



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: RICHARD F. BOYD, R.N., C.R.N.A.** )  
of Peaks Island, Maine )  
License #R018347 )

**CONSENT AGREEMENT  
FOR WARNING**

**INTRODUCTION**


This document is a Consent Agreement regarding Richard F. Boyd's license to practice registered professional nursing and his approval to practice as a certified registered nurse anesthetist in the State of Maine. The parties enter into this Agreement pursuant to 10 M.R.S.A. § 8003(5)(A-1)(1), § 8003(5)(B) and 32 M.R.S.A. § 2105-A(1-A)(A). The parties to this Consent Agreement are Richard F. Boyd ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine. An informal conference was held on February 4, 2005. The parties reached this Agreement on the basis of information submitted by Mercy Hospital located in Portland, Maine, dated January 14, 2004.

**FACTS**

1. Richard F. Boyd has been a registered professional nurse licensed by the Board to practice in Maine since 1974. Mr. Boyd has also been approved by the Board to practice as a certified registered nurse anesthetist since 1991 and has been a certified registered nurse anesthetist for 32 years.
2. Richard F. Boyd was terminated from employment at Mercy Hospital in December, 2003, because he failed to perform essential functions in a manner needed to guarantee patient safety, specifically he was found to be sleeping or with his eyes closed and head down while giving anesthesia to a patient. Mr. Boyd states that he is unaware that he fell asleep as his employer claimed, but may have closed them briefly because his eyes were irritated. Mr. Boyd also states that he was taking medications for bronchitis, asthma and a chest cold, and admits that with a combination of these factors he exercised poor judgment by working on this date.
3. The Board finds that because Mr. Boyd chose to work on this date he potentially placed patients at risk.
4. There was no documented patient harm as a result of this incident.

**AGREEMENT**

5. Richard F. Boyd agrees and understands that his conduct in the above stated facts constitutes grounds for discipline under Title 32 M.R.S.A. § 2105-A(2)(F), (2)(H) and Chapter 4.1.A.6. and Chapter 4.3.F. Richard F. Boyd is hereby **WARNED** for

  
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unprofessional conduct and for failing to take appropriate action or follow policies and procedures in a practice situation designed to safeguard the patient.

6. Richard F. Boyd understands that this Consent Agreement imposes discipline in the form of a warning regarding his license to practice registered professional nursing and his approval to practice as a certified registered nurse anesthetist in the State of Maine. Mr. Boyd 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 this Consent Agreement.
7. Richard F. Boyd affirms that he executes this Consent Agreement of his own free will.
8. Modification of this Consent Agreement must be in writing and signed by all the parties.
9. This Consent Agreement is not subject to review or appeal by the Licensee.
10. This Consent Agreement becomes effective upon the date of the last necessary signature below.

**I, RICHARD F. BOYD, 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: 2/19/05

  
RICHARD F. BOYD, R.N.

**FOR THE MAINE STATE  
BOARD OF NURSING**

DATED: Feb 22, 2005

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

**FOR THE OFFICE OF THE  
ATTORNEY GENERAL**

DATED: Feb. 25, 2005

  
JOHN H. RICHARDS  
Assistant Attorney General