

The licensee was subsequently questioned at her home on November 27, 2000 by a detective employed by the Attorney General's Department. At that time, she admitted taking the drugs for her own use both on and off duty and in the past stealing drugs from other facilities beginning around 1992. At some point, she became addicted to benzodiazepines. Nurse Calder further stated that she had wanted to receive counseling for her problem but did not have the funds.

CONCLUSIONS OF LAW

The relevant statutory and regulatory provisions regarding the above matter and as stated in the Complaint/Notice of Hearing are as follows:

32 M.R.S.A. Sec. 2105-A.2. Grounds for discipline. The board may suspend or revoke a license pursuant to Title 5 section 10004. The following are grounds for an action to issue, modify, suspend, revoke or refuse to renew the license of an individual licensed under this chapter:

E. Incompetence in the practice for which the licensee is licensed. A licensee is considered incompetent in the practice if the licensee has:

1. Engaged in conduct that evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client or patient or the general public; or

F. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed.

H. A violation of this chapter or a rule adopted by the board.

Rules and Regulations of the Maine State Board of Nursing, Chapter 4.

3. Definition of Unprofessional Conduct. Nursing behavior which fails to conform to legal standards and accepted 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 not be limited to, the following:

F. Failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.

K. Inaccurate recording, falsifying or altering a patient or health care provider record.

O. Practicing nursing when physical or mental ability to practice is impaired by alcohol or drugs.

P. Diverting drugs, supplies or property of patients or health care provider.

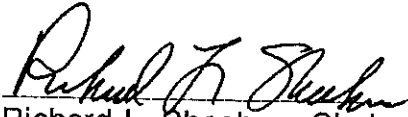
Q. Possessing, obtaining, furnishing or administering prescription drugs to any

drugs.

The Board, by a vote of 5-0, based on the above recited facts, its members' experience and training and the vulnerability of the patient population, concludes that Elizabeth B. Calder, R.N. violated the above statutory and regulatory standards of nursing and that her **license to practice as a Registered Nurse is hereby Revoked.**

SO ORDERED.

Dated: April 10, 2002


Richard L. Sheehan, Chairman
Maine State Board of Nursing

Appeal Rights

Pursuant to the provisions of 5 M.R.S.A. Sec. 10051.3 and 10 M.R.S.A. Sec. 8003, any party that appeals this Decision and Order must file a Petition for Review in the Maine Superior Court within 30 days of receipt of this Order.

The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Nursing, all parties to the agency proceedings and the Attorney General.