

Robin E. Buzzell – Consent Agreement for Voluntary Surrender
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5. On October 5, 2012, Brentwood notified the Board that Robin Buzzell had been placed on suspension September 22, 2012 pending completion of an in-house investigation concerning unprofessional conduct. Ms. Buzzell's employment at Brentwood was subsequently terminated on October 5, 2012 regarding the following performance issues: entering the facility with a lit cigarette, several medication errors, failure to document shift-to-shift count, several omissions of medication, and failure to disclose on application that she had a conditional license. The Board docketed the complaint as Complaint 2012-213 and sent it to Ms. Buzzell for response.
6. On October 26, 2012, MPHP reported to the Board that Robin Buzzell tested positive for alcohol on October 11, 2012. After speaking with Ms. Buzzell and MPHP's Medical Review Officer, the positive was explained by Ms. Buzzell's use of Tincture of Arnica which had been given to her by a friend and applied to help relieve symptoms of chronic pain. A follow-up test on October 15, 2012 was reported as negative. MPHP Case Manager Amy Tardy spoke to Ms. Buzzell about not applying alcohol-based products to her body and to not accept medication (even over-the-counter) from friends unless she is knowledgeable about the ingredients. Due to her recent employment termination, Ms. Buzzell was scheduled to undergo nail drug testing and was advised to speak with her medical treatment team to determine best treatment for her chronic pain.
7. On October 29, 2012, Robin Buzzell stated in a telephone interview with the Board Investigator that she had been experiencing a lot of pain because of an old back injury. She stated that she should not be working as a nurse and was currently being prescribed Suboxone and Cymbalta. She further stated that she felt it would be best if she voluntarily surrendered her license until she got her life in order.
8. On November 8, 2012, MPHP reported to the Board that Robin Buzzell's nail test of October 31, 2012 tested positive for Oxycodone, Morphine and Tetrahydrocannabinol ("THC"). MPHP contacted Ms. Buzzell's primary care physician and confirmed that she had a valid prescription for Oxycodone. Ms. Buzzell failed to report to MPHP per her contractual requirement that she had a prescription for Oxycodone.

Ms. Buzzell's explanation to MPHP for the presence of THC in her system was exposure to marijuana being used by others. Ms. Buzzell further explained the presence of Morphine in her system from a surgery she had in February, or possibly from her taking Robitussin DM, which she claimed to be an interfering drug. MPHP polled two Medical Review Officers ("MRO's") to provide clarity regarding the positive test results for Morphine. The MRO's reported that the nail test was reliable for 90 days and that Robitussin DM would not metabolize as Morphine.
9. On November 13, 2012, MPHP notified the Board that after a consult with its advisory committee, Robin Buzzell's MPHP contract had been terminated because of her noncompliance. Ms. Buzzell is welcome to return to the program in the future.
10. On November 14, 2012, during a telephone interview, Ms. Buzzell stated to the Board Investigator that she was not physically able to work right now and needed time to deal with personal issues. She again stated that she wanted to voluntarily surrender her nursing license rather than meet with the Board.
11. On November 28, 2012, the Board voted to immediately suspend Ms. Buzzell's nursing license pursuant to 5 M.R.S. §10004(3).
12. Absent Ms. Buzzell's acceptance of this Agreement by signing, dating, and returning it to Jayne Winters, Maine State Board of Nursing, 158 State House Station, Augusta, Maine 04333-0158, on or before December 14, 2012, this matter will be brought back to the Board for further action.
13. Robin Buzzell has agreed to voluntarily surrender her RN license based upon the above-stated facts and thereby waives her rights to an adjudicatory hearing.

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AGREEMENT

14. Robin E. Buzzell admits to the Facts as stated above and admits that such conduct constitutes grounds for the Board to impose discipline against her as follows:
 - a. Pursuant to 10 M.R.S. §8003 (A-1) (4) for failure to comply with the conditions of her February 29, 2012 Consent Agreement for Probation;
 - b. 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. Buzzell performing services in a manner that endangers the health or safety of patients;
 - c. Pursuant to 32 M.R.S. §2105-A (2)(F) for engaging in unprofessional conduct that violates a standard of professional behavior that has been established in the practice for which Ms. Buzzell is licensed; and
 - d. Pursuant to 32 M.R.S. §2105-A (2)(H) for engaging in unprofessional conduct as specified in Board Rules Ch. 4, §3(F) by failing to follow policies and procedures in the practice situation designed to safeguard the patient.
15. As discipline for the conduct admitted in paragraph 14 above, Ms. Buzzell agrees to **SURRENDER** her Maine RN license for a period of five (5) years, effective on the date of the final execution of this Agreement. Ms. Buzzell understands and agrees that as a result of license surrender, she no longer has a license and is subject to the terms of this Agreement until and unless the Board, at her written request, votes to approve reinstatement of her license. Ms. Buzzell understands and agrees that, upon receiving her request for reinstatement of 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.
16. 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. Buzzell'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 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. Buzzell understands this Agreement is subject to the Compact.
17. Ms. Buzzell 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.
18. 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. §40B.
19. 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.
20. This Agreement represents a final, non-appealable, and binding agreement that cannot be amended orally. This Agreement may only be amended in writing and by the agreement of all parties hereto.
21. This Agreement is not subject to review or appeal by Ms. Buzzell, but may be enforced by an action in the Superior Court by the Board.

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22. Ms. Buzzell acknowledges by her signature hereto that she has read this Agreement, that she has had an opportunity to consult with an attorney before executing this Agreement, that she executed this Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.

Dated: 12/14/12

Robin E. Buzzell
ROBIN E. BUZZELL

FOR THE MAINE STATE
BOARD OF NURSING

Dated: 12/14/12

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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

Dated: 12/14/12

John H. Richards
JOHN H. RICHARDS
Assistant Attorney General