



MAINE STATE BOARD OF NURSING

35 ANTHONY AVENUE
STATE HOUSE STATION 158
AUGUSTA, MAINE 04333
(207) 624-5275

In re:)
Wendy C. Cox, R.N.) DECISION AND ORDER
of E. Waterboro, ME)
License #R032382)

On November 14, 1991 the Maine State Board of Nursing held an adjudicatory hearing and conducted public deliberations regarding this matter. The hearing was held at the Maine State Board of Nursing office, 35 Anthony Avenue, Augusta, Maine. Assistant Attorney General Timothy W. Collier presented the case to the Board. Ms. Cox failed to appear at the hearing.

STATEMENT OF THE CASE

Pursuant to 5 M.R.S.A. Section 9053(3) the Board may make informal disposition of an adjudicatory proceeding by default, provided that notice has been given, the failure to take required action may result in default, and further provided that any such default may be satisfied by the agency for good cause shown. In this case, Ms. Cox was sent by certified mail notice of hearing dated October 11, 1991 notifying her that the hearing would be scheduled for November 14, 1991 at 9:00 a.m. at the Board's offices in Augusta to determine whether grounds existed under 32 M.R.S.A. Section 2105-A(1-A)(2)(F) and Chapter 4, Section 3(O), 3(P) or 3(Q) of the Maine State Board of Nursing Rules and Regulations to take action against her license to practice nursing. Further, the notice of hearing informed her that failure to appear at the scheduled hearing could result in disposition by default.

ISSUES PRESENTED

Whether Ms. Cox's conduct in this matter demonstrated unprofessional conduct in violation of 32 M.R.S.A. Section 2105-A(1-A)(2)(F) and Chapter 4, Section 3(O), 3(P) or 3(Q) of the Maine State Board of Nursing Rules and Regulations.

FINDINGS OF FACT

Wendy Cox, R.N., was observed by other nurses on her shift on June 9, 1991. She appeared to be ill and unsteady. She had difficulty starting her car but refused assistance and drove off. Two co-workers called the police.

Later that night Ms. Cox was arrested for driving under the influence of drugs. The police had a drug test performed which showed the presence of Darvocet. At the time of her arrest, Ms. Cox had 17 tablets of Darvocet in her possession. The employer, St. Andre Health Care Facility, had 31 Darvocets unaccounted for the following morning.

CONCLUSIONS

Based on the evidence in the record, the Board makes the following conclusions of law:

1. On or about June 9, 1991 Wendy Cox, R.N., was seen in an impaired state while at her work at St. Andre Health Care Facility. The Board further finds that evidence in the record show that Darvocet was missing from St. Andre Health Care Facility and a drug analysis of specimens submitted to the public health laboratory for Wendy Cox showed the presence of Darvocet.
2. The Board concludes that based upon its factual findings, grounds exist for action to be taken against Ms. Cox's license to practice professional nursing pursuant to 32 M.R.S.A. Section 2105-A(1-A)(2)(F) and Chapter 4, Section 3(O), 3(P) and 3(Q) of the Maine State Board of Nursing Rules and Regulations.

DECISION AND ORDER

Based upon the evidence and the Board's conclusions, the Board orders that Wendy Cox's license to practice professional nursing is suspended for 90 days. The Board refers this matter to the Department of Attorney General with the recommendation that the Attorney General pursue the revocation of Wendy Cox's nursing license in Administrative Court. The Board grants to the Department of the Attorney General the authority to accept the surrender of Wendy Cox's license to practice professional nursing. The Board further requests that the Attorney General investigate whether Wendy Cox is engaging in the unlicensed practice of nursing.

FOR THE MAINE STATE BOARD OF
NURSING:

DATED: 11/21/91

BY: Jean C. Caron
JEAN C. CARON, R.N., M.S.
Executive Director

NOTICE OF APPEAL RIGHTS

You may appeal this Order as provided for in 5 M.R.S.A. Section 10051.