



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

December 18, 2012

Deborah LaVine, RN  
127 Bradley Street  
Portland, ME 04102

Dear Ms. LaVine:

Pursuant to your meeting with the Board on November 28, 2012, this will confirm that the Board voted to reinstate your registered professional nursing license.

Best wishes for a healthy and happy nursing career~

Sincerely,

A handwritten signature in cursive script that reads "Myra Broadway".

Myra A. Broadway, MD, MS, RN  
Executive Director

MAB/jcw

pc: John E. Richards, Asst. Attorney General



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JOHN ELIAS BALDACCI  
 GOVERNOR

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

**IN RE: DEBORAH S. LAVINE, RN** ) **CONSENT AGREEMENT**  
 of South Paris, ME ) **FOR VOLUNTARY**  
 License # R035511 ) **SURRENDER OF LICENSE**

**INTRODUCTION**

This document is a Consent Agreement (“Agreement”) regarding Deborah S. LaVine’s license as a registered professional nurse in the State of Maine. The parties enter into this Agreement pursuant to 32 M.R.S. § 2105-A (1-A) (C) and 10 M.R.S. § 8003 (5) (B), (5) (D). The parties to this Agreement are Deborah S. LaVine (“Licensee” or “Ms. LaVine”), Maine State Board of Nursing (“Board”) and the Office of the Attorney General, State of Maine. The parties reached this Agreement on the basis of 1) two Provider Reports from Clover Health submitted through FAXes to the Board dated June 10 and 16, 2010; and 2) the Board Investigative Report following interviews with Clover Health staff on June 11, 14, and 15, 2010; and Deborah LaVine on June 14 and 16, 2010.

**FACTS**

1. Deborah S. LaVine has been licensed as a registered professional nurse to practice in Maine since August 1992.
2. Deborah S. LaVine is currently under a Consent Agreement for Probation with the Board, dated July 16, 2009. At that time, she provided current negative drug screens and stated she was attending AA three to four times a week, had a sponsor, and was working through a 12-Step Program with a women’s support group. Condition 3(a) of the July09 Agreement states that *“Deborah LaVine will abstain completely from the use of drugs or alcohol, with the exception of substances used in accordance with a valid prescription from her treatment providers who are aware of her substance abuse history.”*
3. Deborah S. LaVine was hired in November 2009 by Clover Health Care to work per diem on the Skilled Unit. She was terminated on June 10, 2010 following the June 7, 2010 discovery of a bottle of liquid morphine that appeared to be extremely diluted subsequent to Ms. LaVine’s working the previous weekend. The morphine in question belonged to a patient who died on June 4, 2010. When initially questioned by facility staff, Deborah S. LaVine stated she “had nothing to do with this.” The Director of Nursing Services reported the incident to Drug Enforcement, the Department of Health and Human Services, the Attorney General’s Office, and the Maine State Board of Nursing.
4. In a telephone conversation with Board Investigator Mary-Ann MacMaster on June 16, 2010, Deborah S. LaVine admitted that she “did modify that morphine.” She stated that she took the morphine bottle out of the lock up, took some of the morphine and added water from a glass that she had on the medication cart. She then took the morphine and put it in a bottle of water that she had in her lunch box. Deborah stated she did not use the morphine on duty, but after she got home. Although people at work reported her eyes were “pin points on duty,” Ms. LaVine denies she ever used drugs while on duty.
5. Deborah S. LaVine has contacted the Medical Professionals Health Program and met with staff on June 17, 2010.
6. Deborah S. LaVine has offered to surrender her registered professional nurse license based upon the above-stated facts in lieu of an adjudicatory hearing before the Board.

**AGREEMENT**

7. The Maine State Board of Nursing will accept Deborah S. LaVine’s offer to voluntarily surrender her registered professional nurse license. Ms. LaVine understands and agrees that should this matter go to



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hearing before the Board on the above-stated facts and the underlying information to support those facts, it is more likely than not the facts would support the Board's findings in this Agreement.

8. Deborah S. LaVine understands and agrees that based upon the above-stated facts, this document imposes discipline regarding her registered professional nurse license in the State of Maine. The grounds for discipline for violations under 32 M.R.S. § 2105-A(2)(A), (2)(B), (2)(E), (2)(F), and (2)(H) and Chapter 4, sections 1(A)(1), 1(A)(2), 1(A)(6), 1(A)(8) and Chapter 4, sections 3(F), 3(K), 3(P), and 3(Q) of the Rules and Regulations of the Maine State Board of Nursing. Specifically, the violations are:

Title 32 M.R.S. §§:

- a. 2105-A (2) (A). Ms. LaVine engaged in the practice of fraud or deceit in connection with a service rendered within the scope of her license. She also violated Condition 3(a) of her July 09 Consent Agreement for Probation. (See also Chapter 4, Section 1.A.1.)
- b. 2105-A (2) (B). Habitual substance abuse that has resulted or is foreseeably likely to result in the licensee performing services in a manner that endangers the health or safety of patients. (See also Rule Chapter 4, Section 1.A.2)
- c. 2105-A (2) (F). Unprofessional Conduct. Ms. LaVine has engaged in unprofessional conduct by violating standards of professional behavior regarding patient care that have been established in the practice for which she is licensed. (See also Chapter 4, Section 1.A.6.)
- d. 2105-A (2) (H). A violation of this chapter or a rule adopted by the Board. (See also Chapter 4, Section 1.A.6.)

Chapter 4, Section 3. Unprofessional Conduct as defined by the Rules and Regulations of the Maine State Board of Nursing in Chapter 4, Section 3, states *Nursing behavior which fails to conform to legal 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 shall not be limited to, the following:*

- e. Section 3(F). Failure to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard the patient.
  - f. Section 3(K). Inaccurate recording, falsifying or altering a patient or health care provider record.
  - g. Section 3(P). Diverting drugs, supplies or property of patients or health care provider.
  - h. Section 3(Q). Possessing, obtaining, furnishing or administering prescription drugs to any person, including self, except as directed by a person authorized by law to prescribe drugs.
9. Deborah S. LaVine understands and agrees that her license will remain on surrender status and subject to the terms of this Agreement indefinitely until and unless the Board, at her written request, votes to reinstate her license. Ms. LaVine understands and agrees that if the Board reinstates her license, it will be for a probationary period.
10. The State of Maine is a "party state" that has adopted the Nurse Licensure Compact ("Compact"), which is set out in Chapter 11 of the Rules and Regulations of the Maine State Board of Nursing. The State of Maine is Ms. LaVine'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 principle 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. LaVine understands this Consent Agreement is subject to the Compact.

11. Deborah S. LaVine understands that she does not have to execute this Agreement and has the right to consult with an attorney before entering into the Consent Agreement.
10. Deborah S. LaVine 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."
11. 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.
12. Modification of this Agreement must be in writing and signed by all parties.
13. This Agreement is not subject to review or appeal by the Licensee, but may be enforced by an action in the Superior Court.
14. Deborah S. LaVine affirms that she executes this Agreement of her own free will.
15. This Agreement becomes effective upon the date of the last necessary signature below.


**I, DEBORAH S. LAVINE, RN, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT AGREEMENT. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, KNOWINGLY, AND INTELLIGENTLY AND AGREE TO BE BOUND BY THIS AGREEMENT. I UNDERSTAND THAT THIS CONSENT AGREEMENT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND.**

DATED: 6/26/10

  
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DEBORAH S. LAVINE, RN

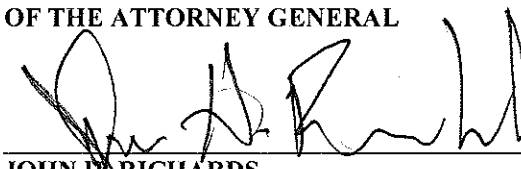
**FOR THE MAINE  
STATE BOARD OF NURSING**

DATED: 7/1/10

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

**FOR THE OFFICE  
OF THE ATTORNEY GENERAL**

DATED: 7/7/10

  
\_\_\_\_\_  
JOHN H. RICHARDS  
Assistant Attorney General

