



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

IN RE: BRENDA FISHER, RN
of Augusta, ME

License No. RN29651

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**AGREEMENT TO TERMINATE
PROBATION**

INTRODUCTION

The purpose of this Agreement ("Agreement") is to terminate Brenda Fisher's Consent Agreement dated June 29, 2005 (the "2005 Agreement") and thereby terminate her period of probation and all terms and conditions imposed by the 2005 Agreement. The parties to this Agreement are Brenda Fisher ("Licensee" or "Ms. Fisher"), the Maine State Board of Nursing ("the Board"), and the Office of the Attorney General, State of Maine.

FACTS

1. Brenda Fisher was licensed by the Board to practice as a registered professional nurse ("RN") in Maine by examination on August 19, 1986.
2. On June 1, 2004, Licensee entered into a Consent Agreement with the Board surrendering her nursing license following admitted drug diversion and history of substance abuse. She subsequently pled guilty to one felony count of Stealing Drugs in September 2004, for which she received a sentence of 60-days incarceration (all suspended), a two-year court probationary period, and a \$250 fine.
3. On June 29, 2005, Licensee entered into a Consent Agreement (2005 Agreement) with the Board reinstating her nursing license with probationary conditions for a period of three (3) years. The 2005 Agreement is incorporated herein, attached hereto and marked as Exhibit A.
4. On August 31, 2014, Licensee petitioned the Board to modify her 2005 Agreement. Licensee appeared before the Board on September 25, 2014 to discuss her request for probation termination or amendment.
5. The Board considered the following information pertaining to Ms. Fisher's request:
 - a. Licensee's compliance and successful completion of the 2004 court-ordered probation, effective September 20, 2006;
 - b. Licensee's on-going sobriety of over five years, with continued AA meetings, sponsorship and self-care;
 - c. The Licensee's consistent and appropriate compliance with all requirements of her probationary licensure;



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- d. March 2014 Employee Evaluation Form and correspondence dated August 8, 2014 from Paula Chizmar, Director of Nursing at Freeport Nursing & Rehabilitation Center, confirming Licensee's quality of work, dependability, sound judgment, and patient advocacy since her September 2012 date of hire; and
- e. Several letters of support from co-workers (Medical Director, Director of Social Services) and resident family members, addressing her proficient, conscientious and professional nursing care.

AGREEMENT

- 6. The Board voted to grant Ms. Fisher's request to modify the 2005 Agreement by terminating the probation imposed in its Paragraph No. 9.
- 7. 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-A.
- 8. This Agreement becomes effective upon the date of the last necessary signature below.
- 9. Brenda Fisher acknowledges that she has read and understands this Agreement and has had an opportunity to consult with legal counsel prior to signing it.

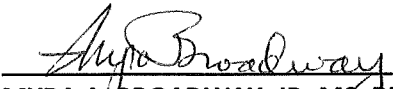
DATED: 10/25/14



LICENSEE BRENDA FISHER, RN

FOR THE MAINE STATE BOARD OF NURSING

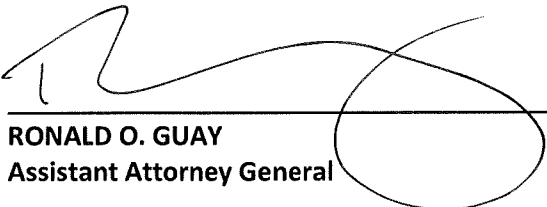
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MYRA A. BROADWAY, JD, MS, RN
Executive Director

FOR THE OFFICE OF THE ATTORNEY GENERAL

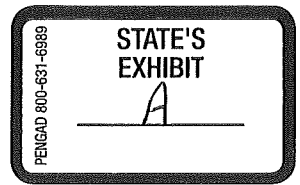
DATED: 10/31/14



RONALD O. GUAY
Assistant Attorney General



STATE OF MAINE
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JOHN ELIAS BALDACCI
 GOVERNOR

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

IN RE: **BRENDA L. FISHER**)
 of Winslow, Maine)
 License #R029651) **CONSENT AGREEMENT**
FOR REINSTATEMENT
AND PROBATION

INTRODUCTION

This document is a Consent Agreement regarding Brenda L. Fisher's license to practice registered professional nursing in the State of Maine. The parties enter into this Consent Agreement pursuant to 32 M.R.S.A. § 2105-A(1-A)(B), 10 M.R.S.A. § 8003(5)(A-1)(4) and 10 M.R.S.A. § 8003(5)(B). The Board met with Ms. Fisher on June 2, 2005 regarding her request for reinstatement of her nursing license. The parties to this Consent Agreement are Brenda L. Fisher ("Licensee"), Maine State Board of Nursing ("Board") and the Office of the Attorney General, State of Maine.

FACTS

1. On June 1, 2004, Brenda L. Fisher voluntarily surrendered her registered professional nursing license and entered a Consent Agreement with the Board dated June 1, 2004, which is attached hereto and marked as Exhibit A.
2. Brenda L. Fisher pled guilty to 1 felony count of Stealing Drugs (17-A M.R.S.A. § 1109(1)) in the Kennebec County Superior Court in Docket No. CR04-237 on September 20, 2004. Ms. Fisher received a sentence of 60 days imprisonment, all of it suspended with a two year term of probation and a \$250.00 fine. The Judgment and Commitment are attached hereto and marked as Exhibit B.
3. Brenda L. Fisher has been substance free since February 2004.
4. Brenda L. Fisher continues in aftercare treatment for substance abuse. The current treatment plan consists of attending Narcotic's Anonymous (NA) once per week, meeting with her NA sponsor every other week and meeting with her substance abuse counselor once or twice a week.
5. Brenda L. Fisher has complied with the terms and conditions of the June 1, 2004, Consent Agreement.
6. The parties agree to enter into this Consent Agreement to reinstate Ms. Fisher's registered professional nurse license for a term of probation with conditions.



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REINSTATEMENT WITH CONDITIONS OF PROBATION

7. Brenda L. Fisher's license to practice as a registered professional nursing in the State of Maine is reinstated on a probationary status with conditions. The period of probation will commence on Ms. Fisher's return to nursing practice, either through employment or pursuant to an educational program. The period of probation will be for a period of three years, to be effective only while she is employed in nursing practice or enrolled in a nursing education program. For purposes of this Agreement, nursing employment is any employment during which Ms. Fisher performs nursing services. Ms. Fisher's probationary license will be subject to the following conditions:
 - a. Brenda L. Fisher will abstain completely from the use of alcohol or drugs, with the exception of substances used in accordance with a valid prescription from a health care provider who is aware of Ms. Fisher's substance abuse history.
 - b. Brenda L. Fisher will continue in her aftercare treatment program to such an extent and for as long as her treatment provider(s) recommend.
 - c. Brenda L. Fisher will arrange for and ensure the submission of quarterly reports to the Board by her treatment provider(s).
 - d. Brenda L. Fisher will immediately notify the Board in writing should she return to employment or an educational program in the field of nursing. Notice under this section shall include the place and position of employment or the educational program and any subsequent change in employment or educational programs.
 - e. Brenda L. Fisher will notify any and all of her nursing employers and notify faculty involved in any clinical studies of the terms of this Consent Agreement and shall provide them with a copy of it.
 - f. Brenda L. Fisher's employment is restricted during the period of probation to structured settings with on-sight supervision by another registered professional nurse. Structured settings shall not include assignments from temporary employment agencies, school nursing, working as a traveling nurse or working within the correctional system.
 - g. Brenda L. Fisher will arrange for and ensure the submission to the Board of quarterly reports from her nursing employer or clinical faculty regarding her general nursing practice.
 - h. Brenda L. Fisher agrees and understands that the Board and the Department of Attorney General shall have access to any and all medical records and all otherwise confidential or medically privileged information pertaining to her treatment for substance abuse which the Board deems necessary to evaluate Ms. Fisher's compliance with the Consent Agreement and her continued recovery. Ms. Fisher shall provide such information, shall authorize the release of such records and information, and shall authorize any such discussions and communications with any and all persons involved in

her care, counseling and employment as may be requested by the Board for the purpose of evaluating Ms. Fisher's compliance with the Consent Agreement and her continued recovery.

8. The State of Maine is Brenda L. Fisher's home state of licensure. Except as provided further in this paragraph, Ms. Fisher agrees that during the pendency of this Consent Agreement her nursing practice is limited to the State of Maine. If Ms. Fisher wishes to practice in any other party state within the Compact she shall petition the Board for written authorization. In addition, Ms. Fisher will arrange to have the party state she intends to practice in, to provide the Board with written authorization that she has been approved to practice in that state.
9. Brenda L. Fisher agrees and understands that her license will remain on probationary status and subject to the terms of this Agreement indefinitely beyond the three year probationary period, until and unless the Board, at Ms. Fisher's written request, votes to terminate Ms. Fisher's probation. When considering whether to terminate the probation, the Board will consider the extent to which Ms. Fisher has complied with the provisions of this Agreement.
10. Brenda L. Fisher understands that this document is a Consent Agreement that affects her rights to practice nursing in the State of Maine. Ms. Fisher understands that she does not have to execute this Consent Agreement and that she has the right to consult with an attorney before entering into the Consent Agreement.
11. Brenda L. Fisher affirms that she executes this Consent Agreement of her own free will.
12. This Consent Agreement replaces and supersedes the June 1, 2004, Consent Agreement. Exhibit A. Modification of this Consent Agreement must be in writing and signed by all parties.
13. This Consent Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. This Consent Agreement becomes effective upon the date of the last necessary signature below.

I, BRENDA L. FISHER, 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.

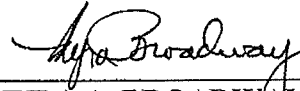
DATED: 10/21/05



BRENDA L. FISHER

FOR THE MAINE STATE
BOARD OF NURSING

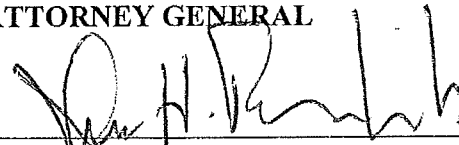
DATED: June 24, 2005



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

FOR THE OFFICE OF THE
ATTORNEY GENERAL

DATED: June 29, 2005



JOHN H. RICHARDS
Assistant Attorney General