in cursive script that reads "Myra Broadway".

Myra A. Broadway, MD, MS, RN  
Executive Director

MAB/jcw

Enclosures

pc: John E. Richards, Asst. Attorney General



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

IN RE: DONNA L. SWAN )  
 of Windham, Maine )  
 License Nos. R046524 & P008853 )

**CONSENT AGREEMENT FOR  
 VOLUNTARY SURRENDER  
 OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Donna L. Swan’s license to practice registered professional nursing in the State of Maine. The parties to this Agreement are Donna L. Swan (“Ms. Swan” 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. Swan on September 1, 2011 and the parties reached this Agreement on the basis of a Board Complaint dated March 29, 2011 which includes: 1) an investigative report from the Maine Department of Health & Human Services, Division of Licensing & Regulatory Services (“DL&R”), Complaint #11031 dated February 11, 2011; and 2) information received by the Board on April 5, 2011 from Brentwood Rehabilitation & Nursing Center (“Brentwood”) dated December 28-30, 2010. The Board Complaint is attached hereto, incorporated herein and marked as Exhibit 1.

**FACTS**

1. Donna L. Swan has been licensed as a registered professional nurse (“RN License”) since August 14, 2011. Her RN License is currently inactive. She previously held a licensed practical nurse license from November 22, 1985 to June 25, 2003, when it lapsed.
2. Donna L. Swan admits that she diverted scheduled drugs (Oxycodone) from Brentwood for her own personal use, worked while impaired, and as a result of the diversion, some patients went without their scheduled pain medication. In Ms. Swan’s May 26, 2011 written response to the Board Complaint, she admits that she has a substance abuse problem and is currently in treatment. Exhibit 2.
3. Donna L. Swan waives her right to a hearing and has offered to surrender her RN License.

**AGREEMENT**

4. The Maine State Board of Nursing will accept Donna L. Swan’s offer to voluntarily surrender her RN License, No. R046524. Ms. Swan acknowledges that if this matter went to a hearing before the Board that it is more likely than not the above-stated facts and underlying investigative information would support the licensing violations in this Agreement.
5. Donna L. Swan understands that based upon the above-stated facts, this document imposes discipline regarding her RN License to practice 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(O), 3(P) and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:
  - a. 32 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. Swan by diverting scheduled drugs. (See also Rule Chapter 4. Section 1.A.1.)



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- b. 32 M.R.S. § 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in Ms. Swan performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2.)
  - c. 32 M.R.S. § 2105-A (2) (F). Unprofessional Conduct. Ms. Swan 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 also Rule Chapter 4, Section 1.A.6.)
  - 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.)
  - 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 shall constitute unprofessional conduct and shall include, but shall not be limited to, the following:*
    - 1) Chapter 4, Section 3(K). Ms. Swan failed to accurately record the use of a resident's scheduled drugs.
    - 2) Chapter 4, Section 3(O). Ms. Swan practiced nursing when her physical and mental ability to practice was impaired by drugs.
    - 3) Chapter 4, Section 3(P). Ms. Swan diverted drugs from a resident and healthcare provider.
    - 4) Chapter 4, Section 3(Q). Ms. Swan possessed, obtained and administered prescription drugs to herself, except as directed by a person authorized by law to prescribe drugs.
6. Donna L. Swan 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. Swan's written request, votes to reinstate her license. Ms. Swan agrees and understands that if the Board reinstates her license, it will be for a probationary period.
  7. 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. Swan's "Home state" of licensure and primary state of residence, which means that Ms. Swan 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. Swan understands this Agreement is subject to the Compact.
  8. Donna L. Swan understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Agreement.
  9. Donna L. Swan 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. Swan is not to seek employment where the handling or dispensing of drugs is part of the job responsibility.
  10. 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.
  11. Modification of this Agreement must be in writing and signed by all parties.
  12. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
  13. Donna L. Swan affirms that she executes this Agreement of her own free will.

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

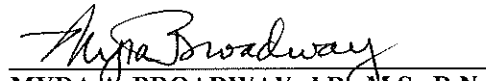
I, DONNA L. SWAN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND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

DATED: 10/5/11

  
DONNA L. SWAN

FOR THE MAINE STATE  
BOARD OF NURSING

DATED: 10/8/11

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

FOR THE OFFICE OF THE  
ATTORNEY GENERAL

DATED: 10/13/11

  
JOHN H. RICHARDS  
Assistant Attorney General